



*James Ellis*  
Head of Legal and Democratic  
Services

**MEETING** : HUMAN RESOURCES COMMITTEE  
**VENUE** : ONLINE MEETING - LIVESTREAMED  
**DATE** : TUESDAY 16 FEBRUARY 2021  
**TIME** : 7.00 PM

**PLEASE NOTE TIME**

**MEMBERS OF THE COMMITTEE**

Councillor R Bolton (Chairman)  
Councillors A Alder, S Bull, J Dumont, M McMullen, S Newton and  
P Ruffles (Vice-Chairman)

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## **DISCLOSABLE PECUNIARY INTERESTS**

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
  - must not participate in any discussion of the matter at the meeting;
  - must not participate in any vote taken on the matter at the meeting;
  - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
  - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
  - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

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## **AGENDA**

1. Apologies  
To receive apologies for absence.
2. Minutes - 5 November 2020 (Pages 7 - 20)  
To receive the Minutes of the meeting held on 5 November 2020.
3. Chairman's Announcements
4. Declarations of Interest  
To receive any Member's Declaration of Interest.
5. Local Joint Panel Minutes - 20 January 2021 (Pages 21 - 28)
6. Health and Safety Committee Minutes - 19 October 2020 and 18 January 2021 (Pages 29 - 52)  
To receive the Minutes of the Health and Safety Committee held on 19 October 2020 and 18 January 2021.
7. Employment Policies Developed Report x 7 (Discipline, Grievance, Code of Conduct for Employees, Probation, Bullying and Harassment, Absence Management and Appeals Policy) (Pages 53 - 236)
8. Human Resources Management Statistics for Quarter 3 (October - December 2020) (Pages 237 - 246)
9. Health and Safety Quarterly Statistics/Updates (Quarter 3) (Pages 247 - 258)

10. Human Resources and Payroll Team Update (Pages 259 - 334)

11. Pay Policy Statement 2021/22 (Pages 335 - 352)

12. Gender Pay Gap (Pages 353 - 370)

13. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE  
HUMAN RESOURCES COMMITTEE HELD  
AS AN ONLINE MEETING ON THURSDAY 5  
NOVEMBER 2020, AT 7.00 PM

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PRESENT: Councillor Rosemary Bolton (Chairman)  
Councillors A Alder, S Bull, J Dumont,  
M McMullen, S Newton and P Ruffles

OFFICERS IN ATTENDANCE:

Jackie Bruce	- Infrastructure Contributions and Spend Manager
Peter Dickinson	- Health and Safety Officer
Simon O'Hear	- Head of Human Resources and Organisational Development
William Troop	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer

227 APOLOGIES

No apologies for absence were received.

228 MINUTES - 5 AUGUST 2020

It was moved by Councillor Alder and seconded by  
Councillor Newton, that the Minutes of the meeting of

the Committee held on 5 August 2020 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

**RESOLVED** – that the Minutes of the Committee meeting held on 5 August 2020 be confirmed as a correct record and signed by the Chairman.

229 CHAIRMAN'S ANNOUNCEMENTS

The Chairman alluded to the ongoing and evolving COVID-19 pandemic and the pressure this had put on staff, including Human Resources. She thanked Officers for their hard work and referred in particular to the impressive implementation of the new rates of pay, and all of the associated work which had been carried out.

230 DECLARATIONS OF INTEREST

There were no declarations of interest.

231 SAFETY COMMITTEE MINUTES - 3 AUGUST 2020

Councillors Alder and Newton asked about multiple items within the Minutes upon which feedback had been invited from the Committee, and asked if any progress had been made.

The Head of Human Resources and Organisational Development (HR and OD) said there had been another Safety Committee meeting recently, but there had not been sufficient time to prepare the Minutes



for presentation to the Committee. However, a number of policies had now been finalised and the Minutes detailing this would be presented at the next meeting of the Committee.

**RESOLVED** – that the Minutes of the meeting of the Safety Committee held on 3 August 2020, be received.

232 HEALTH AND SAFETY QUARTERLY STATISTICS/UPDATES  
(QUARTER TWO)

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The Health and Safety Officer presented a report to the Committee on Health and Safety covering the period July – September 2020.

Councillor Ruffles referred to the Chairman's earlier comments thanking Officers for their work during the COVID-19 pandemic. He asked whether there were any particular organisations or service areas that the Committee should formally place its thanks to on record.

The Head of HR and OD said all staff had contributed and it would not be viable to single them all out for praise, but Environmental Health, the Health and Safety Officer, Revenues and Benefits and Customer Services had all played an important role.

The Chairman asked that the Committee's thanks to the aforementioned individuals and services be placed on record.

Councillors Ruffles and Newton asked about the

payment kiosk at Wallfields. Councillor Ruffles said some residents in his ward had struggled without this service.

The Head of HR and OD said that residents could still make cash payments at Post Office branches. Most payments to the Council had been taken online and the demand for in-person services had dropped further in view of the pandemic; very few residents had been affected by the closure of the payment kiosk.

Councillor Newton asked why the rate of accidents at Grange Paddocks leisure centre was higher than at other sites. The Health and Safety Officer said that this was due to the higher level of footfall at this site, due to the size of the leisure centre and the extent of the facilities there.

**RESOLVED** – that the report be noted.

233 HUMAN RESOURCES QUARTERLY STATISTICS (QUARTER TWO)

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The HR Officer presented a report to the Committee on HR statistics covering the period July – September 2020.

Councillor Ruffles asked why there had been a reduced level of sickness. He asked whether this was due to reduced spread of other illnesses aside from COVID-19 or a lack of reporting when staff had been working from home.

The Head of HR and OD said that when staff had been

working from home, there were fewer barriers to prevent them working if they were suffering from a minor illness. Lack of a commute and more flexible working arrangements potentially meant staff had been more willing to continue working. Symptom reporting had likely been enhanced due to the Council's tracking of potential COVID-19 symptoms and infections. The dialogue between staff and their managers had also arguably improved, given there had been an increasing acceptance that staff's mental well-being was important and may be effected by the ongoing pandemic.

The Chairman commented on the reduction in long-term absence. She also asked about provision of training and whether this had been available to complete remotely. The Head of HR and OD said it had and would continue to be.

Councillor Newton asked why there had been so many applications for the role of Sustainability Policy and Projects Officer. She also asked about the seemingly low number of staff attending training courses.

The HR Officer said the large number of applications was likely a combination of a higher number of people in the job market due to the pandemic, and that sustainability was a specialism growing in popularity and importance.

The Head of HR and OD said the reported number of staff attending courses was only for the financial quarter, rather than the whole year as had previously been reported. The number was also made up solely

of online courses, as others had been postponed due to the pandemic. However, there had been other informal sessions not accounted for in the figures, such as to support staff's mental well-being.

Councillor Dumont asked whether the decrease in staff turnover could be attributed to an increased appreciation for job security during the pandemic.

The Head of HR and OD said that the Council had significantly reduced staff turnover prior to the pandemic, but that the pandemic was also likely to be a further contributory factor.

The HR Officer said she believed that the work that had been done to support staff's well-being also contributed to the reduction.

**RESOLVED** – that the report be noted.

#### 234 ANNUAL STAFF EQUALITIES REPORT

The Head of HR and OD presented the report to the Committee in the absence of the HR Officer.

Councillor Dumont said he was pleased to see plans to acquire software which could facilitate name-blind recruitment. He asked whether staff relied on the Council's mental first aiders and knew how to access this support, which was of increased importance. He was concerned that indicators of staff struggling may be missed when working remotely.

The Head of HR and OD said that engagement with

mental health first aiders had been better when staff were working from the office, although staff did know who the first aiders were, and there was a diverse range of staff engaged in delivery of the scheme. There had been efforts to remind staff of groups and sessions to support their well-being.

The Infrastructure Contributions and Spend Manager said that it was very useful to have the mental first aiders and that lots of staff used the buddy system which was available. As UNISON Branch Secretary, she also reminded Members of the well-being support offered by the union.

The Head of HR and OD said that managers had been given guidance on how to support their team remotely, such as arranging regular video calls so that they could gauge their well-being more effectively than via a telephone call or email.

Councillor Alder asked about the variety of religions that were practised by staff across the Council and queried whether their needs were adequately supported, such as by allowing time and a space in which to pray.

The Head of HR and OD said there was a reflection room at Wallfields and the Council operated a flexi-time scheme which could be utilised to make time for prayer.

Councillors Newton and Dumont asked about the Council's monitoring of protected characteristics amongst its staff and how this information was used.

The Head of HR and OD said the Council strongly encouraged staff to declare this information as the Council was duty-bound to monitor this under the Equality Act. The purpose was not to monitor specific individuals, but to build an overall picture of the workforce, although unavoidably some staff were wary of providing this information. Missing information was unhelpful to HR as it meant there was potential for them to create initiatives to increase engagement with certain minority groups when recruiting, whilst there may already be current staff members who belonged to this group, unbeknownst to HR. The Head of HR and OD added that further equalities information would be available on residents in future as Hertfordshire County Council had recently employed an Equalities Officer who would work with East Herts.

The Chairman and Councillor Ruffles said that they were pleased to see the move towards implementing unconscious bias training and name-blind recruitment.

The Head of HR and OD thanked Claire Kirby, Human Resources Officer for her work in producing the report. HR were investing in an online product to use during recruitment which would make name-blind recruitment possible.

The Chairman asked whether spot checking performance development reviews (PDR) had become more difficult when working remotely.

The Head of HR and OD said that a number of staff had started the PDR process before they began

working from home, and this process had often been continued via video calls, as had appraisals and one-to-one meetings with managers. Spot checking had been more difficult but engagement with these processes had increased again after an initial reduction.

It was moved by Councillor Ruffles and seconded by Councillor Dumont that the recommendations, as detailed, be approved. After being put to the meeting and a vote taken, this motion was declared CARRIED.

**RESOLVED** – that (A) the report be noted;

(B) that the recommendations set out in the 2020/21 action plan be approved; and

(C) that the proposal for the Annual Equalities report for 2020-2021 to be reported to the July 2021 meeting of the Committee, be approved.

## 235 HUMAN RESOURCES AND PAYROLL TEAM UPDATE

The Head of HR and OD presented the report to the Committee.

The Chairman said that this was a good report and again praised Officers for their hard work on the implementation of the new rates of pay. The Chairman asked if the East Herts Together initiative had been continuing as planned and whether the timeframe allotted for the staff survey was realistic given the various challenges posed by the COVID-19 pandemic.

The Head of HR and OD conveyed his thanks in

particular to Gill Coleman, Payroll Manager, for her hard work. The East Herts Together initiative had been continuing as planned despite some earlier difficulties. The staff survey had recently been discussed with the Leadership Team (LT). It was proposed that the staff survey would be combined with a further survey to assess the impact of the COVID-19 pandemic and working remotely on staff. It had become clear since the last survey that some staff had been struggling. The combined survey would be conducted in December, with the questions to be finalised in consultation with LT. The last well-being survey had a 93% response rate, which HR wanted to capitalise on. This survey would also allow HR to follow up with staff on any negative feedback, which had not been possible after previous anonymised staff surveys.

Councillor Bull asked whether the proposal to make ten Hertford Theatre staff redundant was wise, especially in view of the recent extension of the furlough scheme, and said the Council may benefit by retaining these staff. He also questioned the proposal to re-assign the staff to COVID-19 marshal roles for the remainder of their employment, given that this could potentially put staff at risk due to anti-lockdown sentiment amongst some.

The Head of HR and OD said there had been some further consideration given to this since the report was written as some staff had expressed concerns over this role, although they would not be put at risk. It had been recognised that some staff's skillset would not be best suited to this role, so alternative administrative roles had been considered for some. The furlough



scheme did not totally negate the proposal as there was still a cost to the Council under this scheme. If staff were redeployed, they would receive 100% of their pay. These proposals were still subject to change during the consultation period.

The Infrastructure Contributions and Spend Manager, as Unison Branch Secretary, said UNISON would work collaboratively to ensure that any redeployments were mutually beneficial to the Council and the employees. The situation in relation to the pandemic and the furlough scheme was fast-moving. Whilst UNISON understood the difficult decisions to be made in relation to Hertford Theatre, it would work to ensure Officers were protected as far as possible.

Councillor Dumont asked whether the staff that had been furloughed would be allowed to continue with this in light of the scheme's extension.

The Head of HR and OD said that this was still to be considered as the extension of the scheme had only been announced recently. However, the furlough scheme would likely only stave off redundancies, some of which had been inevitable due to the restructuring of Hertford Theatre and the impending closure to allow refurbishment works. Presently, redeployment was favoured as there were roles which the Council needed to fill and this would mean staff remained on full pay and could potentially secure a permanent position in a new area.

Councillor Alder asked whether under the furlough scheme the Council were paying 20% off staff wages

with Central Government paying 80%. She also asked how many staff had been participating in the daily mindfulness sessions.

The Head of HR and OD said until August employers paid staff 80% of their wages and then claimed this back from Central Government, including national insurance and pension contributions. However, the right to reclaim national insurance and pension contributions had then been curbed. Theatre staff had initially been asked if they preferred to be furloughed or redeployed. All but one staff member chose to be furloughed on 80% pay. The Head of HR and OD said he did not have exact attendance figures for the mindfulness sessions, but was aware they had been popular.

The Infrastructure Contributions and Spend Manager said she had attended the mindfulness sessions and found them very useful. She also assured Members that a meeting between herself and the Head of HR and OD was due to take place and the permutations of the furlough extension would be discussed.

The Chairman said she was reassured by the hardworking and caring nature of the HR Officers.

The Head of HR and OD thanked the Chairman for this praise and reiterated that HR would continue to support staff as much as possible, including Hertford Theatre staff.

Councillor Newton asked for further information on the mindfulness sessions. The Head of HR and OD

agreed to provide this to Members following the meeting at the suggestion of the Chairman.

Councillor Dumont said he was happy to see the budget limit on the cycle to work scheme had been doubled. Exercise was important in supporting staff's well-being.

The Head of HR and OD said this increase had partly been agreed to allow staff to purchase electric bicycles, but there would still certainly be benefits in supporting staff well-being as well as contributing to sustainability targets.

**RESOLVED** – that the report be noted.

The meeting closed at 8.17 pm

Chairman .....
Date .....

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MINUTES OF A MEETING OF THE  
LOCAL JOINT PANEL HELD AS AN ONLINE  
MEETING ON WEDNESDAY 20 JANUARY  
2021, AT 12.00 PM

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PRESENT:     **Employer's Side**

Councillors J Dumont, I Kemp and A Ward-Booth

**Staff Side (UNISON)**

J Bruce (Chairman), S Forde, P Stevens

ALSO PRESENT:

Councillor P Ruffles

OFFICERS IN ATTENDANCE:

Emily Cordwell	- Trainee Human Resources Officer
Vicki David	- Human Resources Officer
Claire Kirby	- Human Resources Officer
Katie Mogan	- Democratic Services Manager
Simon O'Hear	- Head of Human Resources and Organisational Development
William Troop	- Democratic Services Officer

Brad Wheeler - Senior Licensing and Enforcement Officer

7 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Buckmaster and Haysey. It was noted that Councillor Kemp was substituting for Councillor Haysey.

8 MINUTES - 1 JULY 2020

It was moved by Councillor Ward-Booth and seconded by Councillor Dumont that the Minutes of the meeting held on 1 July 2020 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the Minutes of the meeting held on 1 July 2020 be confirmed as a correct record and signed by the Chairman.

9 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members, Officers and the public to the meeting. She said the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable Councils to hold remote committee meetings during the COVID-19 pandemic period. This was to ensure local authorities could conduct business during the current

public health emergency. This meeting of the Local Joint Panel was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

10 DECLARATIONS OF INTEREST

There were no declarations of interest.

11 REPORTS BY SECRETARY TO THE EMPLOYER'S SIDE

The Chairman said the policies being presented to the Panel had been the subject of extensive scrutiny by the Employer's and Staff sides, as well as being considered by the Leadership Team and East Herts Together.

The Head of Human Resources and Organisational Development (HR and OD) gave a brief summary of the changes and explained that agreement had been reached between both sides, so it was not necessary to present the policies in great detail. Rather, any questions from Members would be answered.

Vicki David, HR Officer, briefly introduced the Discipline Policy and invited questions.

Councillor Dumont asked about the potential outcomes of a disciplinary hearing and whether there was an outcome which absolved the employee of blame.

The HR Officer and Head of HR and OD explained that a hearing would only take place if the prior investigation period established that there was a case

to answer. If there was no case to answer, no further action would be taken. Hearing Officers also retained the option of deciding that no disciplinary action was warranted.

Councillor Kemp commended the quality of the report. He also referred to the removal of the requirement to have a hearing within ten working days, to bring the Council's policy in line with the recommendations of the Advisory, Conciliation and Arbitration Service (ACAS). He asked what ACAS' recommendation was and where this was referenced in the policy.

The Chairman and Head of HR and OD explained that ACAS' recommendation was for a hearing to take place within a 'reasonable' timeframe. This could feasibly be over ten days, especially in complex cases, with the additional pressures on Officers and logistical challenges posed by the COVID-19 pandemic. It was agreed that a more explicit reference to the recommended 'reasonable' timeframe would be incorporated into the policy, in addition to the existing phrasing of 'promptly and adequately'.

Vicki David, HR Officer, briefly introduced the Code of Conduct and invited questions.

Councillor Dumont queried whether the references to Members of the European Parliament (MEPs) were now redundant following the United Kingdom's departure from the European Union.

The Head of HR and OD said the references to MEPs would be removed, and that he would also raise this



point with the Head of Legal and Democratic Services, as the code was part of the Council's constitution.

Claire Kirby, HR Officer, briefly introduced the Grievance Policy and explained the main changes.

The Head of HR and OD said that amendments to the flowchart illustrating the policy had been implemented to more clearly reflect what was already in the written policy.

The Chairman thanked UNISON members for their involvement in scrutinising and updating the policy.

The Head of HR and OD presented the Probation Policy, explaining the main changes. The policy now made clear that performance was not the only factor which would be considered during probation. The first increment of the pay award would also not be available until a staff member successfully passed their probationary period.

The Head of HR and OD thanked Emily Cordwell, Trainee HR Officer, and Claire Kirby, HR Officer, for their work on the Bullying and Harassment Policy and explained how there were now stronger links to the Grievance Policy. Informal action could still be utilised in response to an upheld complaint, but the complainant could no longer appeal this decision, although this could be challenged later if the complaint escalated further. For example, if the same unacceptable conduct continued despite an earlier informal warning. It was also explained to Members that the policy made a clear distinction between

constructive, valid criticism and bullying and harassment.

Claire Kirby, HR Officer, briefly introduced the Absence Management Policy and explained the main changes. The policy had been through significant redevelopment. Short-term absence triggers had been revised as these had previously been triggered by relatively low levels of absence when compared to the rest of the sector. There had also been important changes in the terminology used.

The Head of HR and OD said the changes had made the policy more consistent. Previously, some managers were using discretion to ignore absence triggers due to the perception that they were too punitive. This lack of consistency had been of concern to UNISON. He also explained that under the policy, employees' salaries would be protected for 18 months if they were redeployed due to a disability. The importance of keeping in touch with employees on long-term sick leave was also stressed.

Councillor Kemp asked about provisions for compassionate leave.

The Chairman and Head of HR and OD explained that this may be classed as emergency dependency leave, or compassionate leave, depending on the circumstances. Unpaid leave may also be granted, which was detailed under the separate General Leave Policy.

Councillor Dumont commended the policy and in

particular the provision it made for employees suffering from stress-related illnesses.

The Head of HR and OD explained the Appeals Policy had been reduced in scope as the framework relating to specific policies had now been incorporated into the respective documents where possible. He also said that the requirement to review policies every three years had been removed and reviews would be completed as necessary in a more intelligent manner, rather than cyclically.

It was moved by Councillor Dumont and seconded by Councillor Ward-Booth that the recommendations, as detailed, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that (A) the revised Disciplinary Policy be approved;

(B) the revised Grievance Policy be approved;

(C) the revised Code of Conduct for Employees be approved;

(D) the revised Probation Policy be approved;

(E) the revised Bullying and Harassment Policy be approved;

(F) the revised Absence Management Policy be approved; and

(G) the revised and reduced Appeals Policy be

approved.

The Head of HR and OD explained to Members that the Council had been approached by the NHS to provide a reserve list of employees willing to assist with work in the face of the COVID-19 pandemic. Only staff who had volunteered would be offered. Risk assessments would be conducted and staff would not be offered if their absence would have an unreasonable impact on service delivery. Any staff working in patient-facing settings would move into priority group two for the COVID-19 vaccine.

12 REPORTS BY SECRETARY TO THE STAFF SIDE

There were no reports by the Secretary to the Staff Side.

The meeting closed at 12.53 pm

Chairman .....
Date .....

## Minutes of Health and Safety Committee Monday 19<sup>th</sup> October 2020, on Zoom

**Present:** Simon O'Hear (SOH), Graham Mully (GM),  
Jenny Francis (JF), Peter Dickinson (PD), Rob  
Allwood (RA), Paul Thomas-Jones (PTJ), Esther  
Piper (EP)

**1.0 Apologies:** Helen Farrell (HF), Chloe Hipwood (CH), Steve  
Whinnett (SW) Geoff Hayden (GH)

### **2.0 Minutes of the last meeting**

2.1 The Minutes of the 3<sup>rd</sup> August 2020 meeting were agreed as an  
accurate record.

### **3.0 Matters Arising**

3.1 None

### **4.0 Tenant Representative Matters**

4.1 Citizens Advice has been included in all the Covid secure  
measures. However, Citizens Advice has indicated they may  
move out of Wallfields. They are moving into more of a virtual  
world in terms of their service running. So there might not be a  
tenant in the building going forwards.

## **5.0 Q2 Health & Safety Report**

### **5.1 Work related accidents**

Accident reporting had been postponed in line with the temporary closure of leisure centres. It has now resumed with accident totals received from the five leisure centres and swimming pools.

There was one accident reportable under the Reporting of Incidents Diseases and Dangerous Occurrence Regulations (RIDDOR). On investigation it was confirmed that this was not caused by a procedural or operational failure but was the result of an unfortunate misstep whereby the officer slipped down an embankment sustaining a severe injury resulting in hospitalisation. The Health and Safety Officer completed the required report form which was submitted to the Health and Safety Executive.

There have been no non-reportable work related accidents recorded during the period 1 July 2020 to 30 September 2020, compared to the same period in 2019 in part this reduction will have been affected by more staff working from home or away from the office.

## 5.2 **Contract Management & Compliance**

### **Buntingford Service Centre**

Fortnightly depot user meetings are taking place. Meetings are being chaired to ensure everything is being covered and dealt with. Recommendations have now been put in place, i.e. putting zones in, walkways, footpaths, fire safety etc.

Some of the remedial work identified more than 6 months ago hasn't taken place. The property team were expected to progress this ASAP. The safety markings in the road not being progressed as quickly as expected is not helpful in terms of getting controls in place and visible to ensure compliance from staff and visitors. Work needs to be carried out asap.

PD & GM need to follow up and ensure progress is being made in a timely fashion but key work needs to be done by property team.

### **Parking Enforcement Contract**

Nothing to report.

### **Sport & Leisure Management Contract**

PD is working closely with RA on meeting with SLM prior to them reopening. They have put in a lot of effort into being Covid secure.

A member of public wrongly rose that the protocols were not being followed at Hartham pool. The police were called and attended. SLM explained they were in the right. They have now put posters up to clarify the situation for the public.

### **Parks & Open Spaces Management**

Parks and open spaces have now reopened with Glendale's support. They are checking equipment regularly, monitoring and keeping in touch with contract managers.

Nothing else to report.

## **5.3 Upcoming Projects**

### **Waytemore Castle Project**

PD and GM having discussions to enhance ruins. Need to come up with a way to open it up and make it more accessible. Due to the historic and heritage nature barriers cannot be erected but they have come up with measures which PD is happy to endorse.

Every area (Buntingford, parking enforcement, sports and leisure, parks and open spaces) are all Covid secure.



## 5.4 Office/Reception Re-Opening – Covid-19 Secure Wallfields

### **Council chamber**

Still not opening up to full council meetings or public access.

Helen Standen is looking with IT to see what solutions can be put into the chamber to improve the video side of things. EHDC currently pay a contract to broadcast meetings. Money has been saved by broadcasting meetings on YouTube but better equipment is needed to be able to use these video platforms going forward.

Any changes must be fed into PD as the H&S Officer to ensure controls are changed accordingly when something new is in place. Controls must be in place before the change is made.

### **Reception Area**

The reception area is now open with a remodelled reception and one way system in place.

EHDC currently pay a contract to a company for people to pay cash through a payment kiosk. As this is an opportunity to stop people coming in to pay cash and do it online, this service is not likely to reopen. This will also help keep things Covid safe.

## 5.5 **Charringtons House Reception**

This reception is now open but the same as Wallfields with protective measures in place. 6 staff can be accommodated in individual rooms in order for these staff to help members of public who have an appointment. The back office is not open.

## 5.6 **Hertford Theatre**

There is lots of work going into additional controls to allow them to open the river room and dance studio for hiring. All bookings are done on the system and spaced apart, as well as using different entrance and exit procedures.

The capacity has been tweaked for the cinema.

They are now including a slide presentation at the beginning of screenings to better inform the public on the current guidance on mask wearing, i.e. masks must be worn when entering the theatre but can be taken off during the screening.

## **5.7 Lone Worker Devices – Guardian 24 Update**

The e-learning course on how to use the lone worker equipment has been implemented.

PD reported that the 'man-down' functionality for the Housing & Health team has been disabled by some users. PD is currently liaising with Tyron Suddes to get that up and running. Need all the staff in the team to have their devices charged and switched on to reboot Guardian and the Mandown functionality.

PD to email Sarah Saunders with concerns in planning use of devices. PD will copy SOH in so he can make sure that the heads of service are taking responsibility for device mgmt.

An option is to have each user to sign a risk assessment to say they have read and understood it and take responsibility for their device.

## **5.8 Contract & Development Support for Leisure Development Projects / Capital Programmes**

PD is involved in all the capital projects at an earlier stage now in order to make some impact.

Tamara Jarvis (TJ) is the major Projects Manager. PD should go to TJ with any issues in the first instance. TJ will make project managers aware they need to work with PD.

## **5.9 Learning and Development – Partnership training and future events**

A lot has been put on hold due to Covid. PD is looking at reinstating training such as asbestos and legionnaire awareness. There is a possibility of having some training back in-house such as practical courses such as first-aid at work.

## **6.0 Covid Update**

6.1 There has now been two confirmed cases in the staff profile and there are quite a few going for tests because of track and trace. There is a general increase in East Herts.

When the transmission has happened in the work place, RIDOR need to be informed and also GM in terms of our insurance.

PTJ confirmed that East Herts are the second highest in terms of infections, giving rise for concern.

Options are being looked into by the end of the month to set up additional testing facilities. Geoff identified car parks that could be used for mobile testing. GM needs to inform our insurers that we are using these car-parks.

Covid marshals – staff that are redeployed into these roles will have an individual risk assessment where appropriate. There are a range of options being looked at as some funds have come in to support it.

EHDC is taking over some of the failed contract tracing. LT agreed that outside officers could support that work. Paul will roll out training for staff involved. However marshals will not be doing any enforcement. Enforcement will go to police or PTJ's team.

## **7.0 Regulatory & Legislative Changes**

7.1 PD flagged up that HSE are focusing compliance with home working in line with current practices and are now making random calls to home workers. Most of the staff have undertaken DSE assessments and completed the wellbeing survey.

## **8.0 Health & Safety Inspections & Compliance Reports**

8.1 No update

## **9.0 Property – Premises Maintenance & Repairs**

9.1 No update

## **10.0 Facilities Management**

10.1 The FM team and Geoff have been key in getting the buildings open

SOH – a listing has now been done from the card listing system and authorized spreadsheet and they have been aligned. PD has been spot checking facilities and improving things. There has been on average 30 staff in each week. Some staff haven't been swiping in and out. These staff have been spoken to.

## **11.0 List of Issues**

### **11.1a. Employees side (UNISON):**

None except to say that Unison have been heavily involved with Covid secure measures and all risk assessments have been approved.

### **11.2b. Management side:**

None.

## **12.0 Health & Safety Training**

12.1 PD said that all courses are being redeveloped. Work is progressing and face-to-face practical courses will be looked at.

## **13.0 Health & Safety Policy – Infection Control**

13.1 Can be finalized by this committee and published

## **14.0 Health & Safety Policy – Risk Assessment & Safe Systems at Work**

14.1 Can be finalized by this committee and published

## **15.0 Health & Safety Policy – Unusual, Severe & Adverse Weather**

15.1 Can be finalized by this committee and published

**16.0 AOB**

16.1 None

**17.0 Date of Next Meeting**

17.1 1.30pm 18/1/2021

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**Minutes of Health and Safety Committee**  
**Monday 18<sup>th</sup> January 2021, on Zoom**

**Present:** Simon O'Hear (SOH), Peter Dickinson (PD), Geoff Hayden (GH), Steve Whinnett (SW), Graham Mully (GM), Jennifer Francis (JF), Jackie Bruce (JB), Rob Allwood (RA), Rowan Perrin (RP), Chloe Hipwood-Norton (CHN), Tamara Jarvis (TJ), Kate Collins (KC)

**1.0 Apologies:** Ian Sharratt (IS), Paul Thomas-Jones (PTJ), Dominique Kingsbury (DK)

**2.0 Minutes of the last meeting**

2.1 The Minutes of the 19<sup>th</sup> October 2020 meeting were agreed as an accurate record.

**3.0 Matters Arising from the minutes**

3.1 None

**4.0 Tenant Representative Matters**

4.1 GH explained that CAB has now served their break notice with East Herts (which expires towards the end of May 2021). GH reported that they are still currently using the offices - around once a week and that they are following the usual Covid-19 safety procedures.

4.2 It was agreed by the group to keep this item on the agenda for the next meeting in April.

## **5.0 Q3 Health & Safety Report**

### **5.1 Work related accidents**

PD briefly ran through with the group any work related accidents that took place over the previous quarter. Prior to lockdown 2 and then 3, swimming pools reported a few everyday accidents such as banged heads/swallowed water etc, however there were no concerns regarding anything serious.

PD outlined that the swimming pools are currently closed but ongoing compliance inspection checks are still continuing. SLM are still performing all of their statutory functions.

### **5.2 Contract Management & Compliance**

#### **Buntingford Service Centre**

PD confirmed that the relining had now been completed which involved refreshing the pedestrian walk ways, traffic movement direction signs and the parking zones.

PD outlined that they are currently working on a premises information box which will be positioned at the front of building one. It will be positioned outside; accessible by the fire service should they ever need to come on site and will contain information on the location of water mains, electrical input, gas, distribution boards and high risk areas such as the vehicle workshop etc. PD explained that once the final document is ready it will be shared with Herts Fire & Rescue to see if there is anything they wish to add.

PD explained that we are enhancing CCTV coverage on site. The fire safety info on site has also been updated following a small fire that was well controlled by Urbaser.

JB queried how the fire suppression is coming on at Buntingford. GH said that they are not pursuing a fire suppression system; however they have got the revised agency permit across the line with some additional changes. They have installed additional fire hoses and additional flame detection and then when CCTV is finally connected to the internet it can be monitored by the Stevenage CCTV centre which will provide 24hr coverage in addition to existing monitoring.

CHN had a couple of outstanding issues. The first being hedging that needs cutting (operatives have to walk into the road to get around the car park) and this issue has been raised a number of times at depot meetings. The second issue is regarding the smoking area and the insurance requirements. GH explained that he is aware and has a health and safety meeting on Wednesday where both issues will be discussed further.

### **Parking Enforcement Contract**

PD outlined that works have been carried out following inspection; however there is nothing major or significant to report and at present no areas of concern. SW confirmed that the relining of St Andrew's street car park has now been completed.

## **Sport & Leisure Management Contract**

As previously outlined the swimming pools had to close again in Nov 20 due to the 3<sup>rd</sup> Covid-19 lockdown. RA explained that there hasn't been an official date set for the re-opening of the swimming pools. PD confirmed that SLM are still carrying out statutory inspections throughout the period of closure.

PD outlined that work is still on-going at Grange Paddocks and is progressing well.

**Action:** RA to arrange a tour of Grange Paddocks for SW and Mark Kingsland from Property.

## **Parks & Open Spaces Management**

SOH confirmed that the skate park at Hartham has now been closed and signs are up detailing this. Covid Marshalls are now focusing on these areas to patrol (note: we have 8 Covid Marshalls in total and Ben Wood and Nick Phipps are leading on the Covid Marshalls)

**Action:** PD to email Ben Wood for an update and to ensure COVID Marshall data is shared with him as H&S Officer alongside Environmental Health.

### 5.3 **On-going Projects**

#### **Hartham Play Area**

PD/RA visited last week to get an update. Development is very impressive and there is an article in today's 'Communication' all staff email regarding this. RA updated that the anticipated completion date on this is mid-February.

#### **Rectory Hall, Stanstead Abbots**

PD outlined that East Herts previously owned three hostels. Two were sold for re-development and one hostel was retained, which was Hillcrest. Rectory Hall has been re-purchased. PD updated that himself, GH and SW went on site recently with the rest of the property team to look at what work needs to be carried out going forward. PD outlined that work will start on the separate annex and Cedar Cottage. The final development of 11 apartments in Rectory, 4 rooms in the annex, 2 rooms in Cedar Cottage and the large external garage will be converted into an office and small meeting room for the onsite hostel officer. PD updated that a hostel officer has now been appointed. Work is due to be finalised by the end of January/beginning of February.

### 5.4 **Lone Worker Devices – Guardian 24 Update**

PD explained that the contract with Guardian 24 is due for renewal. At this stage, Stevenage Borough Council is not in a position to pursue a joint procurement with East Herts. SOH updated that we will be looking at a 3-4 year contract

provision. SOH said that everything is in place regarding the lone working devices and that staff are encouraged to use them. If they have any problems they should be flagging these to PD.

**Action:** PD to send JB and JF a copy of the draft specification via email with regard to the stakeholder group.

## **5.5 Contract & Development Support for Leisure Development Projects / Capital Programmes**

TJ outlined that Northgate End construction is going very well. There are no safety or Covid-19 incidents that need reporting. RM submitted an updated report to PD last week.

TJ outlined that an extraordinary council meeting took place last week when there was a revised scope to the Arts Centre agreed. TJ gave the group a brief update on the current work.

TJ outlined that East Herts are going out to tender for the build contract for Hertford Theatre in February. The planning decision is now delayed until March, however should have a contractor on board by late spring/early summer.

## **5.6 Learning and Development - Partnership training and future events**

PD updated that the e-learning modules have now been updated and open. Colleagues are now requested to undertake the modules that are relevant to them.

PD outlined that an asbestos awareness session took place via Zoom in mid-January which PD attended. The feedback from the participants was that the session was excellent and very engaging.

PD outlined that a project risk management session is planned for 26<sup>th</sup> January delivered by Gallagher Bassett – The course will be useful for anyone managing large projects. PD outlined that there will be a legionella risk management zoom course taking place in February which already has expressions of interest.

## **6.0 Covid Update**

- 6.1 SOH updated that line managers are not always flagging when someone in their team (who is WFH) gets Covid-19 and is then absent beyond logging it on MyView. SOH said it would be very useful if line managers could update HR with this information by flagging it to HR Officers so we can ensure awareness and support, this is done very well for Office based Staff but would be strengthened if managers flagged to HR. A weekly absence report will also be considered to be provided to LT each Friday as part their COVID weekly meeting. SOH updated that there had been 6 or 7 cases of Covid-19 amongst staff with one case involving a colleague who is now on long term sick due to the disease. SOH said that the FAQ sheet on the internet has been updated. SOH briefly went through the hygiene protocols (i.e. wiping shared tools and areas after use) that should be taking place in the office as transmission rates are currently very high and 70% more likely to be picked up.

6.2 SOH explained that all of Hertfordshire's District, Borough and County Council have now been asked by the NHS to gather a list together of staff that they would be willing to re-deploy to help with the Covid-19 crisis. This list has been created with what tasks need to be done and circulated to staff who would be interested to see what opportunities match their skill set. HR will be submitting details to HCC tomorrow with details of which staff could be redeployed for a 4-6 week period. Before any placement is agreed the Risk Assessment will be reviewed by PD with the member of staff to be redeployed, adjustments would be requested if appropriate in line with any individual needs. GM has confirmed he read the MOU between LAs and the NHS regarding redeployment which was currently being put in place and it had been checked with our insurers who have requested RAs are checked and confirmed before any placement progresses; this will be actioned as above.

## **7.0 Regulatory & Legislative Changes**

7.1 PD commented that there were no updates from either himself or PTJ.

7.2 GH outlined that the local fire brigade issued some guidance on automated calls for office buildings saying that if you do have a monitored alarm that goes to a call centre and they call the fire brigade they won't necessarily come out unless there is a follow up 999 call. Timing of this to roll out is possibly around April time. GH outlined that we will need to look at Fire Marshall Training regarding this and that 999 calls will be needed to make sure that the Fire Brigade arrive. PD explained that unless they know it's a drill, customer services will dial 999 and this is stated on the current safety notices.



**Action:** SOH requested that fire safety protocols are double checked, procedures are checked with customer services and then shared with JF and JB. PD to provide an update at the next meeting.

## **8.0 Health & Safety Inspections & Compliance Reports**

8.1 No update - already covered earlier in the minutes.

## **9.0 Property – Premises Maintenance & Repairs**

9.1 No update – already covered earlier in the minutes.

## **10.0 Facilities Management**

10.1 No update other than Charrington’s is being checked by caretakers, just waiting to see what days the office may need to be opened for ad-hoc appointments.

## **11.0 List of Issues**

### **11.1a. Employees side (UNISON):**

None

### **11.2b. Management side:**

None

## **12.0 Health & Safety Training**

12.1 None

### **13.0 Health & Safety Policy – Bomb threats & Premises Evacuation**

13.1 PD explained that all five of the updated policies had been sent to this committee and the Leadership Team for comment and agreement, any changes requested had been considered and incorporated. JB from Unison requested that policies should state where appropriate that they would be subject to further review in line with agile working and remote working as this becomes established. This was particularly relevant to the H&S Policy - Workplace Environment (see 17 below).

13.2 SOH explained that it this committees role to give final approval which includes Unison agreement and then the revised policies will be published.

13.2 The Health & Safety Policy – Bomb threats & Premises Evacuation policy has been to Leadership Team and PD has made a couple of changes following this. No further comments or amendments from the group were suggested.

13.3 Updated Policy approved by the Safety Committee.

### **14.0 Health & Safety Policy – Work at Height**

14.1 No further comments or amendments made.

14.2 Updated Policy approved by the Safety Committee.

### **15.0 Health & Safety Policy – Young People at Work**

15.1 No further comments or amendments made

## **16.0 Health & Safety Policy – Manual Handling**

- 16.1 No further comments or amendments made
- 16.2 Updated Policy approved by the Safety Committee.

## **17.0 Health & Safety Policy – Workplace Environment**

- 17.1 JB requested that as part of introduction it was made clear this would be re-reviewed in line with any new workplace environment. This was agreed as an Action for PD to take before the revised policy was published.
- 17.2 Updated Policy with addition above approved by the Safety Committee.

## **18.0 AOB**

- 18.1 None

## **19.0 Date of Next Meeting**

- 19.1 PD and SOH to agree a date for the next meeting in April and to look at a non-Monday day of the week to accommodate PTJ. Tuesday looks like the best day of the week.  
**Updated after meeting as Tuesday 27<sup>th</sup> April at 11am**

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## East Herts Council Report

### Human Resources Committee

**Date of Meeting:** 16 February 2021

**Report by:** Head of Human Resources and Organisational Development

**Report title:** Employment Policies Developed Report x 7 (Discipline, Grievance, Code of Conduct for Employees, Probation, Bullying and Harassment, Absence Management and Appeals Policy)

**Ward(s) affected:** None

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### Summary

#### **RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE MEMBERS:**

- (a) To approve the revised Disciplinary Policy**
- (b) To approve the revised Grievance Policy**
- (c) To approve the revised Code of Conduct for Employees**
- (d) To approve the revised Probation Policy**
- (e) To approve the revised Bullying and Harassment Policy**
- (f) To approve the revised Absence Management Policy**
- (g) To approve the revised and reduced Appeals Policy in line with the changes made to the policies (a), (b), (d), (e) and (f) above**

#### **1.0 Proposal(s)**

- 1.1 The proposals are set out in the recommendations above. 6 key HR policies have been updated in line with legislation and best practice. Appeals processes have been incorporated back

into these policies as the 'one size fits all' approach we currently have with a generic Appeals Policy does not work well so the appeals processes have been tailored to each individual policy. As such, the Appeals Policy has been updated to remove reference to these policies. Once the remaining policies still covered in the Appeals Policy have been updated, the Appeals Policy will then be deleted.

## **2.0 Background**

- 2.1 Upon starting at East Herts Council the new Head of HR and OD identified the need to update the full suite of HR policies and in particular, the key formal policies to incorporate further best practice. This work was then delayed in order to establish the East Herts Together (E.H.T) Group who have worked with HR, LT and Unison to develop the policies and serve as a further cross service group to engage with and consult with to ensure the policies are fit for purpose and user friendly.
- 2.2 The East Herts Together also agreed some terms of reference to be used when developing policies which has been followed:
  - To take the employee through their career journey
  - Should be joined up, not in isolation to each other
  - Include good examples and flow charts
  - Legally compliant
  - Include who to contact for more information
- 2.3 These policies are the first tranche of HR policies to be reviewed by the team, with the remaining policies to be updated throughout 2021.
- 2.4 The policies have been updated in line with best practice and legislation.

2.5 The policies were approved at the Local Joint Panel meeting on 21 January 2021 with the following changes to be made:

- The removal of the reference to MEPs in the Code of Conduct.
- The addition of the word 'reasonable' to paragraph 6.2.1 in the Disciplinary Policy so that it reads "Where a matter arises which is suspected or believed to be a disciplinary matter, an investigating manager will be designated to investigate the matter promptly, reasonably and adequately"

### **3.0 Summary of changes to policies**

#### **Disciplinary**

##### **3.1 General**

- More concise wording, making the policy shorter.
- The procedure is less prescriptive to ensure more ability to adapt to circumstances.

##### **3.2 Examples of the types of misconduct**

- Examples of the types of misconduct are now in the main body of the policy and not in an Appendix.
- Misconduct is now categorised into two areas general and gross rather than three (serious has been taken out).

##### **3.3 Informal stage**

- Informal stage is simpler and less prescriptive.
- Removes reference to keeping a written record of informal meetings on the employee's file for a defined period of time (i.e. 6 months).
- Removes reference to an improvement note and giving a verbal warning at the informal stage as it better for an

informal warning to be issued.

### **3.4 Investigation**

- Removes the wording that states the investigating manager is normally the employee's manager to ensure it is less prescriptive and another appropriate manager could be used depending on the circumstances.
- Remove the requirement to complete investigations within 10 working days and change it to say the matter will be investigated promptly and adequately in line with ACAS guidance.
- Removes the requirement that the investigating manager must meet with the employee at the end of the investigation to explain the findings and the option to give them a verbal warning which was inappropriate and not in line with ACAS guidance.

### **3.5 Disciplinary Hearing**

- Removed the requirement to hold the hearing within 10 working days and changed it to say it will be arranged promptly in line with ACAS guidance.

### **3.6 Disciplinary Outcomes (sanctions)**

- Removed the verbal warning as an outcome under the formal procedure in line with ACAS practice instead the informal stage should be used fully.
- Final warning is now live for 18 rather than 12 months as it is usual for this to be higher than written warning which was and remains 12 months.

### **3.7 Appeal**

- The appeals procedure is now included within the policy rather than there being a separate Appeals Policy.



### 3.8 **Review**

- As with all we are removing the 3 year review and instead stating will be reviewed in line with best practice and legislation, this allows policies to be focused on when appropriate rather than just because time has passed.

### 3.9 **Unison Comments**

- Unison had no comments except to say that the policy had been improved on a number of grounds.

## **Code of Conduct**

### 3.10 **General**

- It should be noted that this is part of constitution and will therefore require further approval by the Monitoring Officer to incorporate back into the constitution. The Monitoring Officer has confirmed it appropriate for HR, LT, LJP and HRC to develop and update.
- The title has changed from 'Officer's Code of Conduct' to 'Code of Conduct for Employees'
- The Declaration of Secondary Employment form has been added as an appendix to support timely access and action.
- Inclusion of a statement to make it clear that any breach of the Code of Conduct will be investigated and may lead to disciplinary action.
- Includes a separate sign off for new starters to confirm they understand and agree to abide by the Code of Conduct.

### 3.11 **There is a new introduction which:**

- Highlights that all groups engaged by the council (e.g. agency workers, contractors, volunteers) must abide by the

Code of Conduct, not just employees.

- Makes reference to the council's values and behaviours.

### **3.12 A new section has been added called 'Work Performance and following East Herts Council's procedures'**

- This section highlights the expectations that employees should perform to a high standard, carry out reasonable management instructions and follow council procedures. There was previously no reference to this in the Code of Conduct.

### **3.13 A new section has been added called 'Attendance and Timekeeping'**

- This section covers the expectations regarding absence notification and authorisation, and punctuality in attending work and meetings.

### **3.14 A paragraph has been added to the 'Violence, Bullying and Harassment' section**

- This makes it clear that a manager discussing with an employee concerns regarding their performance or behaviour where legitimate and constructive criticism is made (or a reasonable request/instruction given) does not constitute bullying behaviour.

### **3.15 Additional wording has been added that makes the writing of a reference process clearer for managers**

- In particular, the revision makes it clearer that managers must seek guidance from HR before sending a reference to ensure data is in line with employee records and for a copy to be placed on the employee's file for reference.

### **3.16 Clearer process on declaring personal relationships has been added**

- The revised Code outlines in more detail the process for declaring and managing personal relationships within the workplace, highlighting the requirement to act professionally at work.

### **3.17 Clarification has been given on accepting gifts and hospitality**

- Makes the process of accepting gifts and hospitality clearer and a declaration form is now included as an Appendix.

### **3.18 Changes regarding Alcohol and Smoking**

- The wording on drinking alcohol in the workplace has changed to say that alcohol should not be consumed in the workplace (please note this is an employee/officer code so this does not prevent members from consuming in the workplace).
- The wording on smoking now includes reference to vaping and e-cigarettes.

### **3.19 Safeguarding**

- A new paragraph has been added on safeguarding to say that 'Employees should take steps to protect children, young people and adults at risk so that they are safe when using our services'. A link to the safeguarding policy will be included.

### **3.20 A new section has been added entitled 'Use and Monitoring of East Herts Council Property, Equipment and Time'**

- This section has brought together several sections from the

current policy. It provides clarification regarding how council property and equipment should be used and what monitoring the council may legitimately use. It is aligned to the Acceptable Network Use Policy.

### **3.21 A new section has been added on mobile phones while driving**

- There was previously no reference to this in the current policy. It makes it clear that hand held mobile phones should not be used whilst driving, this is important if the act happens as it ensures East Herts is not liable.

### **3.22 A new section has been added entitled 'East Herts Council's Profile and Reputation'**

- In particular, it makes it clear that employees should not give information to the media about the organisation and its work without the agreement of a member of the Leadership Team.

### **3.23 Unison comments**

- Unison agreed with the above changes. They requested a revision to the absence notification section to add that where there are exceptional circumstances employees should contact their line manager as soon as possible.

## **Grievance**

### **3.24 Main changes**

- There is now a link to Bullying and Harassment policy which is important to ensure matters have one pathway overall.
- A formal bullying or harassment matter is heard through this procedure at stage 2.
- As with all we are removing the 3 year review and instead

stating will be reviewed in line with best practice and legislation, this allows policies to be focused on when appropriate rather than just because time has passed.

### 3.25 Unison comments

- Unison requested we made it clearer that the Hearing Manager may consider ending the grievance meeting and resume it at a later date if they need to investigate statements and facts from the meeting and/or any new evidence that arises during the meeting
- Unison requested that it was made clear that where the actions that follow an informal grievance are unsuccessful, the employee has recourse to the formal procedure. The flowchart in the appendix has been amended accordingly.

## **Probation**

### 3.26 Main changes

- The most significant change is that the policy now includes absence and conduct as well as performance, this was previously removed in error, probation must cover all three. The whole process is covered within the policy, there is no separate procedure.
- The policy now covers employees new to a role where they have not previously passed probation at East Herts, not just new starters to the council.
- The formal monthly meeting form has been removed and managers can take their own notes instead which means no signing by the employee is required.
- A new probation appraisal form will be developed to assess performance at the end of the probationary period – this will be developed before implementation.
- The ability to extend probation more than once has been built in so it can be considered where appropriate by in line with Unison feedback this is limited to a further 6 months

in total.

