



MEETING : HUMAN RESOURCES COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 20 NOVEMBER 2024
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

This meeting will be live streamed on the Council's Youtube page:

<https://www.youtube.com/user/EastHertsDistrict>

MEMBERS OF THE COMMITTEE

Councillor Rachel Carter (Chair)

Councillors M Butcher, M Connolly, T Deffley, D Hollebon, M Swainston and D Willcocks

Substitutes

Conservative Group: Councillor R Buckmaster
Green Group: Councillors J Dunlop and G Hill
Labour Group: Councillor D Jacobs
Liberal Democrat Group: Councillor S Marlow

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)

CONTACT OFFICER: MEETINGCONTACT

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- 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;
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AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes - 11 September 2024 (Pages 5 - 12)

To receive the Minutes of the meeting held on 11 September 2024.

3. Chair's Announcements

4. Declarations of Interest

To receive any Member's Declaration of Interest.

5. Human Resources - Quarter 2 Statistics (Pages 13 - 29)

6. Bullying and Harassment Policy Update (Pages 30 - 62)

7. 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
IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 11 SEPTEMBER 2024, AT
7.00 PM

PRESENT: Councillor Rachel Carter (Chairman)
Councillors M Connolly, T Deffley,
D Hollebon and M Swainston

OFFICERS IN ATTENDANCE:

Peter Dickinson	- Health and Safety Officer
Katie Mogan	- Democratic and Electoral Services Manager
Alex Wanless	- Service Manager (Human Resources and Organisational Development)

137 APOLOGIES

There were apologies for absence from Councillor Butcher and Councillor Willcocks.

138 MINUTES - 5 JUNE 2024

It was moved by Councillor Hollebon and seconded by Councillor Swainston that the minutes of the meetings of the Human Resources Committee held on 5 June 2024 be confirmed as a correct record and signed by the Chair. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the minutes of the meetings of the Human Resources Committee held on 5 June 2024 be confirmed as a correct record and signed by the Chair.

139 CHAIRMAN'S ANNOUNCEMENTS

The Chair welcomed all to the meeting and thanked officers for their preparation of the papers, including their work to return the BEAM Volunteering Policy to the Committee.

140 DECLARATIONS OF INTEREST

There were no declarations of interest.

141 HR Q1 STATISTICS UPDATE

The Human Resources and Organisational Development Manager introduced the report.

Councillor Connolly referred to page 32 of the report and queried why there was no data pertaining to contractor accidents or near accidents.

The Health and Safety Officer said that the report did used to contain such data, but that this was removed as the Committee's remit covered East Herts staff rather than its contractors. He said that it was the contractor's responsibility to receive accident reports, and that contract managers had regular meetings with contractors to review statistics and ask for further detail regarding any points of concern.

Councillor Connolly asked which Executive Member had oversight of the Council's contracts.

The Democratic and Electoral Services Manager confirmed that each Executive Member would have oversight for any contracts which fell under their portfolio.

Councillor Hollebon asked if the planning application had been submitted for Old River Lane, as this was mentioned on page 37 of the report pack.

Councillor Swainston said that she was on the Old River Lane board, and that no planning application had yet been submitted as normal planning processes were being followed.

Councillor Hollebon said that she was aware that a public consultation was being undertaken, and asked when data from this would be analysed and submitted to Members for discussion.

The Chair said that an answer to Councillor Hollebon's question would be provided outside of the meeting.

The Chair referred to page 29 of the report and asked for more information about the new applicant tracking system (ATS).

The Human Resources and Organisational Development Manager said that the new system – Tribepad, was a modern commercial system which had been recommended by other local authorities. He said that this replaced the old system which was not really fit for purpose.

The Human Resources and Organisational Development Manager said that Tribepad gave improved reporting data, including equalities data and had the potential to connect to the payroll system. He added that the new system also enabled reference requests, allowed 'blind' applications (to avoid unconscious bias), and the ability to develop employment contracts.

The Chair asked the Human Resources and Organisational Development Manager if there was anything he wished to highlight within the report.

The Human Resources and Organisational Development Manager said that the council's staff demographic was older than average, which gave way to chronic illnesses and long-term sickness absence. He said that some long-term sickness was mental health related, but this was not

always due to an employee's workplace stress. He added that the council ensured that in such cases employees were linked up with mental health first aiders and connected to occupational health and the employee assistance programme.

The Human Resources and Organisational Development Manager thanked the Health and Safety Officer for his recent and ongoing work to ensure that the office move for the Housing and Health Department and the new BEAM facility were health and safety compliant.

Councillor Connolly referred to page 39 of the agenda and noted that officers were not always aware of their roles and responsibilities with regards to health and safety. She said that the report mentioned three options to combat this but offered no conclusion. Councillor Connolly said that contract managers needed to be aware of their responsibilities and that there were inexpensive online courses available which could be explored.

The Health and Safety Officer said that the Institution of Occupational Safety and Health (IOSH) managing safely course had been provided to Leadership Team and to Service Managers, as they had greater areas of responsibility. He said that following the Grenfell report further changes were anticipated, with pre-emptive work begun, to include manager training.

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

RESOLVED – that the Human Resources Management Report for Quarter 1 (April – June 2024) be considered and any comments be provided to the Human Resources Officer / Head of Human Resources and Organisational Development regarding the content or formatting of the report.

142 EQUALITIES REPORT

The Human Resources and Organisational Development Manager introduced the report. He said that due to problems with the old system the report author had experienced some issues with obtaining the required data. He said that solid data would however be available next year using the new recruitment software.

The Human Resources and Organisational Development Manager said that staff updated their personal details via the Council's MyView system, which meant that some disabilities were not declared, causing gaps in data. He said that the overall profile of the council's workforce was predominantly female, at 70%, together with 47% of all staff aged between 50 – 60 years.

The Human Resources and Organisational Development Manager said that these factors merited consideration on how the council attracted more junior officers and transferred skills and attracted different minority groups. He said that the council was also keen to 'grow their own' via professional apprenticeships.

