

Public Document Pack

Date of meeting Monday, 1st December, 2014
Time 7.00 pm
Venue Committee Room 1, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Julia Cleary

Staffing Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies
- 2 Declarations of Interest
- 3 Minutes of the Previous Meeting (Pages 3 - 6)
- 4 Minutes of the Employee Consultative Committee held on 6th October 2014 (Pages 7 - 12)
- 5 Review of Terms and Conditions of Service (Pages 13 - 32)
- 6 Pay Award (Pages 33 - 40)
- 7 Corporate Health and Safety Policy (Pages 41 - 92)
- 8 Dignity at Work Policy (Pages 93 - 114)
- 9 Employee Protection Policy (Pages 115 - 132)
- 10 Extra Statutory Tuesdays (Pages 133 - 138)

Members: Councillors Mrs Astle, Mrs Bates, Cooper, Mrs Hambleton (Chair), Holland, Kearon, Miss Reddish, Rout, Sweeney, Turner and Woolley

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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STAFFING COMMITTEE

Wednesday, 23rd April, 2014

Present:- Councillor Mrs Sandra Hambleton – in the Chair
Councillors Olszewski, Miss Reddish, Sweeney, Turner and Miss Walklate

4. APOLOGIES

Apologies were received from Councillors Holland, Howells Mrs Rout and Mrs Shenton.

5. DECLARATIONS OF INTEREST

There were no declarations of interest stated

6. MINUTES OF THE LAST MEETING

Resolved:- That the minutes of the meeting held on 4 February, 2014 be agreed as a correct record.

7. MINUTES OF THE EMPLOYEES CONSULTATIVE COMMITTEE

The minutes of the Employees Consultative Committee (ECC) held on 24 March, 2014 had not been seen by that Committee and clarification was required on a discrepancy with Minute number 9 – Night Working.

- Resolved:-**
- (i) That, the Minutes of the ECC held on 24 March, 2014 , which had not yet been approved by the ECC be accepted by the Staffing Committee for information only.
 - (ii) Clarification was requested on Minute number 9 of the meeting held on 24 March, 2014 regarding the outcome of the item on Night Working.

8. WORKPLACE DOMESTIC VIOLENCE POLICY

Consideration was given to a report on a proposed Domestic Violence Policy. The aim is to create a safer workplace and to send out a message that domestic violence was unacceptable.

The Trade Unions' has received a draft copy of the Policy and had been considered by ECC on 24 March, 2014.

Unison had requested that the title be changed to Workplace Domestic Abuse Policy.

Resolved:- That the Policy be approved with the new title 'Workplace Domestic Abuse Policy'.

9. EMPLOYEES CODE OF CONDUCT

Members considered a report with proposed revisions to the Employees Code of Conduct which had been considered by the ECC. A copy of the revised document had been issued to Members.

The main changes were to the Gifts and Hospitality section with cash 'gifts' no longer being allowed to be accepted by members of staff. Small items such as boxes of chocolates could be accepted but would have to be declared.

Resolved:- That the revised Code of Conduct for Employees be approved.

10. CAPABILITY

Consideration was given to a report on the Capability Policy and Procedure which would be followed at appeal hearings if it was approved.

On 13 March, 2013, this committee approved the establishment of a sub-committee to deal with appeals in respect of Bullying and Harassment, Disciplinary, Grievance, Selection for Redundancy and Capability issues.

The ECC considered the procedure at its meeting on 24 March and recommended that the procedure be adopted.

Resolved:- That the proposed Capability Policy and Procedure be approved.

11. LOCAL GOVERNMENT PENSION SCHEME

Members considered a report on the Local Government Pension Scheme 2014. The Committees approval was required on the future approach to the reviewing of employees' percentage contribution rates.

The new scheme, which is a national scheme became operational from 1 April, 2014 was now based on pay and would need to be regularly monitored for any changes in employees circumstances i.e. incremental rises, reduction of hours etc.

Resolved:- That the changes to the Local Government Pension Scheme as outlined in the report, be approved.

12. NIGHT WORKING

The Chair advised the Committee that the Trade Unions did not agree with the proposal put to the ECC held on 24 March, 2014, and therefore did not agree with the minutes relating to this item. Members were asked if they wished to defer this item to a future meeting to gain further information.

It was considered that there was sufficient information contained within the report for a decision to be reached.

The issue had arisen from cleansing works being carried out by employees on the A500 which took place during one week every summer.

Members considered the revised scheme, which was at Appendix B of the report, and agreed that an hourly rate of time and three quarters (based on a 37 hour week)

was acceptable. In addition, employees working on a particular night would not have to work the following day. There was some debate as to whether payment would be made for the day off but this was clarified by an amendment to Appendix B.

Resolved:- That the Enhancements for Night Working as outlined in Appendix B be approved subject to the inclusion of the following paragraph:

‘There would be no payment for the normal working day as it would not be worked and would be classed as rest time’.

13. RELIGIOUS OBSERVANCE

Consideration was given to a report proposing a Policy for Religious Observance During Working Hours.

Rooms were being sought within the Civic Offices which would have little or no cost implications. A sign could be placed on the door indicating whether or not the room was occupied, if it was a multi-purpose room. Members were keen to be made aware of any cost implications.

- Resolved:-**
- (i) That the Religious Observance Policy be agreed in principle subject to a quiet room being found with no cost implications.
 - (ii) That more detail be provided on the cost of implementation.

COUNCILLOR MRS SANDRA HAMBLETON
Chair

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EMPLOYEES CONSULTATIVE COMMITTEE

Monday, 6th October, 2014

Present:- Councillor Mrs Elizabeth Shenton – in the Chair

Councillors Mrs Beech, Cooper and Sweeney

1. **APOLOGIES**

Apologies were received from Phil Bartels and Cllr John Taylor.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **EXCLUSION RESOLUTION**

Resolved: That the public be excluded from the meeting.

4. **MINUTES OF THE PREVIOUS MEETING**

The Committee discussed item 8 on the minutes relating to time off for dependents. It was agreed that the cost of the scheme needed to be looked at and an update on this brought to the next meeting.

In relation to item 10 on the minutes relating to night time working, the Trade Unions expressed some concern that their opposition to the scheme had not been adequately reported to the staffing Committee. It was noted that the minutes had recorded that the Trade Unions were opposed to the proposals contained within the report and that they had put forward an alternative proposal. The minutes had been considered by the Staffing Committee at its previous meeting when the issue of night time working had been considered.

Resolved: (a) That a report on the cost of the 'Time off for Dependents Policy' be brought to the next meeting of the Committee.

(b) That the minutes of the meeting held on 24th March be agreed as a correct record.

5. **EMPLOYEE RECOGNITION SCHEME**

A report was submitted to update the Committee on its previous recommendation to obtain views and comments of employees on the Council's Employee Recognition Scheme by requesting them to complete a questionnaire.

It was noted that the scheme would not be running in November this year due to the fact that the questionnaires had not yet been distributed to employees. The Committee agreed that the questionnaires needed to be sent out before Christmas this year and the results brought back to a meeting of this Committee prior to a recommendation being made to the Staffing Committee. Officers confirmed that care

would be taken to ensure that employees who did not have access to emails would receive paper copies of the questionnaire.

The Committee discussed the questionnaire and suggested that additional sub headings could be added to the last section requesting employees to consider how they might be more involved in the process. Officers agreed that an updated version of the questionnaire would be sent to the Chairs of both sides of the Committee for agreement prior to distribution to employees.

Resolved: (a) That the final section of the questionnaire be amended to specifically request employees to consider how they might be more involved in the process.

(b) That a copy of the updated questionnaire be sent to the chair of the employees and the chair of the employers for agreement prior to distribution to employees.

6. **DIGNITY AT WORK**

A report was submitted to obtain the Committee's view on the proposed Dignity at work Policy which was intended to replace the existing Workplace Bullying and Harassment Policy.

The new Policy had been reviewed to better detail the legal position after the introduction of the Equality Act 2010. The Act saw the development of the law with regard to employers' responsibility for preventing bullying and harassment and for the increased definition of a protected characteristic. It also emphasised the importance of trying to resolve matters through either informal discussion or through the use of mediation in the first instance.

The trade Unions agreed that it was far better to have a subcommittee meeting to deal with matters prior to any concerns being brought before the full committee for discussion.

A Cllr questioned why these matters were now being considered by the Committee rather than by the executive and human resource offices. Officers stated that these matters had previously been dealt with by officers but that Council had agreed to the setting up of the Staffing Committee with delegated authority to deal with such matters.

Resolved: (a) That the policy be submitted to the Staffing Committee for approval.

(b) That the committee recommend that the Policy be reviewed on an annual basis.

7. **EMPLOYEE PROTECTION POLICY**

A report was submitted to obtain comments from the Committee in relation to the proposed Employee Protection Policy.

The Policy and its arrangements had previously come under the title of 'Potentially violent Persons'. The Head of Environmental Health highlighted some areas of the document that needed slight amendment but these did not change the substance of the Policy at all.

Resolved: That the Policy be approved.

8. CAR LEASE SCHEME - INSURANCE

A report was submitted to obtain the Committee's views/comments on the issue that had been raised by the Joint Trade Unions in relation to the Council's Car Leasing Scheme – Insurance.

As part of the Terms and Conditions review on 8 August 2013 a Collective Agreement was signed by the Trade Unions and the Chief Executive to reduce the council's subsidy payment in relation to existing car leases effective from 1 October 2013. This was to support the achievement of revenue budget savings.

On 22 May 2014 the joint Trade Unions issued a grievance in relation to the car insurance on the grounds that it appeared that the employees were paying a contribution to the costs of the insurance when it had been thought that the Council was covering the entire cost of the insurance.

The Chief Executive stated that the issue of insurance had been discussed and that he had been asked, by the Trade Unions to ascertain whether an employee was able to take out his or her own insurance in relation to a lease hire car. The Chief Executive had made this request to the lease hire companies and reported back to the Trade Unions that the insurance had to be taken out by the Council and could not be taken out by the individual. This did not mean that the Council would automatically cover the entire cost of the insurance.

The Committee considered the lease documentation attached at Appendix G which showed the contributions made by the employee and the contributions made by the Council. The Chief Executive highlighted that there was not an assurance that the Council would pay the entire cost of the insurance only that the insurance had to be taken out in the Council's name. Each employee who signed up to the scheme was entitled to a set contribution and that they were aware when they signed the documentation as to what this contribution was. Any outstanding costs not covered by the Council contribution had to be met by the employee themselves. The agreement with the Council related to the specific document signed by the employee at that time.