- There is now a probation hearing rather than a termination meeting which gives the employee the opportunity to state their case before a decision is made (the previous title implied termination rather than a hearing to decide, the line manager can still recommend).
- The ability to link back to the absence management policy if attendance issues arise in probation but the employee is then confirmed in post. If their probation is confirmed but absence deteriorates within 12 months, they can be moved to Level 2 rather than starting again.
- The Recruitment, Induction and Probation Policy has been updated to signpost to the new Probation Policy rather than previous procedure (this is not included for reference as it is a simple change to signpost correctly).
- As with all we are removing the 3 year review and instead stating will be reviewed in line with best practice and legislation, this allows policies to be focused on when appropriate rather than just because time has passed.

### 3.27 **Unison feedback**

- Unison requested that the policy made it clear that probation (in terms of being able to use the policy as opposed to the 3 formal procedures) will only apply to existing employees where they have not undergone a probationary assessment and have not therefore been confirmed in their previous post.
- Unison requested that wording was added to say that objectives will be set during the induction stage as soon as practicable but within the first month.
- Unison requested that the total probation extension cannot exceed 6 months as they felt it was important that probation must have a maximum (maximum total is therefore 6 + up to 6 months = 12 months).
- Unison requested an addition that there could be an option to downgrade an employee rather than dismiss. This was

not considered appropriate to include because East Herts is unlikely to have position to downgrade to and if the employee cannot pass probation in the job they were recruited to they are unlikely to be suitable for redeployment.

- Wording was adjusted upon Unison's request to emphasise that extension is not taken lightly and the LT member has to authorise such an extension. Wording was also changed to make it clear that the LT member decides whether a formal probationary hearing should be held.
- Unison were concerned that the only two outcomes of a probation hearing were a warning or dismissal and requested a third option was added which is to not dismiss or provide a warning i.e to determine there is no case and the employee can continue in their current probation.

## **Bullying and Harassment**

### **3.28 Main changes**

- Reference to the dignity at work statement which was Appendix A and written by a former CEO has been removed as this caused issues in terms of updating and also was an unnecessary duplication in terms of commitments and principles.
- The policy now has a combined list of forms of bullying and harassment as the previous lists were quite vague and often the same.
- A section has been added which makes clear bullying does not include professional management conversations which include constructive criticism.
- The policy now makes clear that a complaint is a grievance and therefore does not allow matters to have two separate pathways. The policy is described as a specialised version of the EHC grievance policy – therefore matters will count as grievance hearings and grievance decisions.
- The old policy was overly prescriptive, this has been

reduced to ensure the policy is easier to follow. This includes the informal stage which was previously very prescriptive and too formal i.e. around investigation. This has been reduced significantly to make a truly informal stage and encourage more use.

- A responsibility section has been added to set out roles and responsibilities for the complainant, the manager and colleagues.
- Previous sections in the old policy regarding victimisation, monitoring following a formal harassment/bullying complaint, and malicious complaints have been removed as they are unnecessary as separate as covered in the main body.
- The appeals area has been developed to ensure that if a complaint is upheld by informally acted upon i.e. by a inform disciplinary warning the complaint cannot appeal as the matter has been resolved. The policy makes clear that appeals will be managed through the grievance procedure.
- As with all we are removing the 3 year review and instead stating will be reviewed in line with best practice and legislation, this allows policies to focused on when appropriate rather than just because time has passed.

### **Absence Management Policy**

#### **3.29 Significant redevelopment of both procedure and absence triggers to ensure greater consistency and clearer framework which allows matter to move from short-term to long-term and vice-versa.**

This Policy has been significantly redeveloped and may appear a lot longer but this is to ensure there is a clearer framework for both short-term and long-term sickness absence. The policy itself is 23 pages long (the font size is 14) but it shows as 63 pages this is because it has a number of appendices (40 pages) including Flow charts, Stress Risk Assessment form, Level 1 and 2 forms for managers to use to ensure consistency



(all of which Unison welcomed and E.H.T as stated above would like flow charts where appropriate and possible). When the policy is built on the intranet it will look better and appendices will be links rather than one document. If approved the policy will go to HRC in February, HR will then look to roll out management training on managing absence and use the new policy as part of this (this will ensure it is successfully implemented and ensure the consistency and join up to HR required).

### 3.30 Main changes

- Short-term absence triggers have been changed from 7 days sickness absence within any twelve-month period and 3 separate periods of sickness absence in a 6 month period to 3 spells or more in any 3-month period, and/or where an employee has been absent for 10 days or more over the previous 12 months. The days will be pro-rate for part-time staff where they do not work 5 days per week. The triggers were previously too low compared to employment averages and managers had the option not to act informally meaning consistency harder to achieve and issues more likely to arise.
- Removal of the term warnings in formal stages – now called level 1, 2 and 3. Absence management should be supportive first, the levels do warn what next step could be but not really appropriate to call it written warning, final warning etc. as this implies discipline warnings and this is not a conduct matter as illness is genuine when managed through this policy.
- Stress management guidance (appendix in previous policy) has been incorporated into the policy itself with addition of the stress risk assessment form to ensure transparency (this was welcomed by Unison).
- Self cert and return to work form removed from appendices, this is now done through MyView and this is made clear.

- Level 2 meeting can be held by line manager, this was previously Head of Service level who now comes in at Level 3 where a hearing is required, with the line manager presenting the case at Level 3 hearing.
- Now specified that employees should not text or email their manager to tell them they are off sick to ensure sufficient cover is put in place.
- Addition of 4-weekly face-to-face catch up (on top of weekly telephone calls) for long term sickness cases to ensure employees are supported appropriately.
- Removal of the informal stages for both short and long term sickness, the Level 1 meeting is the first action in the procedure.
- Increase in length of review periods for short-term sickness - from 3 months to 4 months at stage 1, 6 months at level 2 (was unspecified in old policy) and 12 months at Level 3. This ensures the review is more meaningful and appropriate to the history of absences.
- Link between short and long term levels (stages) is now established i.e. if an employee goes to Level 1 in long-term and then subsequently comes back to work but hits short-term triggers they can move to Level 2 rather than re-starting at Level 1. Previously short term and long term were not linked but as it all absence management they should be.
- Employees referred to Occupational Health at 4 week point for long-term sickness. The old policy was not as prescriptive to use Occupational Health but the medical opinion is best sought at this stage to inform reviews so is sought up front ( this was a possible outcome at the informal stage if considered appropriate previously).
- Ill health redeployment was considered at stage 2 of the previous policy, in the new policy it is a potential outcome of level 3 which is the hearing stage.
- Capability hearing was heard by a Director in the previous policy, due to changes in our structure this is now an Leadership Team member.

- Appeals procedure now incorporated within the policy. Can only appeal against dismissal as earlier action is only a review and will be consistent. You could previously appeal against warnings but warnings have now been removed. Appeals would be heard by a chief officer i.e. Chief Executive or Deputy Chief Executive.
- As with all we are removing the 3 year review and instead stating will be reviewed in line with best practice and legislation, this allows policies to be focused on when appropriate rather than just because time has passed.

### 3.31 **Unison Feedback which included regional input**

- Unison sought clarity on the hearing process which was provided and agreed covered well. Overall Unison welcomed the updates and the improvements to triggers, procedure consistency and the tone of the policy.
- Policy was developed further by adding in Level 1 and 2 forms for consistency and to ensure all matters covered (these were added to the appendices).
- Regarding clause 1.5 Unison said this must be handled with care, HR will ensure this, no change to policy but matter noted.
- Regarding clause 2.2. this was made clearer that principles of policy apply to Chief Officers but would be managed by Members in line with the constitution.
- Regarding 2.4 which states the council may, in its discretion, decide not to follow all the timescales and details set out in this policy. This has been developed to say HR will control/support this if appropriate, i.e. it will be handled carefully.
- Unison requested that weekly contact should not be expected where staff is off with stress as it may not aid recovery this was not agreed as it is important to keep in touch for both parties but accepted that it could be modified in cases if medical guidance suggests it is appropriate i.e. not aiding recovery.

- Unison requested to add back in Stress and Mental health section and signs to watch for (see 8.5), the section signposts to both EAP and MHFA.
- Regarding 8.11 re Stress Risk Assessment, this was talked through with Unison and it was agreed to add form as Appendix b so employees are aware and also make clear HR involvement in what can be a specialist matter.
- Regarding 10.5 and phased return Unison accepted that this should be funded from sick pay but are concerned if the employee is on half-pay that this may make the employee what to return without a phasing, the wording was changed to make less prescriptive and we agreed to review in line with case circumstances (i.e. EH could top up sick pay if really necessary for phasing) but the policy still makes clear it is funded from the sick pay pot and therefore use will reduce pot.
- Section 13.4 (a) has been developed re redeployment to include protected salary of up to 4 weeks where employee is redeployed due to capability to a less demanding role (4 weeks maximum and not 18 months like redeployment in relation to redundancy). Unison wanted this to reduce financial stress impact, although it should be noted this will only be an option where a vacancy exists. This was then further developed to make clear in line with redeployment policy that the employee has become disabled during the course of their employment with the Council and such redeployment to a lower graded post would constitute a suitable reasonable adjustment, in this circumstance the employee would receive 18 months of salary protection as set out in the redeployment policy.

## **Appeals**

3.32 The Appeals Policy has been updated to remove the appeals process for the Disciplinary, Grievance, Probation, Bullying and Harassment and Absence Management policies as these have been incorporated back into these policies. The 'one size fits

all' approach we currently have with a generic Appeals Policy does not work well as generic framework across all areas so the appeals processes have been tailored to each individual policy.

#### **4.0 Implications/Consultations**

##### **Community Safety**

No

##### **Data Protection**

No

##### **Equalities**

The policies have been updated in line with equalities legislation and with consideration to the Council's Equality Policy.

##### **Environmental Sustainability**

No

##### **Financial**

No

##### **Health and Safety**

No

##### **Human Resources**

Yes as set out this is an employment matter and the report has been produced by HR

##### **Human Rights**

No

##### **Legal**

The policies have been updated in line with employment legislation.

## **Specific Wards**

No

## **5.0 Background papers, appendices and other relevant material**

5.1 The updated policies are attached as Appendices 1 to 7.

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## **APPENDIX 1**



**East Herts Council**

**Disciplinary Policy**

**Policy Statement**

**Policy Statement No 4 (Issue No 4)  
February 2021**

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## **1.0 PURPOSE, SCOPE AND PRINCIPLES**

- 1.1 East Herts Council aims to provide a high quality service to our service users and visitors and to encourage positive working relations between colleagues. It is important, therefore, that staff maintain high standards of conduct. Most of the time staff achieve this. However in certain situations it is necessary to use disciplinary action. In such circumstances this disciplinary procedure will be used to ensure that fair and consistent action is taken.
- 1.2 This policy applies to all staff other than Chief Officer and above, where procedures set out in the Constitution are used.
- 1.3 The policy has been developed in accordance with the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice, 'Discipline and Grievance Procedures'. It has been agreed with Unison.
- 1.4 The principles in this policy apply to all East Herts Council's employees with the following exceptions:
- (a) Disciplinary matters will be dealt with under separate procedures relating to probationary periods of employment.
  - (b) Incompetence, incapability or other poor performance at work which is considered not to be attributable to a wilful disinclination by the employee to carry out his/her duties efficiently or effectively, but which is thought to be attributable to a lack of skill or aptitude. Such cases will be dealt with under the Managing Performance Policy. However, acts of gross incompetence – i.e. where failings in performance are so serious that they

totally undermine the employer's trust and confidence in the employee – will be dealt with as gross misconduct under this procedure rather than the Managing Performance Policy.

(c) Cases where performance of an employee's duties and/or attendance are adversely affected by ill health. Such cases will be dealt with under the Managing Absence Policy.

- 1.5 No formal disciplinary action will be taken against an employee until the case has been sufficiently investigated.
- 1.6 At each stage of the formal procedure the employee will be advised of the nature of the allegation against him/her and will be given the opportunity to state his/her case at a formal disciplinary hearing before a decision is reached.
- 1.7 At all stages of the following procedure, where specified staff/managers are designated to handle different stages, East Herts Council reserves the right to reasonably substitute suitable alternatives.
- 1.8 An employee may be suspended on full pay during the disciplinary process in relation to a gross allegation if this is appropriate and authorised.
- 1.9 In the case of gross misconduct, the penalty may be dismissal without either notice or payment in lieu of notice.
- 1.10 An employee will have the right to appeal against any formal disciplinary penalty imposed.
- 1.11 It is recognised that disciplinary action against a trade union officer could be seen as an attack on the union's functions. Although normal disciplinary standards will

apply to their conduct as employees, no disciplinary action should be taken until the circumstances of the case have been discussed with a full-time official. This does not apply in the case of a precautionary suspension.

## **2. THE RIGHT OF ACCOMPANIMENT**

2.1 The employee will have the right to be accompanied at all formal disciplinary and appeal hearings by a trade union representative or an East Herts Council work colleague ('the companion'). The employee will also have the right to be accompanied by a trade union representative or an East Herts Council work colleague at formal investigatory interviews.

2.2 The companion will be allowed to:

- Address the hearing
- Confer with the employee
- Put the employee's case
- Ask questions of witnesses
- Sum up the employee's case
- Respond on the employee's behalf to any view expressed at the hearing

The companion has no right to:

- Answer questions on the employee's behalf
- Address the hearing if the employee does not wish it
- Prevent the employer from explaining their case

2.3 It is the employee's responsibility to request his/her chosen companion to accompany him/her to the disciplinary hearing or appeal or investigatory interview. It is also the employee's responsibility to supply copies of all relevant information and documentation to his/her representative.

### **3. THE ROLE OF HUMAN RESOURCES**

- 3.1 The Human Resources team will advise staff on the disciplinary procedure.
- 3.2 Human Resources will provide managers with professional advice and help with managing the procedure. As Human Resources staff will be responsible for monitoring that the procedure is implemented on a consistent basis by all managers, a member of Human Resources should be consulted in all cases where disciplinary action may occur.
- 3.3 A member of the Human Resources team will, where considered appropriate by the manager hearing the case, attend formal investigatory interviews, formal hearings, review and appeal meetings as a management advisor.
- 3.4 Human Resources will arrange for a note taker to attend formal investigatory interviews (if required) and formal hearings to provide a summary record (and not verbatim) of the meeting and the decisions made where applicable. The note taker may be a member of Human Resources or another suitable member of staff.

### **4.0 TYPES OF MISCONDUCT**

- 4.1 All breaches of East Herts Council's Code of Conduct will be investigated and, where considered appropriate, will lead to disciplinary action being taken. However, the Code of Conduct is not intended as a complete list of rules/expectations in relation to conduct or possible breaches. Any breach of the Code of Conduct will be investigated and may lead to disciplinary action. Breaches fall into two main categories:

- General misconduct
- Gross misconduct

## **4.2 General misconduct**

4.2.1 General misconduct is categorised as the kind of actions where a lower level warning would be seen as sufficient to draw the employee's attention to the need to improve depending on the circumstances of the case.

4.2.2 However in the following circumstances general misconduct would normally result in a written or final written warning:

- where general misconduct is prolonged and/or there are repeated acts of misconduct, or
- there is more than one misconduct issue, or
- they are action(s) of a nature that verge on gross misconduct.

## **4.3 Gross misconduct:**

4.3.1 Gross misconduct is defined by East Herts Council as those acts which are so serious in their nature that they destroy the mutual relationship of trust and confidence between the employee and the employer and make any further working relationship impossible. The following are examples of gross misconduct but this is not an exhaustive list (further examples are provided in the Code of Conduct for Employees),:

- (a) Acts of dishonesty.
- (b) Serious verbal, written or physical abuse, dangerous or intimidatory conduct, violence or threats of violence made against service users, colleagues or others.
- (c) Serious acts of discrimination, bullying or harassment,

- (d) Making unfounded or knowingly malicious allegations against colleagues, other working contacts or service users.
- (e) Serious misuse of facilities, equipment or time.
- (f) Non-compliance with statutory health and safety requirements or East Herts Council health and safety policy and procedures such as to endanger life or risk causing serious injury.
- (g) Non-compliance with East Herts Council's Smoking Policy and the law surrounding smoking in public with regards to not smoking or vaping inside of any buildings.
- (h) Serious acts of insubordination or verbal abuse or extreme rudeness/ discourtesy towards managers or other colleagues, service users or working contacts.
- (i) Refusal to carry out duties or reasonable instructions or to comply with East Herts Council rules.
- (j) Being in an intoxicated and offensive or intoxicated and incapable condition whilst on duty, unless caused by drugs prescribed by a medical practitioner and properly administered.
- (k) Serious breaches of East Herts Council's requirements, policies, procedures and rules with respect to safeguarding, child protection and protection of vulnerable adults, or of our Code of Conduct in relation to maintaining professional relationships with service users.
- (l) Serious acts of misconduct which are prejudicial to East Herts Council's reputation or interests whether committed at work or outside working hours.

- (m) Serious breaches of confidentiality relating to East Herts Council, its employees, members or service users.
- (n) Acts of sexual misconduct or indecency in relation to work, work-related events, service users, colleagues or working contacts.
- (n) Acts of gross incompetence or negligence – i.e. where the consequences of an act(s) of underperformance are so serious as to fundamentally undermine East Herts Council’s confidence in the employee or cause unacceptable loss, damage or injury.

## **5. INFORMAL DISCIPLINARY PROCEDURE**

- 5.1 Where minor problems in conduct are alleged, it is the manager's responsibility to take action to ensure that the individual is made aware of the problem.
- 5.2 The manager will usually have an informal discussion with the member of staff to investigate the matter and decide on an appropriate course of action. Formal steps will be undertaken if the matter is not resolved or if informal discussion and warning is not appropriate in the circumstances.
- 5.3 A note of the meeting and any informal warning issued must be made by the manager and a copy held on the employee’s HR file. Informal action is not subject to time limits for disciplinary purposes.

## **6. FORMAL DISCIPLINARY PROCEDURE**

### **6.1 Scope**

The formal disciplinary procedure will be used where:

- Conduct problems are considered too serious to be

dealt with informally in the first instance, or

- An employee fails to meet East Herts Council's expected standards of conduct after having previously received an informal warning in relation to any aspect of their conduct.

## **6.2 Investigation**

6.2.1 Where a matter arises which is suspected or believed to be a disciplinary matter, an investigating manager will be designated to investigate the matter promptly, reasonably and adequately.

6.2.2 The employee will be informed of the nature of the allegation(s) being investigated.

6.2.3 Investigation will be conducted with the aim of establishing the facts of the case, and may include:

- Interviewing the employee
- Interviewing any witnesses, and obtaining signed and dated statements
- Collecting documentary evidence
- Seeking further information from internal and external parties

6.2.4 Where the employee is interviewed as part of the investigation, it should be made clear that this is part of the investigation and not a formal disciplinary hearing.

6.2.5 The investigating manager will prepare a report of the investigation. If on completion of the investigation the manager conducting it concludes on the balance of probabilities the allegation of misconduct is justified and may require more than an informal warning (see Section 5 above), a formal disciplinary hearing will be arranged.



6.2.6 The investigating manager will normally present management's case at the disciplinary hearing.

### **6.3 Suspension**

6.3.1 Where the matter to be investigated is thought to involve gross misconduct, the employee may be suspended from work on full pay while the investigation proceeds. Similarly, if during the course of an investigation the investigating manager conducting it is of the view that a serious or gross breach of discipline may have occurred, he or she may then recommend suspension as an appropriate precautionary measure to a member of the Leadership Team. Suspension can only be authorised by a member of the Leadership Team. The LT member should make a note of their decision including any alternatives considered/actioned.

6.3.2 Suspension is not a disciplinary penalty and does not imply that any decision has already been made about the allegations.

6.3.3 In all cases, any decision to suspend will only be taken once alternatives to suspension have been considered and the decision should be confirmed in writing as soon as reasonably practicable.

6.3.4 Short term alternatives to suspension may include:

- Working from home or an alternative location
- Working on appropriate restricted duties
- Working in a more closely supervised environment

### **6.4 The Disciplinary Hearing**

6.4.1 Following any investigation, if East Herts Council considers there are grounds for disciplinary action, the employee will be required to attend a disciplinary hearing.

The purpose of the hearing will be for:

- East Herts Council to explain the allegation(s) against the employee and go through the evidence that has been gathered, including hearing presentations from the investigating manager's witnesses where appropriate.
- The employee to set out their case and answer any allegations that have been made.
- The employee to ask questions, present evidence, call relevant witnesses if they wish and hearing officer deems it appropriate, and to be given an opportunity to raise points about any information provided by any of the witnesses.

6.4.2 The hearing will normally be conducted by a member of the Leadership Team although this may change at the discretion of East Herts Council depending on the seriousness of the matter.

6.4.3 Where reasonably practicable the employee will be given a minimum of 5 working days advance notice of the hearing.

6.4.4 The employee should also be provided with the report of the investigation and copies of all relevant documentation which will be considered at the disciplinary hearing and which is available to East Herts Council at that time. This will normally include any statements obtained from witnesses, whether or not the witnesses will be attending the hearing.

6.4.5 The employee should provide any further documentation and the names of any witnesses at least 2 working days before the hearing.

6.4.6 A hearing may be postponed if the employee's chosen companion is not available at the time specified in the notice or for other good cause, provided the employee proposes an alternative date for the hearing within 5

working days of the original date set for the hearing. If the employee fails, without good reason, to attend or is unable to attend the reconvened hearing it will normally proceed in his/her absence, but failure to attend may be treated as misconduct in itself.

6.4.7 At the disciplinary hearing East Herts Council will go through the allegations against the employee and the evidence that has been gathered. The employee will be able to respond and present any evidence. The employee's companion may make representations and ask questions, but should not answer questions on the employee's behalf.

6.4.8 The employee may request for relevant witnesses to appear at the hearing. This will be arranged provided they are considered to be appropriate to attend by the Chair of the Hearing.

6.4.9 The Chair of Hearing may adjourn the disciplinary hearing if further investigations are necessary, such as re-interviewing witnesses in the light of any new points that have been raised at the hearing.

6.4.10 The employee must be informed in writing of the decision, usually within 5 days, and of their right of appeal against the decision.

## **6.5 Disciplinary Hearing Outcomes**

6.5.1 Although there are three levels of disciplinary action, this does not mean that all these levels must always be followed before a dismissal is considered. Action may be implemented at any level depending on the seriousness of the misconduct involved.

### **6.5.2 Action in cases other than those involving gross misconduct**

Where a reasonable belief in the employee's culpability in relation to the misconduct alleged is established on the balance of probabilities, the following disciplinary action may be taken depending on the nature of the misconduct and any mitigating circumstances.

### **(a) First Written Warning**

Where following a disciplinary hearing, an employee is found to have committed general misconduct they may be given a written warning. The warning should set out the details of the complaint, the improvement required, and the timescale, and the consequences of any further misconduct. A copy of the written warning will be kept on the employee's personal file, but will normally be disregarded for disciplinary purposes after one year, subject to satisfactory conduct and performance.

### **(b) Final Written Warning**

In the following circumstances the employee will be issued with a final written warning where an employee's conduct:

- Continues to be unsatisfactory despite the issue of a first written warning, or
- Is sufficiently serious to justify only one written warning, but insufficiently serious to justify dismissal

The final written warning will follow the same format as in (a) above, except that it will be spent for disciplinary purposes after 18 months (in exceptional cases the period may be longer) subject to satisfactory conduct.

Warnings involving safeguarding children or vulnerable adults will be placed on the employee's personal file permanently.

### **(c) Dismissal**

For an act or acts of further misconduct (other than gross misconduct) by an employee who is under a final written warning given in accordance with (b) above, the employee will be dismissed with notice or with pay in lieu of notice.

**6.5.3 Gross Misconduct:** In cases where, after a disciplinary hearing, on the balance of probabilities an employee's culpability of gross misconduct is established (see definitions in Section 5.2) the employee may be summarily dismissed without either notice or payment in lieu of notice. This means that the employee can be dismissed without any prior warning(s).

6.5.4 Only members of the Leadership Team are authorised to dismiss an employee. The Head of HR and Organisational Development must be consulted on any decision to dismiss.

## **7. RECORDS OF DISCIPLINARY HEARINGS AND RELATED MEETINGS**

7.1 Notes of disciplinary meetings will be taken and a summary record made by a member of the Human Resources team or Executive Assistant Team or other suitably appointed person, and a copy will be supplied to the employee. If the employee does not agree with the record, s/he should submit his/her suggested amendments in writing and these will be attached to the original copy.

7.2 All records and relevant documents will be placed on the employee's personal file, and copies will be circulated to the employee and relevant managers. The exception will be records of informal discussions and warnings (see Section 5 above), which will be recorded by the line manager and placed on the employee HR file for safe keeping.

- 7.3 Although disciplinary warnings will be spent after specified periods, all disciplinary records will be kept on employees' files permanently.

## **8. CASES OF ALLEGED CRIMINAL ACTIVITY**

- 8.1 If the allegation involves suspected non-financial criminal offences at work the manager must inform the Head of HR and OD (or the Chief Executive or the Monitoring Officer if appropriate) with a view to contacting the police. If the allegation involves suspected serious financial irregularity or fraud, the Head of Finance and Property (S151 Officer) (or the Chief Executive or the Monitoring Officer if appropriate) must be informed. The Head of Finance and Property (S151 Officer) will then arrange for any further investigation into the allegation, as necessary. The Council's policy is that the Police or whichever external agency is appropriate to the alleged offence will normally be informed without delay of any suspicions of fraud and corruption. Any decision **not** to notify the Police or other agency will be made by the Chief Executive and should be documented on the case-file. Please refer to the Council's Anti-Fraud and Anti-Corruption Strategy Policy Statement for more information.
- 8.2 Where the employee has been charged with or convicted of a criminal offence at or outside work, or is in custody (whether in remand or following conviction) the manager should contact the Head of HR and OD to determine whether or how to apply this procedure. In particular cases a risk assessment may be appropriate. Employees are expected to inform their manager if they are charged with or convicted of a criminal offence at or outside work.
- 8.3 Disciplinary investigations can be undertaken at the same time as a criminal investigation, except in exceptional circumstances, as advised by the police.

## **9 OVERLAPPING DISCIPLINARY AND GRIEVANCE ISSUES**

- 9.1 An employee may raise a grievance after disciplinary procedures have begun against them. In these instances, the Head of Service should consider suspending the disciplinary case for a short period of time (no more than one week) to consider the implications of the grievance upon the disciplinary.
- 9.2 If the grievance is related to the disciplinary it is permissible to deal with them concurrently. If the grievance is raised before the appeal stage of the disciplinary procedure, if the Head of Service thinks it is appropriate and it is related to the disciplinary, the grievance will be heard as part of the disciplinary procedure. If the employee raises the grievance after the disciplinary process has been completed, the full grievance procedure should be followed. Employees cannot raise a grievance against a disciplinary sanction. The Appeals Policy must be used in this case.

## **10 APPEALS PROCEDURE**

- 10.1 An employee has the right of appeal against any formal disciplinary action taken which he/she believes is unjust.
- 10.2 An employee can appeal against a disciplinary sanction on the following grounds:
- There was a significant breach of the procedure;
  - A reasonable person could not have reached the decision to find against the employee on the basis of the evidence submitted;
  - The penalty was too harsh, taking into account the seriousness of the offence and any mitigating circumstances;
  - Significant new evidence has become available, and that evidence could not have been available at the time of

the original hearing.

- 10.3 An employee who wishes to appeal must lodge the appeal in writing with the Head of HR and OD, setting out briefly the grounds of the appeal, no longer than 10 working days after the employee has been notified in writing of the disciplinary penalty.
- 10.4 East Herts Council will write to the employee with details of the arrangements for hearing the appeal as soon as reasonably practicable, which will be held without unreasonable delay.
- 10.5 The appeal will be conducted impartially and where possible by a more senior manager who has not been previously involved in the case. This may be a Service Manager, Head of Service or the Deputy Chief Executive depending on the nature of the appeal. Appeals against dismissal will be heard by a Chief Officer; the Deputy Chief Executive or where they have not already been involved the Chief Executive.
- 10.6 Appeal hearings will not normally rehear the whole case, but will focus on the grounds of appeal. Further evidence may be introduced by either side if it is relevant to the grounds for the appeal and provided it is received within the specified timescale of 3 working days before the date of the hearing.
- 10.7 Following the appeal hearing, the Chair or Panel hearing the appeal should retire to consider their decision and the employee will be informed in writing of the decision as soon as practicable confirming that this decision is the final stage of the appeals procedure.



## **APPENDIX A**

### **Recommended Process for Disciplinary Hearings**

- Chair opens meeting:
  - Check employee has received letter and documentation
  - Check they understand their right to accompaniment (representation)
  - Check witnesses to be called by both sides
  - Outline the process and structure of the hearing (see below); tell them what you will be looking for (the 8-Point Checklist in Appendix B below)
  - Agree ground rules for witness statements, representation and adjournments (adjournments may be requested by either party or by the Manager conducting the hearing and will not be refused unreasonably – if denied an explanation will be given))
- Chair outlines the allegations and asks if employee admits them.
- Chair may ask questions at any point during following proceedings.

### **The Investigating Manager's Case**

- The Investigating manager makes opening statement and presents management case (summarise contents of report).
- The member of staff and his/her representative may question the Investigating Manager.
- The Investigating Manager may call witnesses and question them (subject to the Chair of the Hearing deeming the witnesses appropriate to be called).

- Employee/rep may question the Investigating Manager's witnesses.
- Investigating Manager may re-examine their own witnesses on any issues raised by Chair or employee.
- Investigating Manager briefly summarises the management case against the employee.

### **The Employee's Case**

- Employee and/or their rep present their case against the allegations and explain any special circumstances which may exist and the precise nature of the remedy sought.
- The Investigating Manager may question the employee
- Employee and/or their rep may call witnesses and question them.
- The Investigating Manager may question the employee and employee's witnesses (subject to the Chair of the Hearing deeming the witnesses appropriate to be called).
- Employee may re-examine their own witnesses on any issues raised by the Chair or the Investigating Manager.
- Employee and/or their rep briefly summarises their case.

## **APPENDIX B**

### **Disciplinary Hearing Decision Checklist**

1. Has there been as much investigation as is reasonable in the circumstances?
2. Have the Council's procedures been fairly followed?  
(Consider the principles of the policy)
3. Have I paid sufficient regard to any explanation put forward by or on behalf of the employee?
4. Do I genuinely believe that the employee has committed the general misconduct or gross misconduct as alleged?
5. Have I reasonable grounds on which to sustain the belief, on the balance of probabilities?
6. Is the misconduct sufficiently serious to justify the disciplinary action I am contemplating?
7. Have I had regard to any mitigating circumstances put forward by or on behalf of the employee?
8. Is the decision within the band of reasonable responses of a reasonable employer in the circumstances?

The effect of answering yes to the first five questions is to reach a finding that the allegations have been found. Questions 6 to 8 help to determine whether the proposed sanction is reasonable.

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## APPENDIX 2

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<b>Policy Name</b>	<b>Grievance</b>
<b>Date</b>	February 2021
<b>Statement No</b>	3
<b>Version</b>	5
<b>Review Date</b>	February 2024

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**Contents page to be added once content agreed**

### 1. Purpose & Scope

- 1.1 The council is committed to providing a harmonious workplace for all staff, where each individual is treated fairly and with respect. It is hoped that any work related disagreements will be rare and, if they do occur, they can be resolved informally. However, it is recognised that this may not always be possible. The purpose of this procedure is so that all staff know how they should raise a formal grievance if they wish to do so and with whom.
- 1.2 Employees may take out a grievance about any aspect of their employment, including:
  - terms and conditions of employment
  - health and safety
  - working relationships
  - working environment
- 1.3 This policy has been developed in accordance with the ACAS Code of Practice on Grievances and in consultation with Unison.
- 1.4 The procedure aims to help to resolve individual grievances in a manner which is as fair and timely as possible. It is the council's policy to find a solution to individual grievances as early in the procedure as possible.

- 1.5 This procedure will not cover appeals that are set out in other policies; in those cases the relevant appeal process should be followed.
- 1.6 Please note that there is a separate Bullying and Harassment Policy for complaints involving bullying and harassment and this policy should be used in conjunction with this Grievance Procedure in such cases.
- 1.7 This procedure does not form part of any individual employee's contract of employment with the council.
- 1.8 Where an employee raises a concern as a 'protected disclosure' in compliance with the public interest disclosure provisions of the 1998 Act, the matter will normally be dealt with under the council's Whistleblowing policy.
- 1.9 Grievances raised about the same issue by two or more employees (or by a union representative on their behalf) will follow this policy but will usually be dealt with collectively.
- 1.10 The Council recognises the right of employees to raise grievances relating to their employment. However if an employee continues to raise grievances which appear to be repetitive and unfounded, this may be regarded as vexatious and could lead to disciplinary action being taken against them.
- 1.11 Wherever possible a grievance should be dealt with before an employee leaves the council's employment. Grievances raised after employment ends will not be dealt with in line with the council's formal grievance procedure.
- 1.12 A flowchart outlining the informal and formal grievance process can be found in Appendix 2.

## **2. General principles**

- 2.1 At any stage of the procedure, where specified people are designated to hear the grievance, appropriate substitutes may be used in cases of non-availability or where otherwise considered appropriate.
- 2.3 Where timescales are specified in the procedure, these may be varied on account of unavoidable circumstances – for example the need of the manager hearing the grievance to carry out further investigations - or by mutual consent.
- 2.4 At any stage of the procedure, the manager hearing a grievance will have the right to determine who they require, in addition to the employee who has raised the grievance, to be present for all or part of the hearing as a means of gathering all the information s/he needs to make a decision. This may include any person who is a subject of the grievance. In such cases the aggrieved employee will be notified in advance of who will be in attendance and in what capacity.
- 2.5 At any stage of the procedure, another manager or member of staff may, where required by the manager hearing the case, be present at the meeting to assist and take notes.
- 2.6 Where an employee has a disability, concern or a specific support need which makes any part of procedure more difficult the HR Officer should be advised so that additional support may be considered.

## **3. Confidentiality**

- 3.1 All parties involved in a grievance must respect confidentiality. Any records will be kept securely and in accordance with the General Data Protection Regulations (GDPR).

## **4. Support**

- 4.1 Support for all parties involved in a grievance is available through the employee assistance programme (EAP). Further details can be found on the [intranet](#).

## **5. Roles and responsibilities**

### **5.1 Managers' responsibilities:**

- To deal with matters fairly and promptly;
- To make every effort to deal with matters informally in the first instance;
- To establish the facts of the case and carry out any necessary investigations;
- To take notes of any grievances raised at the informal stage.

### **5.2 Employees' responsibilities:**

- To make every effort to discuss the issues informally, before the formal process is commenced;
- To raise issues without unreasonable delay.

### **5.3 Human Resources responsibilities:**

- To advise on procedure, ensuring consistency and equality;
- To take notes at the formal grievance meetings unless the Hearing Manager decides an additional note-taker should be present;
- To act as a facilitator in any informal discussions relating to a grievance if necessary;
- To arrange mediation and support where appropriate.

### **5.4 Role of the Representative (union or work colleague)**

- 5.4.1 At any stage of the formal procedure, the employee raising the grievance has the right to be accompanied by a trade union



representative or a work colleague. Acting as a companion is voluntary and colleagues are under no obligation to do so. If a colleague agrees to do so, they will be allowed reasonable time off from duties without loss of pay to act as a companion.

5.4.2 The representative should be allowed to:

- Address the meeting;
- Present and sum up the employee's case;
- Respond on behalf of the employee to any views expressed at the meeting (but not to answer questions on the employees' behalf);
- Confer with the employee during the hearing.

5.4.3 A union representative can only attend in a union capacity if they are a full time official or certified by their union as having the necessary experience to perform such a role.

5.4.4 If a Trade Union Steward or Officer raises a grievance they are entitled to be represented by a full time Trade Union Official.

## **6. Stage 1 - Informal procedure**

6.1 If an employee has a grievance relating to his/her employment, the matter should be raised initially with their manager. The grievance should be raised orally or in writing in the first instance. In the event that the grievance relates to their manager, the grievance should be referred to their Head of Service or Head of HR and OD.

6.2 The manager assigned to hear the grievance will take such steps he/she considers necessary to resolve the grievance as quickly as possible, on an informal basis.

6.3 It is advisable for managers to keep a written note on the nature of the grievance, what was decided/actions taken and the reasons for the actions.

## **7. Stage 2 - Formal Procedure**

7.1 If the matter is very serious or in other circumstances where the employee does not wish to raise the matter informally or where informal action has not been successful, the employee may proceed straight to the formal stage of the procedure.

### **7.2 The employee should submit their grievance in writing**

7.2.1 The employee should complete the grievance form in Appendix 1 and send it to their HR Officer;

7.2.2 A HR Officer will allocate an appropriate manager (the Hearing Manager) who has not been involved in the case so far and has undertaken appropriate management training to hear the grievance. HR will provide support and guidance to ensure the process is followed appropriately;

7.2.3 It may be necessary to conduct an investigation into the matter before the hearing can take place. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. The employee must co-operate fully and promptly in any investigation. The investigating officer will keep the employee informed of likely timescales.

### **7.3 The employee is invited to a grievance meeting**

7.3.1 The employee will be invited to a grievance meeting in writing. They will be advised of their right to be accompanied by a work colleague or trade union representative;

7.3.2 If an employee's chosen companion is not be available at the time proposed for the hearing by the employer, the employer must postpone the hearing to a time proposed by the employee, provided that the alternative time is both reasonable and not more than five working days after the date originally proposed;

7.3.3 The meeting should take place within 10 working days of receiving the grievance form. Any substantial delays, and the reason for the delays, should be communicated to the employee and agreed with HR;

7.3.4 Employees and their representative are obliged to make every effort to attend the meeting. If they fail to attend without good reason, a decision based on the evidence available may be taken in the employee's absence.

#### **7.4 Documents should be exchanged before the meeting**

7.4.1 At least 3 working days prior to the meeting, all documents/ evidence and names of witnesses should be exchanged. The Hearing Manager will determine whether it is appropriate for witnesses to be called.

#### **7.5 A grievance meeting will be held**

7.5.1 The grievance meeting is an opportunity for the employee to re-state their grievance and how they would like it to be resolved and to assist the council to reach a decision based on the available evidence and the representations made.

7.5.2 Every effort should be made to discuss the issues stated and find a solution which is acceptable for both parties;

7.5.3 Usually present at the grievance meeting are the Hearing Manager, HR Officer, the employee raising the grievance (and their representative if applicable) and the manager responding to the grievance.

## **7.6 Recommended format for a grievance meeting**

- 7.6.1 The Hearing Manager will ensure that all parties understand the process that is to be followed and have the relevant documents;
- 7.6.2 The employee and/or their representative will present their case including how they would like it to be resolved, calling any witnesses and referring to the documents that have already been submitted;
- 7.6.3 The Hearing Manager may consider ending the meeting and resuming it at a later date if any new evidence arises during the meeting or statements and facts made at the meeting need investigating further;
- 7.6.4 The Hearing Manager followed by the HR Officer will have the opportunity to question the employee and any witnesses;
- 7.6.5 The manager may then respond to the grievance;
- 7.6.6 The Hearing Manager will then ask any final questions before asking each side to sum up.
- 7.6.7 Both parties will make final statements which summarise the key points of their case. The employee will sum up after the manager. It is not normally appropriate for new evidence to be presented at the summing up stage;
- 7.6.8 The Hearing Manager will then close the meeting to consider the matter, advised by the HR Officer;
- 7.6.9 The Hearing Manager may consider postponing the decision to give more time for deliberation/clarifications however this must be done without unreasonable delay. An estimated timescale for resolution should be communicated to all parties. If it is necessary to clarify any of the evidence presented, including

recalling witnesses, all parties will be recalled, even if the point of clarification only concerns one party.

## **7.7 The decision is confirmed in writing**

7.7.1 The decision will be confirmed to the employee in writing by the Hearing Manager within 3 working days. This will include recommendations on the way forward and details of the right to appeal. Any other parties involved in the grievance will also be appropriately informed of the outcome.

## **8. Stage 3 - Appeal**

8.1 If the grievance is not upheld and resolved to the satisfaction of the employee at the formal stage, he or she may appeal. The employee must set out the full grounds for the appeal, to the Head of Human Resources and OD in writing within ten working days from when the decision was sent or given to the employee.

8.2 The council will, as soon as possible (usually within ten working days of receipt of the written grievance), arrange an appeal hearing, which will be chaired by an appropriate member of the Leadership Team who has not been previously involved in the case and is more senior than anyone who carried out any part of the case previously. If an employee's chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the council may ask the employee to choose someone else.

8.3 The person responsible for the appeal hearing will consider the appeal and may be supplied with all of the documentation submitted in relation to the earlier stages of the procedure and any new evidence.

8.4 The decision on the appeal will be provided in writing within ten working days of the appeal hearing. Any other parties

involved in the grievance will also be appropriately informed of the appeal decision. Such decision will be final and there is no further appeal.

## **9. Mediation**

9.1 Mediation can be used at any stage of the grievance process. It is a confidential and voluntary process and is conducted on the basis that both parties want to achieve a mutually agreeable outcome or solution. A successful mediation should leave both parties feeling that the outcome is fair, reasonable and appropriate under the circumstances.

9.2 The Council has a number of employees who are trained in mediation. In some cases it may be appropriate to use an external mediator. HR will be able to arrange this.

## **10. Overlapping Discipline and Grievance issues**

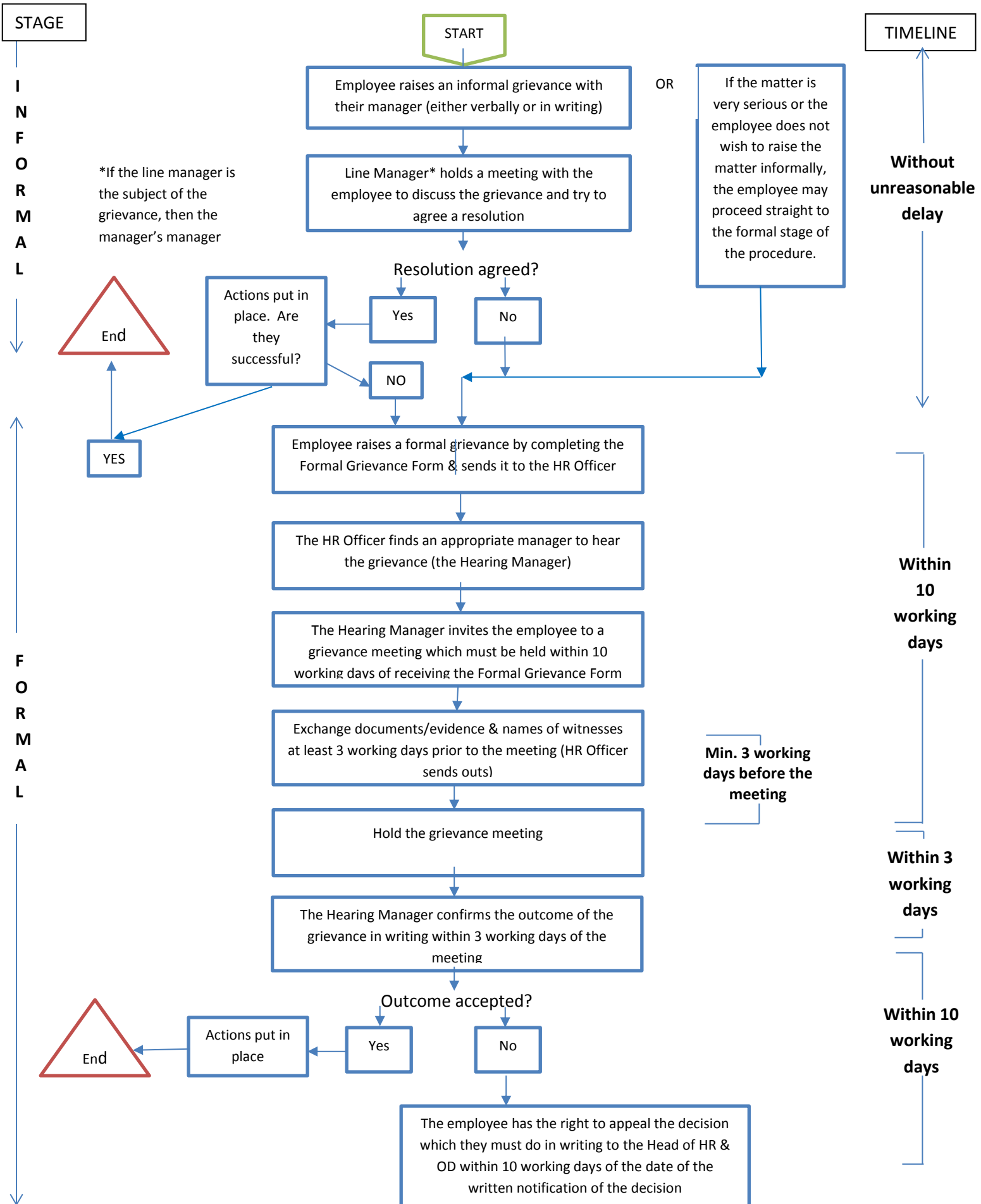
10.1 Where an employee raises a grievance during a disciplinary process, the disciplinary may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

## **11. Policy Review and Amendment**

11.1 This policy shall be reviewed in line with legislation and best practice to reflect the best possible level of support and management.



# Appendix 2 FLOWCHART – INFORMAL & FORMAL GRIEVANCE PROCESS





## **APPENDIX 3**



**East Herts Council**

**Code of Conduct for Employees**

**Policy Statement**

**Policy Statement No 14 (Issue No 3)  
February 2021**

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## **CODE OF CONDUCT**

### **Policy Statement No 14 (Issue No 3) February 2021**

#### **1.0 Introduction**

- 1.1 The primary commitment of East Herts Council is to provide excellent services to our service users, visitors and partner organisations. This commitment lies at the centre of the work undertaken by employees with every effort made to achieve these aims.
- 1.2 It is important that all employees (including agency employees, contractors and volunteers) conduct themselves to preserve public confidence in East Herts Council's integrity as an organisation.
- 1.3 Employees should at all times act with due regard to the council's values and behaviours and to show respect to fellow employees, Members, service users, visitors and partner organisations.
- 1.4 East Herts Council believes that the conduct of its employees is of a high standard. The purpose of this code is to provide clear guidance on the standards expected from all. All employees and volunteers should be aware that breaches of this Code will be investigated and, where considered appropriate, disciplinary action taken.
- 1.5 No code of conduct can cover all circumstances that may arise. Emphasis, therefore, is placed on the standards of performance and behaviour which are expected rather than making a complete list of rules or possible breaches.
- 1.6 Any action undertaken by a member of staff as part of a trade union dispute, where this action has been properly and legally

called by a recognised trade union, shall be outside the scope of this policy.

- 1.7 Where 'employees' are referred to in this Code, the principles and conduct expectations also apply to agency staff, contractors and volunteers.

## **2.0 Standards and General Conduct**

2.1 The Code of Conduct has been developed to ensure that there are appropriate standards for the way in which the council delivers its services. Each employee is expected to abide by the terms and conditions of their employment and will be expected to conduct themselves in accordance with council policies and the council's values and behaviours.

2.2 Employees are expected to report any breach of the council's standards, procedures or expected behaviours to the appropriate manager. If an employee is concerned regarding coming forward in a safe and confidential way they should seek HR, management or union support, another potential avenue to raise concerns is through the Disclosure (Whistleblowing) Code.

## **3.0 Work Performance and following East Herts Council's procedures**

3.1 You are expected to carry out the full duties of your job to a high standard of performance, with appropriate support, supervision and training from East Herts Council. You are also expected to carry out reasonable management instructions and comply with East Herts Council rules.

#### **4.0 Attendance and Time Keeping**

- 4.1 All absence must be authorised in advance in accordance with East Herts Council's leave booking arrangements except in the case of sickness, injury or exceptional personal complications that could not be foreseen. If you are unable to work for any of these reasons, you must contact your line manager as soon as possible and your absence must be notified and certified in accordance with East Herts Council's absence/sickness notification & certification procedures.
- 4.2 The council operates a flexi-time scheme which allows most employees (where the service and nature of the work allows) to have flexible start and finish times. However if you know that you are going to arrive at work much later than you normally do, please ensure your manager is aware from a health and safety perspective.
- 4.3 If you have a role that has set start times or a meeting time has been arranged, punctuality in attendance for work is expected, barring the most exceptional circumstances.