The Human Resources and Organisational Development Manager said that the report showed the council was in line with local demographics and would inform decision making going forward.

The Chair said that the work on apprenticeships was encouraging.

Councillor Swainston said that the report was good and clear.

The Chair noted that the proportion of employees with a disability was lower than residents and asked for clarification on self-declaration and under reporting.

The Human Resources and Organisational Development

Manager said that people tended to under declare a disability due to traditional stigmas. He said this was sad as Human Resources were then unable to help employees with occupational health, reasonable adjustments, compassion, and support.

It was moved by Councillor Connolly and seconded by Councillor Swainston, 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 Annual Equalities Report 2023/24 be noted; and

(B) the recommendations set out in the 2024/25 action plan be considered and approved.

143 BEAM VOLUNTEERING POLICY

The Human Resources and Organisational Development Manager introduced the report and thanked Councillor Connolly for all her comments. He said that the council had been amenable to all of the proposed changes, except for the implied contract which was due to employment legislation.

The Human Resources and Organisational Development Manager said that BEAM now had approximately 80 volunteers. Noting that as the facility was in its infancy the policy would be revisited in the future.

The Unison Representative said that the union had been working in close collaboration with Human Resources on the policy, and that additional pointers had been identified. She confirmed that the policy had been taken to the Local Joint Panel for agreement before referral to the Human Resources Committee.

The Chair thanked the Human Resources and Organisational Development Manager and the Unison Representative for the background on the policy.

Councillor Connolly welcomed the revised policy and thanked officers for their great piece of work, which she felt was now ready to go. She said that she thought there were still tensions in the policy around an implied employment status.

The Human Resources and Organisational Development Manager said a lot of work had been undertaken, and the tensions would never be completely resolved. He said that volunteering was an interesting space, with interest being taken to see if new government labour laws would touch on such agreements.

Councillor Hollebon congratulated officers for the work which had gone into the policy and proposed that the Committee review the document annually.

It was moved by Councillor Hollebon and seconded by Councillor Deffley, that an additional recommendation, as detailed, be added and approved. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the BEAM Volunteering Policy be annually reviewed by the Human Resources Committee.

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

RESOLVED – that (A) the amendments to the BEAM Volunteering Policy be approved; and

(B) the BEAM Volunteering Policy be annually reviewed by the Human Resources Committee.

144 URGENT BUSINESS
There were no urgent items.

The meeting closed at 7.40 pm

Chairman

Date

East Herts Council Report

Human Resources Committee

Date of meeting: Wednesday 20 November 2024

Report by: Emily Cordwell, HR Officer

Report title: HR Q2 Statistics

Ward(s) affected:

Not Applicable

Summary – For the Human Resources Committee to consider the Human Resources Management Report for Quarter 2, which covers July – September 2024

RECOMMENDATIONS FOR Human Resources Committee

- a) To consider the Human Resources Management Report for Quarter 2 (July - September 2024) and provide any comments to the HR Officer / Head of HR and OD regarding the content or formatting of the report.

1.0 Proposal(s)

- 1.1 The Human Resources Committee are invited to consider the Human Resources (HR) Management Report for Quarter 1 (April – June 2024)

2.0 Background

- 2.1 Quarterly report on key HR metrics.

3.0 Reason(s)

- 3.1 For members to consider the quarterly statistics on:
Sickness
Vacancies
Recruitment and Retention

Learning and Development
Health and Safety.

4.0 Implications/Consultations

Community Safety

As covered by the report, the measures or controls put in place will impact positively on community safety.

Data Protection

All data is secured in accordance with the Council's GDPR guidelines and disposed of in a correct and secure manner.

Equalities

The data shows that East Herts Council employs a diverse workforce with some areas of overrepresentation.

Environmental Sustainability

No – Not directly linked.

Financial

No direct financial impacts. The report covers absences, which will cause the council to lose work hours.

Health and Safety

Yes, as described in the report.

Human Resources

Yes – As considered in the report.

Human Rights

The report does not directly impact Human Rights other than assuring that human rights are considered in the Council's operation. The data in the report can be used to review and highlight any potential issues.

Legal

Health and safety practise, reporting and monitoring in place to comply with legal requirements

Specific Wards

No

Contact Member

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HR Committee Report for Q2 2024/25

Note: As of 30 September 2024, East Herts Council employed 288.39 fte and had a headcount of 324.

1.0 Sickness Absence

Unfortunately, due to reporting problems with our HR & Payroll system, sickness statistics for quarter 2 are not available. All, short- term and long-term absence will be included in quarter 3.

2.0 Recruitment and Retention

Recruitment

Our biggest recruitment challenge remains the recruitment of qualified Planners, and Environmental Health Officers. East Herts geographical position does mean that qualified staff have a large number of employment options within easy reach and the new standard blended working offer means that their options are now even bigger.

We have a Market Forces Supplement that is applied to hard to fill roles in Planning and Legal services, this is reviewed annually to ensure it is still relevant. We also have a small agreement with LinkedIn to market our top 5 roles.

We are about to launch a new applicant tracking system which will improve our candidate journey from application to onboarding.

We continually review our offers against the market and adapt what we can given our financial constraints.

Recruitment to posts in other service areas is generally more straightforward and successful first time.

All recruitment requests must be accompanied by a business case and signed off by a panel consisting of Chief Executive, Head of HR and Section 151 officer. This ensures that we challenge ourselves to consider if we need to replace roles like for like, should we use the opportunity to reshape roles, do we really need the role etc.

There have been 27 new starters in quarter 2:

- 15 in BEAM
- 1 in Operations
- 6 in Communications, Strategy and Policy
- 2 in Housing and Health
- 1 in HR

- 1 in Revenue and Benefits

Vacancies

As of 30 June 2024, we had 46 posts unfilled for a variety of reasons. This represents 12.4% of posts.

These are the main reasons posts are vacant:

- Being held for budget savings
- Being held as a service review pending
- Being held as part of the decision- making accountability review (DMA)
- To be deleted following service review
- In the process of being recruited to
- Recruitment successful, job offer out but new member of staff has not yet started.