The Trade Unions questioned what would happen if the Council contribution was not enough to cover the insurance charge and the excess protection. Officers stated that this was a separate matter and that the Acting Head of Human Resources would look into the example of this that was provided by the Trade Unions; it was conceded that at some stage the subsidy would not be enough to cover all of these costs.

Resolved: That the Acting Head of HR investigate the matter relating to the case put forward by the Trade Unions where the Council subsidy was not sufficient to cover the insurance and excess protection and report back to the next meeting of this Committee.

9. EXTRA STATUTORY TUESDAYS

The Joint Trade Unions had identified an issue over the re-imbursment of the two days extra statutory holidays onto employee annual leave. This issue related to employees that finish employment whether due to Leaving, dismissal, Bereavement, Early retirement or Retirement within one financial year.

The issue arose when Human Resources considered the remaining annual leave for the employee (now including the 2 extra days) and the pro rata holidays that the employee was due. The Trade Unions considered that the employee could be in a detrimental position if they had already worked one or two of those bank holidays.

The Trade Unions stated that there needed to be a different way of calculation in relation to the 2 extra days such as keeping them separate from the existing annual leave entitlement and therefore not including them in any pro rata calculations. The Trade Unions felt that if these days had not been already taken then they should be reimbursed in full rather than through a pro rata calculation.

Officers stated that the process was fully in line with HR regulations in the Green Book and questioned whether the suggestion from the Trade Unions would apply to new staff or just existing staff that had previously benefited from the two compulsory extra days leave thus resulting in a two tier work force. The Employers remained in support of the scheme and questioned whether the Trade Unions would consider implementing their proposal for a limited time only.

The Trade Unions re stated their opposition to the current practice and emphasised that had they been aware of this then the Collective Agreement would not have been signed. They were not in favour of any changes being for a limited time only and stated that their proposal would also need to apply to new members of staff.

It was agreed that this would be reported to the next meeting of the Staffing Committee.

Resolved: That a report be submitted to the next meeting of the Staffing Committee and that the continued objections of the Trade Unions be noted.

10. URGENT BUSINESS

A question had been risen by the Joint Trade Unions in relation to the organisation of the elections by the Returning Officer and in particular the staffing arrangements. Concerns had been raised that there were many staff that were not aware of the process for appointing staff.

Discussions had already taken place between the Democratic Services Manager, the Trade Unions and the Acting Head of Human Resources and the following steps had been agreed:

- Paper copies of the application form could be sent out to all employees attached to payslips (depending on costs).

- A paper copy could be included in all induction packs for new starters.
- Paper notices/leaflets could be sent out to all departments as per the internal job vacancies that are advertised in the Council, these could also go on department notice boards.
- Advert on the intranet noticeboard.
- Emails to all Heads of Service and business Managers (they will also have a copy of the paper notice) to disseminate to staff. The topic could be discussed at team briefs.
- Depending on when it is published place an advert in the reporter or Sentinel.

Resolved: That the agreed actions be included in the election plan for 2015.

COUNCILLOR MRS ELIZABETH SHENTON
Chair

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

ITEM FOR STAFFING COMMITTEE

1 December 2014

1. REVIEW OF TERMS AND CONDITIONS OF SERVICE 2014/15

Submitted by: Chief Executive

Portfolio: Finance and Resources

Purpose of the Report

To update the Committee on the outcome of the recent review of Terms and Conditions of Service.

Recommendations

- (a) That the Committee notes the Collective Bargaining Agreement the Council has entered into with the Joint Trade Unions.**
- (b) That the Committee notes that the Council is in continued discussions with the Joint Trade Unions in relation to (iii) Public, Discretionary and Conditional Days.**

1. Background

1.1 Recent consultations have taken place with the trade unions and employees, with a view to reduce the cost of overtime payments to achieve a saving of £100,000 in 2014/15 budgets. This would mean a variation to the terms and condition of employment of some of the Council's employees'.

The scope of the review and subsequent discussions included the following:

i. Reduction in the cost of regular weekend overtime payment

It has been agreed to introduce 5 over 7 working arrangements within Streetscene. A pool of staff has been set up to work a 5 over 7 working pattern covering weekends on an agreed rota. This will enable staff who work weekends to have two days off in the week in lieu of working weekends.

Employees working weekends will be paid a weekend allowance of 50% of the basis hourly pay which will be made in total recompense, for every hour/part hour worked at weekends. This is in line with the Single Status Agreement dated 4 August 2005 (appendix A).

ii. Daily vehicle preparation, greasing and wash off

It has been agreed that daily vehicle preparation, greasing and wash off will be undertaken within normal working hours in line with the Single Status Agreement.

iii. Public, Discretionary and Conditional Days

Currently employees who are required to work on these days can opt to be paid at triple time for the hours worked in total recompense, rather than the proposed double time and a day off in lieu.

It is proposed that employees who are required to work on public, discretionary days and conditional days shall, in addition to the normal pay for that day, be at plain time for all hours worked within their normal working hours for that day. In addition, at a later date, time off with pay shall be allowed as follows:

Time worked less than half the normal working hours on that day	Half Day
Time worked more than half the normal Working hours on that day	Full Day

This proposal is in line with the National Agreement on Pay and Conditions of Services (Green Book).

iv. Knutton Lane Depot Locking/ Patrol and Standby Arrangements

It was proposed to review this and further work is being undertaken to assess the payments made and the alternative options available.

- 1.2 In relation to (i) and (ii), a Collective Agreement was subsequently signed regarding these, effective from 31 October 2014 (Appendix B), delivering an estimated saving in 2014/15 of £43,935 and 2015/16 onwards an estimated saving of £83,000.
- 1.3 In relation to (iii) it is estimated to deliver a saving in 2014/15 of £12,900 and 15/16 a minimum estimated saving of £12,900.
- 1.4 In relation to (iv) it is estimated to deliver a saving in 2014/15 of £2,395 and 15/16 onwards an estimated saving of £14,000.

2. Issues

- 2.1 In relation to (iii) the trade unions have indicated that they will conduct a ballot, recommending acceptance and in the event that a majority of their members vote in favour, they will be prepared to sign a Collective Agreement, agreeing to the proposed changes.
- 2.2 In relation to (iv) the Council are continuing to hold discussions with the two individual employees who undertake these duties with a view to remove these duties over a managed period, by February.

3. **Legal and Statutory Implications**

- 3.1 Contracts of Employment are legally binding agreements. However, they can be lawfully varied by mutual agreement of the parties by way of collective bargaining which is provided for at this council. The council may delegate the discharge of its functions to officers.

4. **Equality Impact Assessment**

- 4.1 No significant differential impact has been identified in relation to the revised proposals.

5. **Financial and Resource Implications**

- 5.1 The full year (2015/16 onwards) will achieve the targeted £100,000 saving from the cost of overtime working to the Council.
- 5.2 There will be a shortfall of approximately £40,000 in respect of the estimated savings for 2014/15.

6. **Major Risks**

- 6.1 The major risks are detriment to reputation and financial loss and impairment to service in relation to potential industrial and contractual disputes and compliance with the budget framework. Such risks are mitigated through consultation and the collective bargaining process and adherence to legal requirements and process.

7. **Earlier Cabinet/Committee Resolutions**

Council, date
Staffing Committee, date

8. **List of Appendices**

- Appendix A - Single Status Agreement dated 4 August 2005
Appendix B - Collective Bargaining Agreement dated 31 October 2014

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THIS COLLECTIVE AGREEMENT is made the 4th day of August 2005

BETWEEN

- (1) THE BOROUGH COUNCIL OF NEWCASTLE-UNDER-LYME of Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG ('the Employer')
- (2) GMB, GMB/APEX, UNISON ('the Unions')

WHEREAS:

1. The Employer with the support and agreement of the Unions has carried out a job evaluation exercise under the Local Government Single Status Job Evaluation Scheme whereby every post within the establishment of the Employer covered by the National Agreement on Pay and Conditions of Service has been evaluated and graded in accordance with the scheme developed by the National Joint Council for Local Government Services (known as the Green Book)
2. The Employer with the support and agreement of the Unions has drawn up a new pay and grading structure based on the results of the job evaluation exercise
3. The Employer with the support and agreement of the Unions has also revised various terms and conditions in accordance with the provisions of Parts 2 and 3 of the National Agreement
4. The Unions have carried out a ballot of their members to seek their agreement to the new terms and conditions set out in the Schedule to this Agreement

IT IS HEREBY AGREED that:

- 1) This is a Collective Agreement within the meaning of Section 178 of the Trade Union and Labour Relations (Consolidation) Act 1992 intended by the parties hereto to be a legally binding contract; and
- 2) The terms and conditions of all employees of the Employer employed under the terms and conditions of the National Agreement for Pay and Conditions of Service of the National Joint Council for Local Government Services (known as the Green Book) shall with effect from the 1st October 2005 be changed to incorporate the terms and conditions set out in the Schedule to this Agreement including assimilation into the new pay and grading structure

IN WITNESS this Agreement has been signed by the parties the

4th

day of

August 2005



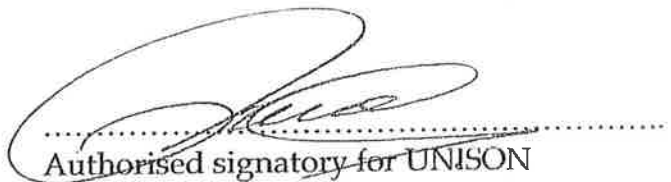
Authorised signatory for the Employer



Authorised signatory for GMB



Authorised signatory for GMB/APEX



Authorised signatory for UNISON

Schedule to the Collective Agreement made on *4th August 2005*
 between Newcastle-under-Lyme Borough Council and
 the GMB, GMB/APEX and UNISON

**PAY AND GRADING STRUCTURE AND
 CONDITIONS OF SERVICE APPLICABLE FROM 1 OCTOBER 2005**

1. Pay and Grade

JE Points Score	New Grade	SCP Range	Salary £	JE Points Score	New Grade	SCP Range	Salary £
Up to 247	0	4	10,872			14	14,364
248-285	1*	4	10,872			15	14,664
		5	11,127	381-420	5	16	15,015
		6	11,286			17	15,372
		7	11,649			18	15,675
		8	12,018			19	16,260
						20	16,854
						21	17,469
286-310	2*	4	10,872			19	16,260
		5	11,127			20	16,854
		6	11,286	421-458	6	21	17,469
		7	11,649			22	17,922
		8	12,018			23	18,450
		9	12,381			24	19,053
						25	19,656
311-345	3*	8	12,018			23	18,450
		9	12,381			24	19,053
		10	12,642	459-486	7	25	19,656
		11	13,458			26	20,295
		12	13,737			27	20,970
		13	14,106			28	21,654
346-380	4	11	13,458				
		12	13,737				
		13	14,106				
		14	14,364				
		15	14,664				
		16	15,015				
		17	15,372				

[Signature]
 Authorised signatory for the Employer

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 Authorised signatory for GMB

SIGNED:

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 Authorised signatory for GMB/APEX

[Signature]
 Authorised signatory for UNISON

JE Points Score	New Grade	SCP Range	Salary £	JE Points Score	New Grade	SCP Range	Salary £
487-532	8	27	20,970	640-686	12	40	30,747
		28	21,654			41	31,557
		29	22,512			42	32,361
		30	23,265			43	33,168
		31	24,000			44	33,984
533-580	9	32	24,708	687-730	13	45	34,746
		33	25,437			44	33,984
		34	26,157			45	34,746
		35	26,703			46	35,586
						47	36,402
581-605	10	33	25,437	731 + above	14	47	36,402
		34	26,157			48	37,212
		35	26,703			49	38,010
		36	27,411			50	38,817
		37	28,179			51	39,645
606-639	11	38	29,004			52	40,491
		39	29,958				
		40	30,747				
		41	31,557				

SCPs not in bold are phasing points – to be removed 31/3/06

* Chief Officer discretion to offer accelerated increments removed (was Scale 1/2 – now Grades 1-3)

Increments will be automatically payable on 1 April each year – not limited to time in post (but see 2.7 re temporary/casual employees).