#### **5.0 Violence, Bullying and Harassment**

- 5.1 East Herts Council will not tolerate any acts of violence, threatening behaviour, verbal abuse, malicious cruelty, bullying and/or harassment or any behaviour which can be reasonably determined as intimidating and unwanted.
- 5.2 What does not constitute bullying behaviour is a manager discussing with an employee concerns regarding their performance or behaviour where legitimate and constructive criticism is made (or a reasonable request/instruction given).
- 5.3 Further information can be obtained from the council's Bullying and Harassment Policy.

## **6.0 Honesty, Integrity and Avoidance of Conflicts of Interest**

- 6.1 High standards of integrity and honesty are expected at all times. This includes being truthful and honest when asked appropriate questions by managers and other colleagues about any matters which have a bearing on your employment with and work at East Herts Council.
- 6.2 East Herts Council documents, forms and records should be completed truthfully and accurately. This includes all Human Resources forms, attendance forms, financial forms and records.
- 6.3 Under no circumstances may employees other than the line manager or an appropriate senior manager write a reference on East Herts Council headed paper for East Herts Council employees or ex-employees. Managers must seek guidance from HR before sending a reference to ensure data is in line with employee records and for a copy to be placed on the employee's file. If you choose to write a personal character reference for a colleague/ex-colleague you must do so from your private address, making clear that you are not writing in an official capacity on behalf of East Herts Council, and you must be explicit about the nature of the working relationship that you had with the colleague.
- 6.4 Authority must not be abused in relation to a colleague, service user, Member or applicant for East Herts Council's services. Improper use of your official position for private gain or for the gain of relatives and associates will not be tolerated.
- 6.5 Conflicts of interest arises when an employee has a financial or personal interest, kinship or relationship, or engages in any activity (paid or unpaid) which could:
- enable him/her to secure some personal advantage (other

than salary) or advantage for a close relative or friend as a result of his/her being employed by East Herts Council; or

- influence his/her judgment in relation to the performance of his/her duties on behalf of East Herts Council.

6.6 For a conflict of interest to arise, the advantage does not have to be realised. You have a duty to be aware of and declare any interests or potential conflict of interests and to take steps to resolve any conflicts that may arise.

6.7 Officers must declare to their manager and to the Head of Legal and Democratic Services any interests, financial or non-financial, which could bring about a conflict with the interests of the authority.

6.8 Once applicable at any time during employment by the council, employees must declare to their Head of Service and the Head of Legal and Democratic Services, membership of any organisation or group which:

- is open to the public and requires formal membership and commitment of allegiance and has secrecy about rules and members' conduct; or
- has views which oppose those of the council in a way or to such a degree that this does, or could be seen to, compromise the employee's ability to carry out his or her duties on behalf of the council in an unbiased and impartial way.

6.9 New starters will be asked to confirm they have read and understood this code of conduct and will be required to declare any potential conflicts of interest as part of their new starter process.



6.10 For avoidance of doubt, Freemasonry is an 'organisation' within the meaning of paragraph 6.8.

6.11 You should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your job.

## **7.0 Personal Relationships**

7.1 In line with Section 6 above you have a duty to be aware of and declare any interests or potential conflict of interests and to take steps with management guidance to resolve any conflicts that may arise. This includes close personal relationships which can affect your ability to perform your role, essentially by declaring and being transparent it allows the council to manage the situation appropriately.

7.2 It is the employee's responsibility to inform their manager (who must then seek advice from HR), in confidence, if they are in a close personal relationship with another employee, a Member, service user, contractor or someone working from a partner organisation.

7.3 This requirement applies equally to relationships that existed prior to employment and to relationships that develop at the council.

7.4 The manager will discuss with the employee the potential impact of the relationship on the council.

7.5 Although the manager will treat the disclosure sensitively and in confidence, HR will be informed and it is possible that other parties will need to be made aware. This will be on a strictly need-to-know basis and this will be discussed with those concerned first.

- 7.6 The manager will be responsible for making appropriate alternative arrangements in relation to recruitment, selection, appraisal, promotion or other situations or processes where there may be a conflict of interest or where unfair advantage may be gained, or perceived to be gained over other employees.
- 7.7 In some cases it may be necessary to consider moving an employee to another service, if the actual or perceived risk of conflict of interest cannot be managed by other means.
- 7.8 Failure to disclose the existence of such a relationship will result in disciplinary action being considered.
- 7.9 It is important to note that where there is a close personal relationship of a romantic or sexual nature between employees or with one of those mentioned in 7.2 above, it is likely that public displays of affection at work may cause discomfort for their colleagues and portray an unprofessional image. Employees are therefore expected to behave professionally at work with each other and intimate contact and/or displays of affection should only be conducted outside of the work environment. Failure to act professionally will lead to disciplinary action being considered.

## **8.0 Gifts and Hospitality**

- 8.1 You should not accept any fee or reward from organisations except for small gifts not exceeding £25 e.g. advertisement materials, calendars, chocolates, diaries etc. You must complete the declaration form in Appendix 2 and submit it to your Head of Service, who can decide whether it should be returned or how it should be used (e.g. a box of chocolates may be appropriate to be shared amongst the team or used with a fundraising raffle). If a more substantial gift is offered it should

always be tactfully refused and your Head of Service informed that the offer was made.

- 8.2 Invitations to working meals, social functions to which other employees are invited, general celebrations or team sporting events are generally acceptable. However, offers of holidays, hotel accommodation, theatre or match tickets should be refused. You must seek advice from your Head of Service.
- 8.3 You should avoid accepting gifts and hospitality that might reasonably be thought to influence your judgement.
- 8.4 The receipt of gifts of money or gift vouchers from any service user, applicant for East Herts Council's services (prospective candidate or service user), or contractor or supplier is absolutely prohibited.
- 8.5 The acceptance of non-monetary gifts or benefits from all those listed above must be actively discouraged at all times. Whilst it is recognised that in a restricted number of situations it may not be possible, without giving offence, to refuse a trivial gift (e.g. a bottle of wine or a box of chocolates from a contractor at Christmas-time, or flowers from a grateful resident). The gift and donor must be reported to your Head of Service, who can decide whether it should be returned.
- 8.6 If an employee is invited to receive hospitality from or wishes to provide hospitality to a contractor, extravagance must be avoided, and permission must be sought from your Head of Service.

## **9.0 Alcohol, Drugs and Smoking**

- 9.1 If an employee has an alcohol or drug related problem the council views this as a serious illness which should be treated. In these circumstances the council will be sympathetic but will

insist that treatment is sought. However, if treatment is not sought for the condition the council may be forced to use the disciplinary procedure. The council has an Alcohol, Drug and Substance Misuse policy.

- 9.2 You should not be under the influence of alcohol or non-prescription drugs whilst at work, prejudicing performance of your duties and affecting the image of East Herts Council detrimentally. Employees on prescribed medication should inform their manager if they have been prescribed drugs which may affect their performance or other people's safety.
- 9.3 Employees whose job it is to work directly with members of the public must refrain from using alcohol before going on duty and whilst on duty until the working period has finished (it is not acceptable to smell of alcohol as this will potentially damage reputation both of the individual and the council).
- 9.4 Alcohol should not be consumed in the workplace.
- 9.5 Bringing onto, taking or possessing illegal drugs whilst on East Herts Council premises is prohibited and will lead to disciplinary action and be treated as gross misconduct within the terms of East Herts Council's disciplinary procedure and brought to the attention of the police.
- 9.6 Smoking (including the use of e-cigarettes and vaping) is not permitted within East Herts Council's buildings. Smoking is only allowed in designated areas as outlined in the council's Smoke-Free Workplace Policy and in line with the law. The time spent taking smoking breaks should be accounted for in your own time (for example included in the time provided for your lunch break on your flexi sheet, or made before the beginning or after the end of the working day).

## **10.0 Health and Safety**

- 10.1 All employees are responsible for ensuring reasonable care for the health and safety of him/herself and other persons who may be affected by his/her acts or omissions at work. Copies of the council's Health and Safety policies and guidance are available from the Council's Health and Safety Officer or on the intranet (as well as being circulated as part of the recruitment process).
- 10.2 You must not intentionally or recklessly interfere with or misuse anything provided by East Herts Council in pursuance of relevant health and safety legislation and good practice.
- 10.3 You should familiarise yourself with and comply with East Herts Council's Health & Safety Guide and procedures at all times including risk assessments that relate to areas of your work.

## **11.0 Diversity and Equality**

- 11.1 It is important that employees create an environment which is supportive of everyone and does not illegally or unfairly discriminate against anyone because of age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race (including colour, nationality ethnic or national origin), religion or belief, or sexual orientation, or any other form of unfair discrimination.
- 11.2 Employees must be familiar with and actively uphold East Herts Council's Equality policies.

## **12.0 Maintaining Professional Relationships and Safeguarding**

- 12.1 Employees have a professional duty and a responsibility to safeguard the welfare of service users and visitors, maintain

professional relationships especially in relation to children and vulnerable adults. Employees must follow, uphold and comply with East Herts Council's Safeguarding Policy [\(Link to be added\)](#).

12.2 Employees should take steps to protect children, young people and adults at risk so that they are safe when using our services.

12.3 The council is committed to ensuring that the needs and interests of children, young people and adults at risk are considered by Members, employees, volunteers and contractors in the provision of services and decision-making.

12.4 All employees must ensure they are conversant with the council's Safeguarding Policy and Procedure and follow it. Failure to do so may lead to disciplinary action.

### **13.0 Confidentiality and Processing Information**

13.1 Within the council, communication should be open and informative to all. However, certain information should be considered confidential within the council. Information should not be divulged unless required by law and disclosure is expressly authorised. Personal information on anyone is internally confidential unless part of agreed procedures. Any breach of confidence is a serious disciplinary offence. If you are in doubt about such a matter you should consult your manager. In compliance with the General Data Protection Regulations (GDPR), the Council will process personal or "sensitive" data only for legitimate reasons.

13.2 All knowledge of East Herts Council's work, future plans, employees or Members is confidential and should not be divulged other than in the course of proper performance of duties.

- 13.3 Personal information gained about colleagues must not be maliciously spread or allowed to become the subject of gossip.
- 13.4 Employees should not be critical of one another to outside organisations or to individuals with whom we have a professional relationship.
- 13.5 Employees are expected to abide by East Herts Council's confidentiality & data protection policies at all times.

#### **14.0 Use and Monitoring of East Herts Council Property, Equipment and Time**

- 14.1 East Herts Council property and equipment should be treated with care and only used for authorised purposes.
- 14.2 East Herts Council property may not be taken off the premises for personal use unless the procedure for loaning equipment has been followed prior to the loan of the equipment.
- 14.3 Work time should be devoted exclusively to carrying out East Herts Council responsibilities not for personal projects or activities.
- 14.4 Unauthorised pamphlets or literature should not be distributed in the workplace.
- 14.5 Unauthorised documents should not be placed on the walls of the East Herts Council offices or managed properties or on East Herts Council or Union noticeboards. Authorised documents mounted in these places should not be removed or defaced.
- 14.6 Whereas East Herts Council recognises that at certain times it is necessary for employees to make personal telephone calls – e.g. emergencies, making arrangements with relatives, friends or medical and professional contacts - these must be kept to a

bare minimum in terms of both quantity and length of time spent on the phone.

14.7 If friends, relatives or medical and professional contacts telephone you in a personal capacity, you may accept such incoming calls provided that:

- they are not given priority over or allowed to disrupt any work, meeting, or service user contact in which you are engaged;
- if the conversation which takes place lasts longer than a few minutes, it must be accounted for in your own time (for example included in the time provided for your lunch break).

14.8 Under no circumstances may employees use East Herts Council mobile telephones for their own personal use.

14.9 Personal mobile phones should be either switched off or put onto silent/vibrate mode during working hours to ensure that others are not disturbed: use of these at work should be restricted to authorised break times unless otherwise agreed by your manager.

14.10 The occasional use of computers, printers and photocopiers for personal use will be permitted under the following conditions:

- such use is occasional, and not regular;
- use of computers in no way contravenes the rules on computer use set out in East Herts Council's ICT Acceptable Use Policy;
- the time spent in producing documents is accounted for in your own time (for example included in the time provided for your lunch break, or made before the beginning or after



the end of the working day).

14.11 You must not use East Herts Council's franking machine for private correspondence.

14.12 With the exception of printing and photocopying paper as above, you must not use East Herts Council stationery or other stock (e.g. staff kitchen supplies, cleaning materials) for private purposes. Unauthorised removal of East Herts Council stationery or other stocks/materials from an East Herts Council site will be treated as theft.

14.13 It should be noted that East Herts Council has the means, automated and otherwise, of monitoring individual usage of property and equipment, including:

- telephones;
- mobile phones;
- e-mail;
- internet
- Overt CCTV
- Card reader entry systems.

14.14 In order to protect East Herts Council's resources, we reserve the right to use appropriate monitoring systems and information, and such information may form part of the evidence in any disciplinary or other management action that may be taken in connection with:

- any breach of our rules relating to personal use of property, equipment and time,
- any other matter upon which individual usage of property, equipment and time has a bearing.

- 14.15 East Herts Council will have due regard to relevant legislation that may impact on monitoring, including the Human Rights Act (1998), the General Data Protection Regulations and the Regulation of Investigatory Powers Act (2016). To this end, we will not use monitoring systems that are excessive for purpose, for example interception/tapping of phone calls.
- 14.16 You must familiarise yourself with the contents of East Herts Council's ICT Acceptable Use Policy and must not use East Herts Council's e-mail/internet facilities other than within the very limited terms set out in the policy.

## **15.0 Use of Computers**

- 15.1 There should be no unauthorised access to or modification of East Herts Council's computer equipment, programmes or data.
- 15.2 No hardware or software (including computer games) should be installed onto East Herts Council's network or stand-alone computers that has not be authorised by the ICT Department or a member of the Leadership Team.
- 15.3 If you wish to carry out any private work on East Herts Council's computer equipment you must seek prior authorisation from your manager.
- 15.4 You must familiarise yourself with the contents of East Herts Council's ICT Acceptable Use Policy and must not use East Herts Council's e-mail/internet facilities other than within the very limited terms set out in the policy.
- 15.5 You must conduct yourself professionally on e-mail and the Internet including social media (please see Social Media Guidelines – Link be added). This conduct includes, but is not

limited to, avoiding use of material with offensive sexual content, profane or vulgar language, racial or ethnic slurs or similarly insulting material.

15.6 You must not use the Internet/e-mail/social media to circulate materials with a political or religious content. This does not apply to materials circulated by East Herts Council's recognised trade union Unison.

15.7 Do not insert any disks/CDs or other storage devices brought in from outside East Herts Council into the East Herts Council computer equipment without prior agreement from a member of the ICT team. A virus check may need to be carried out first.

15.8 Any misuse of East Herts Council's computer resources may result in a criminal prosecution under the Computer Misuse and Cybercrimes Act (2018) as well as East Herts Council's own internal disciplinary action.

## **16.0 Mobile Phones whilst driving**

16.1 All employees must not use hand held mobile phones (East Herts Council issued or personal) for organisational or personal use whilst driving. Stopping at traffic lights or being stuck in traffic jams is still deemed driving under the law unless the traffic jam is "exceptional" and the engine is turned off.

## **17.0 East Herts Council's Profile and Reputation**

17.1 Please ensure at all times that your words and actions do not bring East Herts Council into disrepute, either internally or in any dealings with external agencies or the public.

17.2 All those who work for East Herts Council are expected to be committed to the aims and objectives of the organisation. Those who attend any external meeting or activity on behalf of

East Herts Council are expected to promote the work and policies of the organisation in a positive way.

17.3 The Leadership Team have responsibility for communications with the media. No one who works for East Herts Council should give information to the media about the organisation and its work without the agreement of a member of the Leadership Team.

## **18. Outside Activities**

**18.1 Secondary Employment:** In line with the contract of employment, permission should be sought in writing from your Head of Service using the declaration form in Appendix 3 if you wish to engage in other business or employment outside of East Herts Council. The Head of Service will ascertain whether the activities in question could impair your ability to act at all times in the best interests of East Herts Council and will also refer to the Working Time Directive. Permission will not be unreasonably refused. If it is refused, the reasons will be explained in writing. You will not have the right of appeal. A copy of the declaration form will be placed on your personal file.

18.2 In work related social events or in mixing socially with colleagues outside of work you are expected to maintain and be responsible for your own appropriate behaviour in line with the code of conduct. The onus in such situations is on you to avoid behaving in a manner which could lead to a misconduct complaint. Any such complaint will be dealt with under the disciplinary procedure.

18.3 With the above stipulation, your off duty hours are your personal concern but your personal activities should not take precedence over your duty or put you in a position where your duty and private interests conflict. Employees should not

engage in any activity which, in East Herts Council view, conflicts with or acts detrimentally to East Herts Council business or in any way weakens public confidence in the conduct of East Herts Council's business.

## **19.0 Political neutrality**

19.1 Employees provide services for all Members and must ensure that their individual rights are respected.

19.2 Some employees may be required to advise political groups and must do so in ways which do not compromise their political neutrality.

19.3 Employees must follow lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

19.4 Any political assistants, appointed in accordance with the Local Government and Housing Act 1989, are exempt from the standards set in 19.1 to 19.3 above.

19.5 The council has a list of politically restricted posts within the meaning of the Local Government and Housing Act 1989.

19.6 Employees holding politically restricted posts are disqualified from membership of any local authority other than a parish or community council and from being an MP. The council will maintain a list of these posts and advise the postholders concerned.

## **20. Criminal proceedings, convictions and misconduct or impropriety allegations**

20.1 For the protection of all parties you are required to notify a member of the Leadership Team in writing in the event that

you are charged with or convicted of a criminal offence. The information will be treated with sensitivity and confidentiality. No action will be taken unless there is a direct impact on your position.

20.2 In the case of criminal proceedings or conviction involving a East Herts Council employee, East Herts Council reserves the right to consider the impact of such proceedings upon itself and the compatibility of the proceedings or offence with the employee's role, and to take appropriate action. In certain circumstances disciplinary action may follow.

### 20.3 **Allegations/Misconduct outside of the workplace**

In the event that any allegations of impropriety or misconduct are made against you in respect of your conduct outside the workplace, you must notify your manager immediately (who must then consult with HR). This includes any allegations made in the course of any secondary employment, a voluntary role or holding a public appointment. A failure to notify the council through your manager of such allegations could result in disciplinary action being commenced against you, which may result in the termination of your employment.

## 21.0 **Intellectual property rights, copyright etc**

21.1 Any inventions, writings or drawings created in the course of an employee's normal duties are considered the 'intellectual property' of the council and should not be passed on to another party without the permission of the employee's manager.

21.2 Employees must not infringe copyright. Downloading, copying and/or distribution of copyright material including literature, text, music, sound, pictures, software and electronic files is prohibited unless the employee has the correct licences or permissions.

## **22.0 Tendering issues**

- 22.1 Employees involved in tendering and dealing with contractors should be clear on the separation of service user and contractor roles within the Council. Employees must follow the procedures and rules incorporated in the Council's Financial Regulations, Financial Procedures, and rules/procedures relating to Contracts and Procurement requirements. Senior employees who have a service user and/or contractor responsibility must be aware of the need for accountability and openness.
- 22.2 Orders and contracts must be awarded on merit, in accordance with the Council's procurement regulations and demonstrating best value has been achieved. Employees must demonstrate impartiality. No part of the community should be discriminated against.
- 22.3 Employees in service user or contractor units must exercise fairness and impartiality when dealing with customers, suppliers, other contractors and sub-contractors.
- 22.4 Employees who have access to confidential information on tenders or costs, for either internal or external contractors, must not disclose that information to any unauthorised party, subject to the Freedom of Information Regulations.
- 22.5 Any employees contemplating a management buy-out should inform their manager as soon as they have formed an intent and withdraw from the contract awarding process.
- 22.6 Employees should ensure that no preferential treatment is shown to current or former employees, or their partners, relatives or assistants, in awarding contracts to businesses run by or employing them in a managerial capacity

## **23.0 Use of financial resources**

- 23.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the community and behave in a way that minimises a risk of legal challenge to the authority.
- 23.2 Employees must comply with the Council's financial regulations and procurement regulations to safeguard assets and the use of financial resources.
- 23.3 Employees should inform a member of the Leadership Team, who will in turn inform the Head of Finance and Property (S151 Officer), the Head of Paid Service and the appropriate Head of Service of any irregularity or suspected irregularity.
- 23.4 The Council has an Anti-Fraud and Anti-Corruption Strategy, and Disclosure (Whistleblowing) Code. All employees must familiarise themselves with the contents of these documents.

## **24.0 Sponsorship - Giving and Receiving**

- 24.1 When an outside organisation wishes to sponsor a council event, the basic conventions concerning acceptance of gifts and hospitality apply (see Section 8). Acceptance of any support must come about through a transparent decision making process and the support accepted must be recorded.
- 24.2 Where the Council wishes to sponsor an event or service, no employee, partner or relative must benefit from the sponsorship in a direct way without there being a full disclosure to a member of the Leadership Team of any such interest.
- 24.3 When the Council gives support in the community, through sponsorship, grant aid or other means, employees should



ensure that impartial advice is given and there is no conflict of interest involved.

## **25.0 Standards of dress**

25.1 The Council considers the way employees dress and their appearance to be of significant importance in portraying a professional image to all users of its services whether they are Councillors, visitors, residents of the district or colleagues.

25.2 All employees are individually responsible for their general presentation, appearance and personal hygiene, and have a responsibility to consider how others may perceive their appearance.

25.3 Employees are expected to dress appropriately for the duties of their post and are encouraged to adopt a common sense approach with regard to the clothing and jewellery that they wear to work. All external business meetings and contact with the public will require business dress, while more casual approach is permissible for employees working in the back office environment.

25.4 The council operates a 'dress down Friday' where employees may wear jeans and t-shirts. However, employees must ensure that casual dress is appropriate for the workplace.

## **26. BREACHES OF THE CODE OF CONDUCT**

26.1 Any breach of the Code of Conduct will be investigated and may lead to disciplinary action. Breaches fall into two main categories:

- (1) Breaches of the Code of Conduct which, if substantiated, constitute gross misconduct and will normally lead to

summary dismissal, i.e. dismissal without notice or pay in lieu of notice and without previous warnings, following investigation and a disciplinary hearing. Gross misconduct is defined by East Herts Council as those acts which are so serious in their nature that they destroy the employment relationship between the employee and the employer and make any further working relationship and trust impossible.

- (2) Breaches of the Code of Conduct which, if substantiated, warrant lesser penalties.

26.2 Further details and examples are incorporated into East Herts Council's Disciplinary Policy.

**APPENDIX 1**

**CODE OF CONDUCT**

I have read and understood the procedures:

Name: .....

Job Title: .....

Team/Service: .....

Signature: .....

Dated: .....

## APPENDIX 2

### **GIFTS & HOSPITALITY DECLARATION FORM** **(Received or declined)**

This form is for employees to declare any gifts or hospitality **whether they have been accepted or not.**

Please give your completed declaration form to your Head of Service for approval.

A signed copy of your decision will be filed in the Gifts and Hospitality Register held by the Executive Support Team and a copy will be returned to you.

Name \_\_\_\_\_

Job title \_\_\_\_\_

Date of Declaration \_\_\_\_\_

#### **Details of the declaration**

Nature of gift / hospitality being / has been offered \_\_\_\_\_

Date received / to be received \_\_\_\_\_

Name of company /organisation / individual offering gift / hospitality \_\_\_\_\_

---

Has the gift / hospitality been accepted **or**  
declined? \_\_\_\_\_

Reason for accepting or  
declining \_\_\_\_\_

Signed (Employee) \_\_\_\_\_

Date \_\_\_\_\_

Signed (Head of Service) \_\_\_\_\_

Date \_\_\_\_\_

One copy to be secured in the Gifts & Hospitality Register maintained by  
the Executive Support Team.

One copy to be returned to the employee.

APPENDIX 3

**DECLARATION OF SECONDARY EMPLOYMENT**

Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Team: \_\_\_\_\_ Service: \_\_\_\_\_

Please submit details below

**Declaration**

I do not believe that this activity conflicts with the business or reputation of East Herts Council. Please outline what controls are in place to prevent any conflicts if there may be possible concerns.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**For Head of Service**

I am satisfied that this activity does not conflict with the business or reputation of East Herts Council.

I have made further comments regarding this declaration (page 2)

Request Approved  Request Denied  Further Comments

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Decision confirmed to officer:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Further comments regarding this declaration:**





## APPENDIX 4



# East Herts Council

## Probation

## Policy Statement

### Policy Statement No 46 (Issue No 1) February 2021

**Contents page will be added once finalised.**

## 1. Purpose and Scope

- 1.1 A probationary period allows a new employee, or an employee who is new to a particular post, an opportunity to establish their suitability for the post with guidance and support from their line manager. The employee will be assessed against the criteria for performance, conduct and attendance established during recruitment and induction (this will include the Job Description (including Competencies expected for the role), Code of Conduct and the standard sickness absence triggers will also be considered pro-rated to the review period).
- 1.2 This procedure does not form part of any individual employee's contract of employment with East Herts Council.
- 1.3 Concerns with performance, conduct or attendance of new staff will be dealt with under this procedure. The relevant sections of the following East Herts Council policies will **not** apply to employees during their probationary period:
  - Managing Performance Policy
  - Disciplinary Policy
  - Absence Management Policy
- 1.4 East Herts Council is firmly committed to meeting its responsibilities under the Equality Act 2010. Where issues with an employee being able to carry out the full performance requirements of a role or levels of absence are found to be related to a disability, the council will give full consideration to making reasonable adjustments as recommended by relevant medical advisers and in consultation with the employee. The employee may be referred to an Occupational Health Adviser or other specialist adviser at any stage of the following procedure so that the council can take their recommendations fully into account when deciding on an appropriate course of action.

## 2. Different Types and Lengths of Probationary Period

### 2.1 New employees

2.1.1 All new employees - with the exception of those who are offered fixed-term or temporary contracts of less than 3 months where the contract will definitely expire without renewal - will normally be subject to a probationary assessment period before confirmation of their employment with the council (or, in the case of fixed-term/temporary employees having their contract extended).

New employee on contract of 0-3 months	No probationary assessment if the contract will definitely expire without renewal, but must have a 'probationary' performance assessment towards the end of the contract before a decision to extend the contract can be made.
New employee on contract of 3-6 months	3 months probationary period with up to 3 months extension
New employee on contract of 6+ months	6 months probationary period with up to 6 months extension in total

2.1.2 Heads of Service may, at their discretion, decide to attach a longer or shorter probationary period and/or extension to any individual contract of employment. In addition, Heads of Service may decide to attach a probationary period to a contract of between 0-3 months.

### 2.2 Extensions of short-term contracts

2.2.1 An employee who is initially employed by the council on a short fixed term contract should not be offered an extension to their contract of more than 3 months without undergoing a performance appraisal/assessment by their line manager. The aim is to ensure proper quality control, i.e. to ensure that people who have not been properly assessed are not given significant extensions to their contract.

### **2.3 Existing employees taking up a new job within East Herts Council**

2.3.1 Where the employee has not undergone a probationary assessment and has not therefore been confirmed in their previous post with the council they will be managed under this procedure. The relevant sections of the following East Herts Council policies will **not** apply to such employees during their probationary period:

- Managing Performance Policy
- Disciplinary Policy
- Absence Management Policy

2.3.2 Where an employee has been

- working for the council in a position and under a contract in relation to which they have previously undergone a probationary assessment and been confirmed in post, and
- that employee is offered a new position which is different to their previous position in terms of duties and responsibilities s/he will - unless decided otherwise at the discretion of the Leadership Team member - be subject to a 6 months performance review period in relation to the new post. This means that s/he will have a full performance appraisal in accordance with the PDR Scheme.

In the event of any problems with performance, conduct or attendance arising during or at the end of the employee's

probationary assessment period, the following procedures will apply:

- Managing Performance Policy
- Disciplinary Policy
- Absence Management Policy

2.3.3 The performance review period may be extended in such instances while the employee is subject to the relevant stage of the above policies. At each stage of the above policy a review period is set for improvement. If those expectations for improvement are not met by the end of the review period then the matter will be referred to the next stage of the policy and the probationary review period extended accordingly. The employee will not be confirmed in their new post until the matter has been resolved and the relevant policy is no longer live. An employee's salary increment will be withheld until the probationary period has been successfully completed.

### **3. Criteria for Assessment**

- 3.1 **Performance:** East Herts Council management should clarify with the employee the performance criteria against which the employee will be assessed. These criteria may be as specified in any or all of the following documents: competencies profile, performance objectives, job description, person specification, or as specified orally or in writing by the line manager in any other format. During the induction stage (as soon as practicable but within the first month) the line manager must provide the employee with clear written objectives for the probationary period so that these can be assessed and reviewed during the probationary period, these can be developed through the progress meetings as appropriate.
- 3.2 **Conduct:** All employees are expected to act at all times in accordance with East Herts Council's Code of Conduct.

3.3 **Attendance:** Expectations with regard to attendance are set out in and the council's Absence Management Policy. The short-term absence triggers will be applied on a pro-rata basis to the probationary period. This means for full-time staff the triggers will be 5 days or more in the 6 month period or 3 spells in 3 months. Where these triggers are met, the employee's probationary period will normally be extended to allow a four month review period in line with the absence management policy.

#### 4. Progress meetings

4.1 A key part of the probation procedure is for managers to hold regular progress meetings with the employee (121s). These should be a two-way process and provide both with the opportunity to discuss progress on a one-to-one and confidential basis. These meetings should be held at least once a month and should be planned and scheduled at the outset of the employee's employment.

At each meeting, the manager should aim to:

- highlight areas where the employee is doing well;
- explain clearly and in precise terms any areas in which the employee is falling below the required levels;
- explore the possible reasons for any failure to meet the required standards;
- discuss and agree whether or not any specific training or coaching is required;
- discuss whether there are any issues with timekeeping, attendance, general conduct or attitude;
- invite the employee to comment on issues such as the extent to which he or she has integrated into the service and how well he or she is getting on with colleagues; and
- give the employee an opportunity to ask questions or raise concerns about any aspect of his or her employment.

- 4.2 The manager must take a record of these meetings and send a copy to the employee to ensure expectations and progress are clear.
- 4.4 At the end of each progress meeting, the manager should agree an action plan with the employee so that his or her progress can be monitored during the next few weeks and the employee is aware of what is expected of him or her by the time of the next review. Where any concerns have arisen about the employee's performance, attendance, or conduct, the manager should discuss these with the employee and build expectations and reasonable support into the action plan.

## **5. End of the Probationary Period**

- 5.1 Towards the end of the probationary period (or the end of the extended period if the probationary period has already been extended) the employee will normally be invited to a probationary appraisal meeting, the employee will be required to undertake a self-assessment in preparation for the probationary appraisal meeting and the line manager will then complete a line manager assessment form using the a modified version of the PDR/Appraisal form for Probation.
- 5.2 If the meeting is for whatever reason not held before the end of probationary period this does not mean that the employee's probation is confirmed by default. The employee will not be deemed to have passed their probationary period unless and until that is confirmed to the employee in writing.
- 5.3 At the probationary appraisal meeting the employee's line manager will discuss their assessment against the Criteria for Assessment in section 3 above. The employee will have the opportunity to make any submissions around the Criteria for Assessment that they consider necessary.

- 5.4 At the conclusion of the probationary appraisal meeting the line manager may recommend one of the following to the Leadership Team member using the probation appraisal form:
- a) Confirm the employee in post and inform HR who will issue a letter of confirmation of appointment to the employee.
  - b) To extend the probationary period in accordance with the extension provisions set out in the policy. Please see section 6 below.
  - c) Terminate the employee employment on the grounds that the employee has failed to successfully complete the Probationary Period. Please see section 8 below.
- 5.5 There may be circumstances in relation to the performance/conduct/attendance where the line manager may request that it is appropriate for a member of Leadership Team to invite the employee to a probationary review hearing before the end of the probationary period in which case such a hearing will be called in accordance with this section. In these circumstances the line manager will not normally hold a probationary appraisal meeting and will instead write a report to the appropriate Leadership Team member setting out their concerns (with evidence) and recommend that a formal probationary hearing is held.
- 5.6 Where dismissal is determined it will be with notice except in cases of gross misconduct where the employee will be dismissed without notice. The decision to dismiss will be confirmed in writing to the employee and inform them of their right to appeal

## **6. Extension of the Probationary Period**

- 6.1 There will be circumstances in which a member of Leadership Team, in consultation with the line manager, may decide to extend an employee's probationary assessment period without either a probationary appraisal meeting or a Formal Probationary Review Hearing having taken place. Extensions can be made in relation to any or all of the criteria i.e.



Performance, Conduct and/or Attendance. Extensions may also be required due to the opportunity to assess being delayed i.e. due to absence or other delays. In these circumstances the line manager will write a report to the relevant Leadership Team member recommending an extension with the reasons for this and the Leadership Team member will consider the reasons and whether an extension is appropriate. If the Leadership Team member authorises this extension they will then ask HR to write to the employee to extend the probationary period with these reasons set out.

- 6.2 As attendance will be reviewed in line with the councils absence policy, probations will as stated above normally be extended to allow the sickness absence of a probationary employee to be reviewed for four months. Where an employee subsequently passes probation but has been subject to a absence review period they will then continue to be managed/supported by the councils absence management policy.
- 6.3 The Leadership Team member may decide to extend an employee's probationary assessment period for more than one extension period (up to a total of 6 months).
- 6.4 Where a Leadership Team member decides to extend an employee's probationary assessment period, there will be no obligation on the line manager to wait for the expiry of the extension period before referring the matter to a Leadership Team member to consider holding a Formal Probationary Review Hearing to consider the possibility of dismissing the employee.
- 6.5 An employee's first salary increment is subject to satisfactory completion of the probationary assessment period or any extension. Where an employee's probationary period is extended, no increment will be payable until they have been confirmed in post. No increment will be backdated except in circumstances where extension was as a result of the line manager's unavailability or unforeseen circumstances relating

to the management of the employee's department or the organisation rather than as a result of reservations about the employee's performance, conduct or attendance. Backdating of an increment in such circumstances will be at the discretion of the Leadership Team member.

- 6.6 Withholding of a first increment until such time as satisfactory completion of the probationary assessment period will also apply to existing employees taking up a new role within the Council (see section 2.3 above).

## **7. Grievances arising during the Probationary Period**

- 7.1 Where an employee has a grievance relating to their employment during their probationary assessment period, the council's normal Grievance Procedure will apply.

## **8. Probationary Review Hearing**

- 8.1 A Formal Probationary Review Hearing may take place in any of the following circumstances:

(i) Where during the probationary assessment period the line manager is of the opinion that problems with a probationary employee's performance, conduct or attendance are of a kind or degree to warrant consideration of termination of employment before the end of the probationary assessment period.

(ii) Where after the probationary appraisal assessment the line manager recommends that dismissal of the employee should be considered.

(iii) In circumstances as set out in section 6.4 above.

- 8.2 The line manager will prepare a report detailing the grounds of the concern(s) and providing, where available, written details

relating to the investigation and any relevant discussions with the employee to date.

- 8.3 The hearing will be conducted by an appropriate member of the Leadership Team.
- 8.4 The employee will be given a minimum of 5 working days' advance notice of the hearing. S/he will be informed of the purpose of the meeting and the nature of the allegations or concerns. S/he should be advised of his/her right to be accompanied by a trade union representative or work colleague at the hearing.
- 8.5 The line manager (or other relevant manager who has conducted the investigation) will attend the hearing to present details of the allegations/concerns to be considered.
- 8.6 The employee will be given the opportunity to state his/her case before a decision is reached.
- 8.7 Following the hearing, the Leadership Team member will consider his/her decision and the action to be taken. The following courses of action will be available to the Leadership Team member, although they do not preclude other action:
  - (a) To dismiss the employee with notice or payment in lieu of notice. In cases of gross misconduct, the employee will be dismissed without notice or payment in lieu of notice. The decision to dismiss will be confirmed in writing to the employee, explaining the reasons for the dismissal and informing them of their right to appeal.
  - (b) To issue a warning, advising the employee of the expectations with regard to future conduct/performance/attendance, a specified review period if considered appropriate, and the potential consequences of failing to meet these expectations. The Leadership Team member may decide at this stage to

extend the probationary period of employment. In such a case, the probationary review appraisal will take place at the end of the extension period rather than at the end of the initial probationary review period.

- (c) To determine that the employee should be appraised with a view to confirming them in post. This will be appropriate where the problems with a probationary employee's performance, conduct or attendance are not substantiated and are not of a kind or degree to warrant termination of employment **or** do not warrant a warning and review period as set out in (b) above. Where the probationary review appraisal has not been completed this will be required before confirmation in post is confirmed in writing and the Leadership Team member will be required to sign off the Line Managers probationary appraisal of the employee in line with.

## **9. Appeal**

- 9.1 The employee will have the right of appeal only in the event that a decision to dismiss is made, there is no right of appeal against any extension decision.
- 9.2 An employee who wishes to appeal must lodge the appeal in writing with the Head of HR and OD setting out the grounds of the appeal, no longer than 5 working days after the employee has been notified in writing of the decision to dismiss. The appeal will normally be heard by the Chief Executive or another member of the Leadership Team if they have not been involved in the original decision to dismiss.

## **10. Policy Review and Amendment**

- 10.1 This policy shall be reviewed in line with legislation and best practice to reflect the best possible level of support and management.

**APPENDIX 5**

**East Herts Council**

**Bullying & Harassment Policy**

**Policy Statement No 17 (Issue no 4)**

**2020**

**Contents** (This will be tidied up once finalised including page numbering)

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## **1. INTRODUCTION**

- 1.1 East Herts Council is committed to the elimination of discrimination on the grounds of sex, marital status, sexual orientation, race, colour, nationality, gender reassignment, creed or religious belief, ethnic or national origins, age and disability. It is the right of every member of staff to work without fear of harassment or victimisation. The council recognises the problems associated with bullying and harassment and is committed to providing an environment in which all individuals can operate effectively, confidently and competently.
- 1.2 We welcome the support of staff in seeking to eradicate harassment and bullying in the workplace, or outside work if it has a bearing on the working relationship.
- 1.3 Where unacceptable behaviour occurs within the scope of this policy, appropriate disciplinary action will be taken which may include dismissal. The council treats serious cases of harassment or bullying as gross misconduct.
- 1.4 This procedure does not form part of any individual employee's contract of employment with East Herts Council

## **2. PURPOSE AND SCOPE**

- 2.1 The purpose of this policy & procedure is to provide a procedure under which staff who consider they are victims of harassment or bullying can seek action which is non-threatening to them and quickly ends the problem. It is intended to give confidence to those who might be afraid to seek a solution to the problem due to fear of reprisal or ridicule and to put into practical application the council's firm commitment to the elimination of harassment and bullying.
- 2.2 This policy is a specialised version of the council's Grievance Policy. Any formal actions to investigate an employee's complaint taken within the scope of this Procedure will count as grievances, grievance hearings and grievance decisions.

- 2.3 This procedure will not cover circumstances where an employee has been dismissed under the Councils Disciplinary Procedure, in which case the Disciplinary (Appeals) Procedure will apply.
- 2.4 This policy and procedure covers all full and part-time East Herts Council employees, including casual staff and agency staff.

### **3. HARASSMENT & BULLYING - DEFINITIONS and FORMS**

#### **3.1 Harassment**

- 3.1.1 The current definition of harassment as set out in the Equality Act 2010 is 'unwanted conduct or sexual 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 and because of rejection or submission to the conduct the individual is treated less favourably than they would have been treated if they had not rejected or submitted to the conduct.
- 3.1.2 The protected characteristics are; age, disability, gender reassignment, race, religion, sex and sexual orientation.
- 3.1.3 In deciding whether conduct has the effect referred to in the definition the following must be taken into consideration:
- (a) the perception of the individual
  - (b) the circumstances of the case
  - (c) whether it is reasonable for the conduct to have that effect.
- 3.1.4 The scope has been extended to include harassment based on association or perception and by a third party.
- 3.1.5 The essential characteristic of harassment is that the action(s) is unwanted by the recipient.

#### **3.2 Bullying**

- 3.2.1 Bullying is not specifically defined in law, however ACAS gives the following definition:

'Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient'.



3.2.2 Bullying is often inextricably linked to the areas of harassment described above.

### **3.3 Forms of Harassment and Bullying**

3.3.1 Harassment and bullying can range from extremes such as violence, to less obvious forms such as ignoring or excluding someone. Forms include:

- Inappropriate and unwelcome physical contact
- Abusive, aggressive, threatening or insulting words and behaviour.
- Derogatory remarks or offensive language.
- Insensitive jokes or pranks.
- Gossip or slander.
- Spreading malicious rumours or making malicious allegations.
- Displaying or circulating or distributing offensive writing or literature or pictures or computer imagery.
- Posters, graffiti, badges, or other symbolic displays of offensive material.
- Requests for sexual favours.
- Speculation or innuendo about a person's private life and sexual activities.
- Obscene gestures.
- Unwelcome or unauthorised use of mobile phones to take pictures or video films or record conversations without agreement.
- Pressure to participate in political/religious groups.
- Isolation or non-cooperation.
- Exclusion from conversations or work or social activities.
- Criticising individuals unreasonably in front of others.
- Constantly devaluing effort and/or achievement.
- Blaming individuals for mistakes that are not their fault.
- Setting employees up to fail, for instance by setting unreasonable deadlines, changing work objectives without consultation, or withholding information necessary for the individual to do their job.
- Substituting responsible tasks with menial or trivial ones without justifiable cause.

This list is not exhaustive, actions could be in person or online and the actions in question must be viewed in terms of the offence or distress they cause the individual and the degree to which the offence caused is apparent to a reasonable person.

- 3.3.2 A professional management conversation concerning performance or behaviour where legitimate and constructive criticism is made (or a reasonable request/instruction given) may be difficult for an employee to hear (and therefore unwanted) but does not constitute bullying behaviour providing such criticism or instruction is legitimate/reasonable.
- 3.3.3 Harassment and bullying can occur between any two parties, and may be directed by one or more individuals towards one or more individuals. A person may be harassed even if they were not the intended "target". They can be perpetrated by people at any level of the organisation against people at any other level - or at the same level - within the staffing structure.

#### **4. GENERAL PRINCIPLES**

- 4.1 If a complaint is brought to the attention of management, it will be investigated promptly and appropriate action taken. All employees involved in an investigation are expected to respect the need for confidentiality.
- 4.2 Measures will be taken to ensure that employees are protected against victimisation for making or being involved in a complaint. Any action taken against an employee for complaining about harassment or bullying (except where the complaint is found to be false and malicious) will be investigated as a potential disciplinary offence.
- 4.3 Where an employee makes a formal complaint under Section 8 of this procedure, the employee should be kept informed in general terms (usually by the investigating manager) of any decisions or actions taken, and/or any proposed future action with an indication of timescales.
- 4.4 Any allegations/complaints found to be false and malicious may result in disciplinary action being taken against the complainant.

#### **5. RESPONSIBILITIES UNDER THE POLICY**

- 5.1 Every East Herts Council employee is responsible for their own conduct within the terms of this policy. The aim of the policy is to protect employees from harassment and bullying and to enable them, if necessary, to make a complaint or assist in an investigation without fear of reprisal. The responsibility for ensuring that this is achieved lies with the complainant themselves, the line manager and colleagues.

- 5.2 **The complainant:** We acknowledge that people who are harassed or bullied often feel vulnerable and isolated and believe it is best not to complain as their complaints will not be taken seriously. East Herts Council will treat all complaints very seriously and we would strongly encourage anyone in this situation to take active measures to stop the bullying or harassment by using the informal and/or formal procedures set out below.
- 5.3 **The manager:** All East Herts managers have a duty to establish and maintain a working environment free from harassment and bullying and to challenge incidents when they occur. Any manager who receives a complaint of harassment or bullying, or is witness to such behaviour, must investigate the complaint or incident and ensure that the problem is resolved as quickly as possible. They may be able to intervene informally (with the consent of the victim) to resolve the problem, or where this is likely to be inadequate or inappropriate they may need to take measures to invoke action - or support the victim in taking action - under the formal procedure set out in Section 8 below.
- 5.4 **Colleagues:** All employees must comply with this policy and take steps to ensure that bullying and harassment does not occur. This includes not colluding in or ignoring harassment or bullying behaviour directed at others, and challenging it (or drawing it to the attention of an appropriate manager) if you think it is taking place. Any employee who receives a complaint of harassment or bullying must respect the confidentiality of both the complainant and the alleged perpetrator, and should encourage the complainant to consider using the informal and/or formal procedures set out below.

## 6. MAKING A COMPLAINT

- 6.1 A member of staff who believes that s/he is being subject to harassment or bullying may, if they choose to, first use the informal procedures set out in Section 7 below. It is preferable for all concerned that complaints of harassment or bullying are dealt with informally wherever possible since the intention is to prevent the harassment or bullying. Informal action often enables quick, practical solutions while preserving confidentiality and minimising embarrassment for the victim.
- 6.2 However, where the complainant feels that the informal procedure is inappropriate or likely to prove ineffective, they may use the formal procedure described in Section 8 below.

- 6.3 Any employee being subjected to or witnessing any incident(s) of harassment or bullying should keep a written record including the date, time, nature of incident(s), any correspondence relating to the incident(s), names of those involved and the names of any witnesses.
- 6.4 The Council's confidential Employee Assistance Programme is available to employees who feel they need such counselling support [\(add link\)](#). Managers can refer employees if appropriate but it can also be accessed through self-referral and without approval from managers, Occupational Health or HR. The role of the counsellor is to provide support and assistance to the complainant during this stressful time. The role also extends to the alleged harasser, if requested. However, the same counsellor should not advise the alleged harasser. The counsellor has no role in formal investigations and neither are they a source of evidence in any proceedings, since all discussions between counsellor and employee are confidential.

## **7. INFORMAL PROCEDURE**

- 7.1 Some people are unaware that their behaviour in some circumstances could be viewed as harassing or bullying. If it is clearly pointed out to them that their behaviour is unacceptable, the problem can sometimes be resolved.
- 7.2 Employees that feel comfortable doing so should raise the matter informally with the alleged perpetrator, stating which aspect of their behaviour is offensive and unacceptable, the effect it is having on them and making it clear that it should cease. This can be done either verbally or by means of a written communication, a copy of which they should keep.
- 7.2 If the employee feels unable to do this, or has tried this and it has failed, they should approach any of the following for confidential advice/support and be encouraged to take appropriate steps:
- Line manager or another manager or a member of Human Resources
  - A EHC colleague
  - Trade Union representative

The colleague or TU rep or Manager or HR Officer may accompany the employee to any discussion with the alleged perpetrator and facilitate a discussion to resolve matters.

7.3 HR should also be contacted (if they have not been by the complainant) to provide advice and support over the informal stage to ensure matters are treated consistently and support is provided to both parties.

## **8. FORMAL PROCEDURE**

8.1 A formal complaint can be made using East Herts Council formal Grievance Procedure. The employee should also copy their written grievance to the Head of Human Resources or in their absence the Human Resources Officer.

8.2 The formal procedure will apply where:

- Where the complainant feels that the informal stage is inappropriate or likely to prove ineffective.
- The informal procedure has proved ineffective and the complainant wishes to make a formal complaint.
- The nature of the allegation is serious enough to warrant formal action from the outset.
- An allegation has been made by a “third party”, who witnessed an incident.
- It becomes apparent during an informal stage to the manager supporting this stage that the matters are serious enough to warrant formal action.

8.3 An appropriate manager will be appointed by HR to investigate the complaint promptly and adequately, they will be supported by a HR Officer. Human Resources may appoint a note-taker in addition to a HR Officer to support the investigator. In certain cases East Herts Council may appoint an independent and/or expert investigator from outside of the organisation.

8.4 The complainant may request extra support from management during the time that any complaint is being investigated, which may include a request to work separately from the alleged perpetrator. In considering such requests management will conduct a risk and reasonableness assessment before deciding on action designed to protect the employee from the risk of further harassment without unnecessary disruption to services.

8.5 Depending on the nature and severity of the allegations, the employee who is accused of harassment or bullying may be suspended on full pay whilst the circumstances of a serious complaint are being investigated, in accordance with the procedures for suspension set out in the councils Disciplinary Procedure.

- 8.6 Investigation will be conducted with the aim of establishing the facts of the case. Where the complainant or any witness is interviewed as part of the investigation they will have the option of being accompanied by a trade union representative or a work colleague of their choice. The alleged perpetrator will have the same option.
- 8.7 A formal grievance hearing with the complainant within the terms of the Councils Grievance Procedure (see Stage 6 of the Grievance Procedure) shall form part of the investigatory process.
- 8.8 All efforts should be made to conclude the investigation within 28 days of the formal complaint being received. If this time limit is exceeded, the complainant should be advised of this and informed of a likely date when the investigation will end.
- 8.8 The investigator will prepare a report of the investigation. The investigator will conclude on the balance of probabilities whether the complaint should be upheld and referred to a disciplinary hearing or for the perpetrator to be issued with an informal warning where there is only some substance or the misconduct only warrants an informal warning, or they may determine there is no case to answer.