It takes almost twice as long to recruit to a post as it takes for someone to resign and work their notice which often account for the high vacancy number. Business critical posts get covered by agency / interim staff or through acting up arrangements that also offer staff development opportunities.

Retention – Turnover

There were 17 leavers in Q2 giving a turnover rate for the quarter of 4.2%. The projected turnover rate for the annual period 2024/25 is 18.1%. This is higher than our target of 14% but we have had additional turnover through retirements and redundancy. This turnover rate is not unusual in local government, the national average across all sectors is about 15% with a lot of councils reporting rates of over 20%.

Reasons for leaving in Q2 included: To achieve promotion, retirement, redundancy, changes in career, for personal reasons and end of fixed term contracts.

The leavers were in the following teams:

6 in Operations
5 in Housing and Health
2 in Revenue and Benefits
1 in Communications, Strategy and Policy
1 in Leadership Team
2 in Planning

Recruitment and retention related activity planned for Q3

- We will be launching phase one of our new Applicant Tracking System Tribepad in November. This will improve our internal processes, improving efficiencies and the candidate journey. refresh managers with recruiting best practice. It will include:
 - Review how we present features and benefits of employment.
 - Allow managers to track progress from recruitment to onboarding.
 - Additional advertising campaigns
 - Review our internal recruitment process.
 - Introduce manager recruitment workshops.
- We will be reviewing our Market Forces Supplement taking into account salary survey data, information from relevant professional organisations and the implications of any national pay award.
- We will be reviewing our employment offering, looking at contributions towards professional fees to attract and retain talent.

3.0 Learning and Development

The learning needed in our organisation is delivered by e-learning, one to one training or group-based learning remotely or in person.

HR is responsible for the corporate training budget, including professional training. We use training identified through annual employee reviews to scope the annual training plan. We are utilising the apprenticeship levy, two assistant planners started a masters in spatial planning in September 2024.

Employees can request funding for training and development relevant to their role by completing a form outlining how the event will support their learning and individual objectives, all requests are considered but not all can be agreed. Where this is the case we will look to find an alternative solution. We provide evaluation forms for all corporate training to collate staff feedback and measure the effectiveness of the sessions.

The annual mandatory e-learning training programme has continued for employees to complete in line with their performance review. These courses include Data Protection, Health and Safety, Equality, Diversity & Inclusion and Safeguarding. A mandatory course on preventing sexual harassment will soon be available for all staff.

In addition to our mandatory programmes there are many other programmes that our staff can access to increase their knowledge and skills.

East Herts Together group has been relaunched to support the Transformation Programme and other key projects.

Learning and Development planned for the next quarter:

- Learning and Development cycle is being produced to allow a systematic, strategic approach to our training budget, succession planning and skills gap analysis. The first draft is currently with the Be Agile working group for feedback before coming to LT. This will utilise apprenticeships for management development and a wider-reaching training offer to upskill and develop our managers. Apprenticeships at all levels will be encouraged. DMA review will drive the requirement for change management and culture and values training that will be scoped and started to be developed in Q2 into Q3.
- Start to develop a simple train the trainer workshop for subject matter experts to enable them to develop their colleagues.
- Staff training on the new duty to protect against sexual harassment in the workplace will be commissioned from the training budget to ensure compliance with the new statutory requirements and increase the safety of all of our staff at work.
- PDRs will be re-communicated to encourage completion and give an opportunity for staff who have completed already to update progress toward their goals.
- Leading a Mentally Healthy Workplace Skills Bootcamp will be started for H&S Advisor to lead the Mental Health provision supported by Unison and East Herts Together members. This is a targeted, high-impact programme delivered over 12-14 weeks. It is specifically designed to address the mental health needs and leadership challenges faced by organisations in Hertfordshire. It can benefit employees who aspire to progress and take on a leadership role in managing mental health within their organisation. We will also offer a Mental Health First Aid refresher to those who wish to continue in their MHFA role.

We will also continue to review our staffing policies to ensure they are legally compliant and balanced in their approach and support ER processes; this is business as usual.

4.0 Health and Safety

Accidents, Incidents and Near Misses

Background Information

Accidents are classified into two categories:

Non-Reportable Accidents

These are minor accidents such as cuts, minor contact injuries e.g., walking into the corner of a desk etc, slips, trips. Staff are encouraged to report these and can use the online self-service portal MyView or completing an accident report from the accident report pad. These are designated form BI510 accidents.

East Herts Council operates predominately back-office functions in a low-risk environment, the determination of low risk is based on the Health and Safety Executives definition, therefore, a high rate of accidents is not expected to occur.

Reportable Accidents

The **Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013**, often known by the acronym **RIDDOR**, is a 2013 statutory instrument of the Parliament of the United Kingdom. It regulates the statutory obligation to report deaths, injuries, diseases and "dangerous occurrences".

Types of incidents that are reportable under RIDDOR?

- accidents resulting in the death of any person
- accidents resulting in an absence from work over 7 days (excluding the day of the accident) e.g., degloving injury
- Any injury from work in an enclosed space leading to hypothermia or heat-induced illness or requiring resuscitation or admittance to hospital for more than 24 hours
- non-fatal accidents requiring hospital treatment to non-workers. E.g., anyone not employed by the council
- dangerous occurrences e.g., collapse, overturning or failure of any load-creating part of lifting equipment, failure of any closed vessel or associated pipework forming part of pressure systems, collapse of scaffold this is not a definitive list
- Reportable diseases under RIDDOR are listed in regulations 8 and 9 of the regulations. Types of occupational diseases include occupational dermatitis, hand-arm vibration syndrome, occupational cancer etc
- Carpal tunnel syndrome from using percussive or vibrating tools
- Occupational dermatitis from exposure to unknown skin sensitisers or irritants
- Hand arm vibration syndrome (HAVS) from regular use of percussive or vibrating tools or materials

Any reportable accident, incident or near miss arising from construction work e.g., building sites, new builds, demolition work or developments fall under the purview of the Health and Safety Executive.