Robert A. Dineen

 Authorised signatory for the Employer

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 Authorised signatory for GMB

SIGNED:

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 Authorised signatory for GMB/APEX


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 Authorised signatory for UNISON

2. Assimilation to the new grades


- 2.1 Employees will be assimilated to the appropriate grade on the basis of the Job Evaluation points score for their post (see above).
- 2.2 Employees who are 2 or more incremental points below the minimum of their new grade at the date of implementation (1 October 2005) will move to 2 spinal column points (SCP's) below the new minimum point, rising to the minimum of the new grade on 1 April 2006.
- 2.3 Employees who are 1 SCP from the minimum of their new grade will move to 1 SCP below the new minimum point on 1 October 2005 to the minimum point on 1 April 2006.
- 2.4 Employees who are less than 1 SCP from the minimum of their new grade will be assimilated at the new minimum point and will receive a further increment on 1 April 2006 provided they are not at the maximum of the new grade.
- 2.5 Employees who are assimilated into the new grade on their existing SCP on 1 October 2005 will receive an increment on 1 April 2006 subject to them not being assimilated at the maximum SCP of that new grade.
- 2.6 Employees who are on a SCP above the maximum SCP of the grade to which they have been assimilated on 1 October 2005 will move to the maximum SCP of the new grade and will receive pay protection as detailed below (para 8).
- 2.7 Casual/temporary employees – employees on casual contracts of employment (ie, no fixed hours of work) and employees on temporary contracts of less than 12 months, will be paid at the minimum point of the grade, at the basic rate (no enhancements) for all hours worked – up to 37 hours per week.
- 2.8 From 1 October 2005, the following payments will be removed and incorporated into basic pay for the purpose of assimilation into the new grade:
- bonus
 - attendance allowance
 - flexibility payments
 - first aid payments (where maintaining a First Aid qualification is an essential requirement of the post)
 - wash off*
- *Wash off will continue to be paid only where it has not been included in job evaluation and is carried out outside normal contracted working hours.
- 2.9 From 1 October 2005, all profit share schemes will cease.

SIGNED:


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Authorised signatory for the Employer


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Authorised signatory for GMB


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Authorised signatory for GMB/APEX


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Authorised signatory for UNISON

3. Enhancements to basic pay

3.1 Saturday and Sunday working (as part of normal working week).

Time and a half.

3.2 Shift working.

All employees receiving payment for shift working on 30 September 2005 will be entitled to a single Non-Standard Working Hours Payment of 10% of SCP 6.

Shift working patterns and associated payments are to be reviewed to eliminate the need for shift working where possible, simplify working patterns and clarify the criteria for which payments are made.

3.3 Basic standby duty.

From 1 October 2005, all employees on standby are entitled to a flat rate payment of £104.25 per week (increased in line with annual pay award).

All employees are entitled to a day off in lieu of any bank holiday/extra statutory holiday/conditional day worked.

3.4 Call out payments (return to work).

Employees on Grades 1-9 are entitled to call out payments – minimum of 2 hours to be paid if called out.

Time and three quarters to be paid after midnight.

3.5 Night work (as part of normal working week).

Time and one third for all hours worked between 11pm and 6am.

3.6 Payment for work on public and extra statutory holidays, discretionary days and conditional days (as part of normal working week).

3.6.1 Hours worked within the normal working week.

In addition to normal pay for the day, employees required to work to be entitled to payment at plain time rate for all hours worked within their normal working hours for the day. In addition, at a later date, time off with pay allowed as follows:

Time worked less than half their normal working hours on the day Half their normal day

Time worked more than half their normal working hours on the day A full normal working day

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Authorised signatory for GMB

SIGNED:

Page 22

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Authorised signatory for GMB/APEX

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Authorised signatory for UNISON

Alternatively, employees can opt to be paid at triple time for the hours worked in total recompense.

3.6.2 Hours worked outside normal working day/week

Employees Grade 1-9

- Paid at double time only in total recompense.

Employees Grade 10 and above

- Paid at single time only in total recompense.

3.7 Evening working (ie, attending meetings, site visits etc).

Time off to be taken in lieu of actual hours worked.

3.8 Employees temporarily undertaking additional duties.

Where an employee undertakes the full duties of a higher graded post for a period of 4 weeks or more, they will be entitled to be paid the higher grade, with the increased payment being backdated to the day on which the duties were first undertaken.

3.9 Application of market supplements

Proposals not yet finalised – trade unions to be consulted.

No other enhancements to basic pay will be paid.

4. **Overtime Working**

Additional hours worked (beyond 37 per week)


Employees Grades 1 to 9:


- Sundays and all hours worked between midnight and 6am – time and three quarters
- All other days/times – time and a half

(Note: See 3.6 for overtime working on bank holidays etc)

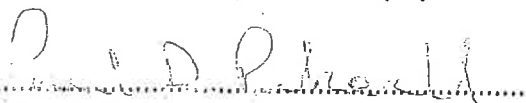
Employees on Grade 10 or above to be paid at single time only and total overtime payments over a 12 month period not to exceed 10% of annual salary.

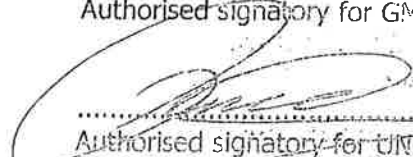
All overtime at Grade 10 or above to be approved in advance by Head of Service/relevant Portfolio Holder.


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Authorised signatory for the Employer


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Authorised signatory for UNISON

Notes: - For employees on the flexitime scheme, overtime can only be worked before 9.30am and after 4.00pm and provided employees have a credit hours balance.

- All overtime working must be authorised in advance by the Head of Service. Where this is not practical (eg, to cover emergency operational situations), authorisation of overtime may be delegated to the officer with responsibility for managing the situation.
- Part-time employees will not be paid an enhanced hourly rate until 37 hours have been worked during that week.
- The calculation of overtime payments for employees receiving pay protection will be based on the maximum SCP of the grade to which their post has been assimilated.

No other enhancements will be paid for hours worked as overtime.

5. Standardisation of Working Hours

5.1 Contractual Overtime

All contractual overtime will be reviewed at the earliest opportunity during the protection period with a view to it ceasing as soon as possible and in any event by the end of the protection period wherever this is operationally practicable.

Employees working contractual overtime following implementation will continue to receive the payments, in addition to the basic pay for their new grade, provided the additional hours continue to be worked.

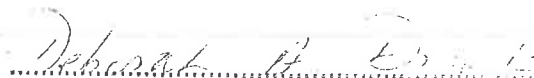
5.2 Conditional Overtime

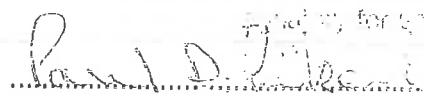
To be consistently applied ie must be worked for a continual 6 week period to qualify as pay for sickness/leave and to be retained only in areas where a service need has been identified and approved.


6. Sickness Pay Industrial Injury

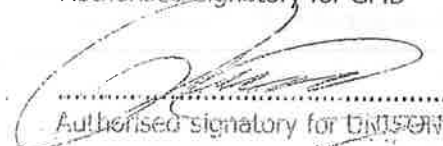
Sickness pay entitlements in respect of industrial injury to be paid on the basis of 5 years' qualifying service, irrespective of actual service in post (ie, 6 months full pay, 6 months $\frac{1}{2}$ pay).

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7. Periods/Methods of Payment

From April 2006, all employees will be paid calendar monthly on 20th day of the month, or the preceding normal working day in the event of the 20th falling on a weekend or bank holiday.

Employees moving from weekly to monthly pay in April 2006 will be paid as follows:

- 7 April - normal week's pay
- 14 April - advance equivalent to 1 week's pay*
- 20 April - full month's pay (April)
- 20 May - full month's pay (May)

* the amount of this advance to be repaid by the employee over 11 months (May 2006 – March 2007) as deductions from monthly pay.

Employees leaving the Council's employment before April 2007 will be required to pay any balance outstanding on termination.

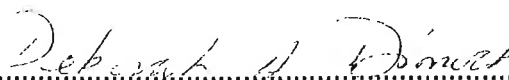
From April 2006, all employees will be paid direct to bank.

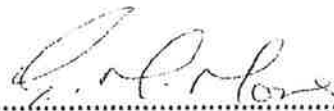
8. Pay Protection Arrangements

Employees whose pay is reduced as a result of the new pay and grading structure being implemented will remain on their current gross annual pay (existing SCP plus bonus, shift payments etc) for a period of 4 years (ie, up to 30 September 2009). At the end of the pay protection period, all such employees will revert to the maximum SCP of the grade to which their post has been assimilated and be paid the relevant rates for any revised enhancements applicable to their post.

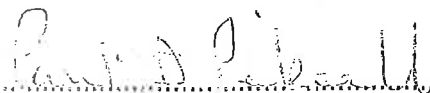
A review will take place before the end of the protection period in relation to those employees who will still be in protection on 1 October 2009.

For employees no longer required to work contractual overtime, contractual overtime payments will be treated as an element of total current gross annual pay for pay protection purposes.