Where the matter is referred to a Disciplinary hearing, any disciplinary action will be conducted in accordance with the council's disciplinary policy, with the additional specific provisions:

- The complainant as well as the employee accused of harassment or bullying will have the right to be accompanied at the hearing by a trade union representative or a work colleague.
- The severity of the disciplinary penalty imposed upon an employee found guilty of harassment will be consistent with those detailed in the disciplinary procedure (e.g. serious acts of harassment or bullying will normally result in summary dismissal). Where a lesser penalty is considered appropriate this may be coupled with action to ensure that the victim is able to continue working without embarrassment or anxiety. This may include the transfer of the harasser to a different work area or department on a temporary or permanent basis, or the amendment of working practices to minimise contact between the two employees

- 8.9 The employee against whom disciplinary action has been taken may appeal against the penalty in accordance with the council's Disciplinary (Appeals) Procedure.

## **9. HARASSMENT/BULLYING BY CONTRACTORS, AGENCY STAFF, SERVICE USERS OR OTHER GROUPS**

- 9.1 The Council has a responsibility under equality legislation to protect our staff from harassment by third parties (stakeholders and other external contacts). The Council will take all reasonable actions in response to incidents of unacceptable behaviour towards employees. Management undertakes to investigate reported incidents and take appropriate action.
- 9.2 Employees have a duty to report incidents of harassment by people who are not East Herts Council employees. This should be done by advising their line manager of what happened and by completing an Incident Report Form on the intranet and returning it to the Health & Safety Officer. HR will also be informed of the incident to ensure any support the employee needs is provided
- 9.3 In such circumstances, the employee may in the first instance choose to follow the informal procedure set out in Section 7 above.
- 9.4 However, where the complainant feels that the informal procedure is inappropriate or likely to prove ineffective they should make a formal complaint in writing to their line manager.
- 9.5 Upon receiving a formal complaint the line manager must inform his/her senior manager of the complaint, and investigate the complaint promptly and adequately. While the complaint is being investigated the line manager should instigate all reasonable measures (with the authority of the senior manager if necessary) to protect the employee from the risk of further harassment.
- 9.6 If after the investigation the immediate line manager (and their line manager if relevant) are satisfied that harassment has occurred, it will be the responsibility of the senior manager to instigate appropriate action - within the council's legal and constitutional powers and operational/financial capacities - to prevent the perpetrator from further harassing the complainant or any other member of staff. In some cases a warning to the perpetrator may be adjudged sufficient in the first instance, coupled with other practical action designed to protect the complainant from exposure to further acts of harassment. However, for serious cases, or where an initial warning has proved ineffective, such action may ultimately include:

- Denying further access to EHC by the visitor or agent of a contractor or consultant, or termination of the contract for services.

9.7 Whatever the initial or ultimate course of action decided upon in relation to the perpetrator, the line manager and the senior manager must, from the point of becoming aware of the harassment, take reasonable and appropriate action to prevent or minimise the potential for the complainant to be subjected to further acts of harassment.

## 10. HARASSMENT/BULLYING BY ELECTED MEMBERS

10.1 Any dealing between Members and Officers should be conducted with mutual trust, respect and courtesy. Further guidance is available in the Council's Constitution and the Member/Officer Relations Protocol.

10.2 If an employee wishes to raise concerns about a member's behaviour towards them they should raise the complaint with the Monitoring Officer in accordance with the Constitution. This procedure will not apply in those circumstances and the matter will be managed by the Monitoring Officer (Head of Legal and Democratic Services).

10.3 Details of how to make such a complaint to the Monitoring Officer can be found here:

<https://www.eastherts.gov.uk/councillors-committees/complaints-about-councillors>

## 11. APPEALS TO STAGE 2 GRIEVANCES FROM THIS PROCEDURE

11.1 If the investigator decides that there is a disciplinary case to answer neither party will have a right of appeal against this decision. There is a separate right of appeal regarding a sanction against an employee following a disciplinary hearing. Please see Disciplinary Policy for further details.

11.2 If the manager decides that it is likely that there is some substance to the complaint/grievance but that the matter should be resolved through informal means this will uphold the complaint and neither party will have a right to appeal against the decision.

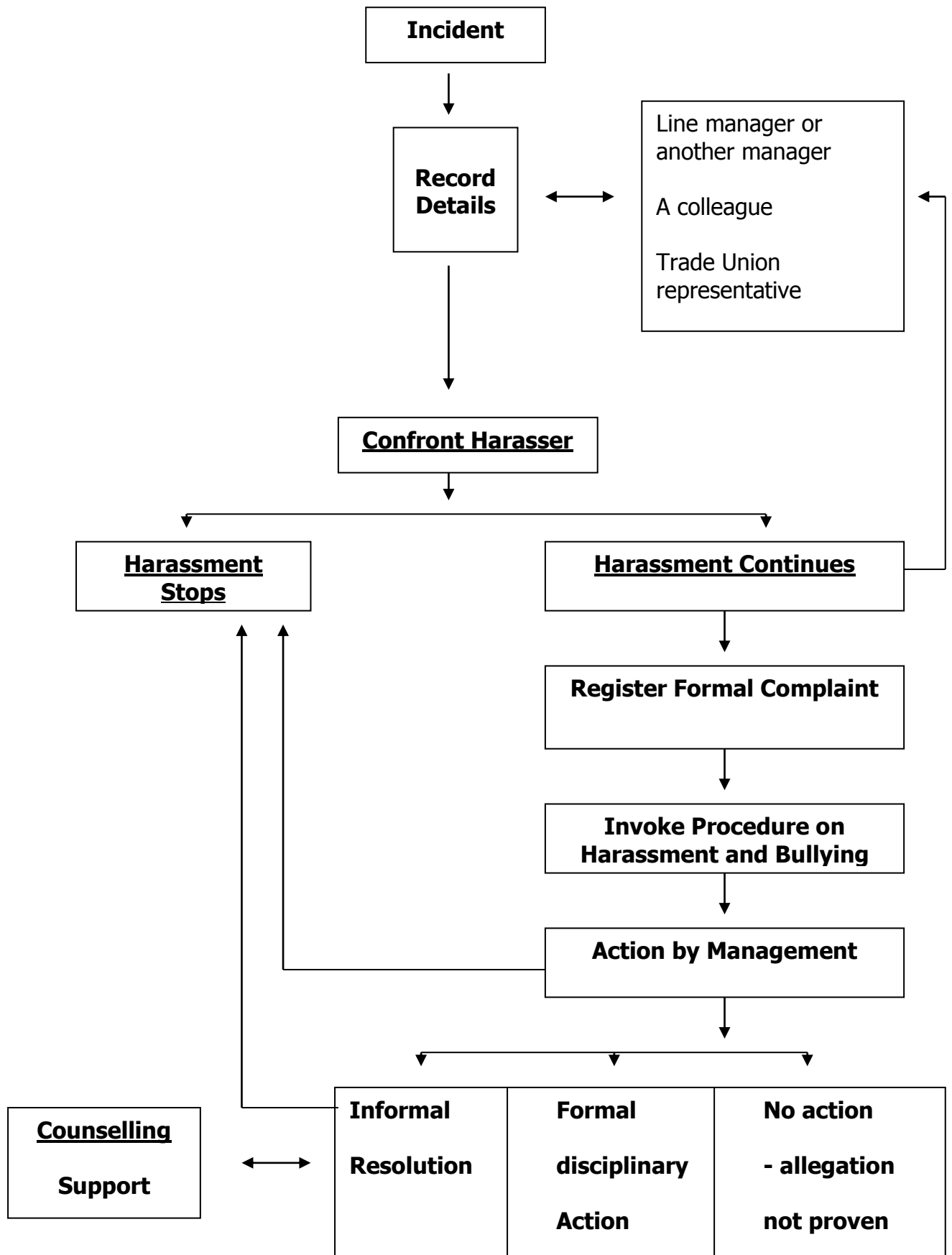
11.3 If the manager decides that there is no case to answer, the complainant may appeal against the decision. Please see Grievance Policy for further details.

## 12. REVIEW



12.1 This procedure will be reviewed if there are any changes in legislation or best practice requiring amendments to be made.

## Pathway for Dealing with Complaints of Bullying and Harassment



## APPENDIX 6

<b>Policy Name</b>	<b>Absence Management</b>
<b>Date</b>	December 2020
<b>Statement No</b>	1
<b>Version</b>	6

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## **1.0 Introduction**

- 1.1 The overall purpose of the policy is to encourage and support all employees to meet the standards of attendance and performance at work that will enable us to provide a high quality of service to customers.
- 1.2 The council recognises that employees will, from time to time, be unable to come to work for short and sometimes long periods of time. We do not expect staff to come into work when they are genuinely sick. This policy aims to ensure that a reasonable balance is found between the employee's welfare and the need to maintain the effectiveness and consistency of the council's services.
- 1.3 The council is committed to managing sickness absence and believes that it is the responsibility of the managers, employees and union representatives to work together to promote positive approaches and to the management of sickness absence and employee wellbeing
- 1.4 The contractual sick pay provisions provide staff with entitlement to be paid for sickness absence, this is not entitlement to be absent for sickness but an entitlement to be paid in line with these provisions if an employee is genuinely unwell.
- 1.5 Failure to comply with the requirements of the council's Absence Management Policy and/or the abuse of the policy may lead to loss of sick pay and may result in disciplinary action. Abuse includes taking time off as sick leave when not genuinely sick.

## **2.0 Scope**

- 2.1 The following procedures cover incidences of absence or incapability to perform duties due to sickness, injury, a medical/health-related condition, or disability including the following:

- Frequent short-term illness – whether medically certificated or self-certificated.
- Long-term medically certificated illness.
- Absence as a result of industrial injuries.
- Inability to perform requirements of a job owing to a medical condition or a disability (The Managing Performance Policy may also be used in these circumstances if appropriate).

2.2 This policy applies to all employees except for Chief Officer level or any other nominated statutory posts, for these postholders the principals and structure will apply but it should be used in conjunction with procedures set out in the Constitution and will involve Members as appropriate.

2.3 Sections 11 and 12 of these procedures will not apply to employees during their probationary period and prior to confirmation in post. Incidents of absence in relation to these employees will be dealt with under separate procedures relating to probationary periods of employment which are based on the absence triggers contained in this policy.

2.4 The council may, in its discretion, decide not to follow all the timescales and details set out in this policy. HR would be required to consider the reasonableness of such action (before any adjustment) in relation to all the circumstances of the case, including the total length of contract or the length of the remaining period of the contract.

2.5 Level 1 and 2 meetings will normally be held by the line manager but the council reserves the right to substitute the line manager with another or more senior manager where appropriate. Where the line manager is a Head of Service, another member of the Leadership Team will hold the Level 3 meeting.

2.6 Human Resources may accompany managers at meetings. It is their role to advise on procedure, ensure consistency and equity of treatment.

### **3.0 Definitions of absence**

#### **Short term absence**

Short term absence is defined as any period of time where an employee is not at work due to sickness for a period of up to 28 calendar days in duration, from the first day of absence (including half days).

#### **Long term absence**

Long term absence is defined as a period of time where an employee is absent from work due to sickness for a continuous period of greater than 28 calendar days.

### **4.0 Unauthorised absence**

- 4.1 It is the employee's responsibility to make sure they let their manager know at the earliest opportunity (normally before 9am) if they are unable to report for work and the reasons why. However where an employee fails to report for work an hour after an employee is due to start work, without informing their manager, it is important that the situation is investigated and the employee given an opportunity to explain. On the first day of absence the manager (who should seek support from HR) should make enquiries of colleagues to try and establish the reason for the absence. Failing this, all reasonable efforts should be made to get in contact with the employee including contacting their emergency contacts.
- 4.2 If the employee gives their reason as sickness they should be reminded of the sickness reporting procedure and advised, if appropriate, that failure to inform their manager of their absence may lead to their absence from work being considered as unauthorised absence, which may result in loss of pay and possible disciplinary action. Discussions with the employee regarding

unauthorised absence should be documented in writing and placed on the employee's personal record file.

## **5.0 Sickness and annual leave**

5.1 Employees who fall sick on annual leave may be reimbursed for their annual leave if their sickness is certified by a Doctor. Managers should be informed of this as soon as is reasonably practical.

5.2 If an employee is taken ill whilst abroad, they should obtain a statement to verify a certifiable period of illness from a recognised medical practitioner or hospital consultant in the country in which the illness occurred.

## **6.0 Reasonable adjustments**

6.1 The council is firmly committed to meeting its responsibilities under the Equality Act 2010. Care will be taken that the procedures are applied in a way that does not discriminate against employees with a disability or women who are absent from work for reasons of pregnancy-related illness. Reasonable adjustments will be made wherever possible, in accordance with legal and good practice requirements. Examples of reasonable adjustments could be:

- Providing specialist equipment
- Modifying days or hours of work
- Modifying duties
- Redeployment
- Support and advice

6.2 Advice on reasonable adjustments should be sought from HR.

## **7.0 Occupational health**

### **Referral**

- 7.1 Occupational Health is a service that managers and employees can utilise to support the employee's return to work. Occupational health will provide medical advice and give guidance on support needed for the employee to improve their health and can advise on reasonable adjustments the council may wish to consider.
- 7.2 Managers or employees who wish to utilise occupational health should contact the HR service to discuss the process and whether it is appropriate to do so based on the circumstances of the case.

### **Access to medical records**

- 7.3 After the initial consultation, the Occupational Health may decide it is necessary to contact an employee's GP or specialist to gain further information. If so, they will request either verbally or in writing that the employee complete the access to medical records form, which will advise them of their rights under the Access to Medical Reports Act 1988. The employee should complete the form and advise whether or not they are prepared to give consent.
- 7.4 If the employee fails to return the consent form, it will be assumed that they have withheld consent. Employees should be made aware that refusal to give consent could mean the council might have to make a decision on an employee's capability with the medical advice available.

## **8.0 Stress Management Guidance**

- 8.1 When an employee reports sickness absence for stress related reasons, managers should consider the following:

### **Occupational health**

- 8.2 Upon receipt of self-certification or medical certificates from a GP, where the reason for absence is stated as stress the manager should contact the HR Service to determine whether or not it is appropriate to refer the employee to occupational health for



advice and support or whether a stress risk assessment should be organised.

- 8.3 Where employees want to self-refer to occupational health, claiming stress they should advise their manager and HR to ensure that appropriate advice and support is provided.
- 8.4 Appointments for referral and self-referral must be made through the HR Service and accompanied by a completed occupational health referral form.
- 8.5 Occupational health will advise managers on rehabilitation or suitable adjustments to the workplace to facilitate a return to work and avoiding a recurrence of the problem.

### **Stress and Mental Health**

- 8.6 There is often a link between stress and mental health. In practice, it can be hard to distinguish when stress turns into a mental health problem and when existing mental health problems become exaggerated by stress at work.
- 8.7 Signs of mental health concern to look out for include:
  - An increase in unexplained absences or sick leave
  - Poor performance
  - Poor timekeeping
  - Poor decision-making
  - Lack of energy
  - Uncommunicative or moody behaviour
- 8.8 Many of the symptoms of mental health problems are similar to those that people experience when they are under considerable pressure; the key differences are in the severity and duration of the symptoms and the impact they have on someone's everyday life.
- 8.9 Managers can support employees affected by mental health problems by:

- Exploring whether their mental health problem is impacted by problems at work and if so, trying to find a resolution to their concerns.
- Encouraging employees to raise and discuss issues concerning their mental health confidentially.
- Keeping in touch with employees who are off sick. Managers should not pressurise employees but should encourage them to keep them informed.
- Offering employees returning to work from a period of mental health sickness absence a gradual return to work.
- Encouraging employees to look after their mental health; ensuring employees take lunch breaks and have a good work-life balance.
- Reminding employees of the support and advice available to them through the Employee Assistance Programme and/or the Mental Health First Aiders.

### **Stress Risk Assessments**

- 8.10 Managers should respond to work related concerns that are having an impact on the employee's stress levels and undertake reasonable measures to eliminate or control these.
- 8.11 Where an employee has cited job related stressors within their service areas, managers should conduct a stress risk assessment as soon as reasonably practicable (see Appendix B for template). These should be conducted under guidance from the HR Service, and where appropriate the advice of occupational health should also be considered.

## **Employee Responsibilities**

8.12 Employees have a responsibility to raise concerns and tell their manager about possible problems and sources of stress. If the organisation is not aware of a problem it can be difficult for action to be taken. Employees' roles and responsibilities include:

- To understand what work related stress is, what causes it and how it can be prevented and managed.
- To identify potential causes of stress for themselves before they become a problem and to raise them with their manager.
- To identify early when they are beginning to experience excessive pressure that may lead to work related stress and raise this with their manager or HR service so they can help to resolve the problem.
- To work with their manager or HR service in identifying solutions to work related stress.
- To be supportive of colleagues experiencing work related stress.
- To work with their manager or HR service in identifying solutions to help them return to work effectively and quickly after a period of stress or mental health or depression related sickness absence.
- To take advice and support that is available to them through the employee assistance programme to help manage their stress symptoms. EAP details/[Link to be added](#)

## **9.0 Notification and certification of sickness absence**

9.1 Employees must contact their manager by telephone before 9.00am if they are absent from work due to sickness, injury or any other health problem on every day of absence for the first 7 days

of absence (employees should not text in or e-mail so they can discuss their absence and arrangements required in their absence). If their manager is unavailable they should contact another member of the team. The employee must also confirm when the sickness started, how long they expect to be away from work, the reason they are sick and any cancellation or cover arrangements that need to be made in relation to their work. In exceptional circumstances, if the employee is too ill to notify their absence themselves then they can arrange for someone to do this on their behalf.

- 9.2 If an employee leaves work during the working day because of sickness, s/he must notify their immediate line manager (or another manager) giving an anticipated return date and discussing necessary arrangements as in 9.1 above.
- 9.3 The manager must log the employee's sickness on MyView once notified as soon as practicable.
- 9.4 Employees must keep their managers up to date if the reason for the absence changes or if the absence is expected to last longer than originally stated.
- 9.5 For each occasion of sickness absence, employees must complete the first section of the self-certification and return to work form on MyView and then submit this to their manager. The manager will then complete a return to work interview with the employee and complete the second section of the form on MyView. (see 10.1 below)
- 9.6 **Maintaining contact after the first 7 days of absence**  
If the absence continues beyond seven calendar days then the employee must keep their manager informed of the progress of their sickness on at least a weekly basis and obtain a fit note from their doctor to cover every day of sickness (from day eight). The weekly catch up should be managed by the manager in line with an agreed day/time with the employee to hold the call and should be done on the phone or by video link. Every four weeks the employee

should be offered a catch up face to face meeting either in the workplace or through a home visit (home visits will be supported by a HR Officer accompanying the line manager), a video call may also be considered if appropriate. Employees must forward fit notes immediately to their manager who in turn should add the certificate end date onto MyView and then forward onto HR.

- 9.7 Employees who are undergoing close monitoring of absence may be asked to provide a fit note from the first day of each absence period. If, as a result of this requirement, the employee incurs a cost this will be refunded, normally through the expense claims process.
- 9.8 Every absence must be certified and recorded to ensure correct payment of sick pay and to ensure that accurate records are maintained. Any employee who fails to comply with these procedures may be dealt with through the council's Disciplinary Policy. Also, failure to comply may result in the council withholding sick pay, including statutory sick pay and all other benefits.
- 9.9 If an employee is absent from work through sickness they must refrain from working elsewhere. If this situation were to arise it may be dealt with under the Disciplinary policy.

## **10.0 Returning to work**

- 10.1 Upon return to work following every period of sickness absence the manager should arrange to meet privately, in an appropriate place, with the employee to conduct a return to work interview. Return to work interviews can be conducted by telephone or video for home and remote workers. This should happen ideally on the first day back or at least within three days of the return to work.
- 10.2 These discussions are deemed to be informal and should raise any concerns around the employee's absence and attempt to resolve any issues before moving to formal procedures.
- 10.3 In general this discussion should be used to: -

- Discuss the cause of absence
- Discuss, where appropriate, the general attendance record, and reinforce the council view of the importance of good attendance.
- Arrange a level 1 (or appropriate level) meeting regarding short term sickness issues when an employee has reached the sickness triggers (see section 11).
- Discuss the support and advice available to the employee to help improve their sickness record.
- Complete the return to work form on MyView.

10.4 In the case of long-term sickness absence, the discussion should be used to allow consideration of any particular difficulties or concerns the employee may have relating to their return to work.

10.5 In agreeing support for returners to work, managers should consider whether a risk assessment is required or further advice is needed from Occupational Health and whether a phased return would be helpful. If the latter is required the phased return will be managed with sick pay meaning that any partial absence during the phasing will be funded through the sick pay entitlement. The absences during a phased return will not contribute to absence triggers.

## **11.0 Short term sickness**

### **Level 1 meeting**

11.1 It is important that line managers raise their concern about individual absence problems with the employee at an early stage so that appropriate measures can be taken. It is also important that if an employee is having health problems, s/he should discuss this with the manager.

11.2 The line manager must meet with the employee in any of the following circumstances:

- (a) Where an employee has been absent on sick leave for 3 spells or more in any 3-month period, and/or where an employee has been absent for 10 days or more over the previous 12 months. Whilst it is recognised that this is more difficult to monitor in respect of part-time staff, Human Resources will support line managers when absence through sickness for such staff reaches triggers on a pro-rata basis i.e. a part timer who works on 2.5 days per week rather than across 5 days would reach annual triggers with 5 working days absence.
- (b) Where the employee's overall attendance record gives rise to concern because of a combination of sick leave, medical appointments (e.g. Hospital, Doctor Dentist Appointments), leave unauthorised in advance and/or dependency leave and/or compassionate leave.
- (c) Where there are other reasons for concern, for example the employee's absence appearing to follow a particular pattern such as frequent Mondays or Fridays, or repeated instances of absence just before or after periods of annual leave.

11.3 In preparation for the meeting, and deciding on potential follow-up action, the manager should give due consideration to the following factors and seek HR support especially to confirm absence triggers to be set in the review period:

- Possible presence of work-related stress.
- Possibility of any other work-related factors including working conditions, relations with other staff or managers, health and safety issues or other issues associated with the working environment.
- Any evidence of drink or drug related illness\*.
- Any specified recurring medical condition\*.
- Any condition that might constitute a disability\*.
- Any absence in relation to a disability\*.
- Any pregnancy-related illness\*.

\*The manager must consult with HR before holding a meeting with the employee in such cases.

## **Conducting a Level 1 Meeting**

11.4 The purpose of the meeting will be:

- To review absence so far and to ascertain and confirm reasons for absence.
- To consider any work related support which may be required including any temporary assistance or change of duties and work arrangements.
- Understand and record the actions the employee is taking including support from medical professionals as appropriate.
- To consider with the employee whether it is relevant at this stage to refer the employee to the Occupational Health Advisor and/or to seek a medical record/reports from the employee's own GP or other medical practitioner.
- To set a review period and future expectations.
- To inform the employee of possible outcomes if expectations are not met and potential next stages.

Please see Level 1 meeting form at Appendix C, the form should be sent to HR to go the employee file

11.5 At the meeting the manager should consider the circumstances of the employee and fully consult the employee about the problem before deciding on what action is to be taken.

The meeting will normally conclude with the manager:

- Setting the length of the review period, with due regard to the circumstances of the case. The period will not normally be less than 4 months.
- Setting out the level of absence (i.e. the total number of days and/or spells) that would trigger a level 2 meeting. This should be in line with their work pattern (please seek HR support as



above). For full-time staff this will be 3.5 days or more and/or 3 spells of absence in 3 months (see Appendix A).

- The manager should also record any other agreed actions as appropriate.
- Agreeing any interim review meetings that might be appropriate in the circumstances of the case.
- Informing the employee that unless expectations are met over the review period, then further action will be taken in line with Level 2 below. It should also be explained to the employee that should it become clear at any time during the review period that expectations will not be met, then the review meeting will be brought forward.

The results of the discussion and any proposed action, including details of the expectations for improvement, should be confirmed in writing.

### **Level 1 Follow Up Review Meeting**

11.6 If at the end of the review period the attendance expectations have been met, the manager should advise the employee that:

- No further action is necessary.
- If trigger points for investigation are reached again within 12 months of the review meeting, the procedure will continue from the beginning of Level 2.
- If trigger points are not reached again within 12 months of the review meeting, but are reached again after that time the procedure will normally start from Level 1.

11.7 Where there has been some improvement, but expectations have not been met completely (for example where the employee's absence is very close to the trigger and the review has consisted of other time off from work), the line manager in consultation with HR and in consideration of the circumstances of the case may decide to extend the Level 1 review period before finally confirming the review is complete.

Please see Level 1 review meeting form at Appendix D, the form should be sent to HR to go the employee file.

## **Level 2 meeting**

### **Pre-meeting Action**

- 11.8 In the event of attendance expectations not being met during a Level 1 review period, or where the employee's absence hits trigger points again within 12 months of a Level 1 review meeting, the employee should first be referred to the Occupational Health Advisor (OHA) and/or a medical report/records obtained from the employee's own GP or other medical practitioner. The line manager should tell the employee that expectations have not been met, that an OHA referral will be made, and a Level 2 meeting held once the OHA report is received.
- 11.9 On receiving the advice from the OHA, the line manager shall invite the employee to a Level 2 meeting and inform them of their right to be accompanied by a colleague or trade union representative. A member of HR will also attend the meeting to support and provide advice as appropriate.

### **Conducting a Level 2 Meeting**

- 11.10 The purpose of the meeting will be to review the situation again taking into account the employee's circumstances. Depending on the outcome of the medical advice and consultation with the employee, the line manager may decide on any of the following courses of action (although these do not preclude other/alternative action):
- a) Set a Level 2 review period, explaining to the employee that if attendance expectations have not been met by the end of the period, the matter will be referred for consideration by a member of the Leadership Team at a Level 3 meeting, where a range of options may be considered. The review period

should not normally be less than 6 months. (In certain circumstances - e.g. if the employee has previously been on Level 2 on more than one occasion - the period should be 12 months). It should also be explained to the employee that should it become clear at any time during the review period that expectations will not be met, then the review meeting will be brought forward.

- b) In a case where it is clear to the line manager that despite action taken so far there is no marked improvement in the attendance level and/or it seems that there is unlikely to be an improvement in the attendance level in the near future, the line manager has the option of referring the case to a member of the Leadership Team for further consideration in line with Level 3 below. (An example of where this course of action is appropriate is in cases where the number and frequency of previous Level 1 and/or Level 2 meetings is such to suggest a recurring pattern of problems with attendance).
- c) Where it is considered to be a disciplinary rather than a sickness matter, for example if the OHA has advised that there is no reason that the employee should not attend regularly and there are concerns or doubts about the pattern of or reasons for absence, the line manager may decide to refer the matter to the Disciplinary Procedure.
- d) Require the employee to provide first day GP certificates (this action may be taken in conjunction with other possible actions above).

11.11 The results of the discussion and any proposed action, including details of the expectations for improvement, should be confirmed in writing using the Level 2 meeting form at Appendix E, the form should be sent to HR to go the employee file

### **Level 2 Follow Up Review Meeting**

- 11.12 Where option (a) above is selected, and at the end of the review period the attendance expectations have been met, the manager should advise the employee that:
- No further action is necessary.
  - If trigger points for investigation are reached again within 12 months of the review meeting, the procedure will continue from the beginning of Level 2.
  - If trigger points are not reached again within 12 months of the review meeting, but are reached again after that time the procedure will normally start from Level 1.
- 11.13 Where there has been some improvement, but expectations have not been met completely, the line manager may decide to extend the Level 2 review period before finally deciding on a course of action.
- 11.14 Where expectations not met the employee's case should be referred for formal consideration by a member of the Leadership Team at a Level 3 meeting, please see section 13.
- 11.15 Please see Level 1 review meeting form at Appendix F, the form should be sent to HR to go the employee file.

## **12.0 Long term sickness**

### **Level 1 meeting**

#### **Pre-Meeting Action**

- 12.1 Where an employee has been absent for 4 weeks or more continuously they should normally be referred to the Occupational Health Advisor (OHA) and/or a medical report/records obtained from the employee's own GP or other medical practitioner. The employee will be asked to provide written consent and subsequently informed of the OHA appointment made where applicable.

- 12.2 If the employee is too ill to attend the OHA appointment, the employee will be asked to give consent to the council or the OHA, to obtain relevant medical information from the employee's GP, hospital or other appropriate medical professionals.
- 12.3 On receiving the advice from the OHA (or other relevant medical information), the line manager shall write to the employee inviting them to a Level 1 (Long-Term Absence) meeting as set out below (this might be a Level 2 or Level 3 meeting if relevant because the employee's attendance/ performance was already subject to earlier levels) giving them 5 working days' notice. HR will attend the meeting and the employee will be informed of their right to be accompanied by a colleague or trade union representative.
- 12.4 If the employee is too unwell to attend a meeting at the council's offices, the line manager should arrange to visit the employee at home to conduct the meeting. All home visits should be accompanied by HR. If the employee is unable to receive a visit at home, a medical statement to this effect must be provided.
- 12.5 If the employee returns to work prior to the Level 1 (or other relevant Level) meeting, the appropriate meeting should take place in accordance with the procedures for short term absence (see Section 11 above).

### **Conducting a Level 1 Meeting**

The purpose of the meeting will be:

- To review absence so far and to ascertain and confirm reasons for absence.
- To consult with the employee and to ascertain from them the likelihood of their returning to work in the near future.
- To consider measures to assist the employee to return to work.

- To set a reasonable date for review of the situation.
- Outline the possible range of outcomes.

The results of the discussion and any proposed action, including details of the expectations for improvement, should be confirmed in writing by issuing the employee with a copy of the Level 1 Long-term Sickness form found at Appendix G (the form should be sent to HR to go the employee file).

### **Level 1 Follow Up Action**

12.6 If the employee returns to work by or before the end of the review period, the line manager must conduct a Return to Work interview (see Section 11 above) and should also complete a review form (see Appendix H) to advise the employee that:

- Should his/her absence levels hit the trigger points for investigation within the next 12 months, the procedure will continue from the beginning of Level 2 of either the Long-Term Sickness Procedure or the Short Term Sickness Absence Procedure, as appropriate.
- If trigger points are not reached again within 12 months of the review meeting, but are reached again after that time the procedure will normally start from Level 1.

The form should be returned to HR to place on the employees file.

### **Level 2 meeting**

#### **Pre Meeting Action**

12.7 If the absence continues beyond the agreed Level 1 review period, or where the employee's absence hits trigger points within 12 months of a Level 1 review meeting, the employee should first be referred to the OHA and/or a medical report/records obtained from the employee's own GP or other medical practitioner.

- 12.8 On receiving the advice from the OHA, GP or other medical practitioner, the line manager shall invite the employee to a Level 2 meeting.

### **Conducting a Level 2 Meeting**

- 12.9 The line manager should ascertain the employee's view of the illness and medical diagnosis/prognosis and should discuss with the employee reasonable options available to the council and the employee.
- 12.10 Depending on the outcome of the medical advice and consultation with the employee, the line manager may decide on any of the following courses of action (although these do not preclude other/alternative action):
- a) In a case, where it is clear to the line manager that despite action taken so far there is no marked improvement in the sickness absence level/the employee's ability to carry out their duties and/or it seems that there is unlikely to be an improvement in the near future, the line manager should refer the case to a member of the Leadership Team for further consideration in line with Level 3 below.
  - b) Set a further review period, informing the employee that if they have not returned to work/are unable to perform their duties by the end of the period, the matter will be referred to Level 3, and that consideration may at that stage have to be given to the employee's continued employment.

Whichever action is decided upon, the line manager should confirm this in writing with the employee, HR will provide a modified form to complete based on Level 1 Long-term sickness form in Appendix G, (this must be completed and sent to HR for filing), including possible outcomes discussed.

### **Level 2 Follow Up Review Meeting**

12.11 If the employee returns to work/is able to resume performance of their duties by or before the end of the review period, the line manager must conduct a Return to Work interview (see Section 10 above and also form in Appendix H which can be modified with HR support for Level 2 review but now returned) and should advise the employee that:

- Should his/her absence levels hit the trigger points for investigation within the next 12 months, the procedure will continue from the beginning of Level 2 of either the Long-Term Sickness Procedure or the Short Term Absence Procedure, as appropriate.
- If trigger points are not reached again within 12 months of the review meeting, but are reached again after that time the procedure will normally start from Level 1.

### **13.0 Level 3 - sickness and attendance hearing**

#### **(Capability Review Hearing)**

##### **Pre-meeting Action**

13.1 Where the employee's case is referred for formal consideration by a member of the Leadership Team, for example:

- In the event of attendance expectations not being met during a Level 2 review period, or
- Where the matter has been directly referred to Level 3 in accordance with sections 11.10 (a) and 12.10(a).

13.2 The employee should normally first be referred to the OHA for an up to date medical opinion and/or a medical report/records obtained from the employee's own GP or other medical practitioner. The line manager should tell the employee that an OHA/GP referral will be made, and a Level 3 meeting held once the OHA/medical report is received.



The line manager must prepare a report including:

- A brief summary of the employee's general employment record: length of service, job description, general performance record.
- Attendance record as a whole during the duration of employment with the council.
- Action taken so far (including notes of previous meetings).
- Factual medical information including the most recent medical opinion from the OHA, and any information from the employee's GP/consultant. This will address matters such as whether there is an underlying illness/condition; the likelihood of change in attendance/return to work within a reasonable period.
- Any reasonable adjustments that can be made or reasons why any proposed adjustments are not reasonable.
- The effects on the service and other staff
- The service and financial impact on the council, including the ability to make alternative work arrangements to cover the employee's post.
- Any other relevant information.

13.3 The Leadership Team member must write to the employee inviting him/her to a meeting. The employee will be given a minimum of 5 working days' notice of the meeting.

The letter should outline the following:

- The purpose of the meeting and potential outcomes, including the possibility of dismissal.
- The employee should be advised of their right to be accompanied to the meeting by a recognised trade union representative or work colleague.
- Explain that the matter may be dealt in their absence if they fail to attend
- Attach copies of any documentary evidence that will be considered at the meeting and which is available at that time.

## Conducting a Level 3 Meeting

13.4 The purpose of the meeting will be to determine the employee's future employment based on the employee's circumstances. Depending on the outcome of the medical advice and consultation with the employee, the Leadership Team member may decide on any of the following courses of action, although these do not preclude other/alternative action:

**a) Redeployment with a review period.** To attempt to identify alternative work within the council that is within the employee's capability, failing which the employment may be terminated. Potential options may include:

- part-time work on a temporary or permanent basis with a pro rata reduction in salary and other benefits
- transfer to a less demanding post (if available and provided that the Person Specification is met), protection of existing salary will be considered based on the circumstances of the case for a maximum of 4 weeks whilst the employee trials the role. As this would involve the staff choosing to accept a job at lower salary for capability reasons the council would not provide the 18 month salary protection in line with the redeployment policy unless the employee has become disabled during the course of their employment with the Council and such redeployment to a lower graded post would constitute a suitable adjustment, in this circumstance the employee would receive 18 months of salary protection as set out in the redeployment policy.

If the employee is redeployed, an appropriate review period should be set based on the circumstances of the case to ascertain whether the employee has been able to fulfil the requirements (performance and attendance) of the new job.

**b) Additional review period in current role**

For long term sickness:

- To inform the employee that the stage has been reached whereby unless s/he is able to return to work within a defined period, his/her employment will be terminated. A further review period may be combined with further referrals to the OHA and/or further meetings or home visits.

For short term sickness:

- To inform the employee that the stage has been reached whereby unless attendance expectations are met within a defined period, his/her employment may be terminated. A further review period can be combined with the following:
  - further referrals to the OHA;
  - a requirement for first day medical certificates;

**c) To explore ill health retirement or compassionate retirement** in accordance with the rules and procedures of the Local Government Pension Scheme and Retirement policy.

**d) To dismiss the employee** with the notice to which he/she is entitled on the grounds:

- that the employee's level of non-attendance at work is unacceptably high and it is not possible and/or reasonable for the council to continue to employ him/her, or
- that the employee is incapacitated and it appears that no longer term improvement can be expected within a reasonable period; therefore it is not possible and/or reasonable for the council to continue to employ him/her as s/he is incapable of satisfactory performance of the duties for which s/he is employed.

13.5 Whichever action is decided upon, the Leadership Team member should confirm this in writing with the employee, including possible outcomes discussed within 3 working days of the meeting.

### **Level 3 Follow Up Review**

- 13.6 Where options (a) or (b) above are selected, and at the end of the review period the performance and attendance expectations have been met, the manager should advise the employee that:
- No further action is necessary.
  - If trigger points for investigation are reached again within 12 months of the review meeting, the procedure will continue from the beginning of Level 3.
- 13.7 Where there has been some improvement, but expectations have not been met completely, the line manager may decide to extend the Level 3 review period before finally deciding on a course of action.
- 13.8 If expectations have not been met, the matter will be referred to a member of the Leadership Team to consider dismissal. The process for the meeting will be as in 14.4 above. Further medical advice may be sought by the council in advance of this meeting if it is considered by the council necessary and relevant.
- 13.9 If trigger points are not reached again within 12 months of a review period, or any extension of the review, but are reached again after that time, the line manager will decide at which Level the procedure will start. This will normally be Level 1 or Level 2; the line manager's decision will be based on consideration of the full attendance history of the individual and the particular circumstances of the case.
- 14.0 Cases that might be dealt with under either/both the short term and long term sickness procedures**
- 14.1 Not all cases will fall neatly within either section 12 or section 13 above. It is possible for any employee at any stage/level of the long-term procedure to return to work; s/he may then begin to take frequent short term sick leave. Similarly, at any stage/level of the short term absence procedure an employee's sickness absence

may become protracted. In such cases, the whole set of circumstances will be considered.

## **15.0 Right of appeal against dismissal**

- 15.1 An employee has the right of appeal against any decision to dismiss taken under these Procedures. The employee must lodge the appeal in writing with the Head of HR & OD no later than 10 working days after the employee has been notified in writing of the decision to dismiss.
- 15.2 The appeal will normally be heard by a Chief Officer, the Deputy Chief Executive or where they have already been involved the Chief Executive.
- 15.3 The employee must be notified in writing of the date and time of the appeal hearing and his/her right to be accompanied by a trade union representative or work colleague. The letter should explain that the matter may be dealt with in the employee's absence if s/he fails to attend, and that if unable to attend s/he may be represented by a trade union representative or work colleague and/or send written submissions.
- 15.4 The decision of the Deputy Chief Executive or the Chief Executive shall be final and will be confirmed in writing with the employee.
- 15.5 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

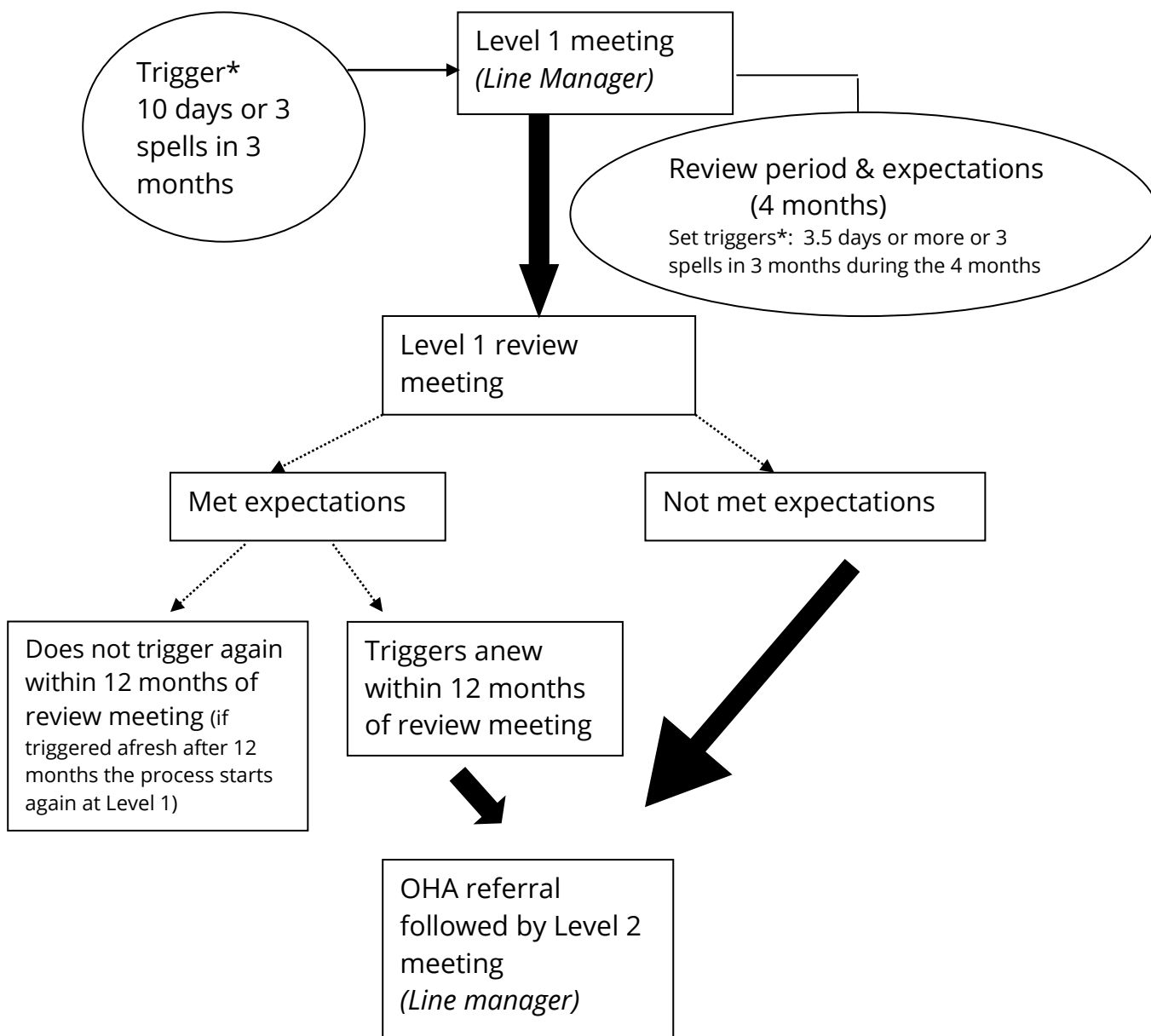
## **16.0 Policy review and amendment**

- 16.1 This policy shall be reviewed in line with legislation and best practice to reflect the best possible level of support and management.

# Appendix A - Flow Charts on Using the Sickness & Attendance Policy

## Short Term Absence

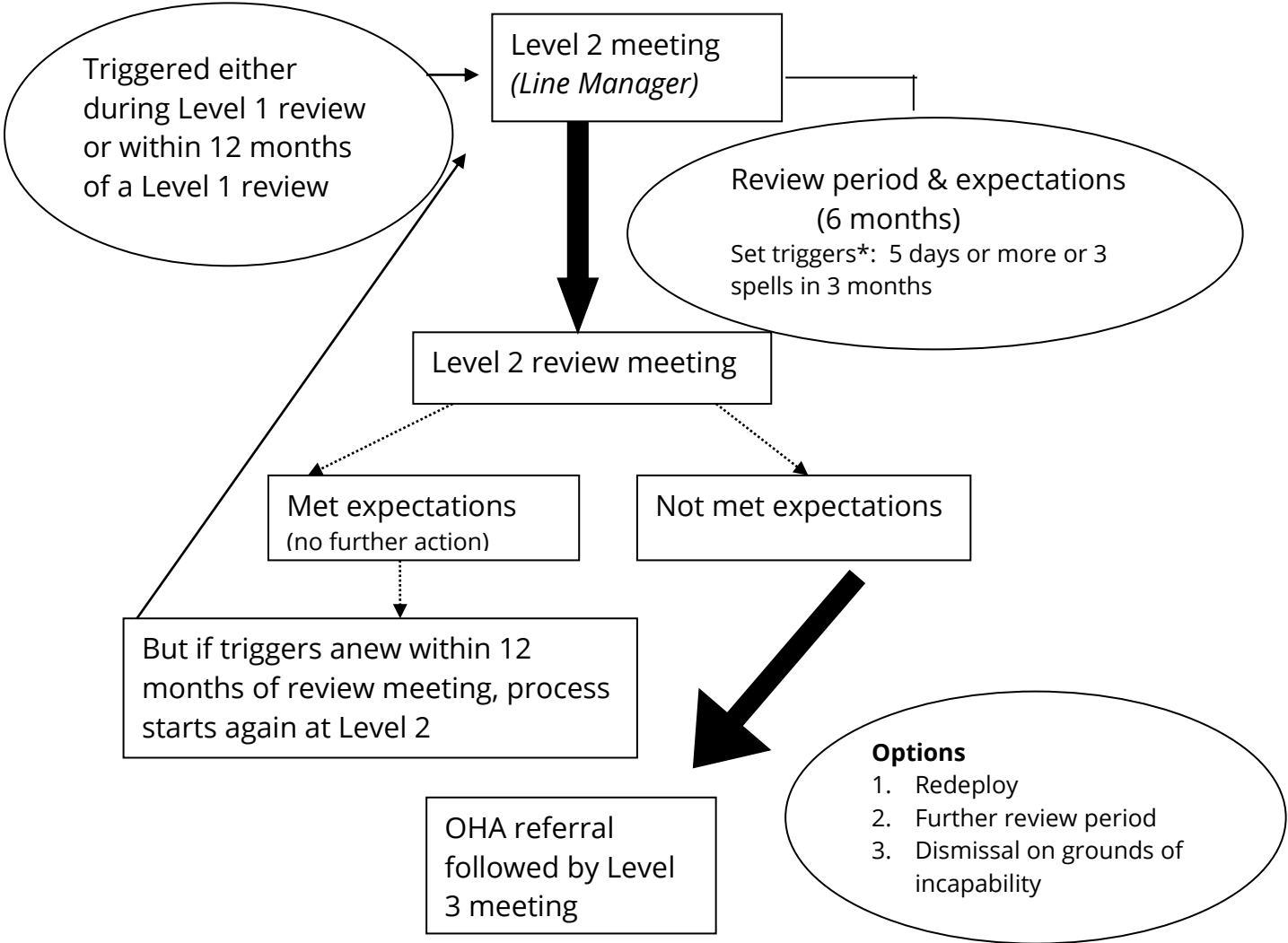
### Levels 1 & 2



\* = Full-time triggers these will be pro-rata for part-time

# Short Term Absence

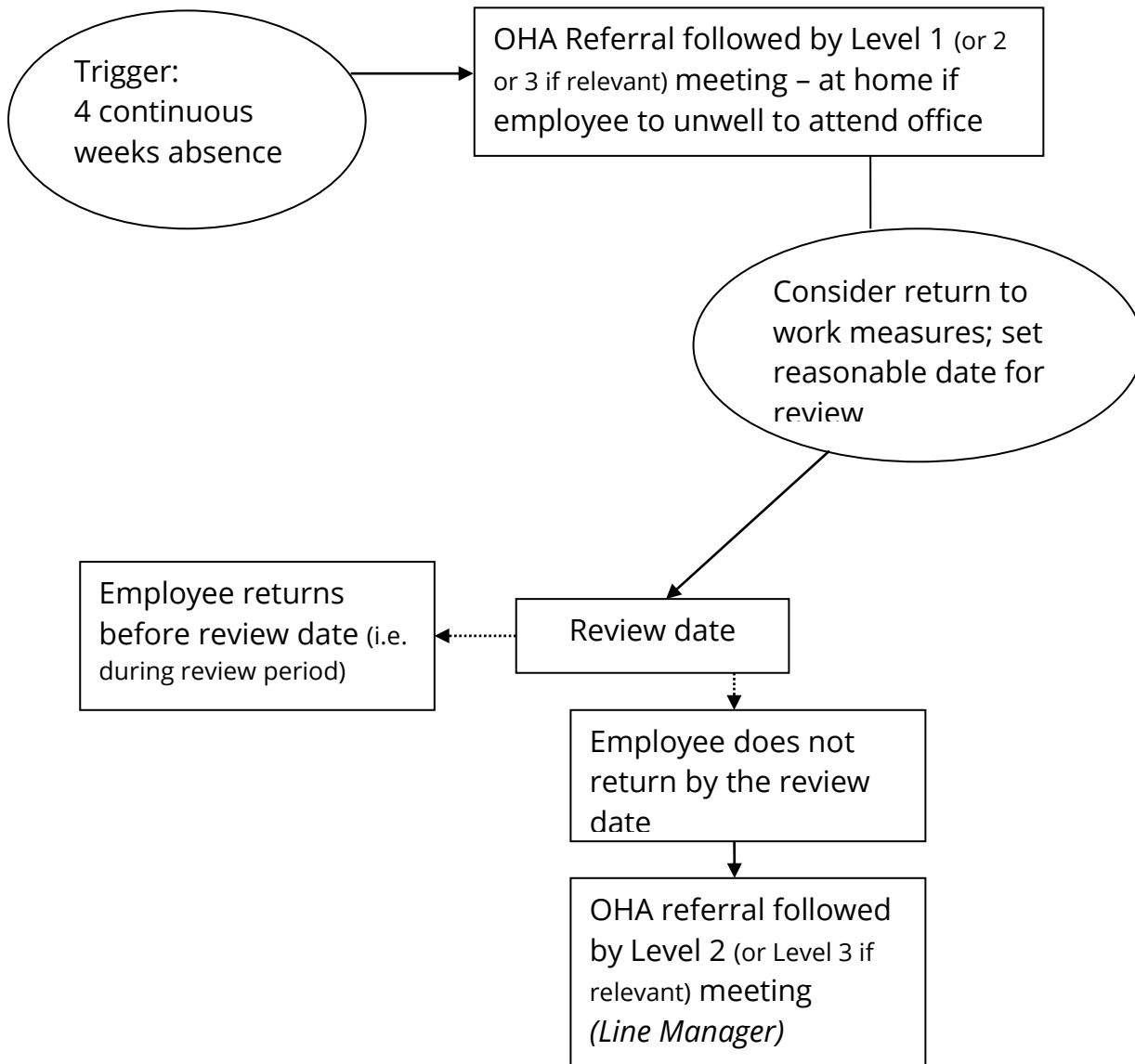
## Levels 2 & 3



\* = Full-time triggers these will be pro-rata for part-time

# Long-Term Absence

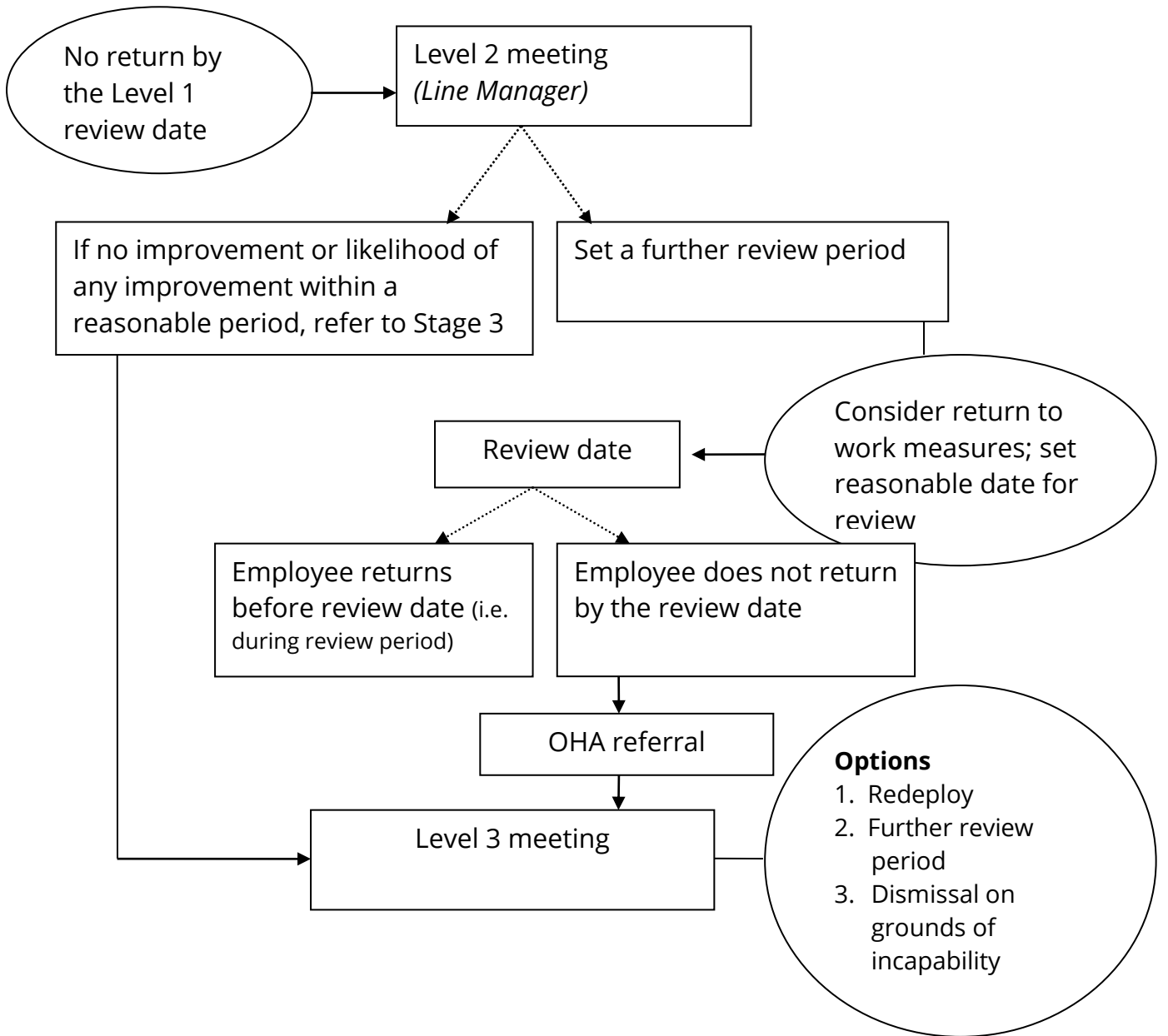
## Levels 1 & 2





# Long-Term Absence

## Levels 2 & 3



## Appendix B – East Herts Council Stress Risk Assessment Form

The HSE Management Standards cover six key areas of work design that, if not properly managed, are associated with poor health and well-being, lower productivity and increased sickness absence. In other words, the six Management Standards cover the primary sources of stress at work, this form prompts discussion on each source so that action can be informed.