	Q1 24/25	Q2 24/25	Target 23/24
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H&S Employee Work Related Accidents (Not reportable to the HSE under RIDDOR 2013)	3	2	3
H&S Employee Work Related Accidents (Reportable to the HSE under RIDDOR 2013)	0	0	0
H&S Employee Work Related Incidents and Near Misses (No.)	0	0	0

Contract Management and Responsibility

The Council have outsourced a number of high-level services from waste collection and recycling, street cleansing, grounds maintenance and leisure services and employs contractors for capital projects.

However, health and safety responsibilities cannot be passed from one party to another by a contract. If something goes wrong the Council can and will be held accountable by the HSE and the Courts.

The Council therefore ensures that contractors have appropriate health and safety policies in place, monitor contractor performance and safety standards. In order to ensure that services are delivered safely the officers with contract oversight:

- Convene meetings to review performance.
- Monitor complaints received and undertake investigations.
- Undertake onsite inspections and reviews.

Heads of Service with responsibility for these functions are responsible for ensuring that effective management controls are implemented.

Minutes of Safety Committee
Wednesday 07th August 2024,
Meeting Room Mimram / Microsoft Teams

Present: Peter Dickinson (PD), Jackie Bruce (JB), Steven Linnett (SL), Paul Thomas-Jones (P T-J), Chloe Hipwood-Norton (C H-N), John Earley (JE), Dominique Kingsbury (DK),

Apologies: Benjamin Wood (BW), Ian Sharratt (IS), Jeanette Lowden (JL), Emily Tickridge (ET), Rowan Perrin (RP), Geoff Hayden (GH)

1.0 Minutes of the last meeting

The Minutes of the meeting held on 08th May 2024 were agreed as an accurate record. Date recorded incorrectly as 07th May 2024.

Action: (PD) to update Minutes to reflect the correct date of the meeting.

2.0 Matters Arising from the minutes.

There were none.

Action: None

3.0 Office Housekeeping update – Transformation

(SL) reiterated the importance of maintaining a clear desk policy and that random inspections will take place. Initially a reminder will be issued after which any items left on the desk will be removed.

The power assisted door mechanism installed on the ground floor remains unresolved. At present this remains a high risk and must be resolved, UNISON expressed concerns and will escalate.

(PTJ) reported that the door lock to the EH lab is automatically locking, requiring a key to release the door. (SL) to inspect with (PD).

(PTJ) raised the ongoing concerns of ventilation on the ground floor, east offices. Options have been looked into including using air conditioning units salvaged from Charringtons House or redeploying the air conditioning unit currently located in the old Planning print room. Both options would require extensive engineering work requiring the decant of the offices. (SL) has requested (GH) to explore options for installing expel air units in each corner of the office.

(PTJ) reported that colleagues are complaining about the reduction of natural light due to considerable growth of the shrubs and trees on the area outside, due to the design of the building this wing sits lower down and is therefore overshadowed.

Action: (GH) to arrange for work to be carried out as soon as possible to resolve the issue of the door closer.

Action: (GH) to provide feedback on findings.

Action: (JE) to check if Property have a key to the door or replace with an alternative lock.

Action: (PD) to contact (RP) Operations to request an assessment of the planting and the options for managing the area.

Phase 2 will be dependent on who takes occupancy of the second floor east.

UNISON requested that (GH) allows for space to accommodate the need to have a room in which to hold confidential talks as required.

Options are being considered in regard to a desk booking system, this would help to manage numbers and desk availability and would also give options to protect any adapted desks, with proposals to allow High Oak access to Wallfields Staff car park it would also be useful for managing space efficiently and effectively.

(PD) updated Committee on the installation of new lockable notice boards in the ground floor office area that will have details of the fire safety and first aid arrangements.

Action: None

4.0 Accidents, Incidents and Near Misses

There were 3 non reportable, minor accidents reported, 2 in May 2024, 1 in June 2024. None were related to any system or procedural failure.

Action: None

5.0 Regulatory and Legislative changes (Verbal report)

There have been no regulatory or legislative changes.

Action: None

6.0 Health and Safety Inspections and Contract Compliance

6.1 Shared Waste Service – Buntingford Depot

Repair work has been completed to the drainage gully of door 1...doors 2, 3 and 4 to be done when operating times permit.

Survey work is to be undertaken in respect to new electricity supply for vehicle wash, Property overseeing.

C H-N reported that a small electrical fire involving a toaster occurred in the first-floor kitchen at Buntingford. An investigation has been carried out to determine the cause which indicates the fire wasn't an electrical fault but a bread item being caught in the slot. It has been visually determined that there is no visible heat or

smoke detector present, the Fire contractor will be asked to visit to ascertain if the detectors are in place or have been secreted above the ceiling tiles.

H&S Officer and Property Services Manager to carry out site inspection with C H-N.

C H-N also reported the consistently poor performance of the cleaning on site.

C H-N advised committee that a new contractor for the shared waste service has been selected and she will be liaising with the new provider prior to the new contract commencement date.

Once the new contractor is on site and Glendale and APCOA have been relocated, lines of responsibility for the site will need to be clarified and established before final settlement.

Action:

(JE), (GH) to update Committee.

6.2 Parks, Open Spaces and Play Areas

(RP) was unable to attend but submitted the following:

- Glendale are currently going through a contract manager change, the Contract Manager has resigned and there are two applicants who have both made it to the second round of interviews so we await the decision this will happen by mid-September ultimately.
- There have been no near misses or safety concerns at the yard or on site, forwarded to me this 1/4 so all is well.
- My only concern for them is the move from the yard to another as this still hasn't been resolved. Glendale requires at least 3 months to make the move.
- All S106 projects including both castle parks are on hold until further notice.
- SL raised an issue over overgrowing shrubbery with RP who arranged for the overgrown laurel tree at the far end of old Wallfields to be pruned.
- There is an issue of weed growth that requires attention.

Action: (JB) to seek clarification on the situation regarding S106 issues.