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9. Leave

9.1 Annual Leave

Basic entitlement

<u>Grade</u>	<u>Annual Entitlement</u>
1-5	20 days
6-7	21 days
8-10	23 days
11-14	25 days

On completing 5 years' service at Newcastle Borough Council/5 years' continuous local government service, employees are entitled to 5 additional days.

During the leave year when 5 years' service is completed, the additional entitlement is:

<u>Month</u>	<u>Additional days</u>
April – June	4
July – September	3
October- December	2
January – February	1

Entitlements for part-time and casual employees to be on a pro rata basis.

Employees starting employment are entitled to leave proportionate to the number of completed months during the leave year.

Where leave entitlement has reduced as a result of implementation of new pay and grading structure, previous entitlement will be protected to 31 March 2009 provided the employee remains in their current post.


10. Car Allowances

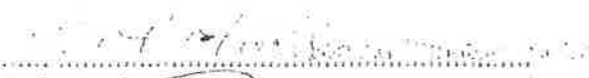
All employees are designated as 'casual users'.

Journeys to destinations within the boundary of Stoke-on-Trent to be included as 'travel within the Borough' and 'within the Borough' rates to apply.

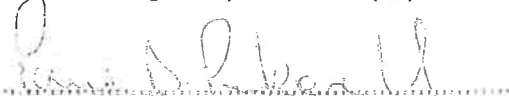
11. Entitlement to subsidised car lease (grade based)


All postholders Grade 10 and above entitled to a car lease on Band 3 of the scheme.


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Where an entitlement to a subsidised lease car has been lost as a result of the new pay and grading structure the entitlement will be protected to 30 September 2009 provided the employee remains in their current post.

12. Subsistence

Subsistence allowances are reviewed annually in line with retail price index on 1 April.

13. Telephone Allowances

£120 per annum where authorised by Head of Service.

14. Professional Subscriptions – Payment of Annual Fees

Maximum of one set of fees is paid per employee – Head of Service to have determined that it is an essential requirement for the postholder to be professionally qualified.

15. New Employees – Probationary Service

All new employees are subject to a 6 month period of probation. Employees will only be confirmed as suitable for appointment if performance is satisfactory.

16. Arrangements re Termination of Employment

16.1 Notice provision

Notice Periods (Employee and employer)

Notice to be given by an employee/the Council* to terminate employment.

Grades 1-9**	1 calendar month
Grades 10-12	2 calendar months
Grades 13-14	3 calendar months

* (or statutory minimum notice periods whichever is the longer)

** (applies to existing weekly paid employees when monthly pay is implemented – ie, from 1 April 2006)

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16.2 Treatment of annual leave entitlement

Employees leaving the Council are entitled to pay in lieu of any untaken annual leave. Employees leaving the Council will be required to refund any leave taken beyond their entitlement by a deduction being made through the payroll.

16.3 Post Entry Training

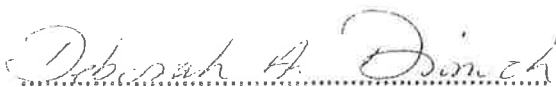
On termination, financial assistance to be repaid in full subject to:-

- (a) the full amount of financial assistance received (including travel and subsistence) being over £500*.
- (b) Heads of Service being given authority to exercise discretion in special cases (eg maternity, ill-health etc).
- (c) Permanent employees – amount payable to reduce by 1/24th for every full calendar month worked following completion of the course.
- (d) Employees on Fixed Term Contracts – required to pay 1/24th of the full amount for each full calendar month between leaving date and contract end date.

* Increased in line with annual pay award.

17. Job Evaluation Scheme Grading Appeals Procedure

This was approved separately by Council on 1 June 2005 and is available via the intranet or from trade union representatives/Personnel Services on request.

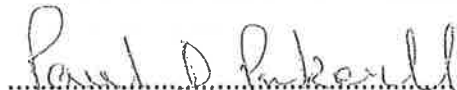


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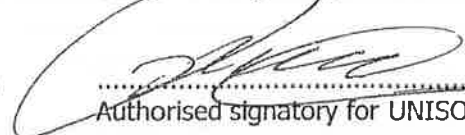


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Authorised signatory for GMB/APEX



Authorised signatory for UNISON

THIS COLLECTIVE AGREEMENT is made the day of 31 October 2014

BETWEEN:

(1) THE BOROUGH COUNCIL OF NEWCASTLE-UNDER-LYME of Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG ('The Employer'); and

(2) GMB, GMB/APEX, UNISON ('the Unions')

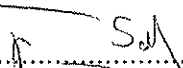
WHEREAS:

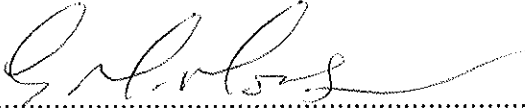
1. The Employer with the support and agreement of the Unions has carried out a review of employees' terms and conditions of service relating to overtime payments and allowances within the establishment of the Employer covered by:
 - (a) The Joint Negotiating Committee for Local Authority Chief Executives Conditions of Service;
 - (b) The Joint Negotiating Committee for Chief Officers (JNC) of Local Authorities Conditions of Service;
 - (c) The National Joint Council (NJC) for Local Government Services National Agreement on Pay and Conditions of Service ('the Green Book')
2. The Employer with the support and agreement of the Unions has revised various terms and conditions in accordance with the provisions of sections 11 and 13 of (a), part 2 of (b) and parts 2 and 3 of (c) above

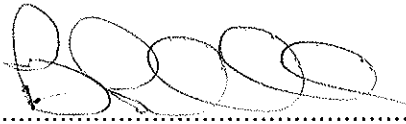
IT IS HEREBY AGREED that:

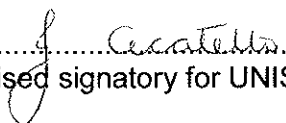
- 1) This is a Collective Agreement as detailed in the schedule within the meaning of section 178 of the Trade Union and Labour Relations (Consolidation) Act 1992 intended by the parties hereto to be a legally binding contract; and
- 2) The terms and conditions of all employees of the Employer employed under the terms and conditions of:
 - (a) The Joint Negotiating Committee for Local Authority Chief Executives Conditions of Service
 - (b) The Joint Negotiating Committee for Chief Officers (JNC) of Local Authorities Conditions of Service;
 - (d) The National Joint Council (NJC) for Local Government Services National Agreement on Pay and Conditions of Service ('the Green Book') shall with effect from the 31 October 2014 be changed to incorporate the terms and conditions set out in the Schedule to this Agreement.

IN WITNESS this Agreement has been signed by the parties the 31st day of October 2014.


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Authorised signatory for the Employer


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Authorised signatory for GMB


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Authorised signatory for GMB/APEX


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Authorised signatory for UNISON

SCHEDULE to the Collective Agreement made on 31st October 2014

BETWEEN

**THE BOROUGH COUNCIL OF NEWCASTLE-UNDER-LYME and
THE GMB, GMB/APEX and UNISON**

**ENDORSEMENT OF TERMS AND CONDITIONS OF SERVICE
APPLICABLE FROM 31st OCTOBER 2014**

1. Reduction in the cost of regular weekend working payments.

1.1 Introduction of 5 over 7 days working arrangements for a pool of staff within the Streetscene service area. Payment will be as detailed in the Single Status Collective Agreement dated 4 August 2005; Enhancements to basic pay section 3 (paragraph 3.1)

2. Daily vehicle preparation, greasing and wash off

2.1 From 31st October 2014 it is expected that the following tasks will be undertaken within normal working hours. Additional payment will be made when undertaken in accordance with the Single Status Collective Agreement dated 4 August 2005.

- Vehicle preparation (see Section 4 - Overtime working)
- Vehicle wash off / greasing (see Section 2 - Assimilation to the new grades(paragraph 2.8))

2.2 2.1 above are subject to authorisation in advance by management and provided that employees have a credit hours balance at the end of the normal working week.

SIGNED:

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Authorised signatory for UNISON

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

ITEM FOR STAFFING COMMITTEE

1 December 2014

1. PAY AWARDS AND ALLOWANCES 2014/16

Submitted by: Chief Executive

Portfolio: Finance and Resources

Purpose of the Report

To update the Committee on the recent national agreement on rates of pay applicable from 1 January 2015.

Recommendations

- (a) That the Committee notes the attached Pay Scales and Allowances 2014/16**

1. Background

- 1.1 The Council has received notification from the National Joint Council for Local Government Services on the agreement reached between the employers and the trade unions on rates of pay with an increase of 2.20% from 1 January 2015 to 31 March 2016. Please see attached agreement that was reached (appendix A).
- 1.2 The payments and allowances that are applicable to the Council are the new pay rates detailed in Annex 1 and the non-consolidated payments that are to be paid in December 2014 (SCPs 5-49 only) and detailed in Annex 2.

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National Joint Council for Local Government Services

Employers' Secretary:

Sarah Messenger
Local Government House, Smith Square
London, SW1P 3HZ
Tel: 020 7187 7373 Fax: 020 7664 3030

Trade Union Secretaries

Fiona Farmer, Unite
Brian Strutton, GMB
Heather Wakefield, UNISON

Address for correspondence:

UNISON Centre
130 Euston Road
London NW1 2AY
Tel: 0845 3550845
Fax: 020 7551 1195

**To: Chief Executives in England, Wales and N Ireland
(copies for the Finance Director and HR Director)
Members of the National Joint Council**

14 November 2014

Dear Chief Executive,

2014-16 PAYSCALES & ALLOWANCES

Agreement has now been reached on rates of pay applicable from **1 January 2015**.

The new pay rates are attached at **Annex 1**.

Details of the non-consolidated payments to be paid in December 2014 (SCPs 5-49 only) and in April 2015 (SCPs 26-49 only) are attached at **Annex 2**.

The new rates for allowances up-rated in line with the pay increase of 2.20% are also set out at **Annex 3**.

It has been agreed that Spinal Column Point 5 (SCP5) will be deleted with effect from 1 October 2015. Therefore, employees on SCP5 shall progress to SCP6 on 1 October 2015.

NJC future work

Both Sides recognise that local government is undergoing a period of unprecedented change. The way that public services are designed and delivered is evolving at a rapid pace and against this background the NJC agrees that councils and their workforce need collective agreements that:

- reward employees fairly and recognise the diverse needs of the workforce
- attract, retain and train people with the skills needed for the future
- enable local service providers to react more quickly to changing circumstances
- facilitate effective partnership working and collaboration across organisations
- remove or modify existing barriers to ensure employees can move more easily between different public sector employers

The NJC remains committed to national collective bargaining and aims to ensure that the bargaining machinery can reflect and support new ways of working. The NJC will focus on

producing outputs that are relevant, fair and beneficial to both employers and those employed to provide public services.