**Demands** – this includes issues such as workload, work patterns and the work environment.

**Control** – how much say the person has in the way they do their work.

**Support** – this includes the encouragement, sponsorship and resources provided by the organisation, line management and colleagues.

**Relationships** – this includes promoting positive working to avoid conflict and dealing with unacceptable behaviour.

**Role** – whether people understand their role within the organisation and whether the organisation ensures that they do not have conflicting roles.

**Change** – how organisational change (large or small) is managed and communicated in the organisation.

### STRESS ASSESSMENT & ACTION PLAN

<b>Service/team:</b>		<b>Manager:</b>
<b>Employee:</b>	<b>Date of assessment:</b>	<b>Manager's signature:</b>
<b>Sickness absence dates to and from (if relevant):</b>		<b>HR's signature:</b>
<b>Review date:</b>		<b>Employee's signature:</b>

Cause of stress	Was/is it a problem for you? Rate 1-5 Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5) Describe/give examples:	What can we do about it? (Employee/ Manager/other Staff/External?) Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
<b>DEMANDS OF THE JOB</b>				
Different people/groups at work demand things that are hard to combine?				
Unachievable deadlines?				
Have to work very intensively?				
Some tasks neglected because you have too much to do?				
Unable to take sufficient breaks?				

Feel pressured to work long hours?				
Have to work very fast?				
Unrealistic time pressures?				
Any other Demand issues (workload, work patterns and the work environment)				

Cause of stress	Was/is it a problem for you? Rate 1-5 Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5) Describe/give examples:	What can we do about it? (Employee/ Manager/other Staff/External?) Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
<b>CONTROL</b>				
Can decide when to take a break?				
Have a say in your work speed?				
Have a choice in deciding how you do your work?				
Have a choice in deciding what you do at work?				

Cause of stress	<b>Was/is it a problem for you?</b> <b>Rate 1-5</b> Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5) <b>Describe/give examples:</b>	<b>What can we do about it?</b> (Employee/ Manager/other Staff/External?) <b>Can we make any reasonable adjustments?</b>	<b>Target date for implementation and person (s) responsible</b>	<b>Review Date</b>
Have some say over the way you do your work?				
Working time can be flexible?				
Any other Control issues (how much say in the way they do their work.)				

Cause of stress	Was/is it a problem for you? Rate 1-5 <small>Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5)</small> Describe/give examples:	What can we do about it? <small>(Employee/ Manager/other Staff/External?)</small> Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
<b>SUPPORT (Manager)</b>				
Given supportive feedback on the work you do?				
Can rely on your manager to help you out with a work problem?				
Can talk to your manager about something that upset or annoyed you at work?				
Supported through emotionally demanding work?				
Line manager encourages you at work?				

Cause of stress	<b>Was/is it a problem for you?</b> <b>Rate 1-5</b> Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5) <b>Describe/give examples:</b>	<b>What can we do about it?</b> (Employee/ Manager/other Staff/External?) <b>Can we make any reasonable adjustments?</b>	<b>Target date for implementation and person (s) responsible</b>	<b>Review Date</b>
Any other Line Mgr Support - this includes the encouragement, sponsorship and resources provided by the organisation and line management. HR support for you as a line manager is also relevant or policies and procedures to Manage staff				



Cause of stress	Was/is it a problem for you? Rate 1-5 <small>Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5)</small> Describe/give examples:	What can we do about it? <small>(Employee/ Manager/other Staff/External?)</small> Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
<b>SUPPORT (Peers &amp; Staff)</b>				
Colleagues/staff would help you if work became difficult?				
Get help and support needed from colleagues and staff?				
Receive the respect at work you deserve from your colleagues/staff?				

Cause of stress	<b>Was/is it a problem for you?</b> <b>Rate 1-5</b> Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5) <b>Describe/give examples:</b>	<b>What can we do about it?</b> (Employee/ Manager/other Staff/External?) <b>Can we make any reasonable adjustments?</b>	<b>Target date for implementation and person (s) responsible</b>	<b>Review Date</b>
Colleagues/staff willing to listen to your work-related problems?				
Any other Colleague/staff Support issues i.e. reliability				

Cause of stress	Was/is it a problem for you? Rate 1-5 <small>Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5)</small> Describe/give examples:	What can we do about it? <small>(Employee/ Manager/other Staff/External?)</small> Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
<b>RELATIONSHIPS</b>				
Subject to personal harassment in the form of unkind words or behaviour?				
There is friction or anger between colleagues?				
Subject to bullying at work?				

Cause of stress	<b>Was/is it a problem for you?</b> <b>Rate 1-5</b> Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5) <b>Describe/give examples:</b>	<b>What can we do about it?</b> (Employee/ Manager/other Staff/External?) <b>Can we make any reasonable adjustments?</b>	<b>Target date for implementation and person (s) responsible</b>	<b>Review Date</b>
Are relationships at work strained?				
Any other relationship issues; including promoting positive working to avoid conflict and dealing with unacceptable behaviour				

Cause of stress	Was/is it a problem for you? Rate 1-5 Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5) Describe/give examples:	What can we do about it? (Employee/ Manager/other Staff/External?) Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
<b>ROLE</b>				
Clear about what is expected of you at work?				
Know how to go about getting your job done?				
Are clear about what your duties and responsibilities are?				
Clear about the goals and objectives for the department?				

Cause of stress	<b>Was/is it a problem for you?</b> <b>Rate 1-5</b> Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5) <b>Describe/give examples:</b>	<b>What can we do about it?</b> (Employee/ Manager/other Staff/External?) <b>Can we make any reasonable adjustments?</b>	<b>Target date for implementation and person (s) responsible</b>	<b>Review Date</b>
Understand how your work fits into the overall aim of the organisation?				
Any other role issues – understand your role within the organisation - do not have conflicting roles				

Cause of stress	Was/is it a problem for you? Rate 1-5 <small>Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5)</small> Describe/give examples:	What can we do about it? <small>(Employee/ Manager/other Staff/External?)</small> Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
<b>CHANGE</b>				
Sufficient opportunity to question managers about change at work?				
Consulted about changes at work?				
When changes are made at work, are you clear about how they would work out in practice?				

Cause of stress	<b>Was/is it a problem for you?</b> <b>Rate 1-5</b> Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5) <b>Describe/give examples:</b>	<b>What can we do about it?</b> (Employee/ Manager/other Staff/External?) <b>Can we make any reasonable adjustments?</b>	<b>Target date for implementation and person (s) responsible</b>	<b>Review Date</b>
Any other change issues - how organisational change (large or small) is managed and communicated in the organisation.				



**Factors outside work**

This list of questions on the return to work Risk Assessment are mainly focused on factors at work. However, there may be factors outside work, for example in the employee’s family life, which may have contributed to or added to the pressures at work. These may have made it harder for the employee to cope with demands at work that they would normally be able to cope with.

The employee may want to share these issues with you as their manager – you may be able to help at work and make adjustments, for example, being more flexible with their working hours or just being sympathetic to the pressures they are under.

Cause of stress	Was/is it a problem for you? Rate 1-5 <small>Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5)</small> Describe/give examples:	What can we do about it? <small>(Employee/ Manager/other Staff/External?)</small> Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
<b>OTHER ISSUES</b>				
Is there anything else that was a source of stress for you, at work or at home, that may have contributed to you going off work with work-related stress?				

## Appendix C – Level 1 sickness meeting form (short-term)

Employee Name:

Service:

Line Manager Name:

Meeting Date:

Explain reason for meeting: (outline how triggers have been met)	
Refer to policy: Go through key points.	
Check Employee agrees with sickness dates:	
Request explanation for absence(S) – check detail is correct: Comments:	
Is there a pattern of absence:  Is there a link between sickness	

bouts:  Any underlying health issues:	
Have health issues been discussed with employees own doctor:	
Any work or personal factors exacerbating absence:	

Level 1 Sickness Meeting Review Date:	
Level 1 Review Period Triggers:	
Explain that Level 2 can be triggered by normal annual triggers which follow in 12 months from review period (Full-time contract = 10 days in 12 month period or 3 spells in 3 months).	

Employee Signature\_\_\_\_\_

Date\_\_\_\_\_

Line Manager Signature\_\_\_\_\_

Date\_\_\_\_\_

**Appendix D – Level 1 sickness review meeting form (short-term)**

Employee Name:

Line Manager Name:

Date of Review Meeting:

Date of L1 Sickness Meeting:

Outline any absence due to sickness during the review period:	
Does the employee agree to the sickness record?	
Have the targets/expectations been met with reference to the council policy?	
If absence is borderline re targets/expectations, is an extension of the review period necessary?	
State extension period & date as necessary	
As per policy, what is now the current level of sickness for further 12-month period?	
Date sickness level expires if level conditions not breached as per policy:	
Should absence exceed council policy within the next 12-months, state next level of sickness process:	

Employee Signature:

Line Manager Signature:

Date:

## Appendix E – Level 2 sickness meeting form (short-term)

Employee Name:

Service:

Line Manager Name:

Meeting Date:

Explain reason for meeting: (outline how triggers have been met)	
Refer to policy: Go through key points.	
Check Employee agrees with sickness dates:	
Request explanation for absence(S) – check detail is correct: Comments:	
Is the recent intermittent absence part of any pattern:	
Any underlying health issues:	
Have health issues been discussed with employees own doctor:	

<p>What action is the employee taking to improve health / ability to attend?</p> <p>What support/guidance has been given by GP or medical services.</p>	
<p>Review advice from Occupational Health and any action required</p>	
<p>Any work or personal factors exacerbating absence:</p> <p>What support is required from work?</p>	
<p>Return to work, agreed support and phased return plan if relevant.</p>	

<p>Level 2 Sickness Meeting Review Date:</p>	
<p>Level 2 Review Period Triggers:</p>	<p>5 days in 6 months or 3 spells in 3 months</p>
<p>Explain that Level 2 can be re-triggered by normal annual triggers which follow in 12 months from review period (Full-time contract = 10 days in 12 month period or 3 spells in 3</p>	



months or by 4 weeks of continuous absence – also option at Level 2 for Line Manager to refer directly to Level 3 if appropriate e.g. redeployment needs to be considered).	
---	--

Employee Signature\_\_\_\_\_

Date\_\_\_\_\_

Line Manager Signature\_\_\_\_\_

Date\_\_\_\_\_

**Appendix F – Level 2 sickness review meeting form (short-term)**

Employee Name:

Line Manager Name:

Date of Review Meeting:

Date of L2 Sickness Meeting:

Outline any absence due to sickness during the review period:	
Does the employee agree to the sickness record?	
Have the targets/expectations been met with reference to the council policy?	
If absence is borderline re targets/expectations, is an extension of the review period necessary?	
State extension period & date as necessary	
As per policy, what is now the current level of sickness for further 12-month period?	
Date sickness level expires if level conditions not breached as per policy:	
Should absence exceed council policy within the next 12-months, state next level of sickness process:	

Employee Signature:

Line Manager Signature:

Date:

## Appendix G – Level 1 Sickness Meeting – Long Term absence Form

Employee Name:

Service:

Line Manager Name:

Meeting Date:

<p>Explain reason for meeting: (outline how triggers have been met)</p>	
<p>Refer to policy: Go through key points.</p>	
<p>Check Employee agrees with sickness dates:</p>	
<p>Request explanation for absence(S) – check detail is correct: Comments:</p>	
<p>Is the recent long-term absence part of any pattern:</p>	
<p>Any underlying health issues:</p>	

<p>Have health issues been discussed with employees own doctor:</p> <p>What action is the employee taking to improve health / ability to attend?</p> <p>What support/guidance has been given by GP or medical services.</p>	
<p>Review advice from Occupational Health and any action required</p>	
<p>Any work or personal factors exacerbating absence:</p> <p>What support is required from work?</p>	
<p>Return to work, agreed support and phased return plan if relevant.</p>	

<p>Level 1 Sickness Review Date:</p>	
<p>Level 1 Review Period Triggers:</p>	
<p>Explain that Level 2 can be triggered by normal annual</p>	

triggers which follow in 12 months from review period (Full-time contract = 10 days in 12 month period or 3 spells in 3 months or by 4 weeks of continuous absence – also option at Level 2 for Line Manager to refer directly to Level 3 if appropriate e.g. redeployment needs to be considered).	
---	--

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

Line Manager Signature \_\_\_\_\_

Date \_\_\_\_\_

**Appendix H - Level 1 Sickness Meeting - Long Term absence - but now returned**

Employee Name:

Dept:

Line Manager Name:

Meeting Date:

<p>Explain reason for meeting: (outline how triggers have been met)</p>	
<p>Refer to policy: Go through key points.</p>	
<p>Check Employee agrees with sickness dates:</p>	
<p>Request explanation for absence(S) - check detail is correct: Comments:</p>	
<p>Is the recent long-term absence part of any pattern:</p>	
<p>Any underlying health issues:</p>	

<p>Have health issues been discussed with employees own doctor:</p> <p>What action is the employee taking to improve health / ability to attend?</p> <p>What support/guidance has been given by GP or medical services.</p>	
<p>Review advice from Occupational Health and any action required</p>	
<p>Any work or personal factors exacerbating absence:</p> <p>What support is required from work?</p>	
<p>Return to work, agreed support and phased return plan if relevant.</p>	

<p>Level 1 Sickness Meeting Review Date:</p>	
<p>Level 1 Review Period Triggers:</p>	<p>3.5 days or 3-spells of absence (in 3 months) within review period of 4 months</p>



	<p>Dates:</p> <p>N.B. The review period is an isolated period and will not count to the 12 months that follow. - However if absence is borderline review can be extended e.g. 3 days.</p>
<p>Explain that Level 2 can be triggered by normal annual triggers which follow in 12 months from review period (Full-time contract = 10 days in 12 month period or 3 spells in 3 months or by 4 weeks of continuous absence - also option at Level 2 for Line Manager to refer directly to Level 3 if appropriate e.g. redeployment needs to be considered).</p>	

Employee

Signature \_\_\_\_\_

Date \_\_\_\_\_

Line Manager Signature

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## APPENDIX 7

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<b>Policy Name</b>	<b>Appeals</b>
<b>Date</b>	March 2019
<b>Statement No</b>	5
<b>Version</b>	3
<b>Review Date</b>	March 2022

---

### 1. Purpose/Aim

- 1.1 The purpose of this policy is to provide a standardised appeals process for the policies listed in section 2. Where a policy is not listed below it is because it has an appeal process incorporated within the policy.

### 2. Scope

- 2.1 This policy applies to all employees, except for Chief Officer level and above, where procedures set out in the Constitution are used.

- 2.2 The Appeals policy refers to the following policies:

- Managing Performance Policy
- Redundancy Policy (excluding voluntary redundancy)
- Flexible Working Scheme

and,

- Process for dismissal for Some Other Substantial Reason (SOSR)

- 2.3 Any formal appeal received that is not directly covered by any of the policies listed above and is not subject to a specific appeals process should also be dealt with following the process detailed in Sections 3 and 5.

2.4 This policy is based on legislation and the ACAS code of practice, and has been agreed with UNISON.

### **3. Who to Appeal to and Time Limits**

3.1 An employee has a right to appeal against formal action taken in accordance with the stated policies.

3.2 The appeal must be submitted within 10 working days of the date of the written notification of the decision to be appealed. The appeal should be submitted to the Head of HR and Organisational Development using the Appeal Submission form (Appendix A), stating their grounds of appeal and the resolution sought. Appeals submitted late without mitigating circumstances will not be allowed to proceed.

3.3 The appeal hearing should be held without unreasonable delay.

### **4. Grounds for Appeal**

#### **4.1 Appeals against Managing Performance Procedure**

4.1.1 An employee can appeal against any formal sanction made under the Managing Performance Policy on the following grounds:

- There was a significant breach of the procedure.
- The employee was given insufficient time in which to demonstrate that they could achieve the required standard.
- The employee was not offered appropriate support and/or training.
- The employee was not offered suitable and available redeployment.
- That management have not acted reasonably.

## 4.2 Appeal against Redundancy Decisions

4.2.1 Under the Redundancy Policy, employees can appeal against decisions on the following grounds:

### **That their post is not redundant**

The employee needs to specifically state why they believe their role is not redundant and where their duties have transferred to.

### **That they should have been slotted in to/ring fenced for a new post**

The employee needs to specifically state which post/s it would have been appropriate to slot them in to / ring fence them for and why, setting out the similarity of tasks carried out (this may be different to the employee's job specification) and any transferable skills not already identified.

### **That the selection criteria during interview / management selection unfairly applied**

The appeal hearing will have available anonymised information on the assessment of the other candidates, which will be taken into consideration when reaching a decision. This information will be made available to both sides before the appeal hearing and both sides will be invited to comment on how the appeal might impact on other staff. If the appeal is successful, the member of staff who is selected for redundancy in their place will also have a right of appeal.

### **That the post offered is not suitable alternative employment**

The employee needs to state why they believe the role that has been offered to them is not suitable alternative employment.

4.2.2 Where notice of redundancy has already been served, any appeals will run concurrently with the employee's notice period.

#### **4.3 Appeal against a Dismissal for Some Other Substantial Reason (SOSR)**

4.3.1 A member of staff who wishes to appeal the decision to dismiss for SOSR should state their full grounds of appeal using the Appeal Submission form.

#### **4.4 Appeal against Decisions in Relation to Flexible Working Applications**

4.4.1 A member of staff who wishes to appeal a decision in relation to a proposal they have made to work flexibly should state their full grounds of appeal using the Appeal Submission form.

### **5. Appeal Hearing Process**

5.1 HR will allocate an appropriate manager who has not been previously involved in the case to hear the appeal (the Hearing Manager). This may be a service manager, Head of Service or the Deputy Chief Executive depending on the nature of the appeal. Appeals against dismissal will be heard by the Chief Executive in accordance with the Constitution.

5.2 For grievances concerning a Chief Executive or Chief Officer, appeals will be heard in accordance with the Constitution.

#### **5.3 PROCESS: Step 1 - Written Notification**

5.3.1 Human Resources will write to the employee confirming the date, time and location of the appeal hearing, giving at least 7 working days' notice and informing of their right to be accompanied by a trade union representative/work colleague.

5.3.2 No later than 5 working days prior to the hearing the employee must submit any new evidence or inform the Head of HR of any witnesses they intend to call at the hearing.

5.3.3 The manager responding to the appeal (the Responding Manager) will be required to submit a response to the appeal. This should present the circumstances of the case and the action taken to date, and should include a full set of the key documents to be presented at the appeal hearing, including witness statements, a full summary of the circumstances of the case, copies of all correspondence relating to the case and the outcome of previous stages of the procedure.

5.3.4 Copies of all relevant documents will be circulated by Human Resources to all those attending the appeal no later than 3 working days before the date of the hearing.

## **5.4 The Role of Human Resources**

5.4.1 The Hearing Manager will be accompanied by an HR Officer. It is the HR Officer's role to advise on procedure, to advise on ensuring consistency of decision making and equity of treatment. The HR Officer may also ask questions of clarification of either side. If possible, the HR Officer supporting the Hearing Manager will not have previously been involved in the case.

5.4.2 The Responding Manager may also be accompanied by an HR Officer. It is their role to advise the manager and answer any questions on the circumstances of the case.

5.4.3 Either HR Officer may take the notes of the hearing unless the Hearing Manager decides that an additional note-taker should be present.

## **5.5 Witnesses**

- 5.5.1 Original witnesses are not required to attend the appeal hearing. The employee can only recall witnesses or ask new witnesses to attend the appeal hearing if their contribution relates to new evidence that is relevant to the grounds of appeal.
- 5.5.2 The employee must notify the Head of HR no later than 5 working days before the hearing if they intend to call a witness. It is the employee's responsibility to arrange their witness's attendance at the hearing.
- 5.5.3 Witnesses will only be present in the hearing when giving evidence.

## **5.6 Step 2 - Appeal Hearing**

- 5.6.1 Appeal hearings will not rehear the whole case, but will focus on the grounds of appeal. Further evidence may be introduced by either side if it is relevant to the grounds for the appeal and provided it is received within the specified timescale of 3 working days before the date of the hearing.
- 5.6.2 The Hearing Manager will ensure that all the parties have the relevant documents and ensure that both sides understand the grounds of appeal that are to be considered.
- 5.6.3 The employee or their representative will set out the grounds of the appeal, calling any witnesses and referring to the documents that have already been submitted.
- 5.6.4 At the conclusion of the case for the appeal, the Responding Manager, the Hearing Manager and the HR Officer may question the employee or their representative.



5.6.5 The Responding Manager will then respond to the case for appeal.

5.6.6 At the conclusion of their response they may be questioned by the employee or their representative, the Hearing Manager and the advising HR Officer.

5.6.7 Both parties will make final statements which summarise the key points of their case. The employee will sum up after the Responding manager. It is not appropriate for new evidence to be presented at this stage.

5.6.8 The Hearing Manager will then close the hearing to consider the matter, advised by the HR Officer.

5.6.9 At any time during the hearing either party can make a request for an adjournment to the Hearing Manager.

### **5.7 Step 3 - Written Notification of Outcome**

5.7.1 The decision will be confirmed to the employee in writing within 3 working days of the appeal hearing. If the decision can be made on the day the employee will also be notified verbally. The decision made at the appeal will be final and there is no further right of appeal within East Herts Council.

5.7.2 The employee cannot use the Grievance Policy by way of further challenge to the decision.

5.7.3 No increased penalty will result from an appeal being raised.

5.7.4 When an appeal is against a decision to dismiss, the dismissal will have taken effect in accordance with the original decision, either summarily or by notice. Should the appeal be successful the member of staff will be reinstated with full back pay or, if it is considered that disciplinary action less than dismissal is appropriate this will be

implemented and backdated to the date of the original decision.

## **6. Policy Review and Amendment**

- 6.1 This Policy shall be reviewed after three years or sooner in line with legislation and best practice to reflect the best possible level of support and management.

**Appeal Submission Form**

Date.....

I am writing to appeal against the recent decision that was made to:

Please give details of which policy was used, what decision was made and who made the decision.

My grounds of appeal are:

Please outline your grounds of appeal.

Resolution sought:

Please outline the outcome you are looking for.

(Name)

Please send the completed Appeals Submission form to the Head of HR and Organisational Development within 10 working days of the date of the written notification of the decision.

## East Herts Council Report

### Human Resources Committee

**Date of Meeting:** 16 February 2021

**Report by:** Head of Human Resources and Organisational Development

**Report title:** Human Resources Management Statistics for Quarter 3 (October - December 2020)

**Ward(s) affected:** None

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### Summary

#### **RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE:**

**(a)** The Human Resources Management Statistics for Quarter 3 (October - December 2020) be noted.

#### **1.0 Proposal(s)**

1.1 Members are invited to consider the Human Resources (HR) Management Statistics for Quarter 3 (October - December 2020).

#### **2.0 Background**

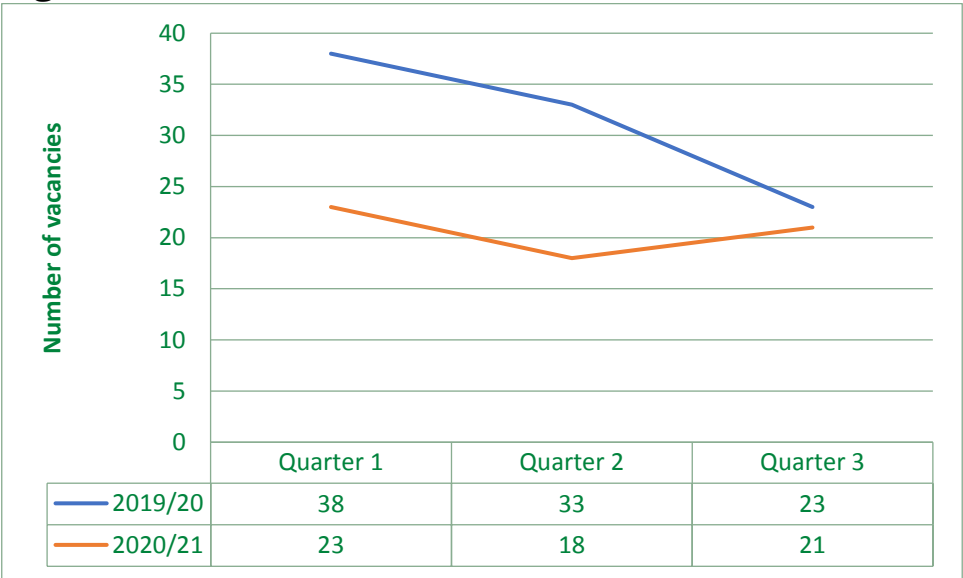
2.1 This report outlines the current performance against the annual HR targets as approved by the HR Committee and available benchmarking data.

### 3.0 Report

### 3.1 Vacancy Data and Recruitment

3.1.1 Figure 1 below shows that vacancies have increased from 18 in Quarter 2 to 21 at the end of Quarter 3 however they are lower compared to the same period last year (23 vacancies at the end of Quarter 3 in 2019/20).

**Figure 1 - Number of vacancies at the end of each Quarter**



3.1.2 At the end of quarter 3, recruitment had progressed<sup>1</sup> for 8 out of the 21 vacancies (38%).

3.1.3 During Quarter 3, eleven posts were advertised. Eight of the 21 posts (38%) have resulted in appointments. Three of the 21 posts (14%) were either at the shortlisting or interview stages when the quarter ended.

3.1.4 Ten of the 21 posts (48%) were on hold which is a decrease from 13 in Quarter 2: the previous solicitor posts have now been progressed and another post has been deleted. 7 posts are in Planning, 1 in Communications, Strategy and Policy and 2 in Strategic Finance and Property. The posts are being held due

<sup>1</sup> Posts were either out to advert, at shortlisting, interview or pre-employment check stages, or an unconditional offer had been made but the candidate has not yet started.

to reviews of the service structure and potential savings and are being covered by agency staff where required.

3.1.5 There has been a great success this quarter recruiting to the vacant solicitor posts which are historically difficult to recruit to posts. This is partly due to the increase to the grade from the existing grade 10 to career graded 10 – 11 (candidates can be appointed at grade 11 if they have at least 3 years post qualification experience) following a job evaluation process. It is also due to the roles being changed to having fewer areas of specialism following agreement by the Leadership Team to increase the headcount from 2 to 4 solicitor posts to cover the increased workload and remove the reliance on currently outsourced arrangements. Offers have been made for all four posts and candidates are currently undergoing pre-employment checks.

### 3.2 Employee Turnover

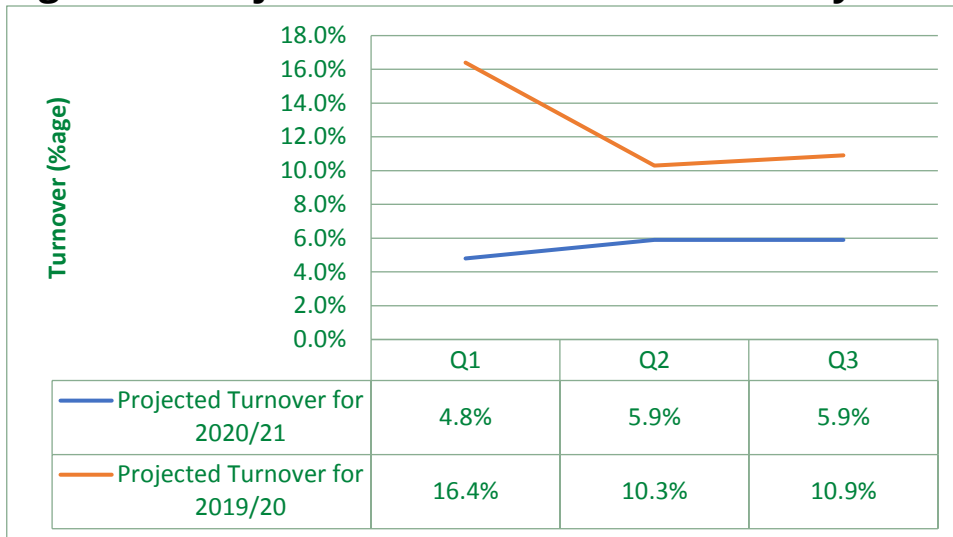
3.2.1 Figure 2 below shows that there were 5 leavers in Quarter 3 giving a turnover rate of 1.5% which is a decrease since Quarter 2 (1.8%).

**Figure 2 – Number of Leavers and Turnover in each quarter**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>
Number of Leavers	4	6	5
Turnover rate	1.2%	1.8%	1.5%

3.2.2 Based on the number of leavers for the year so far (15 leavers), Figure 3 below shows that projected annual turnover for 2020/21 is estimated to be 5.9%. It has remained at 5.9% which was the projected figure at the end of Quarter 2 however it is considerably lower than for the same period last year (10.9% in Quarter 3 in 2019/20). It is also lower than the local government average (14% for 2018/19 for Local Authority districts in the UK).

**Figure 3 – Projected annual turnover for the year 2020/21**



### 3.3 Sickness Absence

#### ALL absence

#### **ALL Absence – Quarter 3**

3.3.1 At the end of Quarter 3, the total number of sickness days taken was 367.73 full time equivalent (FTE) days. Of these, 180.78 FTE days (49%) were due to short term sickness and 186.95 FTE days (51%) were due to long term sickness. The percentage of time lost due to short term sickness is 0.97% and the percentage of time lost due to long term sickness is 1% which equates to a total percentage lost time of 1.97%.

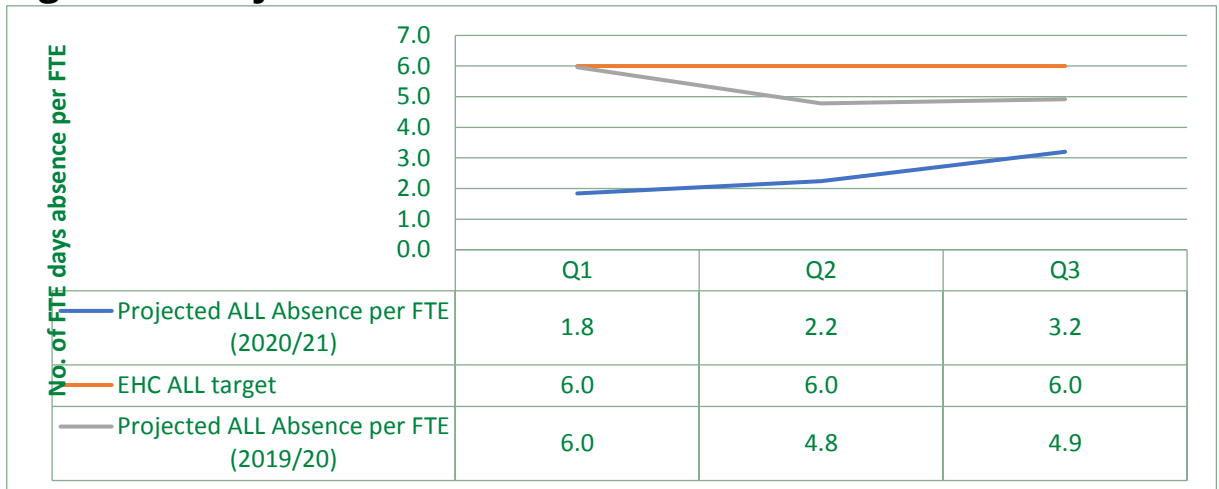
3.3.2 At the end of Quarter 3 (December 2020), the number of FTE days absent per FTE was an average of 2.35 days.

#### **ALL Absence - Annual period 2020/21**

3.3.3 Based on the absence data at the end of Quarter 3 (December 2020) it is estimated that projected sickness absence for the whole year 2020/21 will be 3.2 days per FTE. This is significantly below the council’s annual target of 6 days and lower than the projected annual level for the same period last year (4.9 days per FTE in Quarter 3 in 2019/20). See Figure 4 below.



**Figure 4 – Projected annual absence for 2020/21**



**Short term absence**

3.3.3 Absences of less than four weeks are considered to be short term sickness absence.

**Short term absence - Quarter 3**

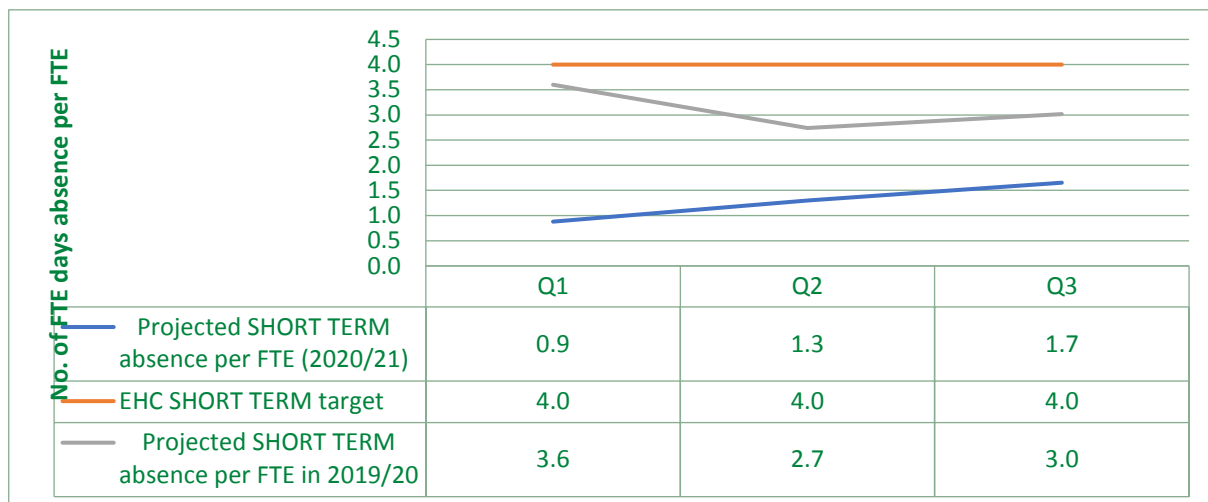
3.3.4 Fifty Four employees (16.1% of the total headcount) had short term sickness absence during Quarter 3 totalling 180.78 FTE days. This represents a percentage lost time rate of 0.97%.

3.3.5 At the end of Quarter 3, the number of short term FTE days absent per FTE was an average of 1.24 days.

**Short term absence - Annual period 2020/21**

3.3.6 Based on short term absence data at the end of Quarter 3 (December 2020), it is estimated that projected short term sickness absence for the whole year 2020/21 will be 1.7 days per FTE. This is below the council’s short term target of 4 days and lower than the projected annual level for the same period last year (3.0 days in Quarter 3 in 2019/20). See Figure 5 below.

**Figure 5 – Projected annual SHORT TERM absence for 2020/21**



### **Long Term absence**

3.3.7 Absences in excess of 4 weeks/28 consecutive calendar days are considered to be long term sickness absence.

### **Long term absence – Quarter 3**

3.3.8 Six employees (1.8% of the total headcount) had long term sickness absence during Quarter 3 totalling 186.95 FTE days. This represents a percentage time lost rate of 1%.

3.3.9 The six employees have been offered support through referrals to Occupational Health/taking medical advice from Specialists where appropriate. The reasons for long term absence were for acute medical conditions (1 employee), reoccurring medical conditions (1 employee), minor illnesses (2 employees), work related stress (1 employee) and Covid (1 employee). The two employees with minor illnesses have now returned to work. The employee with Covid and the employee with work related stress returned to work shortly after the quarter ended. The 2 employees who remain absent are being supported by their manager under the Absence Management Policy.

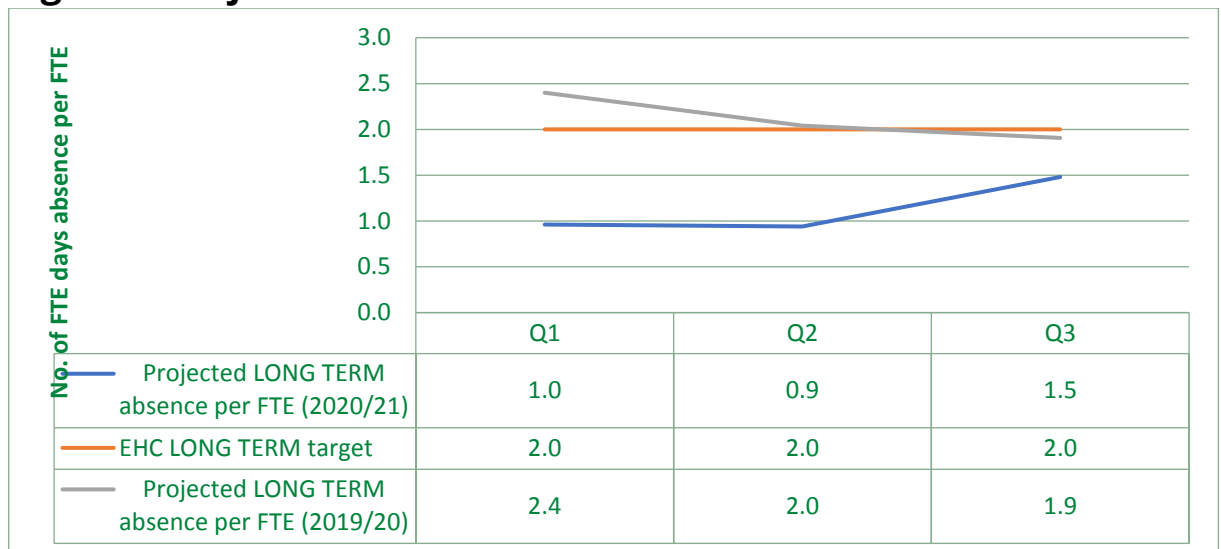
3.3.10 At the end of Quarter 3, the number of long term FTE days

absent per FTE was 1.11 days.

### LONG TERM absence - Annual period 2020/21

3.3.11 Based on long term absence data at the end of Quarter 3 (December 2020), it is estimated that projected long term sickness absence for the whole year 2020/21 will be 1.5 days per FTE. This is below the council's long term target of 2 days and lower than the projected annual level for the same period last year (1.9 days per FTE in Quarter 2 in 2019/20). See Figure 6 below.

**Figure 6 Projected annual LONG TERM absence for 2020/21**



### 3.4 Learning and Development

3.4.1 In Quarter 3 there were three types of corporate learning and development events held over five sessions and 61 employees participated in total. Please note these figures do not include the in-house e-learning courses delivered through our Skills Build platform. These will be included in the annual Learning and Development report.

3.4.2 Three Performance Development Review (PDRs) training events were held for managers in December and will be offered again in January to ensure managers have the opportunity to attend the training before they carry out the PDR's in their service

areas. The events are being delivered in-house through Zoom.

3.4.3 The pre-retirement course delivered by Affinity was oversubscribed and another session has been arranged in February 2021 following positive feedback. This course was delivered virtually through Teams.

3.4.4 The annual mandatory training programme was launched on SkillsBuild, the council's e-learning platform. The following courses are available for staff to complete as part of their annual Performance Development Reviews (PDRs).

- Safeguarding 2020/21
- Diversity and Inclusion in the Workplace 20/21
- Annual Health & Safety Refresher 2020/21
- Data Protection Briefing
- Lone Working (mandatory for lone working officers)

3.4.5 The OD & HR Co-ordinator continues to work with our training providers to ensure key training is delivered in a safe way.

<b>Event/Course</b>	<b>No of participants</b>	<b>Number of sessions held</b>
Pre-Retirement Course	28	1
Corporate Induction	06	1
Management PDR Sessions	27	3
<b>Total</b>	<b>61</b>	<b>5</b>

### **3.5 Equalities Monitoring Indicators**

3.5.1 The table below shows a summary of equalities data for employees at the end of Quarter 3 (i.e. 31 December 2020).

	<b>Comparison to population data</b>	<b>EHC Percentage</b>
<b>Disability</b>		
Leadership Team with a disability	5% CENSUS 2011	0.0%
Employees with a disability	5% CENSUS 2011	4.2%
<b>Ethnicity</b>		
Leadership Team members from BAME groups	4.5% CENSUS 2011	10%
Employees from BAME groups	4.5% CENSUS 2011	6.9%
<b>Gender</b>		
Leadership Team members who are female	51% NOMIS 2019	40%
Employees who are female	51% NOMIS 2019	72.7%
<b>Sexual Orientation</b>		
Leadership Team	2.1% ONS 2018	10%
Employees	2.1% ONS 2018	2.1%

The Leadership Team comprises the Chief Executive, Deputy Chief Executive and Heads of Service.

#### **4.0 Implications/Consultations**

##### **Community Safety**

No

##### **Data Protection**

No

##### **Equalities**

No

**Environmental Sustainability**

No

**Financial**

No

**Health and Safety**

No

**Human Resources**

As detailed in the report

**Human Rights**

No

**Legal**

No

**Specific Wards**

No

**5.0 Background papers, appendices and other relevant material**

None

**Contact Officer**      Simon O’Hear, Head of HR and OD  
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[simon.o'hear@eastherts.gov.uk](mailto:simon.o'hear@eastherts.gov.uk)

**Report Author**      Vicki David, HR Officer  
Contact Tel No. – 01992 531652  
[Vicki.David@eastherts.gov.uk](mailto:Vicki.David@eastherts.gov.uk)

## East Herts Council Report

### Human Resources Committee

**Date of Meeting:** 16 February 2021

**Report by:** Head of Human Resources and Organisational Development

**Report title:** Health and Safety Quarterly Review (Q3) – October 2020 to December 2020

**Ward(s) affected:** N/A

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### Summary

#### RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE:

**(a) That the report be noted**

#### **1.0 Proposal**

1.1 This report sets out the collation of Health and Safety (H&S) Management Statistics and service updates for Quarter 3 (October 2020 to December 2020).

#### **2.0 Background**

2.1 The Health and Safety Officer reports to the HR committee each quarter. This has also been sent to the Leadership Team, who reviewed the report first and will be sent to the Executive for information along with minutes of the Safety Committee.

#### **3.0 Safety Committee**

3.1 Safety Committee met via zoom on Monday 18<sup>th</sup> January 2021.

3.2 Invitations have been sent to the contract managers and contract project managers to attend to provide feedback on the main and capital projects.

**4.0 Work Related Accident Reports**

4.1 There were no reportable accidents under the Reporting of Incidents Diseases and Dangerous Occurrence Regulations (RIDDOR) for the period October 2020 – December 2020.

4.2 There have been no non reportable work related accidents recorded during the period 1 October 2020 to 31 December 2020, compared to the same period in 2019 in part this reduction will have been affected by more staff working from home or away from the office.

**2019 Accident Totals – For Comparison**

Site	October	November	December	TOTAL
Hartham	5	6	3	<b>14</b>
Fanshawe	4	1	6	<b>11</b>
Leventhorpe	0	1	0	<b>1</b>
Grange Paddocks	11	6	3	<b>20</b>
Ward Freman	1	0	2	<b>3</b>
Employees	0	0	0	<b>0</b>
Contractors	0	0	0	<b>0</b>
<b>TOTAL</b>	<b>21</b>	<b>14</b>	<b>14</b>	<b>49</b>

4.3 Following the second lockdown the swimming pools and gyms were closed for November before opening for two week duration in December 2020 and now due to the need for a further lockdown all facilities are now closed.