6.3 Parking Services

(DK) asked what funding is available for resurfacing work at Gascoyne Way MSCP. (JE) advised Committee that a concrete based paint is being applied and that ongoing monitoring will take place on the condition of the MSCP.

DK has spoken to APCOA in regard to proposals to relocate them to Wallfields. APCOA to provide GH with requirements and specifications.

DK informed committee that a new Service Development Officer has been appointed bringing a wealth of knowledge and professional skill to the role. DK will be inspecting all car parks with the new officer to familiarise them to the district.

DK reported that he will be liaising with Glendale with regard to grounds maintenance at Northgate End.

Action: D K to liaise with APCOA on requirements and specifications.

Action: None

7.0 Capital Project updates/contractor Health & Safety Compliance

Hartham Swimming Pool and Gym

No report(s) received.

Action: None

Hertford Theatre Growth and Legacy Project

- Work is ongoing to resolve minor snagging issues.
- Section 38 signed in July 2024
- Security arrangements are now in place.
- Training – Theatre management developing staff/volunteer training sessions completed

- H&S procedures, normal operating procedures, emergency action plans etc have been developed using documents already in place that can be modified and updated to reflect the change in size and use of the facility. (PD) will continue to support the Theatre team.

Action: None

Old River Lane, Bishop's Stortford

(BW) unable to join meeting due to IT issues.

Consideration needs to be given to the management of future events e.g., licensing, Health and Safety, Insurance, and resources to manage and oversee events, resources for upkeep, maintenance, and repair.

8.0 Property – Premise's Maintenance and Repairs

(PD) reported that work is ongoing to rectify the issue of raised block paving in Wallfields staff parking bay D.

Action: (GH) / (JE) to update Committee at next meeting.

9.0 Facilities Management

No issues in respect to Facilities Management.

Action: None

10.0 List of Issues

10.1 Employee side (UNISON)

(JB) informed Committee that UNISON has concerns on the application of the Equalities Act and decisions on the future of accessible meeting rooms at Wallfields. UNISON and The Health and Safety Officer raised the question of requesting an external accessibility audit of Wallfields.

UNISON also expressed concern that issues raised and noted at Safety Committee remain unresolved. Committee also noted that the minutes of Safety Committee are not submitted to Leadership Team.

Action: The Chair of Safety Committee and UNISON will draft a joint email to the Chief Executive highlighting issues that remain unresolved

10.2. Management side

Nothing to report.

Action: None

11.0 Health and Safety Training

PD will be arranging Evacuation Chair 'Train the Trainer'.

A proposal has been submitted to ask for volunteers to be trained as DSE and Workstation Assessor Champions, each team would have a dedicated support assessor who would be supported by the H&S Officer.

Action:

PD to source options for DSE and Workstation Assessor training and will provide an update at next committee meeting.

12.0 AOB

Health and Safety Organisational Roles and Responsibilities

(PD) invited Committee to acquaint themselves with the Organisational Roles and Responsibilities section of the Safety Policy.

(PD) advised committee that due to unauthorised use of first aid supplies a coded lock has been fitted to the first aid room door, the code is known to the first aiders and the Facilities Management Team. A sign has been put on the door with the contact details of first aiders.

The Reflection Room is available on the ground floor so there is no loss of staff quiet space.

(JB) has been in contact with IT regarding MS Team issues and access to apps. (SL) has sent a detailed email to (SM) in IT and has been supporting the H&S Officer develop new inspection forms and processes using MS Forms.

The WiFi issue affecting the offices of two Heads of Service has now been resolved.

The washing machines from the Theatre will be reused and installed at the Councils Hostel to replace old machines.

Meeting ended: 15.03pm

Date of Next Meeting: 06 November 2024

Time: 10.00am

Location: Mimram Room, Rivers Suite

Teams: Microsoft Teams meeting
Join on your computer, mobile app or room device.

Agenda Item 6

East Herts Council Report

Human Resources Committee

Date of meeting: Wednesday 20th November 2024

Report by: Joseph Dumont– Executive Member for Corporate Services

Report title: Bullying and Harassment Policy Update

Ward(s) affected:

Summary –

The Bullying and Harassment policy was reviewed in October 2024 to include provisions from the Worker Protection Act. An amendment to the existing Equality Act 2010 Section 40A turns the duty to safeguard against sexual harassment in the workplace into an active provision. It expands the duty to protect against third parties. This report explains the amendments to the policy and includes the council's action plan to ensure the provision is proactively working to protect staff. This has been updated following Unison's proposed amendments brought to the Local Joint Panel to update the core of policy alongside additions from the Workers Protection Act and was provided to Members via email for further comment.

RECOMMENDATIONS FOR The Human Resources Committee to:

- a)** To approve the updated Bullying and Harassment Policy.
- b)** To approve the action plan.

1.0 Proposal(s)

- 1.1 The proposals are set out in the recommendations below.

1.0 Background

- 1.1. On 26 October 2024, the Worker Protection Act, an amendment to the existing Equality Act 2010 Section 40A, comes into effect, requiring all employers to take proactive measures to safeguard against sexual harassment. The Council believes this active provision can be extended to all harassment to cover the protected characteristics outlined in the Equality Act 2010 and provide a safe working environment for all staff.
- 1.2. The council has included reasonable steps identified that HR and the Services in the council will implement. This hasn't been detailed exhaustively in the policy to allow the agility to respond to issues and feedback. Outside of this report to respond to the change in legislation, the council will report on statistics and action plans in the Equalities report delivered to the HR Committee annually.
- 1.3. Unison provided comments, suggested amendments, and brought them to the Local Joint Panel. These suggested amendments seek to update the policy's language and approach to the topics. They also suggested amendments to clarify how the policy will be implemented. This can be seen in the policy via the track change's function. Once agreed upon, the HR&OD Service manager will accept the changes and ensure formatting is reviewed before making the policy live on the intranet.

3.0 Reason(s)

- 3.1 Section 12 has been included in the policy to cover the new duty and ensure the council actively reviews the provision.