Yours sincerely



Sarah
Messenger



Fiona
Farmer

Brian Strutton

Brian
Strutton



Heather
Wakefield

Joint Secretaries

NJC PAY SPINE 2014-16

SCP	1 Apr 13	1 Jan 15
5 (until 1 Oct 15)	£12,435	£13,500
6	£12,614	£13,614
7	£12,915	£13,715
8	£13,321	£13,871
9	£13,725	£14,075
10	£14,013	£14,338
11	£14,880	£15,207
12	£15,189	£15,523
13	£15,598	£15,941
14	£15,882	£16,231
15	£16,215	£16,572
16	£16,604	£16,969
17	£16,998	£17,372
18	£17,333	£17,714
19	£17,980	£18,376
20	£18,638	£19,048
21	£19,317	£19,742
22	£19,817	£20,253
23	£20,400	£20,849
24	£21,067	£21,530
25	£21,734	£22,212
26	£22,443	£22,937
27	£23,188	£23,698
28	£23,945	£24,472
29	£24,892	£25,440
30	£25,727	£26,293
31	£26,539	£27,123
32	£27,323	£27,924
33	£28,127	£28,746
34	£28,922	£29,558
35	£29,528	£30,178
36	£30,311	£30,978
37	£31,160	£31,846
38	£32,072	£32,778
39	£33,128	£33,857
40	£33,998	£34,746
41	£34,894	£35,662
42	£35,784	£36,571
43	£36,676	£37,483
44	£37,578	£38,405
45	£38,422	£39,267
46	£39,351	£40,217
47	£40,254	£41,140
48	£41,148	£42,053
49	£42,032	£42,957

NON-CONSOLIDATED PAYMENTS (see also Appendix)

SCP	December 14	April 15
5	£325	
6	£325	
7	£325	
8	£150	
9	£150	
10	£150	
11	£100	
12	£100	
13	£100	
14	£100	
15	£100	
16	£100	
17	£100	
18	£100	
19	£100	
20	£100	
21	£100	
22	£100	
23	£100	
24	£100	
25	£100	
26	£100	£3
27	£100	£7
28	£100	£10
29	£100	£14
30	£100	£18
31	£100	£22
32	£100	£26
33	£100	£29
34	£100	£33
35	£100	£36
36	£100	£39
37	£100	£43
38	£100	£47
39	£100	£52
40	£100	£56
41	£100	£60
42	£100	£65
43	£100	£69
44	£100	£73
45	£100	£77
46	£100	£81
47	£100	£85
48	£100	£89
49	£100	£93

Part 3 Paragraph 2.6(e) Sleeping-in Duty Payment

1 Jan 15
£34.00

**RATES OF PROTECTED ALLOWANCES AT 1 JAN 15
(FORMER APT&C AGREEMENT (PURPLE BOOK))**

Paragraph 28(3) Nursery Staffs in Educational Establishments - Special Educational Needs Allowance

1 Jan 15
£1,215

Paragraph 28(14) Laboratory / Workshop Technicians

City and Guilds Science Laboratory Technician's Certificate Allowance
1 Jan 15
£197

City and Guilds Laboratory Technician's Advanced Certificate Allowance
1 Jan 15
£144

Paragraph 32 London Weighting and Fringe Area Allowances £ Per Annum

Inner Fringe Area
1 Jan 15
£824

Outer Fringe Area
1 Jan 15
£573

Paragraph 35 Standby Duty Allowance - Social Workers (1)(a)(i) Allowance - Per Session

1 Jan 15
£27.35

FORMER MANUAL WORKER AGREEMENT (WHITE BOOK)

Section 1 Paragraph 3 London and Fringe Area Allowances £ Per Annum

Inner Fringe Area
1 Jan 15
£824

Outer Fringe Area
1 Jan 15
£573

Technical issues related to the non-consolidated payments

1. The payments are subject to the normal tax and national insurance requirements and are pensionable
2. The payments should be paid only to those employees who are in post on 1 December 2014. The payments are not 'back pay', so should not be paid to any employees who leave employment before 1 December
3. The payments should be paid on a pro-rated basis according to each council's established procedure for remunerating part-time employees
4. The payments should be paid to employees on SCPs 5, 6, 7, 8, 9 and 10 as indicated regardless of whether councils are already applying some form of Living Wage supplement
5. The payments should be paid to those on maternity leave whether in the paid or unpaid period at full rate (subject to appropriate pro-rating)
6. The payments should be paid to those on long-term sickness absence (even if on nil pay)
7. The payments should be paid at the relevant rate based on the current SCP at 1 December 2014, eg. an employee on SCP7 acting up to SCP12 should get the payment that applies to SCP12
8. The payments should be paid to those on adoption leave and parental leave
9. The payments should not be paid to employees on a career break at 1 December 2014
10. The payments do not apply to employees who are being paid above SCP49
11. If an employee has more than one contract, the payments should be paid pro-rata on each contract
12. Subject to any other exclusions, the payments should be paid to all employees whose pay is set in accordance with NJC for Local Government Services pay arrangements, regardless of whether they are on permanent or temporary contracts

ITEM FOR THE STAFFING COMMITTEE

DATE 11th November 2014

Purpose of the Report

To obtain any comments and approval for the proposed Corporate Health and Safety Policy.

Recommendation

That the revised Corporate Health and Safety Policy at Appendix A be approved.

1. Background

- 1.1 Prior to this review, the Corporate Health and Safety Policy was last reviewed in April 2013.
- 1.2 The Health and Safety at Work Act requires employers, with more than four employees, to prepare and revise on a regular basis, a written health and safety policy together with the necessary arrangements to carry it out and to bring the statement and any revision of it to the notice of their employees.
- 1.3 The policy document sets a clear direction for the organisation and arrangements in place to ensure the health, safety and welfare of its employees and those who may be affected by its activities.
- 1.4 The Corporate Health and Safety Policy will be reviewed on an annual basis, unless there are significant changes or an incident that requires the policy to be reviewed.
- 1.5 The attached policy has been endorsed by the Corporate Health and Safety Committee on 25th June 2014.

2. Issues

- 2.1 Once the Corporate Health and Safety Policy has been agreed, work will commence on updating the Employee Health and Safety Handbook and will undergo the same consultation process at a later date.
- 2.2 Since the last revision of the policy, a summary of the main changes are detailed below;
 - Added in the Head of Human Resources (with responsibilities)
 - Added some additional responsibilities to Heads of Service, Business Managers/Line Managers including ensuring that arrangements in Part 3 are implemented
 - Removed the sections on Visitors in Contractors in Part 2 and combined them in the relevant section in Part 3
 - Added a section on Target 100 (single point of record for health and safety documentation)
 - Divided Fire Safety and a section on Other Emergencies (more detailed information on other Emergencies)

- Expanded the Accident Reporting Section to include more information on the RIDDOR Regulations
- In Part 3 where there are separate Policies and Procedures, text has been deleted and “readers” are referred to the relevant policy – this is to ensure that the Corporate Health and Safety Policy does not have to be reviewed every time an individual policy is altered.
- Removed Bullying and Harassment as this is a Human Resource Policy
- Updated Noise & Vibration in line with the work that has been undertaken
- Needles and Syringes have been replaced by Infection Control so that we cover more diseases that employees could be exposed to.
- Under the role of employees ensure that it links the disciplinary policy i.e. breach of the health and safety policy could result in disciplinary action.

3. Legal and Statutory Implications

- 3.1 The Council is required to endeavour to comply with the Health and Safety at Work Act 1974.

4. Equality Impact Assessment

- 4.1 The policy applies equally to all employees.

5. Financial and Resource Implications

- 5.1 None

6. Major Risks

- 6.1 There is a risk to the Council if we fail to prepare, and regularly review a Health and Safety Policy.

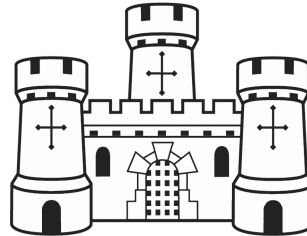
7. Earlier Cabinet/Committee Resolutions

- Corporate Health & Safety Committee 25th June 2014.

8. List of Appendices

Appendix A – Corporate Health and Safety Policy.

**NEWCASTLE
UNDER LYME
BOROUGH COUNCIL**



HEALTH AND SAFETY POLICY

UPDATED: 1ST OCTOBER 2014

CONTENTS

PART 1 - STATEMENT

1.1	Health and Safety Policy Statement	3
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PART 2 – ORGANISATION AND RESPONSIBILITIES

2.1	The Chief Executive	5
2.2	Executive Directors	5
2.3	Executive Director (Regeneration and Development)	6
2.4	Heads of Service/Business Managers/Line Managers	6
2.5	Head of Environmental Services	7
2.6	Corporate Health and Safety Officer	8
2.7	Head of Assets and Regeneration	9
2.8	Facilities Manager	9
2.9	Property Manager	10
2.10	Head of Operations	11
2.11	Head of Recycling & Fleet Services	11
2.12	Head of Leisure and Cultural Services	12
2.13	Head of Human Resources	12
2.14	Site Management	13
2.15	Health and Safety Committees	13
2.16	Safety Representatives	14
2.17	Employees	14

PART 3 – ARRANGEMENTS

3.1	Target 100	16
3.2	Risk Management	16
3.3	Safe Systems of Work and Working Procedures	17
3.4	Fire Safety	17
3.5	Other Emergencies	19
3.6	First Aid	20
3.7	Accident, Incident and Near Miss Reporting & Investigation	21
3.8	Workplace Transport	23

3.9	Manual Handling	25
3.10	Work at Height	26
3.11	Slips and Trips	27
3.12	Electrical Safety	28
3.13	Display Screen Equipment	29
3.14	Hazardous Substances	30
3.15	Personal Protective Equipment	32
3.16	Machinery, Plant and Equipment	32
3.17	Gas Safety	33
3.18	Noise at Work	34
3.19	Vibration at Work	36
3.20	Asbestos	38
3.21	CDM Regulations	39
3.22	Safety at Organised Events	40
3.23	Legionella	40
3.24	Needles and Syringes	41
3.25	Mobile Phones	42
3.26	Lone Working	42
3.27	Violence at Work	43
3.28	Driving at Work	43
3.29	Smoking at Work	43
3.30	Home Working	43
3.31	Stress	44
3.32	Alcohol, Drugs and Solvents	44
3.33	New and Expectant Mothers	44
3.34	Young Workers	46
3.35	Visitors and Contractors	47
3.36	Consultation with Employees	48
3.37	Information, Instruction and Training	49

PART 1 - STATEMENT

1.1 HEALTH AND SAFETY POLICY STATEMENT

The Health and Safety at Work Act 1974 imposes a statutory duty on employers to ensure, so far as is reasonably practicable, the health, safety and welfare of their employees. This general duty also extends towards ensuring the health and safety of others that may be affected by their work activities.