4.4 The Health and Safety Officer met with the Leisure & Parks Development Officer and the Contract Manager (SLM) via zoom on Wednesday 6<sup>th</sup> January 2021 to discuss the current situation.



- 4.5 SLM are continuing with all statutory checks in respect to water sampling and testing, temperature checks, pool chlorination and sanitising in addition to maintaining pool plant.
- 4.6 All swimming pools and gyms will remain closed until lockdown restrictions are eased.

**Non Reportable Accidents – October, November, December 2020**

(as reported there were no non-reportable employee accidents in Q3)

<b>Swimming Pool &amp; Gym</b>	<b>October</b>	<b>November</b>	<b>December</b>	<b>TOTAL</b>
Hartham	4	1	0	<b>5</b>
Grange Paddocks	5	0	2	<b>7</b>
Leventhorpe	1	0	0	<b>1</b>
Ward Freman	0	0	0	<b>0</b>
Fanshawe	1	0	0	<b>1</b>
Employees?	0	0	0	<b>0</b>
Contractors	0	0	0	<b>0</b>
<b>TOTAL</b>	<b>11</b>	<b>1</b>	<b>2</b>	<b>14</b>

- 4.7 There were no accidents from Leisure reportable under the Reporting of Incidents Diseases and Dangerous Occurrence Regulations (RIDDOR) or any accidents or incidents that required investigation or intervention during this reporting period.
- 4.8 There was no further action or intervention required in respect to the 14 reported accidents as they were individual isolated incidents (e.g. minor cuts, nosebleeds, non-reportable head contact, swallowing water and a slip) there is no common identifiable trend or pattern identified.

## 5.0 Contract Management and Compliance

- 5.1 In order to fulfil its duty of care, all contracts are overseen by a contract manager who is responsible for ensuring the contract is being delivered safely and the contractor has the appropriate safety procedures in place. The Health and Safety Officer works with the service contract managers to improve the information reporting processes and to ensure pertinent information is being monitored/reported and relevant action is being taken (when required) to Safety Committee, Leadership Team and Human Resources Committee.
- 5.2 The Operations team are continuing with site inspections and carrying out service delivery audits as usual.

The following updates should be noted:

### 5.3 Buntingford Service Centre

- 5.3.1 Site re-lining was undertaken and completed in December 2020, refreshing pedestrian walkways, traffic movement direction signs and parking zones.
- 5.3.2 The Health and safety Officer, working with onsite contractors and the Property team at East Herts is producing documents for a Premises Information Box (PIB), this is a weather and tamper proof box that is fitted to the exterior of a building and contains safety information pertinent for the use by the Fire Service, it contains the details of the building layout, site layout, location of hazardous chemicals and materials, position of nearest fire hydrant and mains water and electricity and gas supplies. Once compiled the documents will be checked by all the contractors and then passed to local fire and rescue for consultation. Working with the property team this will be used as a template for additional Premises Information Boxes to be installed at Wallfields, Charringtons House, Hertford Theatre, Hillcrest and Rectory Hall Hostels.

5.3.3 The Health and Safety Officer can report that all contractors on site have robust Covid secure operating procedures in place. Urbaser are the designated lead and contact for co-ordinating Covid secure measures at Buntingford and appropriate covid safe signage is being displayed.

## **6.0 Parking Enforcement Contract**

6.1 There are no health and safety concerns to report this quarter. Parking Enforcement is also outsourced, the Health and Safety Officer can confirm that effective COVID secure practices are in place and being managed by the Contract Manager.

## **7.0 Sport and Leisure Management Contract – Covid-19**

7.1 The five swimming pools closed in November during second lock down and re-opened for approximately two weeks in December but have now closed in light of the third national lockdown. SLM are continuing to maintain the five sites and have been approached by EHC to ask if they can allocate space to be used as a vaccination or covid testing centre, SLM have indicated their willingness to provide services in the East Herts community. Furthermore SLM are offering virtual online health and fitness tutorials and training aimed at young people who may not be as active during lockdown.

7.2 Health and Safety monitoring by the contract manager (supported by the H&S Officer) will continue to be undertaken to verify that compliance continues.

7.3 There are no areas of H&S concern or intervention action required to report this quarter.

## **8.0 Parks and Open Spaces Management Contract – Covid-19**

8.1 All parks, open spaces and play areas remain open and available to the community and monitoring and inspection continues to be undertaken by East Herts Operations team, supported by grounds maintenance contractor Glendale.

### **8.2 Hartham Play Area**

8.2.1 After a lengthy delay to the project due to the pandemic work started on site on the 5<sup>th</sup> October.

8.2.2 Within the first week the contractor demolished the old toilet block and unexpectedly discovered asbestos in the foundations of the toilet block. Prior to the project commencing an asbestos survey was commissioned of the building but the underlying asbestos would not have been found as it is not a substance typically used in foundations. This was removed safely by the contractor.

8.2.3 Since the demolition and removal of the old play equipment the contractor has formed the new sandpit, installed most of the new play equipment and fencing and completed some of the new landscaping.

8.2.4 The upcoming works due are installing the remaining play equipment, filling in the sandpit, laying the new path and completing the landscaping.

8.2.5 The area which was the old toilet block will be turned into a wildflower area which will aid in the biodiversity of Hartham and give some extra colour to the entrance to the play area and Common.

8.2.6 The Leisure & Parks Development Officer and contracted landscape architect have been visiting the site weekly to meet the contractors and discuss progress as well as any health &

safety elements. The only issue of note to date has been a spate of vandalism to the heras fencing around the site which seems to have stopped since the beginning of December but they will continue to monitor.

8.2.7 The last update from the contractor is that they have fallen behind by around 2 weeks due to the heavy rainfall just before Christmas making ground conditions difficult for this stage of the project, the present estimation on completion is the end of February 2021 but no fixed date has yet been agreed.

8.2.8 Regarding covid, the project has the same exemptions as any other construction project and so can continue if the contractor feels it is safe to do so. The Leisure and Parks Development Officer has regular discussions with the contractor about covid and believe they have procedures in place to work safely but will review this in each weekly meeting.

8.2.9 The health and safety Officer undertook a visit to the site on Monday 11<sup>th</sup> January 2021 to review progress and observe working practices. There has been significant progress in the development with some pieces of the new play equipment installed. The area is well organised, tidy and secure with good health and safety observance being undertaken by contractors.

## **9.0 Rectory Hall, Stanstead Abbots**

9.1 Rectory Hall, Stanstead Abbots, formerly Thele House used to be one of three homeless hostels owned by the Council, it was sold to a developer who made substantial alterations to the original building to rent out as self-contained apartments.

9.2 The growing financial pressure on the Council in terms of homeless accommodation in terms of bed and breakfast charges meant the Council needed to find a solution to this issue and subsequently purchased the now renamed Rectory Hall in December 2020.

- 9.3 The site is comprised of Rectory Hall, large standalone garage, the Annexe and Cedar Cottage
- 9.4 The Health and Safety Officer, Corporate Property Services Manager, Property Services Team accompanied by the Homeless Services Manager and Service Manager, Housing carried out a site visit on the 18<sup>th</sup> November 2020 to assess the premises.
- 9.5 Following the site visit the Property Team arranged for an up to date Fire Risk Assessment, Asbestos Survey, Legionella testing and site condition survey to be undertaken. As a result of these assessments the following works have been commissioned;
- Replace condemned existing boilers
  - Replace water storage tanks
  - Replace all fire extinguishers, fire safety signs and fire doors
  - Replace fire system control panel
  - Replace lighting with energy efficient LED's
  - Have all trees within the site to be surveyed and added to the tree inspection regime
  - Removal of all flammable materials and non-retardant items
  - Refit and upgrade heating throughout
  - Refit and upgrade sanitary facilities
- 9.6 Contractors arrived on site on Monday 04<sup>th</sup> January to erect heras fencing between rectory Hall and the Garage, Annexe and Cedar Cottage to begin stripping out the buildings.
- 9.7 The final development will be composed of the following;
- 11 Apartments in Rectory Hall
  - 4 Rooms in the Annexe
  - 2 Rooms in Cedar Cottage
  - The Garage will be converted into an office and meeting room for the onsite Hostel Officer.

9.8 The anticipated completion date for works on Rectory Hall is the end of January / February subject to the current situation with the Office, Annexe and Cedar Cottage to follow.

## **10.0 Lone Worker Devices – Guardian 24 Update**

10.1 The Health and Safety Officer would like to advise the Committee that Stevenage Borough Council is not in a position at this time to participate in a joint procurement exercise with East Herts as they do not have the infrastructure or service use that East Herts already has in place. The Health and Safety Officer will therefore continue a single procurement exercise for provision of a lone worker service. The Health and safety Officer has drafted a contract specification in consultation with service users and the Corporate Procurement Manager and will be looking to commence the procurement process over the following months with the aim of securing a continuation with the current provider or with a new provider by March 2021.

## **11.0 Contract and Development Support for Leisure Development Projects / Capital Programmes**

11.1 The Health and Safety Officer continues to liaise with the Leisure and Parks Development Officer (Leisure) on the progress of the improvement programmes.

- Hartham swimming pool and gym – The Health and Safety Officer participated in a zoom meeting to review tender documents for the pool development.
- The Health and Safety Officer participated in the review and scoring of the SQ scoring stage of the contract on the 06 November 2020.
- The contract is expected to be awarded in February with work due to commence on the redevelopment of Hartham on the 29<sup>th</sup> March 2021.
- The Health and Safety Officer will be attending an update

site meeting and tour of the Grange Paddocks development on January 27<sup>th</sup> with the Project Manager.

- The Health and Safety Officer has engaged with the Project Managers responsible for the Northgate End and Old River Lane Developments to ensure health and safety compliance, good practice and monitoring are part of the scope of the development including covid secure risk assessments, these have been obtained for review and the Health and Safety Officer will also be seeking to arrange observation site visits as the projects evolve.

## **12.0 Learning and Development – Partnership training and future events**

12.1 The Health and Safety Officer reviewed and updated the e-learning health and safety content for Skillsbuild the Council's e-learning platform. Revised versions were launched in December 2020.

12.2 The following training sessions have been organised and will be delivered virtually;

14 January 2021 – Asbestos Awareness

26 January 2021 – Project Risk Management

02<sup>nd</sup> February 2021 – Legionella Risk Management

12.3 When lockdown restrictions are eased the Health and Safety Officer will work closely with the OD and HR Co-ordinator who leads on the Council's development programme to review future training provision and how this can be delivered in an effective and meaningful way, Future H&S refresher/new starter events to be rescheduled include:

- First Aid at Work (Refresher) 2 day
- Defibrillator Awareness (Charringtons House)
- Evacuation Chair User



## **14.0 Options**

N/A

## **15.0 Risks**

15.1 As stated in the report where health and safety risks have been identified appropriate assessment has been made with relevant controls or mitigation put in place.

## **16.0 Implications/Consultations**

### **Community Safety**

As covered by the report the measures or controls put in place will impact positively on community safety e.g. re parks and open spaces or reception re-opening to the public.

### **Data Protection**

No

### **Equalities**

No

### **Environmental Sustainability**

No

### **Financial**

No

### **Health and Safety**

Yes – as described in the report

### **Human Resources**

Yes – Health and Safety is part of the HR and OD Service

### **Human Rights**

No

**Legal**

No

**Specific Wards**

No

**17.0 Background papers, appendices and other relevant material**

N/A

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## East Herts Council Report

### Human Resources Committee

**Date of Meeting:** 16 February 2021

**Report by:** Head of Human Resources and Organisational Development

**Report title:** Human Resources and Payroll Team Update Report

**Ward(s) affected:** N/A

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### Summary

#### **RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE:**

##### **(a) To note the HR and Payroll Team Update Report**

##### **1.0 Proposal**

1.1 This report provides an update on key areas the HR and Payroll team have been working on during Quarter 3 2020/21 (October 2020 to December 2020).

##### **2.0 Payroll Service**

**The Payroll Manager achieved 40 years' service at East Herts in November 2020, this has been recognised and highlighted at the last staff briefings.**

2.1 Payroll continues to deliver its primary mission of ensuring all Staff, Councillors and Contractors on Payroll are paid accurately and on a timely basis.

2.2 Payroll have continued to manage furlough payments and supporting the furlough payment reclaims during the period. The Furlough (Coronavirus Job Retention Scheme) has been

extended until 30 April 2021. Furloughed staff have continued to be paid at 80% with EHC making up the shortfall where required to the 80% level and some staff have been flexed back into work (as allowed by the flexible scheme) on occasion to provide ad hoc work or to take annual leave. Where this occurs they revert back to 100% of pay for that day and there is no furlough reclaim. Staff who are working their notice and on furlough cannot be reclaimed from HMRC, this has been actioned in claims made.

- 2.3 Payroll continued to assist HR with any calculation requirements (redundancy payments) for Hertford Theatre Staff in line with the agreed restructure and temporary redeployments made. Two of these temporary redeployments have been extended with agreement and payroll have actioned these and recalculated any payments.
- 2.4 Payroll successfully uploaded the national fraud initiative report which is a statutory requirement to SAFS (Shared Anti-Fraud Service) that helps prevent and detect fraud within and between public & private sectors.
- 2.5 Payroll set up the relevant individuals to process payments to those who took part in the annual electoral registration canvass for 2020 from information provided by Electoral Services.
- 2.6 Payroll assisted internal Audit with the annual payroll audit review via Microsoft teams which included walkthroughs of payroll processing to check internal controls & risk management. This was a very successful process although more time consuming than face to face in the office. The Outcome report has recently been received with SIAS giving a rating of 'good' assurance (as usual) which is the highest assurance available. SIAS made two Low/Advisory recommendations.

Please see Appendix 1 for a copy of the Audit report including the management response provided. In terms of recommendations the first in relation to system access and

removing users has already been actioned (November 2020) once it was raised during the audit and the second recommendation will be actioned by December 2021. The second recommendation is to type up a detailed step by step payroll procedures manual with the associated screenshots outlining practice to be followed and to make this accessible for business continuity to link in with the monthly payroll checklist. Hand written notes are in place on the key procedures but these will be moved on to electronic documents to ensure access and be more user friendly, both the Payroll Manager and the main HR & Payroll assistant are familiar with these procedures so there is resilience but this will be further strengthened.

### **3.0 Learning and Development**

3.1 The HR Quarterly Management Statistics Report provides the data and details regarding the learning and development events from October to December 2020. All training events continue to be delivered virtually in response to the current COVID-19 and lockdown regulations.

3.2 The OD and HR Co-ordinator has developed and launched the 2020/21 mandatory e-learning courses. These were made available for staff to complete as part of the annual PDR process from December 2020. The courses include:

- Data Protection 2020
- Health and Safety 2020
- Safeguarding 2020
- Equalities and Diversity 2020
- Lone Working (for selected officers who use these devices)

Training has taken place to ensure the consistency of the reporting from SkillsBuild for the staff and member training. Members are also expected to complete the first four courses in line with policies agreed or demonstrate that they have achieved a similar update from elsewhere which can be recorded. Member training is managed by Democratic Services

who now have access to the SkillsBuild reports so they can monitor and support members to complete/update records.

- 3.3 The corporate induction programme continues via Zoom and includes delivery from HR and other appropriate East Herts presenters on key elements of the council.
- 3.4 The virtual pre-retirement course was delivered and received positive feedback. The course was oversubscribed and a further date has been added to the programme.
- 3.5 The OD and HR Co-ordinator supported the in-house Wellbeing Programme which included designing a session on 'Tips for Positive Mental Health'.
- 3.6 The OD and HR Co-ordinator continues to support the Sustainability Team with the development of a sustainability training programme, this has now reached draft stage with a pilot session being run in February and will be part of the training programme offered to all staff once fully developed.
- 3.7 The OD and HR Co-ordinator is revising and updating the Training and Development Policy to ensure the policy is fit for purpose. The revised policy will be renamed the Organisational Development Policy. The scope of the policy will include the options available for staff development at the council including coaching, mentoring, professional qualifications, conferences, face to face training, e-learning, webinars and qualifications funded through the apprenticeship levy.
- 3.8 After consultation with the Leadership Team approval was given to recruit a Customer Services Apprentice who will be employed to study an NVQ level 2 or 3 in Customer Services; the level of qualification will depend on the previous experience of the successful candidate. Currently the Planning Apprentice framework is not live meaning that we cannot recruit new apprentices in this area. The Customers Services route has been chosen as it allows exposure to a range of council services which the apprentice can then progress into. The target is to

have four apprentices each year funded by the central budget with trainee costs directly managed by services. The cost of apprentices increases in year 2 meaning that the budget can only manage 4, trainee roles are for higher level apprentices which have progressed from an apprenticeship and they are paid at a graded job evaluated level and sit therefore within the service structure. The new apprentice will join our current apprentices or trainees studying the following qualifications:

- HR Consultant / Partner Level 5
- CIMA Level 7
- Advanced Apprenticeship in Construction - Town Planning Level 3
- Chartered town planner Level 6

Further apprentices will be recruited in the next financial year but this has been delayed to allow recruitment of further Planning Apprentices once the framework is available again.

## **4.0 Human Resources Update**

### **4.1 East Herts Together (EHT) Development Update**

The East Herts Together Group has continued to meet on Zoom whilst most employees work from home and has made good progress on actions.

4.1.1 The One Page Plan for the East Herts Together project has been updated to reflect changing priorities. All updated actions have been assigned to members of the East Herts Together (cross service) Group and target dates agreed and these are also now in the Pentana performance tracking system. Due to conflicting priorities some work has had to be delayed and moved forward on the plan. In particular the HR Strategy and Core Staff & Management Competencies has been delayed to allow work to be progressed on Agile Working first and also due to conflicting demands and responding to the pandemic which has included HR support in meeting staffing needs in the NHS. It remains the

aim to bring a draft strategy to the next HRC but the policy work being done first may delay this to the HRC in September in order to have been considered firstly by LT and EHT.

#### 4.1.2 Actions that have progressed since the last update include:

- The corporate values have been refreshed and a new more simplified graphic has been drafted which is easily understandable for staff. This is now come back from the Design team and will be considered by the next EHT meeting on 23<sup>rd</sup> of February.
- 7 HR policies have been approved by Leadership Team and LJP and have been brought to this meeting for approval:
  1. Discipline Policy
  2. Officer Code of Conduct
  3. Grievance Policy
  4. Absence Management Policy
  5. Bullying and Harassment Policy
  6. Probation Policy and Procedure
  7. Appeals Policy (reduced version due to appeals being incorporated in the relevant policies above)
- Work has started on re-drafting the following policies to bring to HRC in May 2021:
  1. Managing Performance Policy
  2. Appeals Policy – this will be deleted once all aspects are covered.
  3. Redundancy Policy (Redeployment Scheme and Disturbance Allowance Scheme to be incorporated)
  4. Flexible Working Policy
  5. Training and Development Policy
  6. Recruitment Policy



7. Agile Working Policy (this will replace the suspended home working policy and also the flexi time scheme will need to be reviewed)
8. Alcohol, Drugs and Substance Misuse Policy

4.1.3 The staff survey was sent to employees in December 2020. The questions and analysis was undertaken in-house and special thanks has been given to Vicki David who has led this work (developing the questionnaire and analysing results) for HR and EHT with support from the Head of HR & OD and LT. The key headlines were shared with Service Managers at the quarterly away day on 25<sup>th</sup> January and it was agreed that some of the key headlines will be used in recruitment literature to help attract applications. The analysis of the results and agreement to the next steps has been considered and agreed by LT (Monday 1<sup>st</sup> February). The full report which is attached at Appendix 2 will be considered by the next EHT meeting for discussion to confirm next steps and more importantly key actions to take (see Staff Survey section 8.0 below for more details).

4.1.4 The drafting of the HR & OD Strategy has been delayed due to other work pressures as above but the group agreed at the last meeting that the key aims of the strategy are that it:

- supports corporate SEED priorities
- supports creativity and innovation
- includes the development of core competencies
- celebrates success / improves staff recognition
- addresses how we promote wellbeing
- covers change management regarding agile working and varied ways of working
- should reflect societal change, the 'new normal' and be pandemic resilient but not COVID focused only

4.1.5 The development of staff/management competencies has also had to be revised, work will now take place in April 2021. The

work that will follow i.e. PDR redevelopment, Management training etc. has also been moved forward in line with competencies development. This year's PDRs which begin in December will use the current form and process and this will be replaced following the competencies development for the 21/22 PDR cycle.

## 4.2 Recruitment

### 4.2.1 Indeed online Job Board

EHC have advertised 13 posts since the trial with Indeed began in June this year.

Candidates are asked to state on their application form where they saw the advert and this data is recorded in HR. Analysis of the data shows that Indeed is attracting a good proportion of the candidates overall. Of the total number of candidates (106) for all thirteen posts, 45 (42%) saw the advert on Indeed. It is likely that more candidates were attracted via Indeed than the data reflects as candidates are directed from Indeed to the East Herts Council (EHC) Website to complete their application. This can sometimes mean that candidates state on their application form that they saw the advert on the latter.

Of the 27 candidates who were shortlisted, 5 (19%) saw the advert on Indeed. Of the 10 candidates offered roles, no candidates (0%) saw the advert on Indeed.

In conclusion, Indeed has been successful in attracting a good proportion of candidates to apply for our roles (42%) however a lower proportion are being shortlisted for interview (19%) and none have yet been offered roles suggesting the quality of the candidates from Indeed is not currently of the required standard. One of the adverts has yet to close. This is being monitored by HR is also likely to be affected by the Pandemic's effect on the employment market.

HR will continue to monitor performance as more posts are advertised under the new arrangement. The application form will be further developed to include Indeed as a choice to select rather than candidates being given a free text box and the question reworded in terms of asking where the candidate first saw the advert to try to improve the reliability of the data.

HR with support from Communications have developed a branded page on the Indeed website where we are able to sell the benefits of working for the council and employees/candidates are able to leave reviews regarding their experience of the council as a recruiter/employer. The page will be developed further to include case studies and videos and will help to build the council's brand in line with agreed Equality and Gender Pay actions. Key headlines from the recent staff survey will also be used as outlined above.

#### 4.2.2 Improved Job Application Form/Applicant Tracking System (ATS)

The new two-part application form (where candidates only have to complete part of the application form if they also submit a CV) appears to be working well and we have not been made aware of any issues with candidates completing it.

There remain concerns with the completion of the separate equality monitoring form as candidates do not always complete it, as highlighted in the previous equalities report this will be tackled through a full online form as part of bringing in recruitment software/ATS to replace the recruitment module in the HR system which was not suitable.

HR are working with Stevenage on purchasing an ATS system, this work will be led by the Head of HR and OD with two HR Officers and Stevenage counterparts. The costs of potential systems may limit options and integration with the existing core HR & Payroll system but the system will be required to provide

an online form, online shortlisting and name blind recruitment. The purchase will be made within this financial year to make use of refunds provided.

#### 4.2.3 Corporate Web Site

In line with the update to the council's page on the Indeed website, the council's website has also been updated to include a 'Why join us' page and will be developed with case studies and key staff survey headlines etc.

#### 4.3 HR Services provided to external organisations

The Head of HR and OD and HR Officers has developed the offer with revised/increased rates for pay as you go services to ensure EHC staff costs (including on costs) are fully met as well contribution/margin which can support running costs going forward as the rates have not been updated for a number of years. The offer has been expanded to include more L&D support and additional H&S support to maximise use of the HR team and generate further income for EHC. As well as revised 'pay as you go rates' the service now requires a retainer and offers a number of proactive pre-scheduled/paid services i.e. HR and H&S Audits, management coaching, HR Surgeries and H&S Surgeries meaning income can be better predicted and is not just reliant on pay as you go which may or may not be requested.

The bid to provide services (HR, L&D and H&S) to Ware Town Council was successful as previously reported and work began from 1/11/2020, the audit is beginning this month (February 2021).

Revised costings for Hertford Town Council (HTC) were developed for the HR Service (in line with the WTC package) and a tender was submitted to HTC for HR services (not H&S) and we are pleased to report this was successful with a new

package in place from 1<sup>st</sup> January 2021; this includes a more proactive surgery based service and audit.

Hertfordshire Building Control (HBC) have purchased and received a HR Audit and support has also been provided on an employee case. Following the Audit HBC have requested development work on number of policy and procedure, this work will take place across February and March. It is still hoped this may lead on to a retained HR service being provided.

The Head of HR&OD is also in discussion with an FE College who have expressed interest in purchasing a number of e-learning licenses for GDPR, this was initially expected to amount to 200 users but is now expected to be 50-60 but will generate a very positive return on existing developments (e-learning courses) if progressed. The OD and HR Co-ordinator is also going to contact more local partners i.e. existing customers and local town and parish councils to see if this can be further expanded.

In line with budget reviews HR are now providing an increased income target to reflect to work being generated and to support HR staff costs.

#### 4.4 NHS Support

4.4.1 The Head of HR & OD has become the single point of contact for East Herts in relation to supporting the NHS. A Capacity Staffing Response Group (CSRG) has been set by HCC and the Head of HR & OD attends this on a weekly basis. The group is focused on support staffing demands from the NHS including Mass Vaccination Centres, redeploying staff on temporary and emergency basis from the local authority into the NHS. This has created a lot of work and has also involved providing the NHS with key frontline staff list for priority in terms of Vaccinations. Redeployed staff are also being given vaccinations as part of the frontline role they are now fulfilling.

4.4.2 EHC put forward 25 staff for potential redeployment and then responded to 8 specific demands for non-clinical staff. Currently this has led to one placement to support vaccination centre procurement starting. At the time of writing this update the employee who has been redeployed for 4 weeks has reported that it is going well and proving to be very busy but very rewarding, the feedback from NHS on the value of the staff member and the contribution they are making has been very positive.

4.4.3 As the NHS progress they are taking on additional staff directly, meaning these demands are beginning to slow/reduce and a number of EHC offers of redeployment have not yet been progressed due to capacity and resourcing improving.

EHC has signed a Memorandum of Understanding to facilitate this redeployment (staff costs are invoiced to NHS) and ensure duty of care to employee shifts during the placement which has been shared with our insurers and before any placement is agreed Risk Assessments are validated by our H&S Officer with the member of staff considered.

## **5.0 Casework**

5.1 Support has been provided by HR on a number of cases in terms of absence and capability.

## **6.0 Hertford Theatre Restructure**

6.1 The consultation on the restructure of Hertford Theatre closed on 12 November 2020. The purpose of the restructure was to ensure staffing resources are allocated appropriately to manage the current programme offer at the Hertford Theatre leading up to the full closure of the building in August 2021 for the construction project.

6.2 10 members of staff were put at risk of redundancy as a result

of the restructure proposals. Of this 10, 2 were successful in getting roles at the theatre. 8 employees were served notice of redundancy. One employee offered counter notice and left in December 2020, one left in January 2021 in order to create a 4 week gap so that he can take on a temporary opportunity in Elections in February, one was successful in applying for a job that became vacant at the theatre and the remaining 5 leave in February and March 2021. We continue to seek both temporary and permanent redeployment opportunities for these employees.

- 6.3 The restructure has been complex due to the closure of the theatre twice due to lockdown restrictions. We sought to temporarily redeploy staff on notice of redundancy to roles elsewhere in the council rather than place them back on furlough and managed to temporarily redeploy 2 employees to the COVID Marshall role, as well as a further 2 supporting Customer Services and Communications. However 3 employees remained on furlough (as they didn't want to take up the temporary redeployment offered) before taking accrued annual leave before their end dates.

## **7.0 Wellbeing Support**

### **7.1 Virtual health and wellbeing week**

- 7.1.1 East Herts Council held its first virtual health and wellbeing week for staff in the week commencing 14 December 2020. The event was planned by members of the Live Well Work Well Steering Group. It was arranged in response to the difficult year during the Covid-19 pandemic and the importance of looking after our wellbeing.

- 7.1.2 There were a range of activities (22 in total) to choose from including a Christmas singalong and laughter yoga as well as physical activity sessions to get staff moving more. Most of the sessions were led by external organisations who were experts

in the areas and all sessions could be done from employees' homes. Most of the sessions were between 30 to 40 minutes and were held during the lunchtime period however there were some sessions taking place at different times and some were slightly longer.

7.1.3 To encourage and support staff to participate, staff were able to record their attendance (with the exception of the evening sessions) as work time as long as service provision was not affected and their manager had agreed.

7.1.4 The event was initially promoted in Connect on 30 November which directed staff to the wellbeing hub on the intranet where they could book themselves onto sessions. Articles promoting the Dementia Friends session and themed coffee breaks appeared in Connect on 7<sup>th</sup> December. A daily alert on upcoming sessions was posted on the Intranet during the week. Regular reminders were sent to staff, and managers were asked to encourage their staff to attend, in the lead up to the event.

7.1.5 Disappointingly, the sessions were not well attended: 19 of the sessions had 4 or less attendees. The highest attendance (15 employees) was at the 'Questions to ask IT session (see table on next page for sessions and participants).



<b>Session</b>	<b>Number attending</b>
Tea, coffee and Zoom basics	3
Introduction to Able Futures	3
Introduction to Mindfulness	3
Got2Sing Choir	0
How to thrive working from home	3
Find out more about My Rewards	5
Moving and stretching for a Happy Back	4
Accredited Suicide Intervention course	0*
Questions to ask IT	15
Gentle stretch and movement	1
Smoking Cessation	0
Dementia Friendly	2
Evening Slumber – Unwind and relax.	0
Self care and top tips for mental health	1
Christmas crafting	0
Laughter yoga session	1
Presentation on the East Herts Employee Assistance Programme	7
Low Impact body conditioning session	1
Christmas Sing a Long	0
Volunteering opportunities in East Herts	0
Food for the Gut	2
Introduction to Sleeping Soundly	2

\* This was a session that was organised for others outside the council and therefore it quickly became booked up and no EHC staff were able to attend, guidance is part of the wellbeing section for staff as well signposting to the EAP, Samaritans and tips and support on preventing suicide.

7.1.6 Thanks go to staff members Tyron Suddes, Rachel Kiss, Helen Farrell and Dawn Hollyoak who kindly gave their time and hosted themed coffee mornings. And to the fantastic external speakers; many of them volunteers.

## 7.2 Financial Wellbeing

In the lead up to Christmas, several articles on financial wellbeing were written to appear in Connect including tips from Citizens Advice East Herts on managing debt and budgeting; practical tips on managing your money and improving your mental health from the Mind Mental Health Charity; financial wellbeing articles on MyRewards including talking to your children about money when you are on a budget; and advice from Able Futures on coping with money worries over Christmas.

## 7.3 Wellbeing Survey

The Wellbeing Survey was re-run in December as part of the staff survey that is run every 3 years. Please see section 9.0 below.

## 7.4 Wellbeing Strategy/Plan

The Wellbeing Steering Group is going to develop a 3 year Strategy for EHC, this work is being led by Vicki David from HR with support from Claire Pullen. The aim is develop a strategy or 3 year plan to provide a clear direction for the wellbeing work being undertaken and seek LT approval and budget. Annual wellbeing plans will then be developed through the governance of this strategy/longer term plan.

## **8.0 HR and Payroll System Development**

8.1 Progress with the provider has now improved and we have been assigned a new Zellis account manager. A product

demonstration took place to HR and Payroll in November to ensure we are making effective use of the system and to review unimplemented modules. We are now looking in to purchasing a third party ATS (Applicant Tracking System) which will manage the end-to-end recruitment process, on line application forms, online shortlisting, on boarding option (if affordable) and will allow for name blind recruitment. Greater linkage has also be made with the shared IT service who also support this system at Stevenage who sent a member of IT to the demo provided and who are supporting the BAM implementation below.

8.2 The HR Trainee Officer has begun further development of the HR and Payroll system. We have begun installing BAM (Business Alert Manager) which is an application that allows trigger alerts on dates. We are also at the early stages of building the L&D module which enables employees to view 3 years' worth of their training data and allows them to book on future courses. The HR Trainee Officer is also looking at making use of the Asset Management functionality within the system, which consists of compiling an inventory of equipment held by staff (e.g. phone/tablets) and aligning to the right employee profile. IT will have access to this information only, allowing them to update and manage going forward.

8.3 The Head of HR & OD has also now got agreement to provide a refund on the non-implemented H&S module as the provider has chosen to 'sunset' this module. HR and H&S do not use the system for H&S through e-forms so this does not have a negative impact. Unfortunately the refund is only a few hundred pounds but at least EHC have agreement for this to be provided at 100% for the duration of the contract.

## **9.0 2020 Staff Survey (Including Wellbeing Survey)**

(See Appendix 2 for full report)

9.1 East Herts Council conducts a Staff Survey every 3 years to obtain feedback from employees so that it can take practical

steps to build on its strengths and improve areas for development.

- 9.2 The 2020 Staff Survey ran from 9 to 21 December 2020. The Survey consisted of 6 sections and 38 questions which had been agreed by the Leadership Team. The majority of the questions asked employees to select from a range of pre-populated responses to make the survey as quick and straightforward as possible to complete. There was also free text boxes included throughout the survey so that staff could expand on their answers where they wished to.
- 9.3 Employees were asked to include their name on the survey (rather than complete it anonymously) so that further follow up conversations could be held with them to support their specific needs (if appropriate). Employees were assured that individual responses would be treated confidentially and would only be seen by management and HR. The overall results (not individual responses) will be considered by the East Herts Together group to inform future work/actions to support staff.
- 9.4 Comparisons have been made, where possible, with the 2017 Staff Survey, although some questions are slightly different to the ones asked in this survey. The data in the Wellbeing section of this survey has been compared to the June 2020 Wellbeing Survey.
- 9.5 The survey was completed by 211 employees out of a total of 340 employees, giving a 62% response rate. This is slightly lower than the response rate for the 2017 Staff Survey (65%), (but is higher than 49% response rate in 2014) and perhaps unsurprisingly, it is lower than the initial response rate for the June 2020 Wellbeing Survey conducted (89%).
- 9.6 The results from the 2020 Staff Survey are largely very positive in each of the 6 main areas covered: (1) Wellbeing, (2) The Council, Our purpose, Structure and Direction, (3)

Communication (4) Support for employees to achieve their role, (5) Equality and Safeguarding, and (6) Overall:

- Employees feel the council supports their wellbeing (91% agreed).
- Employees reported they understand the direction of the council and how their role contributes to its success (97-98%).
- Employees report that communication in the council is effective (87-88%).
- Employees believe that the council welcomes and supports equality and diversity and addresses inequality towards employees (97%).
- They also believe that Health and Safety is taken seriously (96%).
- Employees felt they had good support to enable them to achieve their role (ranging from 74% to 95%) however there were four questions in this section that received an agreement level of 80% or below. The level of agreement is still positive but clearly improvement will need to be sought. These areas are: my manager makes the PDR process worthwhile; I feel I have sufficient resources to effectively carry out my current role: My line manager holds regular one to ones with me, and I have discussed the development I need to enable me to do my job and my career aspirations with my line manager.
- **Overall: Employees said they were proud to work for the council (95%) and would recommend it as a good place to work (94.7%).**
- **The majority also agree that things are continually improving at the council (81%).**

9.7 Overall the 2020 staff survey results are an improvement on the results achieved in 2017, areas have either been maintained or improved, no decline has been seen. Following the 2017 survey,

actions were agreed in a 'you said' 'we did' approach and this appears to have supported this overall improvement.

It is fair to say that all responses to all 38 questions are positive with lowest level of agreement at 74% but in line with the desire to continuously improve Leadership Team and East Herts Together will seek to build on strengths and improve in areas where improvement should be achieved i.e. the PDR process is going to be reviewed and improved, competencies which further support staff development will be introduced etc.

It is also important to refer to the next steps section (6) in the main report as by doing the survey in-house with predominately named responses individual follow up can and will take place which should in itself allow for more improvement to be identified and for further staff satisfaction to be achieved.

## **10.0 Options**

N/A

## **11.0 Risks**

N/A

## **12.0 Implications/Consultations**

### **Community Safety**

No

### **Data Protection**

No

### **Equalities**

No

### **Environmental Sustainability**

No

**Financial**

No expect for budget issues in relation to recruitment systems and purchasing an ATS.

**Health and Safety**

No

**Human Resources**

Yes – as described in the report

**Human Rights**

No

**Legal**

No

**Specific Wards**

No

**13.0 Background papers, appendices and other relevant material**

13.1 Appendix 1 - Internal Audit Report East Herts Council – Payroll 2020-21

13.2 Appendix 2 - Staff Survey Results 2020

**Contact Officer**

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## **Final Internal Audit Report**

# **East Herts Council – Payroll 2020-21**

**January 2021**

**Issued to:** **Gill Coleman** – Payroll Manager  
**Simon O’Hear** – Head of Human  
Resources and Organisational Development

**Copied to:** **Steven Linnett** – Head of Strategic Finance  
and Property  
**Members of the Audit and Governance  
Committee**  
**Executive Member for Financial  
Sustainability**

**Report Status:** Final

**Reference:** **E034/20/001**

**Overall  
Assurance:** Good

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## 1. EXECUTIVE SUMMARY

### Introduction

- 1.1 Internal Audit provides East Herts Council (the Council) with an independent and objective opinion on the organisation's governance arrangements, encompassing internal control and risk management, by completing an annual risk-based internal audit plan. This audit forms part of the Council's approved 2020/21 Internal Audit Plan.
- 1.2 Payroll is a key financial system and as such, management need to be satisfied that the system is soundly controlled and can be relied upon to meet its objectives. The work of internal audit in reviewing the presence and operation of controls within the system provides a source of assurance that the system can be relied upon during the current financial year.
- 1.3 Pay expenditure forms a significant part of the Council's overall expenditure. There were 411 employees paid in November 2020 totalling £679,329. It is therefore important that there is a robust process for ensuring staff are paid at the correct rates and that complete and accurate deductions are made.
- 1.4 Due to the Covid-19 pandemic we completed the review with the support of the Payroll and HR team, through discussion and sharing documents electronically.

### Overall Audit Opinion

- 1.5 Based on the work performed during this audit, we can provide overall **good assurance** that there are effective controls in operation for those elements of the risk management processes covered by this review. These are detailed in the Assurance by Risk Area Table in section 2 below.
- 1.6 In arriving at our overall assurance opinion, we have acknowledged that there are consistent and robust controls in place covering all risks relating to the processing of the Council's payroll.
- 1.7 Although not affecting the overall assurance opinion, in the risk area of system access and working practice we have provided satisfactory assurance. This is due to some uncertainty on the access rights to the Council's payroll system. In addition, there is insufficient procedural guidance and access for staff to ensure business continuity in the absence of key payroll staff. We have made recommendations to review these items in Appendix A.
- 1.8 Statutory parameters are set at the start of the year as provided by the payroll system provider Zellis. The parameters are thoroughly tested by the Payroll Manager for accuracy. Any pay rises, either at the start of the year or in-year, are tested to ensure staff receive the correct pay.
- 1.9 We observed good levels of control over starters and leavers and changes to pay. There are satisfactory levels of separation of duties for the input and checking with supporting evidence and appropriate authorisation.
- 1.10 Currently, Payroll and HR place reliance on the service line management to check and authorise expenses as this forms part of the automated process within the 'My

View' system. However, neither Payroll or HR had access to sufficient details of what evidence had been provided and who had authorised Officers expenses. Therefore, audit could only partially test the expenses claimed through the records available. We will follow this up in future audits, as the HR Team were in the process of resolving this with Zellis\* whilst the audit was being undertaken.

\* Update 16 January 2021 - Zellis have responded to advise that this issue will be rectified once the new release is installed as scheduled to be done on 23 February 2021.

- 1.11 We confirmed that Payroll payments were subject to appropriate management checks, made in accordance with an agreed timetable and authorised in accordance with Council policy. Payments were also made to HMRC for income tax and national insurance contributions and to Hertfordshire County Council for pension deductions in accordance with statutory requirements.
- 1.12 For definitions of our assurance levels, please see Appendix B.

### **Summary of Recommendations**

- 1.13 We have made two 'low priority' recommendations designed to enhance the control environment of system access and staff guidance.
- 1.14 Please see Management Action Plan at Appendix A for further detail.

### **Annual Governance Statement**

- 1.15 This report provides good levels of assurance to support the Annual Governance Statement.

## 2. ASSURANCE BY RISK AREA

2.1 Our specific objectives in undertaking this work, as per the Terms of Reference, were to provide the Council with assurance on the adequacy and effectiveness of internal controls, processes and records in place to mitigate risks in the following areas:

Risk Area	No	Limited	Satisfactory	Good
a) <b>System access, records &amp; working practice:</b> <ul style="list-style-type: none"> <li>access to payroll data is appropriately controlled.</li> <li>access is restricted to business needs.</li> <li>staff guidance, procedure notes and HR policies in place.</li> </ul>				
b) <b>Statutory parameters:</b> <ul style="list-style-type: none"> <li>system parameters are set up in accordance with statutory rates.</li> </ul>				
c) <b>Starters and leavers:</b> <ul style="list-style-type: none"> <li>new starters are appropriately authorised and accurately set up on the payroll system.</li> <li>staff leaving the authority have pay processed in a timely and accurate manner, ensuring that final payments are correct.</li> </ul>				
d) <b>Changes to payments:</b> <ul style="list-style-type: none"> <li>Contract variations, market forces payments and annual pay-scale uplifts are reviewed by a second senior officer and this is evidenced.</li> <li>amendments to pay are authorised and consistent with policy.</li> </ul>				
e) <b>Payroll runs:</b> <ul style="list-style-type: none"> <li>appropriate management checks are performed to verify the accuracy of the payroll prior to transmission.</li> <li>overpayments are identified and recovered.</li> </ul>				
f) <b>Third party payments:</b> <ul style="list-style-type: none"> <li>payments to pension providers and HMRC are made on a timely and accurate basis.</li> <li>statutory returns to HMRC are submitted.</li> </ul>				
<b>Overall</b>				

2.2 See definitions for the above assurance levels at Appendix B.





No.	Finding / Associated Risk	Priority	Recommendation	Management Response	Target Date
1.	<p><b>System access</b></p> <p>We reviewed the operator file for users with access to the Council's payroll system provided by Zellis. There were 20 Users with current access, that included:</p> <ul style="list-style-type: none"> <li>i. Generic titles such as: Pin Access, Supervisor default operator, HR Default, HR email &amp; Payroll Default.</li> <li>ii. Named Zellis employees, and</li> <li>iii. Two users set up for the same H&amp;S Officer.</li> </ul> <p>The Payroll Manager was not sure on the need or reason for some of these user accounts still being active.</p> <p><u>Associated Risk</u></p> <p>Unauthorised access to staff details by third parties. May lead to fraudulent activity and a breach of data protection regulations.</p>	Low	<p>We recommend that the current user accounts set up on the Council's payroll system are reviewed. Where accounts are identified as unnecessary or inappropriate, action must be taken to deactivate the access rights.</p> <p>We further recommend a regular review of account access is carried out at least every three years.</p>	<p><b>Responsible Officer:</b></p> <p><b>Gill Coleman &amp; Emily Cordwell</b></p> <p>Obsolete dates input on all operators no longer required.</p> <p>Remaining 8 left are HR/Payroll Officers plus Supervisor default operator &amp; Northgate Support</p>	Done 19 Nov 2020

No.	Finding / Associated Risk	Priority	Recommendation	Management Response	Target Date
2.	<p><b>Staff guidance and procedure notes.</b></p> <p>The Payroll Manager has access to several guidance notes and templates that detail step by step payroll procedures. However, these are not all accessible to all appropriate staff and may not be enough to guide staff in all payroll procedures.</p> <p><u>Associated Risk</u></p> <p>Insufficient guidance for staff in the absence of key payroll officers. This may lead to inappropriate payments being made which could be fraudulent and result in a financial loss for the council.</p>	Low	<p>We recommend that the guidance notes and templates in place are reviewed and appropriately agreed to provide full guidance on the Councils payroll procedures. When completed, they should be placed in a staff manual on the HR shared drive accessible to appropriate staff for business continuity.</p>	<p><b>Responsible Officer:</b></p> <p><b>Gill Coleman &amp; Carmela Bavaro</b></p> <p>This is a PDR objective to be completed –                      Type detailed step by step procedures manual to include screenshots outlining best practice to be accessible for business continuity to link in with the monthly payroll check list.</p>	Dec 2021

## Appendix B - Definitions of Assurance and Finding Priorities

EHC Payroll 2020-21

Assurance Level	Definition
Good	The design and operation of the internal control framework is effective, thereby ensuring that the key risks in scope are being well managed and core objectives will likely be achieved. There are minor reportable audit findings.
Satisfactory	The internal control framework is largely working well in managing the key risks in scope, with some audit findings related to the current arrangements.
Limited	The system of internal control is only partially effective, with important audit findings in key areas. Improvement in the design and/or operation of the control environment is necessary to gain assurance risks are being managed to an acceptable level, and core objectives will be achieved.
No	The system of internal control has serious gaps, and controls are not effective in managing the key risks in scope. It is highly unlikely that core objectives will be met without urgent management intervention.

Priority Level			Definition
Corporate	Critical		Audit findings which, in the present state, represent a serious risk to the organisation as a whole, i.e. reputation, financial resources and / or compliance with regulations. Management action to implement the appropriate controls is required immediately.
Service	High		Audit findings indicate a serious weakness or breakdown in control environment, which, if untreated by management intervention, is highly likely to put achievement of core service objectives at risk. Remedial action is required urgently.
	Medium		Audit findings which, if not treated by appropriate management action, are likely to put achievement of some of the core service objectives at risk. Remedial action is required in a timely manner.
	Low / Advisory		Audit findings indicate opportunities to implement good or best practice, which, if adopted, will enhance the control environment. The appropriate solution should be implemented as soon as is practically possible.



## Staff Survey Results 2020

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## **1. Introduction**

- 1.1 East Herts Council conducts a Staff Survey every 3 years to obtain feedback from employees so that it can take practical steps to build on its strengths and improve areas for development.

## **2. About the Survey**

- 2.1 The 2020 Staff Survey was sent to all employees via email from the East Herts Together group on Wednesday 9 December. Employees were given until 21 December 2020 to submit their responses. Reminders were sent out on 14 December and on the morning of 21 December 2020.
- 2.2 The 2020 Survey consisted of 38 questions which had been agreed by the Leadership Team. The majority of the questions asked employees to select from a range of pre-populated responses to make the survey as quick and straightforward as possible to complete. There were also free text boxes included throughout the survey so that staff could expand on their answers where they wished to.
- 2.3 Employees were asked to include their name on the survey (rather than complete it anonymously) so that further follow up conversations could be held with them to support their specific needs (if appropriate). Employees were assured that individual responses would be treated confidentially and would only be seen by management and HR. The overall results (not individual responses) would be considered by the East Herts Together group to inform future work/actions to support staff. Six employees (3%) chose not to include their name.

- 2.4 For some questions, employees had the option to select the 'Not Applicable' response if there were any questions they felt uncomfortable answering.
- 2.5 The Survey was organised into 6 areas:
1. Wellbeing
  2. The Council, Our Purpose, Structure & Direction
  3. Communications
  4. Support for employees to achieve their role
  5. Equality & Safeguarding
  6. Overall
- 2.6 Please note that at the point at which the Survey was sent to employees, the UK was in the middle of the Covid-19 pandemic which meant that since March 2020 the vast majority of employees were working from home most of the time. This may have influenced to some extent the responses given.
- 2.7 The Survey results have been collated and analysed by Vicki David, HR Officer. In previous years this was done by an external organisation called Opinion Research Services, the work was taken in-house to allow greater follow up and to save external costs.
- 2.8 Comparisons have been made, where possible, with the 2017 Staff Survey, although some questions are slightly different to the ones asked in this survey (these are shown in the tables). The data in the Wellbeing section of this survey has been compared to the June 2020 Wellbeing Survey. The main purpose of the latter was to support employee wellbeing during the Covid-19 pandemic as the majority of our employees had to adapt quickly to working from home most, if not all, of the time.

### 3. Survey Response

3.1 The survey was completed by 211 employees out of a total of 340 employees, giving a **62% response rate**. This is slightly lower than the response rate for the 2017 Staff Survey (65%), (but is higher than 49% response rate in 2014) and perhaps unsurprisingly, it is lower than the initial response rate for the June 2020 Wellbeing Survey conducted (89%).

3.2 Table 1 below shows that responses were received from employees across all service areas.

**Table 1- Survey responses by service area**

<b>Service</b>	<b>No.</b>	<b>% age of service headcount</b>
Communications, Strategy & Policy	14	48%
Corporate Support	2	67%
Housing and Health	34	53%
HR & OD	7	88%
Leadership Team	5	50%
Legal and Democratic	10	59%
Operations	22	61%
Planning	27	64%
Revenues and Benefits	64	66%
Strategic Finance and Property	20	59%
Anonymous	6	

### 4. Executive Summary

4.1.1 The results from the 2020 Staff Survey are largely positive in each of the 6 main areas covered: (1) Wellbeing, (2) The

Council, Our purpose, Structure and Direction, (3) Communication (4) Support for employees to achieve their role, (5) Equality and Safeguarding, and (6) Overall.