12.0 "Reasonable Prevention of Harassment.

- 12.1** East Herts Council is committed to eliminating discrimination based on sex, marital status, sexual orientation, race, colour, nationality, gender reassignment, creed or religious belief, ethnic or national

origins, age and disability. It is every staff member's right to work without fear of harassment or victimisation. October 2024's The Worker Protection Act (2024), an amendment to the existing Equality Act 2010 Section 40A, introduces a proactive provision against sexual harassment, and East Herts Council is committed to adding to and strengthening its existing prevention provision.

12.2 As a proactive measure, East Herts Council will commit to reviewing its provision annually to ensure that it is fit for purpose. The Council will actively work with feedback and suggestions from the Union and staff to improve the provision. Action plans and reporting figures will be included in Human Resources' annual report to the Human Resourcing Committee in the Annual Equalities Report. Due to the new duty, this will specifically highlight sexual harassment, but all types of harassment data is included in the report.

12.3 The council's provision to actively prevent sexual and other types of harassment, as per The Equality Act 2010, will include, but is not limited to:

- Mandatory staff training and mandatory manager training on the Annual Training calendar and eLearning system.
- Training for elected members.
- Ensuring appropriate reporting routes are maintained.
- Support via Employee Assistance is available.
- Conducting internal and external risk assessments for "Third-party."

3.2 Implementing additional operational action plans based on risk assessments for high-risk environments where staff have prolonged contact with the public and/or contractors.

3.3 The following actions have been identified and will be implemented in Q3-Q4-Q1.

3.3.1 Mandatory staff training and manager training on the Annual Training calendar and eLearning system. The training calendar is in development, and managers' training will be included in the HR sessions on ER issues. eLearning for staff has been secured on the current system, and HR recommends that this be mandatory and reported upon. HR will discuss with

communications to ensure the anti-harassment stance is communicated to staff regularly, along with reporting lines for those with concerns.

3.3.2 Training for Elected Members. Democratic Services should provide training and information with support from HR. EELGA is currently developing an offer for Members.

3.3.3 Ensure appropriate reporting routes are maintained. We will review the current reporting routes and ensure fresh and on going communication is included in staff communications. Consider and develop confidential and independent reporting methods.

3.3.4 Conducting internal and external risk assessments for "Third-party." H&S Advisor will work with the head of service and service managers to complete risk assessments.

3.3.5 Implementing additional operational action plans based on risk assessments for high-risk environments where staff have prolonged contact with the public and contractors. We have identified our customer service desks at Wallfields, outdoor lone working officers, BEAM and hostels as the highest risk. Those high-risk areas will agree on action plans and implement proactive measures.

3.3.6 Examples of measures are as follows:

- Ensuring adequate lighting
- Signage to communicate to the public and contractors that harassment isn't tolerated and placed at contact points and prominent areas of buildings.
- Information is included in external communications to communicate that harassment isn't

tolerated and in email signatures when communicating with the public and external contractors.

- Continuously review lone working arrangements and listen to staff feedback and concerns to improve.
- Include questions about safety and harassment risks in staff voice/engagement surveys to look for trends.
- Include anti-harassment stance inside refreshed Culture and Values work within East Herts Together Group.
- Communications and managers should brief staff prior to staff activities such as Christmas events and staff drinks to remind them of their duty and expectations and reduce risk from other staff and third parties.

4.0 Options

4.1 N/A

5.0 Risks

5.1 This is a statutory update to employment law, and the employment tribunal has enhanced powers, and the EHRC will have powers to implement fines and sanctions.

5.2 Third-party duty is a "grey area" in law and is yet to be tested in court; legal advice is to be wide-reaching and cautious. Service managers must ensure they consider all aspects of their team's work when completing risk assessments.

6.0 Implications/Consultations

6.1

Community Safety

Yes

Third-party accountability on the employer's part means that the community is a contributing factor. Ensuring safety at community contact points is important to show active provision.

Data Protection

Yes

Harassment reporting and claims for victim and accused are private and personal data and will be processed confidentially. Continuing to ensure that reporting to HRC must be sufficiently anonymised to avoid the potential of identification and confidentially, and trust in those in the reporting must have high integrity.

Equalities

Yes

This is an amendment to the Equality Act 2010 Section 40A. It is based on equitable behaviours. The new law specifically targets sexual harassment due to recent cases in the media and the #Metoo movement. The council implements the duty with due regard to the new law but maintains that no harassment is tolerated, regardless of category.

Environmental Sustainability

No

No direct impact

Financial

Yes

There is moderate financial risk from fines and tribunal costs increasing. Some costs will occur to communicate and train staff on the duty and standards required.

Health and Safety

Yes

This Law supports the provision of a safe working environment for all staff.

Human Resources

Yes

As in the report above. Outlines service actions and support and monitoring are required from HR.

Human Rights

Yes

Ensures fundamental human rights are supported and that our staff feel safe and secure at work.

Legal

Yes

Update to The Equality Act 2010 Section 40A and will have statutory powers to fine and sanction. HR have attended an employment law update from an Employment Lawyer to gain advice and best practise.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 Bullying and Harassment Policy included amendments highlighted in yellow for consideration and comment.

Contact Member

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EAST HERTS COUNCIL

Bullying and Harassment Policy

Policy Statement

Policy Statement No. 17

February 2021 (issue 4)

Updated: October 2024 (issue 5)

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1.0 Introduction

1.1 East Herts Council is committed to the elimination of bullying, harassment and discrimination and encourages all staff to act in accordance with the code of conduct, this updated policy is intended to address complaints on the grounds of protected characteristics under the Equality Act 2010 and include the new provisions in the Worker Protection Act (Amendment of Equality Act 2010) on bullying and harassment. The protected characteristics are:

1.2 Age

1.3 Disability

1.4 Gender reassignment

1.5 Marriage or civil partnership

1.6 Pregnancy and maternity

1.7 Race

1.8 Religion or belief

1.9 Sex

1.10 Sexual orientation

~~4.11.11~~ 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 ~~discrimination, 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.