Newcastle-under-Lyme Borough Council will take appropriate action to comply with these duties and all other duties contained within other applicable health and safety legislation.


In particular the council will, so far as is reasonably practicable:-

- Ensure that places of work and the working environment provided for all its employees are safe and without risks to health.
- Provide safe access to and egress from all workplaces.
- Provide and maintain any work equipment, machinery or plant so that it is safe and without risks to health.
- Ensure that any articles and substances for use at work are handled, stored, transported and used in a manner which is safe and without risks to health.
- Provide, maintain and replace as necessary any required personal protective equipment.
- Provide and maintain suitable and adequate welfare facilities for employees.
- Provide suitable and adequate health and safety training and ensure that employees are, where necessary, adequately supervised.
- Ensure that risk assessments are conducted, monitored and reviewed. Where specific risks are identified, safe systems of work will be provided and maintained to control such risks.
- Provide and monitor safe systems of work for individual activities in order to maintain required standards.
- Provide health surveillance for employees as appropriate.
- Develop and provide information for employees on safe working practices.
- Conduct its work activities so as not to endanger the health, safety and welfare of other people who may be affected.

The Health and Safety at Work Act 1974 also places a duty on employees to take reasonable care of their own and others' safety, both through their acts and omissions, and to co-operate with the council in its efforts to comply with health and safety legislation.

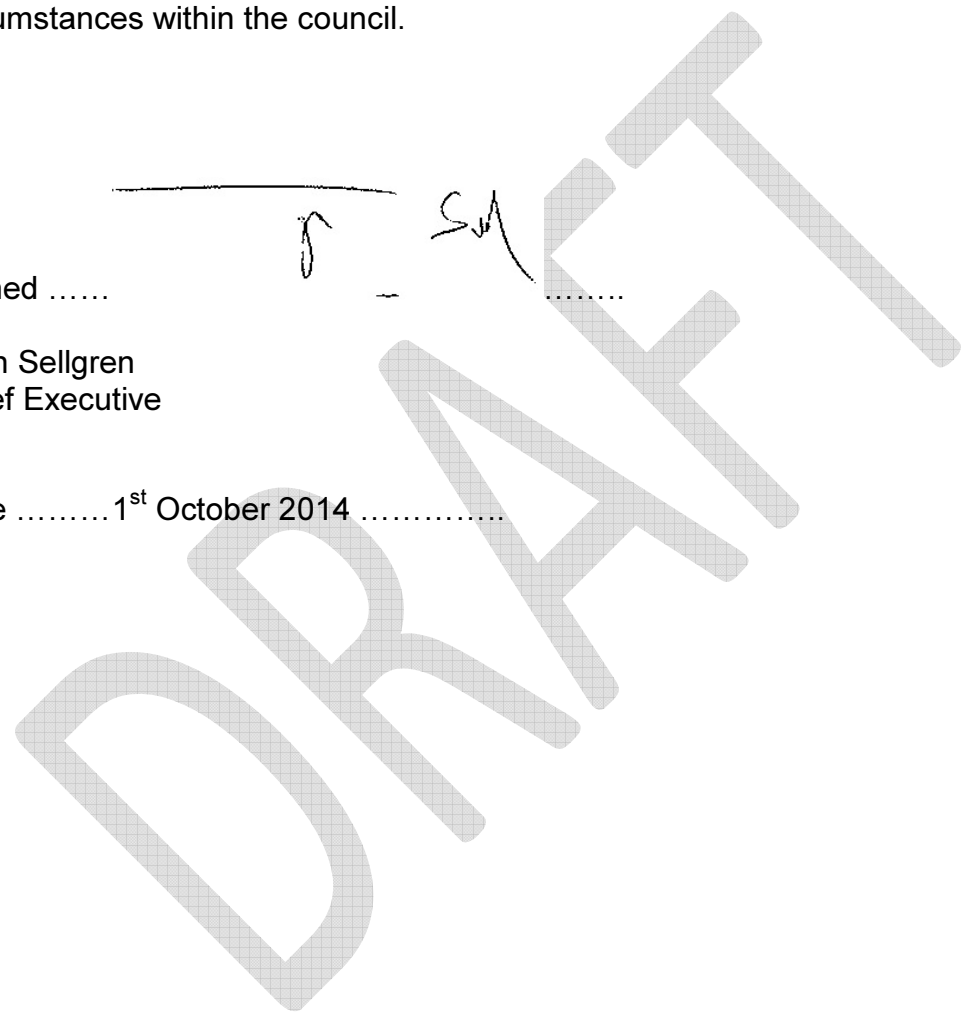
All employees should therefore exercise due care and attention and observe any Regulations, Approved Codes of Practice or Guidance relevant to their work.

This policy will be reviewed annually or sooner if required, and may be modified to meet new regulations, information from performance audits or changing circumstances within the council.

Signed 

John Sellgren
Chief Executive

Date 1st October 2014



PART 2 – ORGANISATION AND RESPONSIBILITIES

The overall responsibility for the health and safety of the employees and any member of the public who may be affected by the way the council conducts its undertakings, rests with the members of the borough council and the Chief Executive.

This Health and Safety Policy is underpinned by a number of supporting documents as detailed in Part 3 of this Policy.

The Health and Safety Policy should be read in conjunction with the Employees Handbook.

2.1 The Chief Executive

The Chief Executive will -

- Ensure that sufficient time, monetary and physical resources are made available to enable the council's health and safety policy to be implemented.
- Ensure that health and safety is an integral part of the overall management culture of the council.
- Take the lead in the development of a positive attitude to health and safety among council employees and elected members by visibly demonstrating his personal commitment to achieving a high standard of health and safety performance.
- Support the executive directors in implementing the council's health and safety policy within their directorates.
- Monitor the effectiveness of the arrangements set up by executive directors
- Implement the health and safety policy within his own directorate.

2.2 Executive Directors

Executive directors within their directorate will -

- Visibly demonstrate by example their commitment to achieving a high standard of health and safety performance and requiring the same from their heads of service, line managers and employees.
- Be responsible for implementing the council's health and safety policy and for ensuring that it is effectively applied.
- Provide adequate resources to enable the policy to be implemented and actively support all persons to whom health and safety duties have been assigned.

- Review accident and incident reports and progress any necessary corrective actions as required.
- Liaise with the Corporate Health and Safety Officer to ensure that all proper safety precautions have been taken.
- Use the appraisal system to measure the performance of heads of service against health and safety targets and objectives.
- Ensure that where health and safety training needs are identified and agreed as part of the employee appraisals and suitable course(s) is identified and provided promptly.
- Assist the Corporate Health and Safety Officer as necessary to prepare an annual report evaluating the health and safety of the council.

2.3 Executive Director (Regeneration and Development)

The Executive Director (Regeneration and Development) is the director with responsibility for ensuring that health and safety management issues are properly addressed by the council. In addition to the responsibilities listed above, he will -

- Act as chairman of the Corporate Health and Safety Committee.
- Promote implementation of the council's health and safety policy on a council-wide basis.
- Ensure a regular item appears on the agenda of Executive Management Team (EMT) meetings, so enabling discussion of health and safety issues.
- Present the minutes of the Corporate Health and Safety Committee to EMT.
- Ensure that the Corporate Health and Safety Officer receive necessary support both corporately and within the directorate, including day-to-day leadership and guidance from the Head of Environmental Services.

2.4 Heads of Service/Business Managers/Line Managers

All heads of service, business managers and line managers will be expected to support their executive directors in the implementation of the council's health and safety policy by -

- Implementing the council's health and safety policy and procedures as applicable within their area of responsibility.
- Providing all new employees, especially young persons with appropriate induction through the council's corporate induction procedure.
- Ensuring that all work-related hazards are identified, suitable and sufficient risk assessment undertaken and appropriate control measures put into place and

undertake monitoring and review of risk assessments on Target 100 (see 3.1 for more information).

- Ensuring that they and the employees under their control have adequate levels of competency to complete their work tasks safely and where necessary are provided with appropriate health and safety training relevant to the hazards in their work.
- Ensuring that all employees under their control comply with the council's health and safety policy and procedures.
- Inform employees under their control of risks inherent in their work and the means by which they are controlled.
- Incorporating safety instructions into routine orders and seeing they are carried out.
- Making employees aware of health and safety matters through regular team briefing sessions and toolbox talks.
- Not allowing employees to take unnecessary risks in their work.
- Not allowing employees to take part in horseplay or dangerous practical jokes and taking appropriate action against those who fail to consider their own or others' safety.
- Visibly demonstrating by example their commitment to achieving a high standard of health and safety performance and requiring the same from the employees under their control.
- Promptly investigating any accident, incident or near miss which is reported to them, instituting any corrective action which is necessary and recording on Target 100.
- Where lone workers have been identified, respond to calls from the Alarm Receiving Centre and ensure that employees personal details are kept up to date.
- Ensure that Target 100 is utilised to record, maintain and monitor Health and Safety Documentation. (Please refer to 3.1 For more details)
- Ensure that arrangements detailed in Part 3 of this Policy are undertaken unless specifically designated to an individual person.

2.5 Head of Environmental Services

The Head of Environmental Services is the head of service with responsibility for ensuring that health and safety issues are properly addressed by the council. In addition to the responsibilities listed above, she will –

- Provide day-to-day management of, and support for, the Corporate Health and Safety Officer, including the identification of any training and development needs.
- Ensure that best practice learning and relevant legislative changes are understood by the Corporate Health and Safety Officer.
- Ensure that EMT is advised of pertinent health and safety issues affecting the council's services or other interests.
- Act as the competent person providing assistance within the meaning of Regulation 7 of the Management of Health and Safety At Work Regulations 1999, in the absence of the Corporate Health & Safety Officer.