- 4.1.2 The results show that the vast majority of employees feel the council supports their wellbeing (91%). The council will need to ensure it continues to support employee wellbeing in particular for those employees experiencing significant challenges including demanding workload, not being able to keep up with work colleagues and those reporting mental health issues such as anxiety regarding their own or other's health.
- 4.1.3 The vast majority of employees reported they understand the direction of the council and how their role contributes to its success (97-98%). Employees report that communication in the council is effective (87-88%).
- 4.1.4 Employees believe that the council welcomes and supports equality and diversity and addresses inequality towards employees (97%). They also believe that Health and Safety is taken seriously (96%).
- 4.1.5 The majority employees felt they had good support to enable them to achieve their role (ranging from 74% to 95%) however there were four questions in this section that received an agreement level of 80% or below. The level of agreement is still positive but clearly improvement will need to be sought. These areas are: my manager makes the PDR process worthwhile; I feel I have sufficient resources to effectively carry out my current role: My line manager holds regular one to ones with me, and I have discussed the development I need to enable me to do my job and my career aspirations with my line manager.

- 4.1.6 Overall, the vast majority of employees said they were proud to work for the council (95%) and would recommend it as a good place to work (94.7%). The majority also agree that things are continually improving at the council (81%).
- 4.1.7 Included in this exec summary (4.2 to 4.7) are the global results from the 2020 survey in terms the percentages of agreement and disagreements and the top choices made where applicable. The Findings section contains a much more detailed analysis, including themed comments and where possible makes comparison to the last 3 year Staff Survey held in 2017.
- 4.1.8 Overall the 2020 staff survey results are an improvement on the results achieved in 2017, areas have either be maintained or improved, no decline has been seen. Following the 2017 survey, actions were agreed in a 'you said' 'we did' approach and this appears to have supported this overall improvement.

It is fair to say that all responses to all 38 questions are positive with lowest level of agreement at 74% but in line with the desire to continuously improve Leadership Team and East Herts Together will seek to build on strengths and improve in areas where improvement should be achieved i.e. the PDR process is going to be reviewed and improved, competencies which further support staff development will be introduced etc.

It is also important to refer to the next steps section (6) as by doing the survey in-house with predominately named responses individual follow can and will take place which should in itself allow for more improvement to be identified and for further staff satisfaction to be achieved.

## 4.2 Wellbeing

4.2.1 23% (48 employees) of employees strongly agreed, 68% (143 employees) agreed, 8% (18 employees) disagreed and 1% (2 employees) strongly disagreed that **the council supports their wellbeing. (Total agreed = 91%)**

89% (188 employees) **were aware of the Council's Wellbeing programme, Live Well, Work Well.**

Of the wellbeing offers provided by the council, employees found:

- the flu vaccination,
- the promotion of national awareness days such as Mental Health Awareness Week and
- the NHS health check/MOT check the most useful.

4.2.2 At the time of the survey (December 2020), 45% (44 employees) reported they were working from home all of the time, 41% (87 employees) were working from home most of the time with occasional visits to the office, 9% (19 employees) were working a combination of regular home working and office working, and 5% (11 employees) were working from the office virtually all the time with no homeworking.

4.2.3 Employees were asked to give a **rating out of 10 regarding how they felt about their current working arrangement** (10 being extremely positive and 0 being extremely negative). **90%** (190 employees) gave a **rating of at least 6 out of 10** which is a slight decrease since the June 2020 Wellbeing Survey (94%). For those employees giving a rating of 5 or lower (10%, 21 employees), there were no common themes as most did not state the reasons for their response. 10 of the 21 employees (48%) gave a rating of 5

(meaning 95% were 5 and above) and no employees gave a rating of either 0 or 1.

#### 4.2.4 **The top three challenges facing employees were:**

1. demanding workload (36%, 76 employees),
2. being unable to keep up with friends and colleagues at work (28%, 60 employees), and
3. Limited IT (15%, 32 employees).

The former two have increased since the June 2020 Wellbeing Survey (from 27% and 22% respectively) however the latter has decreased (from 18%).

4.2.5 The percentage of employees stating that **balancing childcare** with work was their most significant challenge has **fallen from 14% in the June 2020 Wellbeing Survey to 8%** (17 employees) suggesting that the support that was put in place such as agreeing flexible working times has been effective. However, it should be noted that at the time of this 2<sup>nd</sup> survey the schools were open, closing from January 2021.

4.2.6 The percentage of employees stating that an **unsuitable working environment** was their most significant challenge has **fallen from 9% in the June 2020 Wellbeing Survey to 6%** (12 employees) which indicates that providing more kit and allowing more employees to work in the office where appropriate has improved the situation.

### **4.3 The Council, Our purpose, Structure and Direction**

4.3.1 28% (59 employees) strongly agreed, 68% (143 employees) agreed and 4% (9 employees) disagreed that they **understood the council's goals and priorities. Total agreed = 96%.**



- 4.3.2 42% (89 employees) strongly agreed, 56% (118 employees) agreed and 2% (4 employees) disagreed that they **were clear what they were expected to achieve in their job and how they contributed to the priorities and objectives of the council. Total agreed = 97%.**
- 4.3.3 46% (98 employees) strongly agreed, 52% (109 employees) agreed and 2% (4 employees) disagreed that they **felt they made a positive contribution to the success of the council. Total agreed = 98%.**
- 4.3.4 54.5% (115 employees) strongly agreed, 41.7% (88 employees) agreed, 3.3% (7 employees) disagreed and 0.5% (1 employee) disagreed strongly that they **were clear on what their team/service area was trying to achieve. Total agreed = 96.2%.**

#### **4.4 Communication**

- 4.4.1 18% (37 employees) strongly agreed, 70% (148 employees) agreed, 10% (21 employees) disagreed and 2% (5 employees) strongly disagreed **that they received the right amount and type of communication. Total agreed = 88%.**
- 4.4.2 23.7% (50 employees) strongly agreed, 63.5% (134 employees) agreed, 8.5% (18 employees) disagreed, 3.8% (8 employees) strongly disagreed and 0.5% (1 employee) preferred not to say that they **were well informed of changes that affect them or their team. Total agreed = 87.2%.**

4.4.3 **The communications that employees found the most useful were:**

1. the Chief Executive's weekly email (67%, 141 employees),
2. Connect (64%, 135 employees) and
3. Team Update (63%, 133 employees).

**4.5 Support for employees to achieve their role**

4.5.1 62% (131 employees) strongly agreed, 32% (67 employees) agreed, 4% (8 employees) disagreed, 1% (2 employees) strongly disagreed and 1% (3 employees) preferred not to say that their **line manager is open and approachable**. **Total agreed = 94%.**

4.5.2 49.3% (104 employees) strongly agreed, 37.4% (79 employees) agreed, 10% (21 employees) disagreed, 0.9% (2 employees) strongly disagreed and 2.4% (5 employees) preferred not to say that their **line manager gives them helpful feedback on their performance**. **Total agreed = 86.7%.**

4.5.3 42% (89 employees) strongly agreed, 38% (81 employees) agreed, 9% (19 employees) disagreed, 5% (10 employees) strongly disagreed and 6% (12 employees) preferred not to say that their **line manager holds regular 121s with them**. **Total agreed = 80%.**

4.5.4 54% (113 employees) strongly agreed, 37% (78 employees) agreed, 7% (15 employees) disagreed, 1% (2 employees) strongly disagreed and 1% (3 employees) preferred not to say that **they receive good support from their line manager**. **Total agreed = 91%.**

4.5.5 36% (76 employees) strongly agreed, 45% (95 employees) agreed, 9.5% (20 employees) disagreed, 1.4% (3 employees) strongly disagreed and 8.1% (17 employees) preferred not

to say that their **line manager asks their opinion on matters and they have the opportunity to influence decisions. Total agreed = 81%.**

4.5.6 46.4% (98 employees) strongly agreed, 47.9% (101 employees) agreed, 3.3% (7 employees) disagreed, 0.5% (1 employee) strongly disagreed and 1.9% (4 employees) preferred not to say that they **are treated in a fair and respectful manner at work. Total agreed = 94.3%.**

4.5.7 **83%** (175 employees) said they had **had an annual PDR discussion in the last 12 months**, 16% (34 employees) said they hadn't and 1% (2 employees) preferred not to say.

4.5.8 25% (53 employees) strongly agreed, 49% (103 employees) agreed, 9% (20 employees) disagreed, 3% (6 employees) strongly disagreed and 14% (29 employees) preferred not to **say that their line manager makes the PDR process worthwhile. Total agreed = 74%.** This was the lowest scoring response in terms of agreement.

4.5.9 29% (61 employees) strongly agreed, 51% (108 employees) agreed, 6% (13 employees) disagreed, 2% (4 employees) strongly disagreed and 12% (25 employees) preferred not to **say that they have discussed the development they need to be able to do their job and their career aspirations with their line manager. Total agreed = 80%.**

4.5.10 16% (33 employees) strongly agreed, 70% (148 employees) agreed, 12% (25 employees) disagreed, and 2% (5 employees) preferred not to say that **members of the Leadership Team are open and approachable. Total agreed = 86%.**

4.5.11 18% (38 employees) strongly agreed, 61% (128 employees) agreed, 16% (34 employees) disagreed, and 5% (11

employees) strongly disagreed that they **have sufficient resources (that is, time, staff or financial) to effectively carry out their current role. Total agreed = 79%.**

4.5.12 52% (109 employees) strongly agreed, 47% (99 employees) agreed and 1% (3 employees) disagreed **that they get help from colleagues when they ask. Total agreed = 99%.** This was the highest scoring response in terms of agreement.

4.5.13 42.7% (90 employees) strongly agreed, 53.1% (112 employees) agreed, 3.8% (8 employees) disagreed, and 0.5% (1 employee) strongly disagreed that **Health and Safety is taken seriously in the Council. Total agreed = 95.8%.**

#### **4.6 Equality and Safeguarding**

4.6.1 34% (72 employees) strongly agreed, 63% (133 employees) agreed and 3% (6 employees) disagreed that **the Council welcomes and supports equality and diversity, providing equal opportunities to all. Total agreed = 97%.**

4.6.2 24.6% (52 employees) strongly agreed, 71.6% (151 employees) agreed, and 3.8% (8 employees) disagreed that **the Council addresses inequality/unfair practice and discrimination against staff. Total agreed = 96.2%.**

4.6.3 35.1% (74 employees) strongly agreed, 56.4% (119 employees) agreed, 8.1% (17 employees) disagreed and 0.5% (1 employee) strongly disagreed that **they knew who to contact if they had a safeguarding concern about a child or vulnerable adult. Total agreed = 91.5%.**

#### **4.7 Overall**

4.7.1 12% (25 employees) strongly agreed, 69% (145 employees) agreed, and 19% (41 employees) disagreed that **things are**

**continually improving at the council. Total agreed = 81%.**

4.7.2 35.1% (74 employees) strongly agreed, 60.2% (127 employees) agreed, 4.3% (9 employees) disagreed and 0.5% (1 employee) strongly disagreed **that they are proud to work for the council. Total agreed = 95.3%.**

4.7.3 38% (80 employees) strongly agreed, 57% (120 employees) agreed, and 5% (11 employees) disagreed that they **would recommend the council as a good place to work. Total agreed = 95%.**

## **5. Findings**

### **5.1 Wellbeing**

5.1.1 The first three questions in this section were follow-up questions from the June 2020 Wellbeing Survey.

5.1.2 Employees were asked to describe their current working arrangement in terms of how frequently they were working from home and how frequently from the office. 45% (94 employees) said they were working from home all of the time and had not been back to the office since March 2020, 41% (87 employees) were working from home most of the time with occasional visits to the office, 9% (19 employees) were working a combination of regular home working and office working, and 5% (11 employees) were working from the office all, or virtually all of the time with no homeworking. See Table 2 below.

**Table 2**

<b>Many of us are now working in a more agile way. Which of these most closely describes your current working arrangement?</b>		
<b>Working arrangement</b>	<b>No.</b>	<b>%</b>
I am working from home all of the time. I have not been back to the office since March.	94	45%
I am working from home most of the time with occasional visits to the office where needed.	87	41%
I am working a combination of regular home working and office working.	19	9%
I am working from the office all, or virtually all of the time, with no working from home.	11	5%

- 5.1.3 Employees were asked to give a rating out of 10 regarding how they felt about their current working arrangement (10 indicating that their experience had been extremely positive and 0 indicating their experience had been extremely negative).
- 5.1.4 Table 3 below shows that 90% (190 employees) gave a rating of at least 6 out of 10. 10% (21 employees) gave a rating of 5 or lower. Please note that 10 of the 21 employees (48%) gave a rating of 5 and no employees gave a rating of either 0 or 1.
- 5.1.5 Comparisons have been made with the June 2020 Wellbeing Survey when employees were asked how they felt about their experience of working from home: 94% gave a rating of at least 6 out of 10 and 6% gave a rating of 5 or lower.

**Table 3**

Rating	2020 Staff Survey Overall, how do you feel about your current working arrangement?			June 2020 Wellbeing Survey Overall, how are you finding your experience of working from home so far?	
	No.	%		%	
10	47	22.3%	} <b>90%</b>	32%	} <b>94%</b>
9	47	22.3%		16%	
8	56	26.5%		26%	
7	27	12.8%		13%	
6	13	6.2%		7%	
5	10	4.7%		3%	
4	5	2.4%		2%	
3	5	2.4%		0%	
2	1	0.5%		1%	
1	0	0%		0%	
0	0	0%		1%	

10 = extremely positive, 0 = extremely negative

5.1.6 There were no common themes for those employees giving a score of 5 or less: 17 of the 21 employees (81%) did not provide reasons, 2 employees (10%) said it was due to an unsuitable work environment, 1 employee (4.5%) said they missed the social interaction of the office and 1 employee (4.5%) said they had had no contact or support from their manager.

- 5.1.7 Employees were asked what, if any, were the most significant challenges they were facing. Some employees selected more than one. The results have been compared to those in the June 2020 Wellbeing Survey to see whether they have changed. See Table 4 below.
- 5.1.8 40% (85 employees) of those who responded did not have any significant challenges which is a slight increase from 39% in the June 2020 Wellbeing Survey.
- 5.1.9 The top three challenges employees were facing were:
- demanding workload (36%, 76 employees) – this is an increase from 27% in the previous survey,
  - being unable to keep up with colleagues/friends from work (28%, 60 employees) – this is an increase from 22% in the previous survey, and
  - limited IT (15%, 32 employees) – this is a decrease from 18% in the previous survey.

**Table 4**

<b>What (if any) are the most significant challenges facing you now?</b>				
	<b>2020 Staff Survey</b>		<b>June 2020 Wellbeing Survey</b>	
<b>Challenge</b>	<b>No.</b>	<b>%</b>	<b>%</b>	<b>Change</b>
I don't have any significant challenges	85	40%	39%	↑
Demanding workload	76	36%	27%	↑



Unable to keep up with colleagues and friends from work	60	28%	22%	↑
Limited IT	32	15%	18%	↓
Anxiety about my health and wellbeing and/or that of my loved ones	29	14%	12%	↑
Feeling down as a result of social isolation	21	10%	13%	↓
Balancing work and caring responsibilities	17	8%	14%	↓
Unsuitable work environment	12	6%	9%	↓
Other	10	5%	8%	↓
Difficulty transferring equipment between office and home where dual working arrangement in place	3	1%	Not asked	N/A
Not enough work to do	1	0.5%	0%	↔

\* Employees may have given more than one response

5.1.10 In summary the areas where percentages have **increased** are:

- demanding workload
- being unable to keep up with colleagues/friends from work
- anxiety about their own or other's health and wellbeing

5.1.11 The areas where percentages have **decreased** are:

- limited IT
- feeling down as a result of social isolation
- balancing work and caring responsibilities\*

- unsuitable work environment
- \* = Schools had reopened when the survey was run

5.1.12 A small number of employees (3 employees) reported difficulty transferring equipment between the office and their home. This question was not asked in the June 2020 Wellbeing Survey.

5.1.13 In the June 2020 Wellbeing Survey the data for those reporting demanding workload was analysed by service area and the same has been done here to show any movement over the last 6 months. Table 5 below shows that for some service areas the percentage reporting demanding workload has increased (Planning, Revenues and Benefits, and Strategic Finance and Property), for Operations it has remained the same and for the remaining services it has decreased.

**Table 5 – Services reporting demanding workloads**

	2020 Staff Survey		June 2020 Wellbeing Survey	
Service	No.	% age of service headcount	% age of service headcount	Change
Communications, Strategy & Policy	4	14%	33%	↓
Housing and Health	10	16%	20%	↓
Leadership Team	5	50%	60%	↓
Legal and Democratic	2	12%	19%	↓

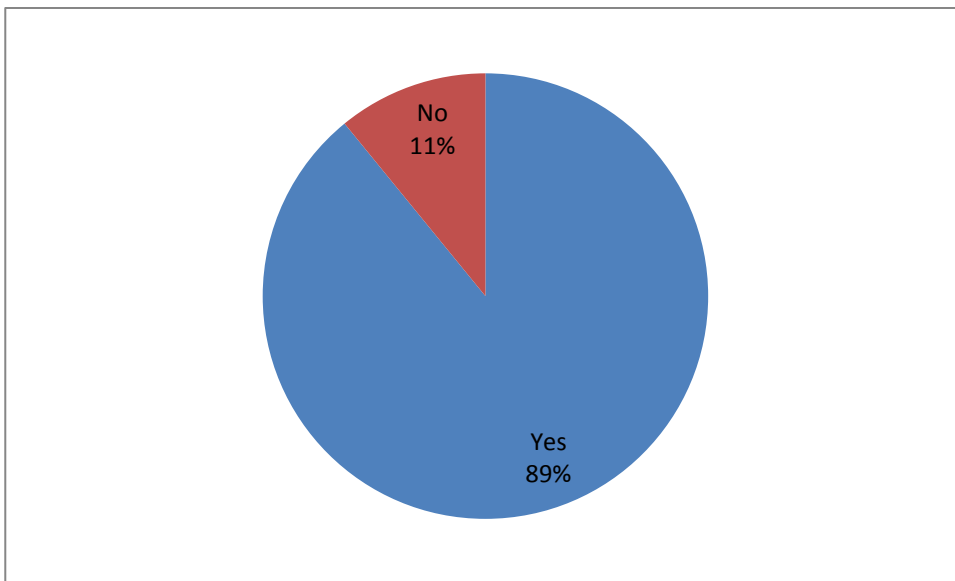
Operations	7	19%	19%	↔
Planning	20	48%	37%	↑
Revenues and Benefits	18	19%	15%	↑
Strategic Finance and Property	8	24%	19%	↑
HR & OD	0	0%	13%	↓
Corporate Support	0	0%	33%	↓
Anonymous	2	N/A		

- 5.1.14 Those reporting IT issues as their most significant challenge commented on storage issues, system unreliability, the inability to connect from the thin client for virtual meetings, having to use their personal email account for Zoom meeting invites, and their work laptop not working.
- 5.1.15 10 employees reported they were facing ‘other’ significant challenges however no common themes emerged. Comments ranged from lack of mobility to getting acquainted with their new role as they are a new starter.
- 5.1.16 The fall in the percentage of employees reporting difficulties with balancing work and childcare (from 14% to 8%) and having an unsuitable work environment (from 9% to 6%) suggests that the additional support provided to employees in the last 6 months e.g. having flexible start and finish times, providing additional IT equipment, and allowing more employees to work in the office where needed, has been effective. The reduction is also likely to have been affected

by schools reopening before they closed again in January 2021.

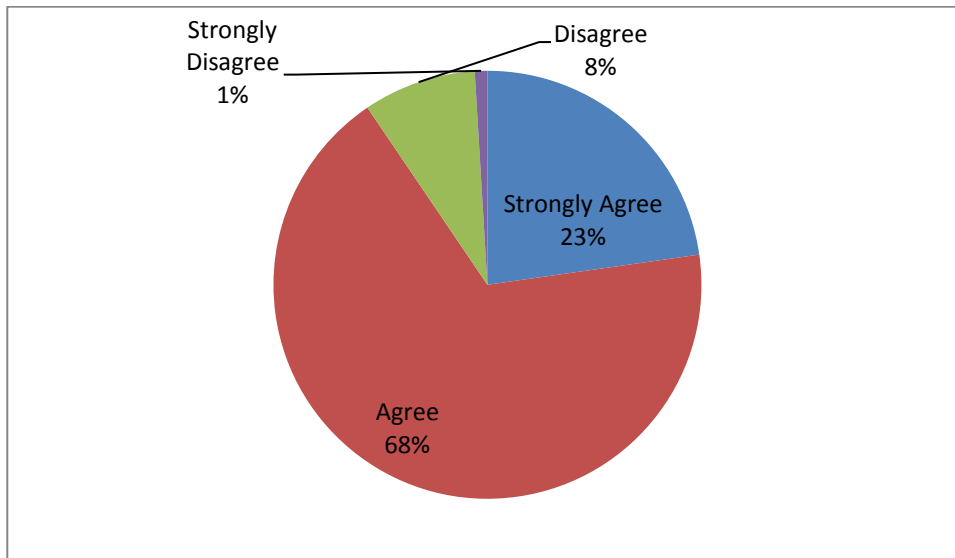
5.1.17 Employees were asked whether they were aware of the Council's wellbeing programme, 'Live Well Work Well'. 89% (181 employees) said they were aware and 11% (23 employees) said they weren't aware. See Figure 1 below. This question was not asked in the June 2020 Wellbeing Survey nor in the 2017 Staff Survey and therefore there is no comparison data.

**Figure 1 - Are you aware of the Council's Wellbeing programme, 'Live Well Work Well'?**



5.1.18 Employees were asked to what extent they felt the council supported their wellbeing. 23% (48 employees) strongly agreed, 68% (143 employees) agreed, 8% (18 employees) disagreed and 1% (2 employees) strongly disagreed.

**Figure 2 - To what extent do you agree with the following statement: I feel the council supports my wellbeing**



- 5.1.19 Those who disagreed or strongly disagreed did not leave further comments.
- 5.1.20 Employees were asked to select which of the wellbeing offers that had been arranged by the council they had found the most useful. Some employees selected more than one. See Table 6 below.
- 5.1.21 The most useful was the flu vaccination (31%, 66 employees), followed by promotion of national awareness days such as Mental Health Awareness Week (27%, 57 employees) and then NHS Health check/MOT check (22%, 46 employees).

**Table 6**

<b>Which of the following wellbeing offers you have found most useful.</b>		
<b>Wellbeing Offer</b>	<b>No.</b>	<b>%</b>
Flu vaccination	66	31.0%

Promotion of national awareness days	57	27.0%
NHS health checks/MOT check	46	22.0%
Staff Picnic	33	16.0%
Lunchtime bitesize sessions on wellbeing e.g. mindfulness, sleeping well, hydration	29	14.0%
Lunchtime Walks	26	12.0%
Taster sessions such as Pilates, reflexology, happy back, Tai Chi	22	10.0%
Other	19	9.0%
The wellbeing offers listed are not relevant, practical or useful to them*	15	7.1%
Financial Wellbeing Articles in Connect	15	7.0%
Not used any of the above wellbeing offers	12	5.7%
Yoga	8	4.0%
History Walks and Talks	6	3.0%
Prefer to have their own wellbeing arrangements	3	1.4%
Badminton Club	2	1.0%
Unaware of the wellbeing offers	2	0.9%
Eye Test vouchers	1	0.5%
Discounted gym membership	1	0.5%

Employees may have ticked more than one wellbeing offer

\* e.g. don't come into the office, too busy, times are not suitable

- 5.1.19 There were no common themes from those stating 'other'. Most did not leave any comments and those who did, they varied from 'arrange more virtual events' to stating that they

were a new starter and they had not had chance to participate in any wellbeing offers yet.

## 5.2 The Council, Our Purpose, Structure & Direction

5.2.1 Employees were asked to state to what extent they agreed or disagreed with the statement: I understand the priorities and objectives of the Council. 28% (59 employees) strongly agreed with the statement, 68% (143 employees) agreed, and 4% (9 employees) disagreed. This is a slight improvement on the 2017 Staff Survey where 26% of employees said they fully understood the goals and objectives of the council, 64% said they partly understood and 10% said they didn't understand them at all. See Table 7 below.

**Table 7**

<b>2020 Survey</b>			<b>2017 Staff Survey</b>	
<b>I understand the priorities and objectives of the Council.</b>			<b>Do you understand the goals and objectives of the council?</b>	
<b>Rating</b>	<b>No.</b>	<b>%</b>	<b>%</b>	<b>Rating</b>
Strongly Agree	59	28%	26%	Yes, fully
Agree	143	68%	64%	Yes, in part
Disagree	9	4%	10%	No

5.2.2 Employees were asked to state to what extent they agreed or disagreed with the statement: I am clear about what I am expected to achieve in my job, and how I contribute to the Council's priorities and objectives. 42% (89 employees)

strongly agreed, 56% (118 employees) agreed, and 2% (4 employees) disagreed. See Table 8 below.

5.2.3 A comparable question in the 2017 Staff Survey is 'To what extent do you agree or disagree with the statement: I am clear about my role and responsibilities'. 51% said they strongly agreed, 38% said they tended to agree, 7% said they tended to disagree and 4% said they neither agreed nor disagreed.

**Table 8**

<b>2020 Survey</b>			<b>2017 Survey</b>	
<b>I am clear about what I am expected to achieve in my job, and how I contribute to the Council's priorities and objectives.</b>			<b>To what extent do you agree or disagree with the statement: I am clear about my role and responsibilities</b>	
<b>Rating</b>	<b>No.</b>	<b>%</b>	<b>%</b>	<b>Rating</b>
Strongly Agree	89	42%	51%	Strongly Agree
Agree	118	56%	38%	Tend to Agree
Disagree	4	2%	7%	Tend to Disagree
			4%	Neither Agree nor Disagree

5.2.4 Employees were asked to state to what extent they agreed or disagreed with the statement: I feel I make a positive contribution to the success of the council. 46% (98 employees) strongly agreed, 52% (109 employees) agreed, and 2% (4 employees) disagreed. There is no comparable question in the 2017 Staff Survey. See Table 9 below.



**Table 9**

<b>I feel that I make a positive contribution to the success of the Council.</b>		
<b>Rating</b>	<b>No</b>	<b>%</b>
Strongly Agree	98	46%
Agree	109	52%
Disagree	4	2%

5.2.5 Employees were asked to state to what extent they agreed or disagreed with the statement: I am clear on what my team/service area is trying to achieve. 54.5% (115 employees) strongly agreed, 41.7% (88 employees) agreed, 3.3% (7 employees) disagreed and 0.5% (1 employee) strongly disagreed. There is no comparable question in the 2017 Staff Survey. See Table 10 below.

**Table 10**

<b>I am clear on what my team/service area is trying to achieve.</b>		
<b>Rating</b>	<b>No</b>	<b>%*</b>
Strongly Agree	115	54.5%
Agree	88	41.7%
Disagree	7	3.3%
Strongly Disagree	1	0.5%

\* Percentages may have been rounded up

5.2.6 Employees were given an opportunity to expand on their comments in the section on 'The Council, Our purpose, Structure and Direction'. 22 out of 211 employees (10%) gave additional comments however there were no common themes.

### 5.3 Communication

5.3.1 Employees were asked to state to what extent they agreed or disagreed with the statement: I receive the right amount and type of communication. 18% (37 employees) strongly agreed, 70% (148 employees) agreed, 10% (21 employees) disagreed and 2% (5 employees) strongly disagreed.

5.3.2 The data has been compared to the June 2020 Wellbeing Survey where the question asked was 'What do you think of the frequency of communication?' 91% said it was about right, 7% not frequent enough and 2% said it was too frequent. See Table 11 below.

**Table 11**

2020 Staff Survey			June 2020 Wellbeing Survey	
I receive the right amount and type of communication			What do you think of the frequency of communication?	
Rating	No.	%	%	Rating
Strongly Agree	37	18%	91%	About right
Agree	148	70%		
Disagree	21	10%	7%	Not frequent enough
Strongly Disagree	5	2%	2%	Too frequent

5.3.3 Employees were asked to state to what extent they agreed or disagreed with the statement: I am well informed of changes that affect me or my team. 24% (50 employees) strongly agreed, 64% (134 employees) agreed, 9% (18

employees) disagreed, 4% (8 employees) strongly disagreed and 0.5% (1 employee) preferred not to say.

5.3.4 In the 2017 Staff Survey, employees were asked to state to what extent they agreed or disagreed with the statement: The council keeps us well informed. 8% said they strongly agreed, 44% tended to agree, 11% tended to disagree, 5% strongly disagreed and 4% said they neither agreed nor disagreed. See Table 12 below.

**Table 12**

2020 Survey			2017 survey	
I am well informed of changes that affect me or my team.			The council keeps us well informed	
Rating	No.	%	%	Rating
Strongly Agree	50	23.7%	8%	Strongly Agree
Agree	134	63.5%	44%	Tend to agree
Disagree	18	8.5%	11%	Tend to disagree
Strongly Disagree	8	3.8%	5%	Strongly Disagree
Prefer not to say	1	0.5%	32%	Neither agree nor disagree

5.3.5 Employees were asked to state which communications they found the most useful. Some employees selected more than one answer. The Chief Executive weekly email update was reported as the most useful (67%, 141 employees) which is no change from the June 2020 Wellbeing Survey. The second most useful communication was Connect (64%, 135 employees) followed by Team Update (63%, 133 employees). See table 13 below.

**Table 13**

<b>Which communications do you find the most useful?</b>		
<b>Type of Communication</b>	<b>No.</b>	<b>%*</b>
Chief Executive Weekly Email Update	141	67%
Connect	135	64%
Team Update	133	63%
Quarterly staff briefings	114	54%
Other	17	8%
Council's intranet	16	8%
Council's website	15	7%
Press/external media	6	3%
Service Meetings	7	3%
Team Meetings	5	2%
Email	4	2%
Grapevine/rumour	4	2%

\* Some employees selected more than one

5.3.6 Of those employees who selected 'other' (17 employees), 10 employees said that they found having regular contact with their colleagues (either on the phone, via WhatsApp, email or on Zoom) to be the most useful. There were no further common themes.

## **5.4 Support to achieve role**

5.4.1 Employees were asked to state to what extent they agreed or disagreed with the statement: I think my line manager is open and approachable. 62.1% (131 employees) strongly agreed, 31.8% (67 employees) agreed, 3.8% (8 employees) disagreed, 0.9% (2 employees) strongly disagreed and 1.4% (3 employees) preferred not to say.

5.4.2 A comparable question in the 2017 Staff Survey was for employees to indicate how often the following statement applies to their line manager: My line manager is approachable. 61% said 'Always applies', 29% said 'Usually applies', 9% said 'Sometimes Applies' and 1% said 'Rarely applies'. See Table 14 below.

**Table 14**

<b>2020 Survey</b>			<b>2017 Staff Survey</b>	
<b>I think my line manager is open and approachable.</b>			<b>My line manager is approachable</b>	
<b>Rating</b>	<b>No.</b>	<b>%</b>	<b>%</b>	<b>Rating</b>
Strongly Agree	131	62.1%	61%	Always applies
Agree	67	31.8%	29%	Usually applies
Disagree	8	3.8%	9%	Sometimes applies
Strongly Disagree	2	0.9%	1%	Rarely applies
Prefer not to say	3	1.4%		

5.4.3 Employees were asked to state to what extent they agreed or disagreed with the statement: My line manager gives me helpful feedback on my performance. 49% (104 employees) strongly agreed, 37% (79 employees) agreed, 10% (21 employees) disagreed, 1% (2 employees) strongly disagreed and 2% (5 employees) preferred not to say.

5.4.4 A comparable question in the 2017 Staff Survey was for employees to indicate how often the following statement applies to their line manager: My manager gives me feedback on how I am doing. 44% said 'Always applies', 28% said 'Usually applies', 18% said 'Sometimes applies', 9% said 'Rarely Applies' and 2% said 'Never Applies'. See Table 15 below.

**Table 15**

2020 Survey			2017 Staff Survey	
My line manager gives me helpful feedback on my performance.			My manager gives me feedback on how I am doing	
Rating	No.	%	%	Rating
Strongly Agree	104	49.3%	44%	Always applies
Agree	79	37.4%	28%	Usually applies
			18%	Sometimes applies
Disagree	21	10.0%	9%	Rarely applies
Strongly Disagree	2	0.9%	2%	Never applies
Prefer not to say	5	2.4%		

5.4.5 Employees were asked to state to what extent they agreed or disagreed with the statement: My line manager holds regular 121s with me. 45% (113 employees) strongly agreed, 37% (78 employees) agreed, 7% (15 employees) disagreed, 1% (2 employees) strongly disagreed and 1% (3 employees) preferred not to say.

5.4.6 In the 2017 Staff Survey, employees were asked to indicate how often the following statement applies to their line manager: My manager holds regular 121s with me. 36% said 'Always applies', 30% said 'Usually applies', 18% said 'Sometimes applies', 7% said 'Rarely Applies' and 9% said 'Never Applies'. See Table 16 below.

**Table 16**

2020 Survey	2017 Survey
-------------	-------------

My line manager holds regular 121s with me.			My manager holds regular 121 meetings with me	
Rating	No.	%	%	Rating
Strongly Agree	89	42%	36%	Always applies
Agree	81	38%	30%	Usually applies
			18%	Sometimes applies
Disagree	19	9%	7%	Rarely applies
Strongly Disagree	10	5%	9%	Never applies
Preferred not to say	12	6%		

5.4.7 Employees were asked to state to what extent they agreed or disagreed with the statement: I receive good support from my line manager. 53.6% (113 employees) strongly agreed with the statement, 37% (78 employees) agreed, 7.1% (15 employees) disagreed, 0.9% (2 employees) strongly disagreed and 1.4% (3 employees) preferred not to say.

5.4.8 A comparable question in the 2017 Staff Survey was for employees to indicate how often the following statement applies to their line manager: My manager gives me support to do my job to a high standard. 45% said 'Always applies', 36% said 'Usually applies', 13% said 'Sometimes applies', 4% said 'Rarely Applies' and 3% said 'Never Applies'. See Table 17 below.

**Table 17**

2020 Survey			2017 Staff Survey	
I receive good support from my line manager.			My manager gives me support to do my job to a high standard	
Rating	No.	%	%	Rating
Strongly Agree	113	53.6%	45%	Always applies
Agree	78	37.0%	36%	Usually applies
			13%	Sometimes applies
Disagree	15	7.1%	4%	Rarely applies
Strongly Disagree	2	0.9%	3%	Never applies
Prefer not to say	3	1.4%		

5.4.9 Employees were asked to state to what extent they agreed or disagreed with the statement: My line manager asks my opinion on matters and I have the opportunity to influence decisions. 36% (76 employees) strongly agreed, 45% (95 employees) agreed, 9.5% (20 employees) disagreed, 1.4% (3 employees) strongly disagreed and 8.1% (17 employees) preferred not to say.

5.4.10 A comparable question in the 2017 Staff Survey was for employees to indicate how often the following statement applies to their line manager: My manager consults me on matters I can contribute. 48% said 'Always applies', 33% said 'Usually applies', 13% said 'Sometimes applies', 4% said 'Rarely Applies' and 2% said 'Never Applies'. See Table 18 below.



**Table 18**

<b>2020 Staff Survey</b>			<b>2017 Staff Survey</b>	
<b>My line manager asks my opinion on matters, and I have the opportunity to influence decisions.</b>			<b>My line manager consults me on matters I can contribute</b>	
<b>Rating</b>	<b>No.</b>	<b>%</b>	<b>%</b>	<b>Rating</b>
Strongly Agree	76	36.0%	48%	Always applies
Agree	95	45.0%	33%	Usually Applies
			13%	Sometimes Applies
Disagree	20	9.5%	4%	Rarely Applies
Strongly Disagree	3	1.4%	2%	Never Applies
Prefer not to say	17	8.1%		

5.4.11 Employees were asked to state to what extent they agreed or disagreed with the statement: I feel I am treated in a fair and respectful manner at work. 46.4% (98 employees) strongly agreed, 47.9% (101 employees) agreed, 3.3% (7 employees) disagreed, 0.5% (1 employee) strongly disagreed and 1.9% (4 employees) preferred not to say. There was no comparable question in the 2017 Staff Survey. See Table 19 below.

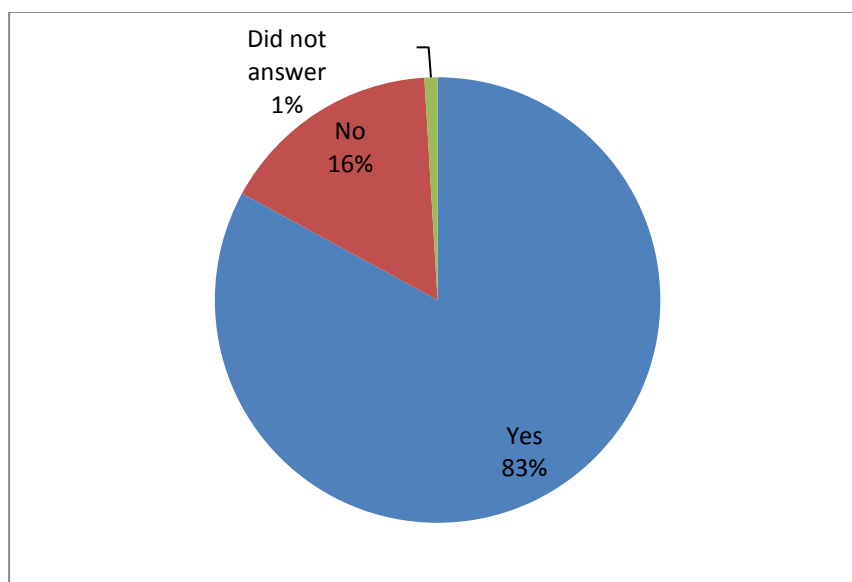
**Table 19**

<b>I feel I am treated in a fair and respectful manner at work.</b>		
<b>Rating</b>	<b>No.</b>	<b>%</b>
Strongly Agree	98	46.4%
Agree	101	47.9%
Disagree	7	3.3%

Strongly Disagree	1	0.5%
Prefer not to say	4	1.9%

5.4.12 Employees were asked whether they had had an annual PDR discussion in the last 12 months. 83% (175 employees) said 'Yes', 16% (34 employees) said 'No' and 1% (2 employees) did not answer the question. There was no comparable question in the 2017 Staff Survey. See Figure 3 below.

**Figure 3 - Have you had an annual PDR discussion in the last 12 months?**



5.4.13 Employees were asked to state to what extent they agreed or disagreed with the statement: My line manager makes the PDR process worthwhile. 25% (53 employees) strongly agreed, 49% (103 employees) agreed, 9% (20 employees) disagreed, 3% (6 employees) strongly disagreed and 14% (29 employees) preferred not to say.

5.4.14 A similar question was asked in the 2017 Staff Survey: employees were asked to indicate how often the following statement applies to their line manager: My line manager makes the PDR process worthwhile. 27% said 'Always

applies', 32% said 'Usually applies', 22% said 'Sometimes applies', 12% said 'Rarely Applies' and 7% said 'Never Applies'. See Table 20 below.

**Table 20**

<b>2020 Staff Survey</b>			<b>2017 Staff Survey</b>	
<b>My line manager makes the PDR process worthwhile</b>			<b>My line manager makes the PDR process worthwhile</b>	
<b>Rating</b>	<b>No.</b>	<b>%</b>	<b>%</b>	<b>Rating</b>
Strongly Agree	53	25%	27%	Always applies
Agree	103	49%	32%	Usually applies
			22%	Sometimes applies
Disagree	20	9%	12%	Rarely applies
Strongly Disagree	6	3%	7%	Never applies
Preferred not to say	29	14%		

5.4.15 Employees were asked to state to what extent they agreed or disagreed with the statement: I have discussed the development I need to be able to do my job and my career aspirations with my line manager. 29% (61 employees) strongly agreed, 51% (108 employees) agreed, 6% (13 employees) disagreed, 2% (4 employees) strongly disagreed and 12% (25 employees) preferred not to say. There is no comparable question in the 2017 Staff Survey. See Table 21 below.

**Table 21**

<b>I have discussed the development I need to be able to do my job and my career aspirations with my line manager</b>		
<b>Rating</b>	<b>No.</b>	<b>%</b>
Strongly Agree	61	29%
Agree	108	51%
Disagree	13	6%
Strongly Disagree	4	2%
Prefer not to say	25	12%

5.4.16 Employees were asked to state to what extent they agreed or disagreed with the statement: I think members of the Leadership Team are open and approachable. 16% (33 employees) strongly agreed, 70% (148 employees) agreed, 12% (25 employees) disagreed, and 2% (5 employees) preferred not to say. There was no comparable question in the 2017 Staff Survey. See Table 22 below.

**Table 22**

<b>I think members of the Leadership Team are open and approachable</b>		
<b>Rating</b>	<b>No.</b>	<b>%</b>
Strongly Agree	33	16%
Agree	148	70%
Disagree	25	12%
Preferred not to say	5	2%

5.4.17 Employees were asked to state to what extent they agreed or disagreed with the statement: I feel I have sufficient resources (that is, time, staff or financial) to effectively carry out my current role. 18% (38 employees) strongly agreed,

61% (128 employees) agreed, 16% (34 employees) disagreed, and 5% (11 employees) strongly disagreed.

5.4.18 A similar question was asked in the 2017 Staff Survey: employees were asked to state to what extent they agreed or disagreed with the statement: I feel I have sufficient resources to effectively carry out my current role. 15% said they strongly agreed, 38% tended to agree, 18% tended to disagree, 16% strongly disagreed and 13% said they neither agreed nor disagreed. See Table 23 below.

**Table 23**

<b>2020 Staff Survey</b>			<b>2017 Staff Survey</b>	
<b>I feel I have sufficient resources (that is, time, staff or financial) to effectively carry out my current role.</b>			<b>I feel I have sufficient resources to effectively carry out my current role.</b>	
<b>Rating</b>	<b>No.</b>	<b>%</b>	<b>%</b>	<b>Rating</b>
Strongly Agree	38	18%	15%	Strongly Agree
Agree	128	61%	38%	Tend to agree
Disagree	34	16%	18%	Tend to disagree
Strongly Disagree	11	5%	16%	Strongly Disagree
			13%	Neither agree nor disagree

5.4.19 Employees were asked to state to what extent they agreed or disagreed with the statement: I get help from colleagues when I ask. 52% (109 employees) strongly agreed, 47% (99 employees) agreed, and 1% (3 employees) disagreed.

5.4.20 A similar question was asked in the 2017 Staff Survey: employees were asked to state to what extent they agreed or disagreed with the statement: I get the help and support

I need from colleagues. 36% said they strongly agreed, 45% tended to agree, 8% tended to disagree, 2% strongly disagreed and 10% said they neither agreed nor disagreed. See Table 24 below.

**Table 24**

<b>2020 Staff Survey</b>			<b>2017 Staff Survey</b>	
<b>I get help from colleagues when I ask.</b>			<b>I get the help and support I need from colleagues</b>	
<b>Rating</b>	<b>No.</b>	<b>%</b>	<b>%</b>	<b>Rating</b>
Strongly Agree	109	52%	36%	Strongly Agree
Agree	99	47%	45%	Tend to agree
Disagree	3	1%	8%	Tend to disagree
Strongly Disagree	0	0%	2%	Strongly Disagree
			10%	Neither agree nor disagree

5.4.21 Employees were asked to state to what extent they agreed or disagreed with the statement: Health and Safety is taken seriously in the Council. 42.7% (90 employees) strongly agreed, 53.1% (112 employees) agreed, 3.8% (8 employees) disagreed, and 0.5% (1 employee) strongly disagreed. There was no comparable question in the 2017 Staff Survey. See Table 25 below.

**Table 25**

<b>Health and Safety is taken seriously in the Council</b>		
<b>Rating</b>	<b>No.</b>	<b>%</b>

Strongly Agree	90	42.7%
Agree	112	53.1%
Disagree	8	3.8%
Strongly Disagree	1	0.5%

5.4.22 Employees were given the opportunity to make further comments in relation to the support they received to achieve their role. 43 out of 211 employees (20%) made comments. There were three common themes:

- 8 employees made positive comments such as their manager being approachable and supportive, and they feel valued by their manager.
- 8 employees commented on having heavy workloads and their team being understaffed.
- 8 employees made comments on the PDR process e.g. it was time consuming, stressful, unfair and 'just a tick box exercise';

5.4.23 For the remaining 19 employees who left comments there were no common themes arising.

## 5.5 Equality and Safeguarding

5.5.1 Employees were asked to state to what extent they agreed or disagreed with the statement: The Council welcomes and supports equality and diversity, providing equal opportunities to all. 34% (72 employees) strongly agreed, 63% (133 employees) agreed, and 3% (6 employees) disagreed. There was no comparable question in the 2017 Staff Survey. See Table 26 below.

**Table 26**

<b>The Council welcomes and supports equality and diversity, providing equal opportunities to all</b>		
<b>Rating</b>	<b>No.</b>	<b>%</b>
Strongly Agree	72	34%
Agree	133	63%
Disagree	6	3%

5.5.2 Employees were asked to state to what extent they agreed or disagreed with the statement: The Council addresses inequality/unfair practice and discrimination against staff. 24.6% (52 employees) strongly agreed, 71.6% (151 employees) agreed, and 3.8% (8 employees) disagreed.

5.5.3 The same question was asked in the 2017 Staff Survey: 23% said they strongly agreed, 36% tended to agree, 8% tended to disagree, 5% strongly disagreed and 29% said they neither agreed nor disagreed. See Table 27 below.

**Table 27**

<b>2020 Staff Survey</b>			<b>2017 Staff Survey</b>	
<b>The Council addresses inequality/unfair practice and discrimination against staff</b>			<b>The Council addresses inequality/unfair practice and discrimination against staff</b>	
	<b>No</b>	<b>%*</b>	<b>No</b>	<b>%</b>
Strongly Agree	52	24.6%	23%	Strongly Agree
Agree	151	71.6%	36%	Tend to agree
Disagree	8	3.8%	8%	Tend to disagree
Strongly Disagree	0	0%	5%	Strongly Disagree



			29%	Neither agree nor disagree
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\* Percentages may have been rounded up

5.5.4 Employees were asked to state to what extent they agreed or disagreed with the statement: I know who to contact if I have a safeguarding concern about a child or vulnerable adult. 35.1% (74 employees) strongly agreed, 56.4% (119 employees) agreed, 8.1% (17 employees) disagreed and 0.5% (1 employee) strongly disagreed. There was no comparable question in the 2017 Staff Survey. See Table 28 below.

**Table 28**

<b>I know who to contact if I have a safeguarding concern about a child or vulnerable adult.</b>		
	<b>No</b>	<b>%</b>
Strongly Agree	74	35.1%
Agree	119	56.4%
Disagree	17	8.1%
Strongly Disagree	1	0.5%

5.5.5 Employees had the opportunity to provide further information on Equality and Safeguarding if they wished to. 18 out of 211 employees (9%) chose to leave comments however there were no common themes. Please note that 3 of the 18 employees (17%) said they did not know whether the council addresses inequality/unfair practice and discrimination against staff and therefore they felt they couldn't agree to this statement, and 3 out of the 18 employees said it would be useful to have a reminder on who to contact if they have a safeguarding concern.

## 5.6 Overall

- 5.6.1 Employees were asked to state to what extent they agreed or disagreed with the statement: Things are continually improving at the council. 12% (25 employees) strongly agreed, 69% (145 employees) agreed, and 19% (41 employees) disagreed. There is no comparable question in the 2017 Staff Survey. See Table 29 below.

**Table 29**

<b>Things are continually improving at the Council.</b>		
	<b>No.</b>	<b>%</b>
Strongly Agree	25	12%
Agree	145	69%
Disagree	41	19%

- 5.6.2 Employees were asked to state to what extent they agreed or disagreed with the statement: I am proud to work for the council. 35.1% (74 employees) strongly agreed, 60.2% (127 employees) agreed, 4.3% (9 employees) disagreed and 0.5% (1 employee) strongly disagreed. There was no comparable question in the 2017 Staff Survey. See Table 30 below.

**Table 30**

<b>I am proud to work for the council.</b>		
	<b>No.</b>	<b>%</b>
Strongly Agree	74	35.1%
Agree	127	60.2%
Disagree	9	4.3%
Strongly Disagree	1	0.5%

5.6.3 Employees were asked to state to what extent they agreed or disagreed with the statement: I would recommend the council as a good place to work. 38% (80 employees) strongly agreed, 57% (120 employees) agreed, and 5% (11 employees) disagreed. There was no comparable question in the 2017 Staff Survey. See Table 31 below.