~~4.21.12~~ We welcome All the staff at East Herts Council the support of staff will support in seeking to eradicate harassment and bullying in the workplace, or outside work if it has a bearing on the working relationship.

~~4.31.13~~ Where unacceptable behaviour occurs within the scope of this policy, an appropriate investigation will be conducted, which could lead to informal resolution or disciplinary action as outlined in the *Disciplinary Policy*, which may include dismissal. ~~disciplinary action will be taken which may include dismissal.~~ The council treats serious cases of harassment or bullying as gross misconduct very seriously.

~~1.4—This procedure does not form part of any individual employee's contract of employment with East Herts Council.~~

2.0 PURPOSE AND SCOPE

2.1 The purpose of this policy ~~and~~ 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 will discuss examples of what constitutes bullying and harassment, but it is not an exhaustive list. ~~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 an specialised amended version of the council's council's Grievance Policy. Any formal actions to investigate an employee's complaint taken within the scope of this Procedure policy will count as be dealt with as grievances, grievance hearings and grievance decisions.

- 2.3 This procedure policy will not cover circumstances where an employee has been dismissed under the ~~Councils~~ Council's Disciplinary Procedure, in which case the Disciplinary (Appeals) Procedure will apply.
- 2.4 This policy applies to all employees except for Chief Officer level or any other nominated statutory posts. For these postholders the principals will apply, however reference should be made to the separate nationally agreed terms and conditions, for policy and procedural guidance.
- 2.5 This policy was reviewed in October 2024 to include active provisions from ~~the Worker Protection (Amendment of Equality Act 2010) Act 2023~~ Worker Protection Act (2024) ~~a change to the law made by the Worker Protection Act (Amendment of Equality Act 2010) , which will have effect from 26 October 2024.~~ An amendment to the existing Equality Act 2010 Section 40A aims to protect against sexual harassment of East Herts Council sStaff.

3.0 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 ~~and 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.". This includes harassment based on association or perception and by a third party.

There are three types of harassment set out in the Act:

3.1.1.1 Harassment related to protected characteristics

3.1.1.2 Sexual harassment (this does not need to be related to a protected characteristic)

3.1.1—

3.1.1.3 Less favourable treatment of a worker because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment.

3.1.2 The protected characteristics under the Equality Act 2010 include:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation

The law on harassment does not cover the protected characteristics of:

- Marriage or civil partnership
- Pregnancy and maternity

If someone experiences worse treatment because of having one of these protected characteristics, they might have experienced direct discrimination. Which is Misconduct under the *Disciplinary Policy*.

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 and workplace culture.
- (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~~ 3.1.4 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.”~~

“Unwanted behaviour from a person or group that is:

- Offensive, intimidating, malicious or insulting
- An abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone

And that, Bullying might be

- A regular pattern of behaviour or a one off incident
- Happen face to face, on social media, in emails or calls
- Happen at work or in other work related situations
- Not always be obvious or noticed by others

It's possible that someone might not know that their behaviour is bullying. It can still be bullying even if they do not realise it or do not intend to bully someone.”

3.2.2 Bullying is often inextricably linked to the areas of harassment described above. This policy will allow the investigation of both Bullying and Harassment. The HR officer will support the hearing manager to categorise the reported behaviours and actions appropriately.

3.2.2

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, but are not limited to:

- 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~~; actions could be in person or using technology, 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 happen between any two parties, and they may involve one or more individuals directing their behaviour towards one or more individuals. A person can experience harassment even if they are not the intended "target." Additionally, even in cases where there isn't a clearly defined "target" of the behaviours or actions, individuals can still be affected by the harassing behaviour. 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.

3.3.3

4.0 GENERAL PRINCIPLES

4.1 If a complaint is brought to the attention of management, it will be investigated promptly ~~and appropriate action, and~~ appropriate action will be taken. All employees involved in an investigation are expected to respect the need for confidentiality.

4.1

4.2 Measures will be taken to ensure that employees are protected against victimisation for making or being involved in a complaint. ~~The complaint will be handled confidentially, and A~~ any action taken against an employee for complaining raising a complaint about harassment or bullying (except where the complaint is found to be false and malicious) will be investigated as a potential disciplinary offence as per the Disciplinary Policy.

4.3 The law says victimisation means 'suffering a detriment' because you've done or intend to do a 'protected act'.
A 'protected act' means taking action related to discrimination law. This includes:

- making a complaint of discrimination or harassment
- supporting someone else's complaint
- gathering information that might lead to a complaint.
- acting as a witness in a complaint
- saying something or giving evidence that does not support someone else's complaint.

The law also protects a person from victimisation when someone else thinks the person has done or intends to do any of the things above.

'Detriment' means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

4.4 Acting in good faith

The law only protects someone from victimisation if they've done something 'in good faith'. This means not acting maliciously.

Someone is not protected from victimisation if they:

- deliberately give false evidence
- 4.2• deliberately make a false allegation of discrimination or harassment

4.34.5 Where an employee makes a formal complaint under Section 8 of this procedure, the employee ~~should~~will 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.

4.44.6 Any allegations/complaints found to be false and malicious may result in disciplinary action being taken against the complainant.

5.0 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 for East Herts Council to ~~to protect~~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 or victimisation. 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~~, and we strongly encourage anyone in this situation to take active measures to stop 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 individuals who are involved in incidents when they occur. Any manager who receives a complaint of harassment or bullying, ~~or is witness to such behaviour, or witnesses 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/complainant) 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/complainant in taking action - under the formal procedure set out in Section 8 below. Managers should seek advice from HR Officers if uncertain how to proceed with the complaint.

5.4 Colleagues: All employees must comply with this policy and take steps to ensure that bullying and harassment ~~does do~~ 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.

6.0 MAKING A COMPLAINT

6.1 ~~A member of staff who believes that~~Staff members who believe s/he is/they are 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.~~be dealt with informally wherever possible. Informal action often enables quick, practical solutions while preserving ~~confidentiality and minimising embarrassment for the victim~~the complainant's confidentiality. 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.