2.6 Corporate Health and Safety Officer

The Corporate Health and Safety Officer, reporting to the Chief Executive via the Head of Environmental Services, is the competent person providing assistance within the meaning of Regulation 7 of the Management of Health and Safety At Work Regulations 1999, and will -

- Develop corporate health and safety policies and procedures and ensure these are implemented within directorates.
- Advise the Chief Executive, executive directors, heads of service and employees on health and safety issues.
- Develop and deliver health and safety training courses as appropriate.
- Monitor, audit and review health and safety performance.
- Carry out Audit inspections of premises/sites and work activities.
- Monitor the database of inspections and testing maintained by the Facilities Manager and report any shortcomings in the inspection schedule to EMT.
- Provide assurance, on a quarterly basis, to the Corporate Health and Safety Committee that all due inspections have been completed/programmed in and of any significant matters.
- Should the need arise, stop an activity or close premises in a situation of serious or imminent danger.
- In conjunction with management, investigate serious accidents/incidents.
- Liaise with the Health and Safety Executive (HSE) as necessary.
- Prepare and present health and safety reports for internal meetings including Statutory Officers Group, Corporate Governance Working Group, Corporate Health and Safety Committee, EMT, DMT and others as required.

- Be aware of current and forthcoming health and safety legislation and any other changes, such as new HSE guidance, which may affect the council, develop new policies/procedures to take account of these changes and ensure that council officers are informed in good time.
- Undertake the role of administrator for Target 100.
- Where circumstances require, undertake individual risk assessments on employees e.g., New and Expectant Mothers, Return to Work.
- To identify sufficient number of employees to undertake the roles of Fire Marshalls, First Aiders, Evac Chair users and De Fib operators and ensure that suitable and sufficient training is undertaken.
- Ensure that fire drills/emergency evacuations will take place at required intervals. A suitable record of such drills will be kept and maintained.
- Review and produce accident statistics and reports.
- Produce Annual and Six Monthly reports on health and safety performance to the Audit and Risk Committee.
- Escalate any matter relating to health, safety and welfare to the Chief Executive as deemed necessary
- Act as the Deputy Asbestos Coordinator for the Authority

2.7 Head of Assets and Regeneration

The Head of Assets and Regeneration is the Head of Service with responsibility for ensuring that health and safety issues are properly addressed by the council in the context of the council's Facilities Management, Engineering and Asset Management services. In addition to the responsibilities above, he will –

- Provide day-to-day management of, and support for, the Property, Engineering and Facilities Managers, including the identification of any training and development needs.
- Ensure that best practice learning and relevant legislative changes are understood by the Property, Engineering and Facilities Managers.
- Ensure that EMT is advised of pertinent health and safety issues affecting the council's asset/property interests.

2.8 Facilities Manager

The Facilities Manager is responsible for health and safety in relation to premises structure, fabric and services, and will:-

- Deputise for the Head of Assets and Regeneration as appropriate

- Ensure that systems are in place to deal with hazards associated with the fabric of buildings
- Arrange for all statutory and "good practice" inspection and testing to be carried out no later than the required/recommended intervals. This includes but is not limited to, fixed electrical installations, PAT testing, fire risk assessments, fire extinguishers, fire detectors, fire alarms, emergency lighting, lift installations (passenger & goods), gas safety, asbestos and legionella testing. (Refer to Part 3 of this Policy)
- Arrange for any corrective action needed as a result of the above to be undertaken promptly and effectively.
- Provide site managers with timely information on the results of the above and on any corrective measures which may be necessary.
- Maintain an up-to-date database of inspections and testing for all council operational properties.
- Prepare and present the statutory inspections report to EMT, the Corporate Health and Safety Committee, Knutton Lane Depot Health & Safety Committee, the Corporate Governance Working Group and the Assets Review Group as required
- Use the council's communication systems to provide building/site occupants with information on general premises-related health and safety matters.
- Carry out periodic inspections in council-occupied properties for standards of, maintenance and repair of buildings.
- Liaise with fire safety officers on matters related to the Regulatory Reform (Fire Safety) Order 2005 in council-occupied properties.
- Responsibility for the assessment of approved contractors and induction & supervision of contractors working on the structure and fabric of the site.
- Organise and Chair regular Staffordshire Newcastle Accommodation Partnership Meetings and provide feedback to the Corporate Health & Safety Committee
- Act as the Asbestos Co-ordinator for the authority.
- Ensure that the arrangements included in the Asbestos Management Plan and Legionella Management Plan are implemented.

2.9 Property Manager

The Property Manager will –

- Deputise for the Head of Assets and Regeneration as appropriate

- Ensure that all leasing arrangements in respect of council-owned premises include a clause requiring the tenant to comply with all applicable health and safety legislation.
- Ensure that tenants on multi-occupancy sites are aware of their obligations to comply fully with the obligations placed on them by either or both the council's health and safety policy and/or any site-specific health and safety policy.

2.10 Head of Operations

The Head of Operations has equal and joint responsibility for the safe operation of the Depot (along with the Head of Recycling and Fleet Services) and other facilities including the crematorium, cemeteries, parks, play facilities and public open space, they will –

- Ensure health and safety policies, risk assessments and associated safe systems of work in relation to operational services staff and contractors are implemented.
- Ensure and carry out periodic inspections in operational service staff premises for standards of general housekeeping with regard to staff use of buildings and sites.
- Ensure periodic and statutory inspections of operational services workplace vehicles, machinery, and equipment is undertaken.
- Chair the Knutton Lane Depot Health and Safety Committee and feedback to the Corporate Health and Safety Committee.
- Liaise with and communicate health and safety information to tenants on the Knutton Lane Depot Site and ensure their compliance.

2.11 Head of Recycling & Fleet Services

The Head of Recycling & Fleet Services has equal and joint responsibility for the safe operation of the Depot (along with the Head of Operations), the garage, waste transfer station and workplace vehicles, they will –

- Ensure health and safety policies, risk assessments and associated safe systems of work in relation to recycling & fleet services staff and contractors are implemented.
- Ensure and carry out periodic inspections in recycling & fleet service staff premises for standards of traffic management with regard to staff use of buildings and sites.
- Responsibility for induction of visitors to Depot site.
- Ensure periodic and statutory inspections of workplace vehicles, machinery and equipment is undertaken.

- Ensuring the competence of and providing training for drivers of council owned vehicles
- Liaise with and communicate health and safety information to tenants on the Knutton Lane Depot Site and ensure their compliance

2.12 Head of Leisure & Cultural Services

The Head of Leisure and Cultural Services has responsibility for the safe use of the leisure and cultural facilities including Jubilee 2, Kidsgrove Sports centre, Museum and Knutton 3G pitches, they will –

- Ensure health and safety policies, risk assessments and associated safe systems of work in relation to Leisure and Cultural Services staff and contractors are implemented.
- Undertake periodic inspections of Leisure and Cultural Service premises for standards of general housekeeping
- Responsibility for site specific induction of visitors and contractors to Leisure and Cultural Service sites.
- Ensure periodic and statutory inspections of workplace machinery and equipment is undertaken.
- Responsibility for health and safety at events arranged by leisure and cultural services.
- Chair the Leisure Safety, Health and Environment Committee and provide feedback to the Corporate Health and Safety Committee.
- Ensure that premises under their responsibility operate in accordance with their relevant Normal Operating Procedures (NOP)
- Ensure that routine monitoring in accordance with the Pool Management Regulations is undertaken.

2.13 Head of Human Resources

The Head of HR will

- Arrange Health Surveillance for employees where required e.g. Noise and Vibration and maintain records
- Ensure that Pre Employment Medical Screening is undertaken
- Manage the Eye Test scheme for DSE Users
- Manage the Occupational Health Contract

- In conjunction with the Corporate Health and Safety Officer ensure that there are sufficient arrangements in place for employees who have potentially been exposed to infectious diseases through their work e.g. needlestick/sharp injuries.
- Work in conjunction with the Corporate Health and Safety Officer on the production or review of Policies and Procedures
- Ensure that records of health surveillance carried out for employees are kept in a suitable format and retained as appropriate (often there is a long period between exposure and onset of ill health).

2.14 Site Management

Where site managers identify physical or structural works to premises that are required to ensure health and safety, they must immediately communicate this to the Facilities Manager or Head of Assets and Regeneration. The responsibility to carry out such works in a safe and timely manner will then rest with the Facilities Manager. For the avoidance of doubt, the installation and ongoing maintenance of any fixed plant or operational equipment would not fall within this definition: operational managers would be responsible for such works (for example, vehicle lifts in the depot garage, cremators at the crematorium and printing machines in the print room).

Where there are unavoidable delays in commissioning any identified remedial works to premises, the relevant site manager, the Facilities Manager and Corporate Health and Safety Officer must carry out a risk assessment and identify/implement control measures and safe systems of work to ensure the health and safety of all persons until the works are complete. A written record must be kept of these meetings and assessments.

The site manager will be responsible for communicating and implementing the significant findings of the risk assessments and associated safe systems of work to all relevant staff, employee representatives, visitors and contractors as necessary.

2.15 Health and Safety Committees

The council has four health and safety committees, the Corporate Health and Safety Committee and three sub-committees which feed in to it:-

- Knutton Lane Depot Health and Safety Committee
- Leisure Safety, Health and Environment (SHE) Committee
- Staffordshire Newcastle Accommodation Partnership Meeting (SNAP)

Each of the above sub-committees has their own Terms of Reference with details the roles and responsibilities of the committees and its members.

The Corporate Health and Safety Committee will -

- Meet on a quarterly basis, with ad hoc meetings being called as necessary.

- Be chaired by the Executive Director (Regeneration and Development), with the Executive Director (Operational Services) as vice-chairman.
- Be attended by the Corporate Health and Safety Officer and other representatives (managers, trade union safety representatives and/or employee representatives) from each directorate.
- Carry out quarterly workplace inspections on a planned programme agreed by members.
- Review and monitor accidents statistics and any trends identified.
- Review Health and Safety Policies/Procedures prior to them going through the Consultation Process
- Review any new and forthcoming Health and Safety legislation

2.16 Safety Representatives

The council acknowledges that for the Health and Safety Policy to be effective it requires the involvement and co-operation of employees. It will -

- Co-operate fully in the appointment of Safety Representatives by recognised trade unions.
- Provide them, where necessary, with sufficient facilities and training to carry out their functions.

2.17 Employees

Whilst at work all employees should take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions.

All employees will be expected to co-operate in the implementation of the council's Health and Safety Policy by -

- Taking reasonable care for the health and safety of themselves, their colleagues and any other person who may be affected by their acts or omissions at work.
- Co-operating with their Head of Service and line managers to enable the council to fulfil its duties under health and safety legislation.
- Using correctly all work items provided by the council in accordance with the training and verbal or written instructions received to enable them to use the items safely.
- Making full and proper use of any personal protective equipment or clothing provided, and reporting any loss or defect to their line manager.
- Familiarise themselves with Risk Assessments, Safe Working Procedures and Safe Systems of Work applicable to their role and comply with them.