**Table 31**

<b>I would recommend the council as a good place to work.</b>		
	<b>No.</b>	<b>%</b>
Strongly Agree	80	38%
Agree	120	57%
Disagree	11	5%

5.6.4 Employees had the opportunity to provide further comments in the 'Overall' section. 31 out of the 211 employees (16%) chose to do so. There were no common themes and many employees gave positive comments on how supportive the council is and that they really enjoy their job.

5.6.5 Finally, employees were asked what improvements they would like to see across the council. 68 out of 211 employees (32%) made comments. The comments were varied however one area received the most comments: 27 out of 211 employees (12.7%) said they would like to see improvements in IT e.g. reliability, out of date system, issues logging in, slow response times, problems being able to access things, and having support from IT outside core hours.

## **6.0 Next steps**

- 6.1 Managers will be given access to the results from the survey for each member of their team. They will then arrange a time to confidentially discuss the results with each employee. They should sensitively explore those areas where employees responded less than positively to understand how they can support them. It is proposed that individual responses will be shared with each Head of Service (HOS) to start with so they can consider results as a service and so they can support cascading these results to line managers in a sensitive and supportive way (which may include speaking to an employee about their response before sharing it further). Support for managers is available from HR Officers if they are concerned how to approach certain topics.
- 6.2 The key headlines will be shared with Service Managers at the next Quarterly Service Manager Meeting, and the Leadership Team. The East Herts Together group will receive the full report to consider any common themes and to identify areas for improvement.

## **7.0 Recommended actions**

Below is a list of recommended actions to be considered. The Leadership Team are asked to consider the report and agree/develop the suggested actions below and identify how they can support improving staff satisfaction further.

### **Employees experiencing demanding workload**

- (a) Managers to continue to regularly discuss with their employees via 121s any issues they might be facing with demanding workload so that they can help them to re-prioritise or re-allocate work where appropriate. Heads of Service to support where necessary.

- (b) The council to continue to explore redeploying employees to areas of high workload where possible.

**Employees being unable to keep up with colleagues and friends at work**

- (c) Managers to continue to have regular team meetings via Zoom.
- (d) Managers to continue to discuss with their teams other ways that communication could be improved and encourage employees to keep in contact with their colleagues.
- (e) The Leadership Team to explore whether team, service or council-wide level events could be arranged which allows there to be a physical employee presence once the restrictions have been lifted. In the meantime, virtual events should be explored (one such example so far has been the virtual wellbeing week in December)

**IT issues**

- (f) Managers to discuss IT issues with employees experiencing difficulties to identify support, seeking assistance from the IT service where appropriate.

**Employees experiencing anxiety regarding their own health and wellbeing and/or that of their loved ones**

**and**

**Employees feeling down as a result of social isolation**

- (g) Managers to support employees experiencing these difficulties and to signpost them to the support available on the Wellbeing pages of the Intranet e.g. access to Mental Health First Aiders, support from the Employee Assistance Programme and Able Futures.
- (h) HR/Communications to promote Time to Talk Day on 4 February which is a national campaign to get everyone talking about mental health and remove the stigma.

### **Other actions**

- (i) The PDR process will be developed and staff behavioural competencies introduced by HR with EHT and LT support.

### **Management Follow Up**

Employees were advised upfront that individual results would be shared with management and global results shared with East Herts Together. It is proposed that individual responses will be shared with each Head of Service (HOS) to start with, so they can support cascading these results to line managers in a sensitive and supportive way (which may include speaking to employee about their response before sharing it further).

---END---

## East Herts Council Report

### Human Resources Committee

**Date of Meeting:** 16 February 2021

**Report by:** Head of Human Resources and Organisational Development

**Report title:** Pay Policy Statement 2021/22

**Ward(s) affected:** N/A

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### Summary

#### **RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE:**

**a) That the Pay Policy Statement 2021/22 be recommended for approval by Council.**

#### **1.0 Proposal**

- 1.1 It is proposed that the council's existing Pay Policy Statement, which was last reviewed and approved by HRC in February 2002 and then full council in March 2020, be revised and updated.
- 1.2 The Pay Policy Statement 2021/22 contained at Appendix A should be reviewed by members, with suggested amendments, additions, deletions and/or clarifications raised for consideration by the Head of Human Resources and Organisational Development prior to the final proposed version, and accompanying report, be recommended for adoption by Council on 02 March 2021.
- 1.3 Members are therefore invited to approve the Pay Policy Statement 2021/22, taking into account any amendments which

may be deemed appropriate.

## **2.0 Background**

2.1 A pay policy statement is required to be produced annually under sections 38 of the Localism Act. Regard is to be had to guidance section 40 from the Secretary of State in producing this statement.

2.2 A pay policy statement for a financial year must set out the Authority's policies for the financial year relating to:

- the remuneration of chief officers
- the remuneration of the lowest paid employees
- the relationship between chief officers remuneration and that of other officers

2.3 "Remuneration" for the purposes of this statement includes three elements:

- basic salary
- pension
- all other allowances arising from employment

2.4 The objectives of the report are to:

- a) ensure a capable and high performing workforce;
- b) ensure simplicity, clarity and fairness between employees and between the council and the community;
- c) differentiate between remuneration and other employee related expenses.

## **3.0 Report**

3.1 The Pay Policy Statement 2021/22 can be found at Appendix A.



- 3.2 The Pay Policy Statement framework for East Herts Council has been updated in line with the pay award last year in terms of reference to salary scales, salary levels and multipliers.
- 3.3 No significant changes to the overall framework it provides have been made, except that the section on Honorariums has been strengthened. This is to ensure a clearer definition and understanding of when an Honorarium may be appropriate. It also clarifies that an employee in receipt of an Honorarium cannot also accrue flexi time in relation to the work for the Honorarium is being paid. This is in line with authority set in the constitution in relation to Heads of Service and the Head of HR and OD. Extract from the revised section is below:

*Honorarium payments (Responsibility Allowances) can be made where an employee is required to complete an important project or produce major work output to a high standard that is significantly above and beyond the scope of their normal duties or responsibilities, or for significant additional duties or responsibilities not commensurate with the employee's current job description/grade or for work which is exceptionally onerous (e.g. difficult and/or demanding situations or working to extremely tight timescales).*

*Where an Honorarium payment is determined to be appropriate for additional work, any additional work time spent on the additional duties/responsibilities for which the honorarium is being awarded should not be accounted for on the flexi-time sheet.*

*Permanent changes to job roles should be dealt with through the job evaluation process.*

*The Head of Service in consultation with the Head of HR and OD have the responsibility for implementing and monitoring these arrangements.*

## **4.0 Options**

N/A - publishing the Pay Policy Statement on an annual basis is a statutory requirement. The statement will be published on the Council Website once it is approved and will be formatted into an accessible document before publication.

## **5.0 Risks**

N/A

## **6.0 Implications/Consultations**

### **Community Safety**

No

### **Data Protection**

No

### **Equalities**

No

### **Environmental Sustainability**

No

### **Financial**

Yes – The Pay Policy Statement has been shared with the Head of Strategic Finance and Property and budgets set have been based on the pay changes agreed.

### **Health and Safety**

No

### **Human Resources**

Yes – Policy Statement produced by Head of HR&OD

## **Human Rights**

No

## **Legal**

Yes – Head of Legal and Democratic Service has confirmed that statutory requirements have been met.

## **Specific Wards**

No

## **7.0 Background papers, appendices and other relevant material**

7.1 Appendix A – Pay Policy Statement 2021/22

**Contact Member** Councillor George Cutting, Executive Member for Corporate Services  
[george.cutting@eastherts.gov.uk](mailto:george.cutting@eastherts.gov.uk)

**Contact Officer** Simon O’Hear, Head of HR and OD  
Contact Tel No – 01279 502141  
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## Pay Policy Statement 2021/2022 April 2021

### **1.0 Introduction**

- 1.1 A pay policy statement is required to be produced annually under Section 38 of the Localism Act 2011. Guidance from the Secretary of State has been taken into account when producing this statement.
- 1.2 Any decision under powers delegated in the council's Constitution with regard to remuneration from 1 April 2021 to 31 March 2022 will be bound by and must comply with this statement.
- 1.3 This statement supports the requirements under the Local Government Transparency Code to publish data on Senior Salaries and Pay Multiple.
- 1.4 The Head of Human Resources and Organisational Development must be consulted prior to any decision impacting on remuneration to ensure compliance with this pay policy statement.

### **2.0 Scope**

- 2.1 This statement sets out the council's policy with regards to:
  - the remuneration of Chief Officers
  - the remuneration of the lowest paid employees
  - the relationship between Chief Officers' remuneration and that of other officers

"Remuneration" for the purposes of this statement includes three elements:

  - basic salary
  - pension
  - all other allowances arising from employment
- 2.2 The council's constitution regards the following as its "Chief Officers"  
  
Chief Executive  
Deputy Chief Executive
- 2.3 The council, also has Statutory officer roles (Head of Paid Service; S151 Officer; Monitoring Officer, Data Protection Officer)

- 2.3 There is a statutory requirement that for the purposes of producing this statement the following posts (Leadership Team) be covered by the policy statement as well as the above posts and statutory roles.

Head of Strategic Finance and Property (S151 Officer)  
Head of Legal and Democratic Services (Monitoring Officer)  
Head of Human Resources and Organisational Development  
Head of Shared Revenues and Benefits Service  
Head of Operations  
Head of Communications, Strategy and Policy  
Head of Housing and Health  
Head of Planning and Building Control

In this policy statement the term “Chief Officers” refers to the Chief Executive and Deputy Chief Executive roles in that where there are any differences in terms of the policy it is between this group and all other employees.

- 2.4 This policy statement applies to all Council employees, but not to other workers such as casuals, agency workers, etc.
- 2.5 This pay statement does not include the Returning Officer payment. The fees payable to the Returning Officer are set by statute for national elections, and are paid by central government. Fees are, also, payable to the Councils’ Returning Officer for local elections. 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 Council who is appointed under the Representation of the People Act 1983. Whilst appointed by the 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 Council. As Returning Officer, he/she is paid a separate allowance for each election for which he/she is responsible.

### **3.0 Objectives**

- 3.1 East Herts Council recognises the importance of having a clear written policy statement on pay in order to ensure that employees are fairly rewarded and there is proper public accountability.
- 3.2 In respect of Chief Officers and all other employees the council’s policy is to set remuneration sufficient to attract and retain adequately experienced, trained and qualified individuals to deliver the council’s priorities.
- 3.3 The council aims to be transparent on pay to its employees, prospective employees and the wider community and uses and maintains an effective job evaluation system and procedures to provide

equity and consistency in pay, whilst adhering to the basic principles of the national Local government Single Status pay agreement.

#### **4.0 Remuneration subject to national and local determination**

- 4.1 The council is a member of the Local Government Employers' Association for national collective bargaining in respect of Chief Officers and other employees.
- 4.2 Changes from national negotiations generally take effect from 1 April each year and are retrospective to 1 April if agreements are finalised after 1 April.  
It is the council's policy to implement national agreements.
- 4.3 The Chief Executive and Deputy Chief Executive are under the JNC conditions of service including pay. All other employees are under the NJC national agreement on pay and conditions of service.
- 4.4 The national pay award (the NJC national agreement) has not yet been agreed for 2021-2022, the JNC award has also not yet been agreed as this tends to be informed by the NJC award. Both have been delayed due to the Covid-19 Pandemic, central government has also determined a public sector pay freeze and although this does not determine the NJC award it is likely to affect negotiations, currently the Trade Unions have said they intend to put forward a Pay Claim and this is expected by the end of February 2021, with regional employer road shows in March 2021. In 20-21 the pay award was finally agreed in September 2020. This Pay Policy Statement will therefore provide that the National Award will be implemented for both NJC and JNC once agreement is confirmed. East Herts will implement increments for applicable staff from the 1<sup>st</sup> of April 2021 but the national pay award is not expected (due to the delay in negotiations) to be implemented in the April 2021 payroll and will instead be processed as a backdated payment once the award is agreed.
- 4.5 As previously set out in addition to the NJC award applicable for April 2019 East Herts Council negotiated and agreed further investment in pay for all staff through collective bargaining with the recognised trade union Unison. Previously staff could be awarded a local award of an additional 2% payment once they had completed 3 years' service with East Herts. East Herts commissioned EELGA to review the current pay and grades and this demonstrated that the council was below market rates in a number of areas and this was supported by recruitment difficulties therefore an investment in pay was required as was the need to improve the grading structure.
- 4.6 The negotiated local agreement consolidated the previous 2% local award into the basic salaries of all staff regardless of service to

improve recruitment and retention (the local 3 year (retention) award has therefore ceased from 1/4/19). Staff were assimilated to the closest new spinal column point (scp) within the revised NJC rates e.g. an old scp 6 has been assimilated to a new scp 4 rather than a scp 1. The local negotiated agreement also addressed undesirable significant overlaps between grades and to reduce the number of increments in grades so progression through grades and differences between grades became more meaningful and fair. This meant that the base of grades increased along with some additional headroom created where this was appropriate as well as reducing the number of increments within grades. As part of the local collective agreement the terms around Redundancy and Disturbance have been reduced: the previous redundancy multiplier has reduced from 2.6 to 2 and the previous protection on pay when redeployed to a lower paid role has reduced from 3 years to 1.5 years and the same was applied to disturbance allowances (again from 3 years to 1.5 years).

## **5.0 General Pay Policy**

- 5.1 All employees other than Chief Officers have their basic pay determined by a job evaluation scheme to ensure that different jobs which have the same value are paid on the same grade. Grades have between 4-7 spinal column points (increments).
- 5.2 The Chief Executive is paid a fixed spot salary with no set incremental progression. Performance review is facilitated through the East of England Local Government Association .
- 5.3 Heads of Service and the Deputy Chief Executive's progression through the pay range (incremental points) is based on performance (measured through the LT 360° performance review process) rather than by annual time served increments and this can lead to drop of one increment if poor performance has been established.
- 5.4 The Deputy Chief Executive is paid on incremental scale points between a pay range of £92,496 to £102,500 base pay, with set incremental progression also based on performance.
- 5.5 There are no other additional elements of remuneration in respect of overtime, flexi-time, bank holiday working, stand-by payments, emergency call rota, etc, paid to these senior staff (Chief Officers and Leadership Team), as they are expected to undertake duties outside their contractual hours and working patterns without additional payment.
- 5.6 Basic pay is calculated on a pro-rata basis for part-time employees.
- 5.7 All employees (except chief officers) receive local weighting which is called an outer fringe payment which is determined by the NJC, for



2020-2021 this is currently £626pa for a full time employee but will be revised in 2021-2022 once the pay award has been agreed and the increase will be backdated to 1 April 2021.

## 5.8 Setting Salaries

For the posts of

Chief Executive  
Deputy Chief Executive

The council will use robust recruitment processes when making an appointment to these roles, ensuring the best candidate for the role is appointed. In determining the appropriate salary, market testing and bench marking from peer authorities will be considered. Both the Chief Executive and Deputy Chief Executive salaries were benchmarked for 2019-2020 and this has led to a revised spot salary for the Chief Executive appointed from 3 June 2019 in line with market expectations as advised by EELGA and a revised salary range for the Deputy Chief Executive.

## 5.9 Pay ceilings

For 2021/22 the basic pay ceiling for Chief Executive post will be £123,025 per annum (including an additional payment of £10,000 for Head of Paid Service) plus the percentage agreed by the JNC.

The basic pay ceiling (i.e. including additional payments, salary protection and professional fees where appropriate) for Deputy Chief Executive will be £102,500 plus the percentage agreed by the JNC.

As noted above national agreed pay settlements from the JNC will be applied to the Chief Officer posts with effect from 1 April 2021 once agreed.

For other posts covered by this statement the basic pay ceiling for grade 13 will be £75,321 plus the (Cost of Living) percentage agreed by the NJC (the outer fringe area allowance is paid in addition to these posts):

Grade 13 Posts:

Head of Legal and Democratic Services\*

Head of Strategic Finance and Property\*

Head of Human Resources and Organisational Development

Head of Operations

Head of Housing and Health

Head of Communications, Strategy and Policy

Head of Planning and Building Control  
Head of Shared Revenue and Benefits Service \*\*

\* Both of these posts are statutory posts designated as the council's Monitoring Officer and S151 Officer respectively (see additional payments below for further details).

\*\* Head of Shared Revenues and Benefits Service post receives an additional 10% of base salary per annum for shared services role.

#### 5.10 Pay floor

The pay floor is the remuneration of the lowest paid employees. "Lowest paid" is defined as the average pay of employees paid on grade 2. Grade 2 are the lowest grades paid by the council. This year the figure is 0.60% (2 part-time employees) of the council's employees. Where any employee is less than full time their pay is multiplied up to full time and the aggregate full time equivalent pay for the group divided by two to determine the average.

As at 1 April 2021 this average is £20,096 per annum (full time).

The council will not pay basic pay less than the amount applicable to the bottom point of the national pay scales as agreed from time to time by the Local Government Employers (apprenticeships are excluded). Employees in this group will be entitled to all other benefits – local weighting/fringe, pension, redundancy as all other employees.

#### 5.11 Pay multiples

The council does not explicitly set the remuneration of any individual or group of posts by reference to a simple multiple of another post or group of posts.

In terms of overall remuneration packages the council's policy is to differentiate by setting different levels of basic pay to reflect differences in responsibilities.

The council would not expect the remuneration of its highest paid employee to exceed 10 times that of the lowest group of employees. In the case of East Herts Council, the pay of the Chief Executive is 6.12 times the value of the lowest paid employee (calculated using salaries at 1<sup>st</sup> April 2021).

The council does not belong to the Living Wage Foundation but as our staff salaries (excluding apprenticeships) start at scp 4 which is currently £9.81 per hour plus outer fringe, total is £10.13 per hour (this will increase once the NJC award is agreed) the council is therefore significantly above the current £9.50 per hour set in November 2020 by the foundation and it is also above the National Living Wage set by Government which is currently £8.72.

5.12 Pay ranges are as follows as set on 1 April 2021  
(N.B. These will be adjusted by any Pay Award agreed by NJC)

Grade	Minimum £	Maximum £	Median £	Number of employees in the grade *
2	18,933	20,493	19,698	0.84
3	20,903	22,627	21,748	19.96
4	22,627	24,491	23,541	30.97
5	24,491	27,741	25,991	80.95
6	27,741	30,451	29,125	23.81
7	30,451	33,782	32,234	39.20
8	33,782	36,922	35,237	21.03
9	36,922	39,880	38,390	30.36
10	41,881	45,859	43,857	21.55
11	45,859	51,609	48,366	9.68
12	51,609	59,748	55,902	9.50
13	64,530	75,321	69,696	9.00
Deputy Chief Exec	92,496	102,500	97,369	1.00
Total				297.85

\* Full Time Equivalent (excludes Casual staff as at 28 January 2021)

5.13 The minimum apprenticeship pay rate set by East Herts is £4.70 for year one, the national living wage rate is paid as appropriate to an individual's age range thereafter (i.e. from year 2).

## **6.0 Additional payments and Variations**

### **6.1 Additional Payments**

The council's policy is not to normally pay any form of "signing on" fee or incentive payment when recruiting. Exceptions may occasionally be agreed for hard to recruit posts.

The statutory posts designated as the council's S151 Officer, Monitoring Officer and Head of Paid Service will receive a payment of £10,000 per year. No officer will receive more than one additional statutory post payment.

### **6.2 Acting Up and Honorarium payments**

The council will ensure that acting up and honorarium payments are paid in a fair and consistent manner across the council.

Acting up payments can be made when an employee undertakes either some or all of the duties of a senior post, for a continuous period of four weeks or more (payment will then be backdated to the beginning of the cover).

Acting up payments do not apply for periods of less than four weeks or when an employee is providing cover for another employee's annual leave

Honorarium payments (Responsibility Allowances) can be made where an employee is required to complete an important project or produce major work output to a high standard that is significantly above and beyond the scope of their normal duties or responsibilities, or for significant additional duties or responsibilities not commensurate with the employee's current job description/grade or for work which is exceptionally onerous (e.g. difficult and/or demanding situations or working to extremely tight timescales).

Where an Honorarium payment is determined to be appropriate for additional work, any additional work time spent on the additional duties/responsibilities for which the honorarium is being awarded should not be accounted for on the flexi-time sheet.

Permanent changes to job roles should be dealt with through the job evaluation process.

The Head of Service in consultation with the Head of HR and OD have the responsibility for implementing and monitoring these arrangements.

### 6.3 Professional fees and subscriptions.

The council will meet the cost of a legal practicing certificate for all those employees where it is a requirement of their employment. No other professional fee or subscription is paid.

### 7.0 Market Supplements

Market supplements are only paid in exceptional circumstances where several attempts have been made to recruit and usual recruitment processes have not resulted in an appointment. Market rate will be established by reference to soft market testing, external advice and dialogue with peer authorities.

### 8.0 Pension

Pension provision is an important part of the remuneration package.

All employees (except those employees over the age of 75) may join the local government pension scheme. The scheme is a statutory scheme with contributions from the employee and from the employer.

All employees will automatically be enrolled into the LGPS pension scheme unless the contract of employment is less than 3 months' duration, although the employee does have the option to 'opt in'.

For more comprehensive details of the local government pension scheme see: <https://lgpsmember.org>

Neither the scheme nor the council adopt different policies with regard to benefits of employees, the same terms apply to the Chief Officers and other employees (although higher paid staff are required to pay a higher contribution in terms of the percentage of pay deducted as a pension contribution).

East Herts Council as an employer is under a legal duty to prepare and publish a written statement of its policy relating to certain discretionary powers under the Regulations which apply to the Local Government Pension Scheme ("the LGPS"). The scheme provides for the exercise of discretion that allow for retirement benefits to be enhanced. The council will consider each case on its merits but has determined that its usual policy is not to enhance benefits for any of its employees. The Policy on Exercise of Employer Discretions reaffirms this in respect of Chief Officers and other employees.

The pension scheme provides for flexible retirement. In applying the flexible retirement provision no distinction is made between the Chief Officers and other employees. The scheme requires that a minimum permanent reduction in working hours of 25% is made and/or there is a reduction in grade and that any consequential payments to the pension fund are recoverable in three years with the discretion to extend the three years in exceptional circumstances. The council's Human Resources Committee will consider requests from a Chief Officer and Leadership Team will consider requests from other employees where there is a cost to the council, if there are no costs the Head of Service can approve in consultation with the Head of HR and OD.

## **9.0 Annual Leave**

Annual leave entitlement is related to both an individual employee's spinal column point and length of continuous service in local government.

The council awards five days additional annual leave for employees that reach five years' local government service.

Spinal Column Point (SCP)	Annual leave entitlement	Annual leave entitlement after 5 years in continuous local government service
4-22	25 days	30 days
23-25	26 days	31 days
26-28	27 days	32 days
29-59	28 days	33 days
Chief Officers	30 days	35 days

Annual leave entitlement is calculated on a pro-rata basis for part-time employees.

## **10.0 Occupational Sick Pay**

Entitlement to sick pay is related to continuous service, measured in complete months or years at the start of the period of absence. Any previous absences in the twelve months before the start of any absence are deducted from the entitlement.

Entitlement to sick pay is in accordance with the provisions of the NJC for Local Authorities, as follows:

During 1st Year	1 month's full pay and (after completing 4 months service) 2 months half pay
During 2nd Year	2 months full pay and 2 months half pay
During 3rd Year	4 months full pay and 4 months half pay
During 4th and 5th Year	5 months full pay and 5 months half pay
After 5 Years	6 months full pay and 6 months half pay

## **11.0 Expenses**

- 11.1 The council will meet or reimburse authorised travel, accommodation and subsistence costs for attendance at approved business meetings and training events in accordance with the council's Expenses policy. The council does not regard such costs as remuneration but as non-pay operational costs. This policy is applied consistently to Chief Officers and other employees.
- 11.2 The council pays car mileage in accordance with HMRC approved rates which are the same for Chief Officers and other employees. The current rates are:

<b>Mileage</b>	<b>HMRC Rates</b>
Car* (first 10,000 business miles per annum)	45p per business mile
Car (after 10,000 business miles per annum)	25p per business mile
Electric Car Rate	4p per business mile
Motorcycle Rate	24p per business mile
Bicycle Rate	20p per business mile
Passenger Rate (employee/member)	5p per passenger per mile

\*A Hybrid car falls under the Car HMRC rate of 45p per business mile.

## **12.0 Redundancy payments and payments on termination**

- 12.1 The council has a single redundancy scheme which applies to all employees without differentiation. The council does not provide any further payment to employees leaving the council's employment other than in respect of accrued leave which by agreement is untaken at the date of leaving.
- 12.2 The redundancy payment is based on the length of continuous local government service as set out in the employee contract, the council follows the statutory process in terms of age multipliers and a maximum of 20 years' service, however, no statutory cap is applied to weekly pay and actual weekly pay is used in all cases and the council then further enhances the redundancy payment by applying a multiplier of 2. Details of the full scheme can be found in the council's Redundancy Policy.

## **13.0 Future appointments**

In the event of a vacancy to either a Chief Officer or other employee post the arrangements set out above in regards to pay will apply in respect of permanent appointments.

## **14.0 Publication and access to information**

The publication of and access to information relating to remuneration of Chief Officers' is set out in this document and published on the council's website.

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## **East Herts Council Report**

### **Human Resources Committee**

**Date of Meeting:** 16 February 2020

**Report by:** Head of Human Resources and Organisational Development

**Report title:** Gender Pay Gap Report 2020

**Ward(s) affected:** None

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### **Summary**

#### **RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE:**

- (a) To note the Gender Pay Gap Report 2020**
- (b) To agree the action plan 21/22**

#### **1.0 Proposal(s)**

1.1 This report sets out the outcome of the Gender Pay Gap report 2020, reports progress on last year's action plan and outlines new actions for this year. The report and resulting action plan was agreed by Leadership Team on 18 January 2021.

#### **2.0 Background**

2.1 In 2017 the government introduced legislation that made it statutory for organisations with 250 or more employees to report on their gender pay gap by 30 March 2018 and annually thereafter. As well as publishing our gender pay gaps we follow the best practice in terms of sharing the full report by providing a link so that the public can view our analysis and the actions we are taking to address the gap.

- 2.2 East Herts Council published its first gender pay gap report in March 2018 for the snapshot date of 31 March 2017. This is the council's fourth gender pay gap report for the snapshot date of **31 March 2020**.
- 2.3 The gender pay gap is a measure of the difference between men's and women's average earnings across an organisation. It is expressed as a percentage of men's earnings.
- 2.4 The data the council is required to provide includes mean and median pay gaps; mean and median bonus gaps; the proportion of male and female employees who received bonuses; and the proportion of male and female employees in each pay quartile.
- 2.5 The gender pay gap is different from equal pay. Equal pay deals with the pay differences between men and women who carry out the same jobs, similar jobs or work of equal value. It is unlawful to pay people unequally because they are a man or a woman. All jobs at East Herts are put through a 'Hay' job evaluation scheme to ensure the right grade and pay is given to jobs.

### **3.0 Report**

#### Review of action plan

- 3.1 In our last gender pay report published in January 2019 we prioritised areas for action to reduce our gender pay gap. Here we report our progress.
- 3.2 Due to the reprioritisation of work in the HR and Communications teams as a result of the COVID-19 pandemic, staff case studies were not progressed in 2020 but will be progressed in 2021 with our Communications team Work with the aim of building a set of varied staff case studies that

demonstrate diversity in our workforce and use them as part of our recruitment literature.

- 3.3 Leadership Team decided not to make it a requirement that selection panels always have both genders as this would be challenging but each interview panel chair is expected to give consideration to the diversity of the interview panel and where possible try to ensure the panel is diverse. Where this is not possible we ask managers to try to ensure that other elements of the panel show staff diversity, for example 'meet the team' sessions to demonstrate the diversity at East Herts and to appear as welcoming as possible to applicants of all backgrounds. HR are prompting managers to consider the diversity of the panel and involvement of the wider team in the process to present a more welcoming message to diverse applicants. The recruitment policy will be revised in May 2021 and will set out these requirements. In 2021/22 all managers will be trained in recruitment and selection as part of a new management training programme. There is also a section in our recruitment literature welcoming diversity which states:

*However you identify yourself, whatever community you come from, we want the skills and commitment you have to bring. We want to work with you as an individual to help plan and support your career growth at East Herts. We're determined to break down barriers. We want East Herts to be a great place to work, learn and be able to contribute for everybody.*

- 3.4 We have continued to issue the unconscious bias guidance with all shortlisting packs and HR Officers have provided briefing sessions to new managers as outlined. In November 2020 unconscious bias training was embedded into the general equality and diversity training e-learning that all staff are required to complete on an annual basis.
- 3.5 We have made improvements to the shortlisting form and selection decision form and made it mandatory for all

shortlisting forms to be returned before a conditional offer letter is sent out. This has had a very positive impact on the data available for analysis.

- 3.6 We have continued to focus on hard to recruit areas for apprentices and during this period this has focused on Planning. We have taken on two further apprentices but progress has been slowed by the pandemic, budget constraints, and the Planning framework no longer being available. East Herts Council is currently focusing on apprentices in Customer Services which will allow apprentices to have exposure to a wide range of areas in the council in which to progress to. We will always choose apprentices on merit but the Customer Services route should be attractive to both female and male candidates, in part due to the wide range of progression options available.

#### 2020 figures

- 3.7 As can be seen in the report (Appendix A), the mean gender gap has remained the same as 2019 and the median gender pay gap has decreased by 2 percentage points from the 2019 figures. The median pay figure for women has increased slightly more than the median pay figure for men, which has reduced the gap. There has been an increase in men at the council since last year's report whereas the number of women has remained the same. There is an increase in men at some of the lower grades which has caused the mid-point to come closer to the mid-point for women. The data shows increases in the percentage of men in Q1, Q2 and Q4 and the percentage remains the same in Q3. The most notable increase is in Q4 where the percentage of men has increased by 5 percentage points. This is positive as it has been an ongoing action for the council to try and increase the number of males in our lower graded posts.
- 3.8 We are confident that the gender pay gap does not stem from paying men and women differently for the same or equivalent

work. All jobs are evaluated using the HAY job evaluation method and the council has a pay and grading structure agreed with Unison.

- 3.9 The council's mean gender pay gap is slightly less than median gender pay gap because there are more women than men employed in senior roles and the mean is more skewed by the extremes. The median figure represents the 'typical' man or woman (i.e. the man/woman in the middle of the male/female pay range) and is higher because of the greater proportion of men in the upper pay quartiles compared with lower pay quartiles, and a greater proportion of women in the lower pay quartiles compared with the upper pay quartiles. This is partly due to our organisational structure. The council has outsourced services such as refuse and grounds maintenance which are predominately male dominated areas of work. If these services remained in-house the proportion of male and female employees in the lower pay quartiles would be much more even. The types of roles typically found in the council in the lower quartiles tend to be customer facing or administrative in nature and currently are occupied predominately by women.

#### Action plan for 21-22

- 3.10 We have already taken forward several actions since the 2019 report and will continue to build on these as follows. Rather than create new actions, the actions below have been taken from the general equalities action plan (published in November 2020) which already considered gender based equality actions for the Council:

- Embed unconscious bias training into the general equality and diversity training e-learning that all staff are required to complete on an annual basis. Unconscious bias will also feature in more depth in the recruitment training for managers. The unconscious bias guidance will continue to be sent to each panel and this has been well received by

both the HR Committee and managers as a useful guide.

- Each interview panel chair to give consideration to the diversity of the interview panel and where possible try to ensure the panel is diverse. Where this is not possible try to ensure that other elements of the panel show staff diversity, for example 'meet the team' sessions to demonstrate the diversity at East Herts and to appear as welcoming as possible to applicants of all backgrounds (as covered above HR will prompt this for each recruitment process).
- Work with Communications to build a set of varied staff case studies that demonstrate diversity in our workforce and use them as part of our recruitment literature. These will include men in roles in the lower quartiles (especially in Customer Services and Administration) and higher graded female employees. Willing employees would need to be identified to become case studies but we need role models to try to break down more traditional stereotypes and career norms.
- HR have secured a refund for the recruitment module of the main HR system and will invest this money into an Applicant Tracking System (ATS) that will include an electronic application form and enable name blind recruitment, further reducing the opportunity for bias at the shortlisting stage.

#### **4.0 Options**

N/A - publishing the Gender Pay Gap figures on an annual basis is a statutory requirement.

#### **5.0 Risks**

N/A

#### **6.0 Implications/Consultations**

##### **Community Safety**

No

**Data Protection**

No

**Equalities**

Yes – as described in the report

**Environmental Sustainability**

No

**Financial**

No

**Health and Safety**

No

**Human Resources**

Yes – as described in the report

**Human Rights**

No

**Legal**

No

**Specific Wards**

No

**7.0 Background papers, appendices and other relevant material**

7.1 Appendix A – Gender Pay Gap Report 2020

**Contact Officer**

Simon O’Hear, Head of HR and OD

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# East Herts Council - Gender Pay Gap Report 2020

**Published xxxxx**

## Introduction

In 2017 the government introduced legislation that made it statutory for organisations with 250 or more employees to report on their gender pay gap by 30 March 2018 and annually thereafter. East Herts Council published its first gender pay gap report in March 2018.

The gender pay gap is a measure of the difference between men's and women's average earnings across an organisation. It is expressed as a percentage of men's earnings.

The data the council is required to provide includes mean and median pay gaps; mean and median bonus gaps; the proportion of male and female employees who received bonuses; and the proportion of male and female employees in each pay quartile.

The gender pay gap is different from equal pay. Equal pay deals with the pay differences between men and women who carry out the same jobs, similar jobs or work of equal value. It is unlawful to pay people unequally because they are a man or a woman.

This is East Herts Council's report for the required snapshot date of 31 March 2020.

The figures set out in this report have been calculated using the standard methodologies used in the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.

## Review of action plan

In our last gender pay report published in January 2020 we set several actions to reduce our gender pay gap. Here we report our progress for each area.

### **We said we would:**

Explore using a range of case studies on the jobs and careers page on our website to encourage diversity. These will include men in roles in the lower quartiles (especially in Customer Services and Administration) and higher graded female employees.

## Our progress:

- Due to the reprioritisation of work in the HR and Communications teams as a result of the COVID-19 pandemic this action was not progressed in 2020 but will be progressed in 2021 with our Communications team Work with the aim of building a set of varied staff case studies that demonstrate diversity in our workforce and use them as part of our recruitment literature.

## We said we would:

Explore making it a requirement that selection panels always have both genders but it would be difficult to include BAME and Disabled in every panel based on current numbers. Managers who have been recruitment trained will put on a shared Recruitment Panel List available in the intranet to allow more flexible support across services and to provide greater balance on panels. The list will also allow any gaps to be identified and actioned.

## Our progress:

- The Leadership Team decided not to make it a requirement that selection panels always have both genders as this would be challenging but each interview panel chair is expected to give consideration to the diversity of the interview panel and where possible try to ensure the panel is diverse. Where this is not possible we ask managers to try to ensure that other elements of the panel show staff diversity, for example 'meet the team' sessions to demonstrate the diversity at East Herts and to appear as welcoming as possible to applicants of all backgrounds. HR are prompting managers to consider the diversity of the panel and involvement of the wider team in the process to present a more welcoming message to diverse applicants. The recruitment policy will be revised in May 2021 and will set out these requirements. In 2021/22 all managers will be trained in recruitment and selection as part of a new management training programme. There is also a section in our recruitment literature welcoming diversity which states:

*However you identify yourself, whatever community you come from, we want the skills and commitment you have to bring. We want to work with you as an individual to help plan and support your career growth at East Herts. We're determined to break down barriers. We want East Herts to be a great place to work, learn and be able to contribute for everybody.*

**We said we would:**

Continue to issue the unconscious bias guidance from HR will continue to be issued to each recruitment panel. HR Officers will also provide briefings to recruiting staff who are new to recruitment at East Herts to ensure they are clear on EHC processes and sufficiently trained to be part of a panel. This will be in addition to recruitment training which will only run when there are sufficient numbers to ensure all panel members are suitable before being on a panel and to allow training elsewhere to be recognised and built upon.

**Our progress:**

- We have continued to issue the unconscious bias guidance with all shortlisting packs and HR Officers have provided briefing sessions to new managers as outlined. In November 2020 unconscious bias training was embedded into the general equality and diversity training e-learning that all staff are required to complete on an annual basis.

**We said we would:**

Make improvements to the shortlisting form and selection decision form to make it more user friendly and increase timely completions. This will help increase the data available for analysis.

**Our progress:**

- We have made improvements to the shortlisting form and selection decision form and made it mandatory for all shortlisting forms to be returned before a conditional offer letter is sent out. This has had a very positive impact on the data available for analysis.

**We said we would:**

Explore an increased range of apprentices from different service areas to try and attract males into the organisation at the lower pay grades and create progression routes/career paths for these apprentice roles where possible to retain the investment and skills within the organisation.

**Our progress:**

- We have continued to focus on hard to recruit areas for apprentices and during this period this has focused on Planning. We have taken on two further apprentices but progress has been slowed by the pandemic, budget constraints, and the Planning framework no longer being available. East Herts Council is currently focusing on apprentices in Customer Services which will allow apprentices to have exposure to a wide range of areas in the council in which to progress to. We will always choose apprentices on merit but the Customer Services route should be attractive to both female and male candidates, in part due to the wide range of progression options available.

## Gender Pay Gap Analysis

### Mean and Median Gender Pay Gap Figures

Table 1.0 shows that the council's mean gender pay gap is 15% and the median gender pay gap is 19%. Table 2.0 shows that there is no bonus pay gap as the council does not make bonus payments.

Table 1.0 Gender pay gap

	Gender pay gap 2020	Gender pay gap 2019	+/- percentage points
Mean (Average)	15%	15%	-
Median (Middle)	17%	19%	-2%

Table 2.0 Gender bonus gap

	Gender bonus gap 2019	Gender bonus gap 2018
Mean (Average)	0%	0%
Median (Middle)	0%	0%

Table 3.0 Proportion of employees receiving a bonus

Proportion of employees receiving a bonus	
Men	0%
Women	0%

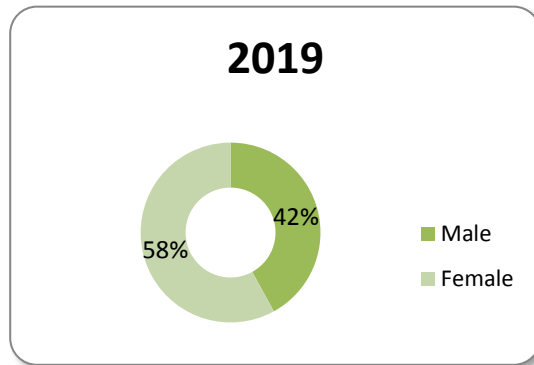
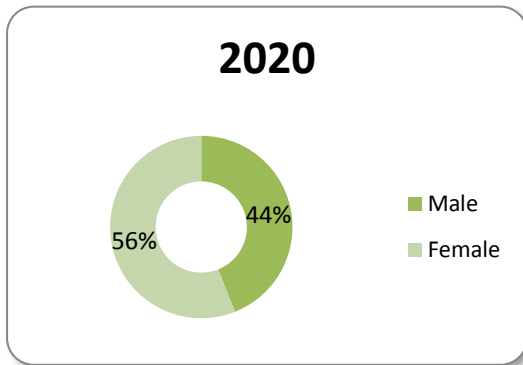
The council's mean gender pay gap is slightly less than median gender pay gap because there are more women than men employed in senior roles and the mean is more skewed by these extremes. The median figure represents the 'typical' man or woman (i.e. the man/woman in the middle of the male/female pay range) and is higher because of the greater proportion of men in the upper pay quartiles compared with lower pay quartiles, and a greater proportion of women in the lower pay quartiles compared with the upper pay quartiles.

The mean gender gap has remained the same as 2019 and the median gender pay gap has decreased by 2 percentage points from the 2019 figures. The median pay figure for women has increased slightly more than the median pay figure for men, which has reduced the gap. There has been an increase in men at the council since last year's report; an increase of 12 from 90 to 102 whereas the number of women has remained the same at 246. There is an increase in men at some of the lower grades which has caused the mid-point to come close to the mid-point for women. This is good news and reflects some of the changes we have implemented to increase the number of men across the lower grades. However, as the number of men employed by the council overall is low, the numbers have only changed marginally but this has affected the median due to the small sample size.

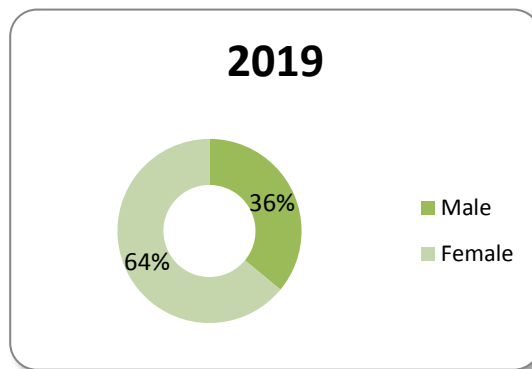
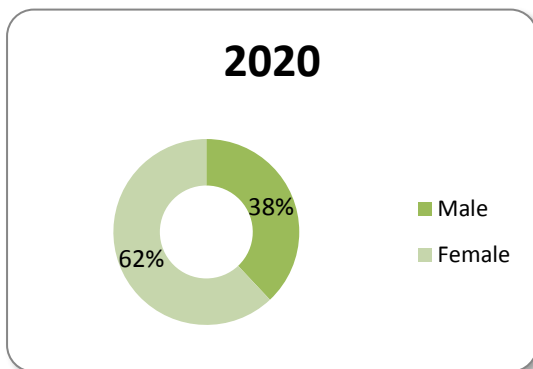
The council is committed to the principle of equal opportunities and equal treatment for all employees. We have a clear policy of paying employees equally for the same or equivalent work, regardless of their sex (or any other protected characteristic). As such, we have a pay and grading structure agreed with Unison; have a published pay policy statement and evaluate all jobs using the HAY job evaluation method. The council is confident that its gender pay gap does not stem from paying men and women differently for the same or equivalent work.

## Pay quartiles

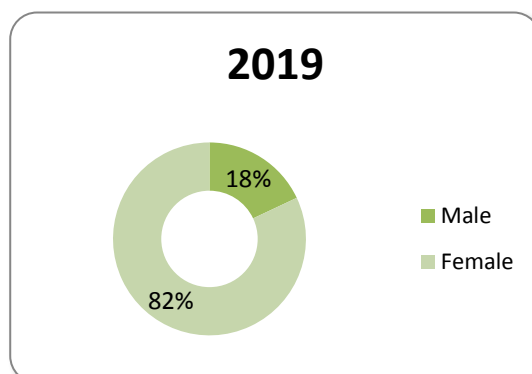
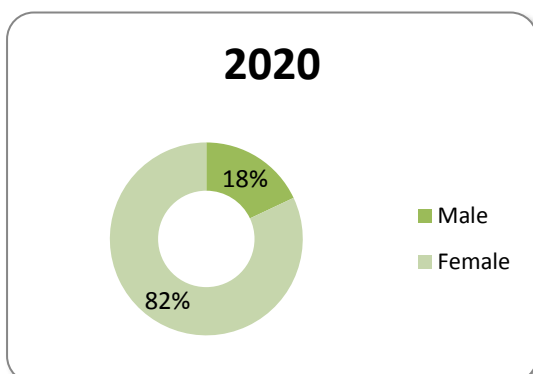
### Quartile 1 (upper quartile)



### Quartile 2 (upper middle quartile)



### Quartile 3 (lower middle quartile)



## Quartile 4 (lower quartile)

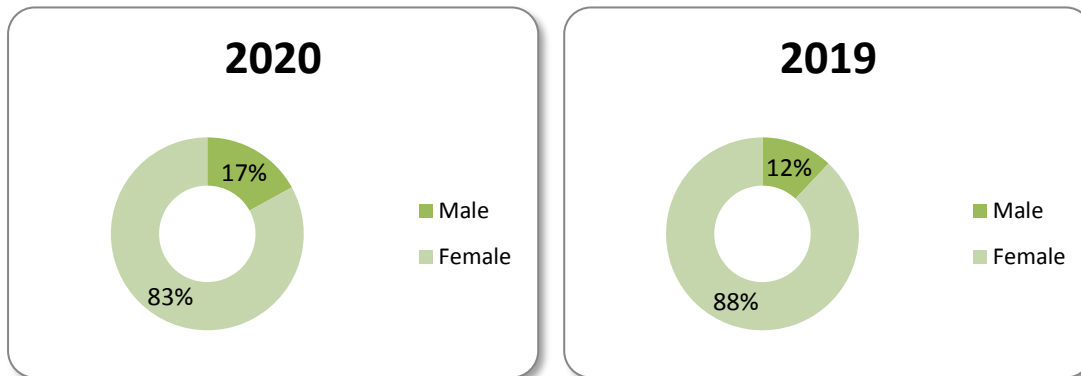


Figure 1.0 Pay quartiles by gender

Figure 1.0 above depicts pay quartiles by gender. This shows the council's workforce divided into four equal-sized groups based on hourly pay rates, with Q1 including the highest-paid 25% of employees (the upper quartile) and Q4 covering the lowest-paid 25% (the lower quartile). In order for there to be no gender pay gap, there would need to be an equal ratio of men to women in each quartile.

Given that 71% of the council's workforce is female, women outnumber men at every quartile. However, this year there has been an increase in men from 90 to 102, whereas the number of women remains the same at 246. The data shows increases in the percentage of men in Q1, Q2 and Q4 and the percentage remains the same in Q3. The most notable increase is in Q4 where the percentage of men has increased by 5 percentage points. This is positive as it has been an ongoing action for the council to try and increase the number of males in our lower graded posts.

In order to reduce the gender pay gap further there would need to be further increases in the proportion of men in Q3 and Q4. The types of roles typically found in the council in these quartiles tend to be customer facing or administrative in nature and currently are occupied predominately by women. The council has outsourced services such as IT, Waste and Grounds Maintenance which are predominately male dominated areas of work but also more likely to be paid in Q3 and Q4. If these services remained in-house the proportion of male and female employees in the lower pay quartiles would be much more even.



The gender segregation in some occupation groups that we experience at the council is typical for many organisations. In the UK men have a high employment share in skilled trade and high-skill occupation groups (chief executives and senior officials, and managers and directors). In contrast, women have the highest employment share in caring, leisure and other service occupations. Women are also more likely than men to have had breaks from work that have affected their career progression, for example to bring up children (ONS, 2018).

## **Closing the gap (actions for 21-22)**

The council is in an unusual position in that the gender pay gap is not due to fewer women working in more senior roles than men but because at the lower grades there is a much higher percentage of women than men. The council remains committed to trying to reduce the gap but this is an ongoing challenge due to the gender dominance in certain occupation groups, as mentioned previously.

A new Equalities Officer started with the Council in November 2020. They will be supporting HR with the actions set in this report as well as the Council's general annual equalities report.

We have already taken forward several actions since the 2019 report and will continue to build on these as follows. Rather than create new actions, the actions below have been taken from the general equalities action plan (published in November 2020) which already considered gender based equality actions for the Council:

- Embed unconscious bias training into the general equality and diversity training e-learning that all staff are required to complete on an annual basis. Unconscious bias will also feature in more depth in the recruitment training for managers. The unconscious bias guidance will continue to be sent to each panel and this has been well received by both the HR Committee and managers as a useful guide.
- Each interview panel chair to give consideration to the diversity of the interview panel and where possible try to ensure the panel is diverse. Where this is not possible try to ensure that other elements of the panel show staff diversity, for example 'meet the team' sessions to demonstrate the diversity at East Herts and to appear as welcoming as possible to applicants of all backgrounds (as covered above HR will prompt this for each recruitment process).

- Work with Communications to build a set of varied staff case studies that demonstrate diversity in our workforce and use them as part of our recruitment literature. These will include men in roles in the lower quartiles (especially in Customer Services and Administration) and higher graded female employees. Willing employees would need to be identified to become case studies but we need role models to try to break down more traditional stereotypes and career norms.
- HR have secured a refund for the recruitment module of the main HR system and will invest this money into an Applicant Tracking System (ATS) that will include an electronic application form and enable name blind recruitment, further reducing the opportunity for bias at the shortlisting stage.

## Statement

I, Richard Cassidy, Chief Executive of East Herts Council, confirm that the information in this statement is accurate.

Signed

Date

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(To be signed and dated once reviewed by HRC)

## References

Office for National Statistics (ONS), 2018. *Understanding the pay gap in the UK*

[online] Available at:

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/articles/understandingthegenderpaygapintheuk/2018-01-17>