6.2 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.

- 6.3 The Council's confidential [Employee Assistance Programme](#) is available to employees who feel they need ~~such~~ counselling support. [Unison also has support resources for its members to access.](#) 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-~~perpetratorharasser~~, if requested. However, the same counsellor should not advise the ~~alleged alleged perpetratorharasser~~. The counsellor has no role in formal investigations, and neither are they a source of evidence in any ~~proceedings, since~~[proceedings since](#) all discussions between counsellor and employee are confidential.

7.0 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~~[who](#) 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, and making it clear that it should cease. This can be done either verbally or in~~ a written communication, a copy of which they should keep.

7.3 If the employee feels unable to do this, feels the situation cannot be resolved amicably, 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 (if employee is a member of a Union)

The colleague, ~~or TU representative, or Manager/manager~~ or HR Officer may accompany the employee to any discussion with the alleged perpetrator and facilitate a discussion to resolve matters.

7.4 HR should also be contacted by the complainant or the person supporting them. (if they have not been by the compliant complainant) ~~†This is t~~ to provide advice and support over the informal stage to ensure matters are treated consistently and support is provided to both parties.

8.0 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~~ ~~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 ~~to the manager~~ during ~~the an~~ informal ~~stage to the manager supporting this~~ stage that the ~~allegation is matters are~~ serious enough to warrant formal action.

8.3 HR will appoint an appropriate manager to investigate the complaint promptly and adequately. ~~The manager will be supported by an HR Officer~~ An HR Officer will support the manager. Human Resources may appoint a note-taker in addition to an HR Officer to support the investigator. In certain cases, East Herts Council may appoint an independent and/or expert investigator from outside 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 council's *Disciplinary Procedure Policy*.
- 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 The investigatory process shall include a formal grievance hearing with the complainant under the terms of the ~~Council's~~ Council's Grievance Procedure (see Stage 6 of the Grievance Procedure).
- 8.8 All efforts should be made to conclude the investigation within ~~28 calendar~~ 10 working days of receiving the formal complaint. ~~If this time limit is exceeded, the complainant should be advised -days of receiving the formal complaint. If this time limit is exceeded, the complainant should be advised of this~~ and informed of a likely date when the investigation will end.
- 8.9 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 whether the perpetrator should 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~~ 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 (Union members only) or a work colleague.
- The severity of the disciplinary ~~penalty~~ sanction imposed upon an employee found ~~guilty to have harassed/bullied 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 ~~sanction~~ is considered appropriate, this may be coupled with action to ensure that the complainant ~~victim~~ is able to continue working without embarrassment or anxiety. This may include the transfer of the alleged perpetrator ~~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.

9.0 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~~Council will take all reasonable actions in response to incidents of unacceptable behaviour towards employees.
- ~~Management~~When such incidences arise and are reported East Herts Council's Mmanagement will investigate~~s~~ reported incidents and takes appropriate action.
- 9.2 Employees have a duty to report incidents of harassment by people who are not East Herts Council employees, ~~“(a Third Party)”~~. This should be done by advising their line manager of what happened ~~and by completing an Incident Report Form on the intranet, 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 that any support is provided to meet the employee's needs.
- 9.3 In such circumstances, the employee may first choose to follow the informal procedure set out in Section 7 above.
- 9.4 However, when the complainant feels that the informal procedure is inappropriate or likely to prove ineffective, they should make a formal complaint to their line manager in writing. The line manager, with the support of HR, if necessary, will review the complaint and give guidance as to how to proceed either formally, informally or in mediation.
- 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~~ Denying further access to ~~EHC~~ the council's premises or services 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.

10.0 HARASSMENT/BULLYING BY ELECTED MEMBERS

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

10.2 If an employee wishes to raise concerns about a ~~M~~member's behaviour towards them or another East Herts Council employee they should raise the complaint with the Monitoring Officer in accordance with the Constitution. This procedure policy 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>

11.0 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 the *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 ~~sh~~ould 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 the *Grievance Policy* for further details.

12.0 Reasonable Prevention of Harassment.

12.1 East Herts Council is committed to eliminating discrimination based on ~~sex, marital status, sexual orientation, race, colour, nationality, gender reassignment, creed or religious belief, ethnic or national origins, age and disability~~ the protected characteristics. It is every staff member's right to work without fear of harassment or victimisation. A change to the law made by the Worker Protection Act (Amendment of Equality Act 2010), which will have effect from 26 October 2024, is October 2024's The Worker Protection Act (2024), an amendment to the existing Equality Act 2010 Section 40A, and introduces a proactive provision against sexual harassment, ~~and East, East~~ Herts Council is committed to adding to and strengthening its existing prevention provision.

12.2 As a proactive measure, East Herts Council will commit to reviewing its provision annually to ensure that it is fit for purpose. The ~~Council~~ Council will actively work with feedback and suggestions from Unison the Union and staff to improve the provision. Action plans and reporting figures will be included in Human Resources' Resource's' Annual Equalities Report submitted to the annual report to the Human Resourcing Committee, in the Annual Equalities Report. Due to the new duty, this will specifically highlight sexual harassment, but all types of harassment data is and staff to improve the provision. Action plans and reporting figures will be included in Human Resources' Annual Equalities Report, which will be submitted to the Human Resourcing Committee. Due to the new duty, this will specifically highlight sexual harassment, but all types of harassment data are included in the report.

12.3 The council's provision to actively prevent sexual and other types of harassment, as per The Equality Act 2010, will include, but is not limited to:

- Mandatory staff training and mandatory manager training on the Annual Training ~~Annual T~~ training calendar and eLearning system.

- Training for elected members.
- Ensuring appropriate reporting routes are maintained.
- Ensuring Support via the Employee Assistance Programme is available.
- Conducting internal and external risk assessments of ~~for~~ "Third-party parties."
- Implementing additional operational action plans based on risk assessments for high-risk environments where staff have prolonged contact with the public and/or contractors.

13.0 REVIEW

12.413.1 This ~~procedure-policy~~ 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