- Informing their line manager immediately of any work situation which might represent serious or imminent danger.
- Notifying their line manager of any shortcomings in health and safety arrangements, even when no immediate danger exists, so that the council can take remedial action if needed.
- Reporting any accident, incident or near miss, no matter how minor the injury, to their line manager, to be done on the day of the accident or as soon as possible afterwards – this includes reporting any accident or incident involving a non-employee which occurs on council premises or as a result of Council work activity.
- Not engaging in horseplay or interfering with/misusing anything provided for health or safety purposes.
- Following any laid down emergency procedures in the event of serious or imminent danger, such as emergency evacuations.
- Serious breaches of Health and Safety Regulations or Council safety procedures and instructions will result in disciplinary action. (Please refer to the Disciplinary Procedure)

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PART 3 – ARRANGEMENTS

3.1 Target 100

Target 100 is the adopted Health and Safety Management System. Target 100 is the single point of record/source of reference for the following Health and Safety documentation

- Accidents / Incidents
- Near Misses
- Dangerous Occurrences
- Road Traffic Accidents
- Verbal/Physical Aggression to members of staff
- Risk Assessments
- COSHH Assessments
- Health and Safety Training Records
- Toolbox Talks
- Safe Systems of Work
- Safe Working Procedures

3.2 Risk Management

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes ensuring that all significant foreseeable risks arising from work activities are adequately managed.

The council will take appropriate action to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and other applicable legislation, and guidance notes (HSG 65) issued by the Health and Safety Executive.

In particular the following rules and procedures will be applied in relation to the area or work activity -

- The council will institute a programme of hazard identification and risk assessment of all its activities in order to eliminate, reduce or control, so far as is reasonably practicable, any harm or danger to employees or other affected persons.
- All risk assessments will be fully documented and recorded on Target 100, they will be reviewed and amended, where necessary, on an annual basis or
 - when significant changes in the activities occur
 - following an accident or incident arising from the related activities
 - the results of monitoring reveals problems of compliance or effectiveness
- All relevant employees or other persons will be informed of the significant findings of risk assessments that relate to their work activities or otherwise affect them.
- When carrying out risk assessments, account must be given to members of the public and possible vulnerable groups.

3.3 Safe Systems and Working Procedures

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes ensuring that safe systems of work and/or safe working procedures are developed, understood and followed.

The council will take appropriate action to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and other applicable legislation, and guidance notes issued by the HSE.

In particular safe systems of work and safe working procedures will be developed for relevant work tasks or activities.

The following rules and procedures will be followed in relation to this area –

- All safe systems of work and safe working procedures will be developed by the relevant manager in consultation with the Corporate Health and Safety Officer.
- All safe systems of work and safe working procedures will be documented and recorded on Target 100
- All safe systems of work and safe working procedures will be communicated to the all employees and other persons that they affect.
- Regular monitoring of compliance with, and the effectiveness of, all safe systems of work and safe working procedures will be carried out.
- All safe systems of work and safe working procedures will be reviewed and amended, where necessary, on an annual basis or
 - when significant changes in the activities occur
 - following an accident, near miss or incident arising from the related activities
 - or the results of monitoring reveals problems of compliance or effectiveness

3.4 Fire Safety

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes ensuring that procedures are developed and followed in respect of fire

The council will take appropriate action to control the associated risks and to comply with the legal requirements relating to fire safety, as contained within the Regulatory Reform (Fire Safety Order) 2005 and the Management of Health and Safety at Work Regulations 1999, and with the specific guidance notes issued by the HSE and fire authority.

In particular the following rules and procedures will be applied in relation to this area and associated work activities -

- The council will implement suitable and adequate fire safety measures to ensure, so far as is reasonably practicable, the safety of all employees and other persons from the risk of fire.
- Risk assessments will be completed for all premises occupied by the council for the purpose of identifying the general fire precautions required to be implemented.
- The significant findings of the assessments and details of any groups of persons identified as being especially at risk will be recorded.
- All fire risk assessments will be subject to periodic monitoring at a frequency prescribed by the assessment and to periodic review.
- All premises will be equipped with appropriate fire-fighting equipment and with fire detectors and alarms where considered to be necessary, as determined by the risk assessment.
- All non-automatic fire-fighting equipment will be sited so as to be easily accessible and simple to use, and their location will be indicated by signs.
- Suitable and sufficient emergency routes and exits will be designated for all Council premises and selected so that employees and any other people can be evacuated as quickly as possible.
- All emergency routes and exits will lead to a place of safety and will be indicated by signs.
- Regular checks will be carried out to ensure that all emergency exits and the routes to emergency exits from premises are kept clear.
- All emergency exit doors will open in the direction of escape and allow easy opening and will remain unlocked and unfastened at all required times.
- All emergency exits and routes requiring illumination will be provided with suitable emergency lighting.
- Fire Risk assessments are undertaken every 2 years.
- Fire Alarms are tested weekly and records are maintained by Facilities Management
- There is a full test of emergency lighting every two years.
- All fire alarms will be maintained in efficient working order and good repair, serviced at required intervals and tested at regular intervals, as determined by the risk assessment. A suitable record of such tests will be kept and maintained.

- All employees will be provided with suitable and sufficient information on the appropriate precautions and actions required to be taken by them in case of fire. This training will be provided at induction and repeated periodically and/or when required.
- All visitors to council premises, including contractors, will be provided with suitable information and will be required to record their details in a register, including times of arrival and leaving.
- The council will appoint a Competent Person, who will be responsible for ensuring that all preventative and protective measures for fire and other emergencies are in place.
- The council will appoint a sufficient number of fire marshals at every premises in order to implement and manage the emergency evacuation procedures and ensure that they undertake training.
- The council will prepare and publish a fire/emergency plan for all of their premises where they are responsible for fire safety.
- Fire drills/emergency evacuations will take place at required intervals. A suitable record of such drills will be kept and maintained.

3.5 Other Emergencies

The council recognises that there are other emergencies that could put staff at risk, the following arrangements have been implemented to reduce the risk to staff. In addition to ensuring that the council complies with the legal requirements as contained in the Management of Health and Safety at Work Regulations 1999, RIDDOR 2013 and the Civil Contingencies Act 2004.

3.5.1 Bomb Threats

These will be treated in the same manner as the Fire Evacuation Procedure.

3.5.2 Credit Controller (Civic Offices Only)

This is the emergency call-out signal for the reception area at the Civic Offices and is used when a visitor to the Council is becoming abusive or aggressive and the person dealing with them needs some back-up (please refer to the Credit Controller Procedure).

3.5.3 Dangerous Occurrence

Dangerous Occurrences are defined under Schedule 2 of the RIDDOR 2013. A Dangerous Occurrence is primarily an incident with a high potential to cause death or serious injury, but which happen relatively infrequently.

Dangerous Occurrences must be recorded on Target 100, as soon as possible.
Dangerous Occurrences include (this list is not exclusive)

Lifting equipment - The collapse, overturning or failure of any load-bearing part of any lifting equipment, other than an accessory for lifting.

Pressure systems - The failure of any closed vessel or of any associated pipework (other than a pipeline) forming part of a pressure system as defined by regulation 2(1) of the Pressure Systems Safety Regulations 2000(1), where that failure could cause the death of any person.

Overhead electric lines - Any plant or equipment unintentionally coming into—

- (a) contact with an uninsulated overhead electric line in which the voltage exceeds 200 volts; or
- (b) close proximity with such an electric line, such that it causes an electrical discharge.

Electrical incidents causing explosion or fire - Any explosion or fire caused by an electrical short circuit or overload (including those resulting from accidental damage to the electrical plant) which either—

- (a) results in the stoppage of the plant involved for more than 24 hours; or
- (b) causes a significant risk of death.

Biological agents - Any accident or incident which results or could have resulted in the release or escape of a biological agent likely to cause severe human infection or illness.

Collapse of scaffolding - The complete or partial collapse (including falling, buckling or overturning) of—

- (a) a substantial part of any scaffold more than 5 metres in height;
- (b) any supporting part of any slung or suspended scaffold which causes a working platform to fall (whether or not in use); or
- (c) any part of any scaffold in circumstances such that there would be a significant risk of drowning to a person falling from the scaffold.

3.5.4 Major Incident

In the event of a Major Incident being declared the arrangements are set out in the Response and Recovery Handbook.

3.6 First Aid

The council acknowledges that it must ensure that there is adequate provision of trained first aiders, first aid equipment and facilities.

The council will take appropriate action to provide and maintain suitable and adequate first aid facilities and to comply with the relevant legal requirements, as contained within the Health and Safety (First Aid) Regulations 1981, and with the specific Approved Code of Practice (L74) issued by the Health and Safety Executive (HSE).

In particular the following rules and procedures will be applied in relation to this area:-

- The council will ensure that adequate and appropriate equipment, facilities and personnel are provided at all workplaces to enable first aid to be given to employees and other people if they are injured or become ill at work.
- The level of provision of first aid facilities at each workplace will be determined by an assessment of the particular circumstances and risks involved.
- Suitable and sufficient first aid kits will be provided in all workplaces and work situation and stocked in accordance with the outcomes of the first aid assessment. Where no significant risks or other factors are revealed by the assessment, boxes will contain a minimum stock of the items recommended by HSE guidance.
- First aid kits will be located in conveniently accessible positions in workplaces and these locations will be clearly marked.
- The council will ensure the appointment of suitable and adequate appointed persons and first aiders for every workplace.
- The numbers of appointed persons and first aiders in each workplace will be determined by the first aid risk assessment and in accordance with HSE guidance.
- A list of current first aiders and appointed persons is maintained by the Corporate Health & Safety Officer and will be displayed on notice boards and evoice, or otherwise brought to the attention of employees.
- All appointed persons and first aiders will receive suitable and sufficient training and will receive appropriate refresher training as and when required.

3.7 Accident, Incident and Near Miss Reporting and Investigation

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes ensuring that all accidents, incidents and near misses are reported and investigated.

An Accident can be defined as "any unplanned event that results in personal injury or damage to property, plant or equipment.

A near miss can be defined as "an unplanned event which does not cause injury or damage, but could have done so." Examples include: items falling near to personnel without injuring them, incidents involving vehicles and electrical short-circuits. The

council will take appropriate action to comply with the relevant legal requirements, as contained within the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) and the Management of Health and Safety at Work Regulations 1999, and with the specific guidance (L73 and HSG 245) issued by the HSE.

In particular the following rules and procedures will be applied in relation to this area

- All employees are required to report all accidents/incidents/near misses to their manager/supervisor as soon as possible.
- All accidents must be recorded by the appropriate manager on Target 100
- All accidents must be investigated by the appropriate manager and recorded on the Council Health & Safety Management Systems (Target 100) Accident Investigation Form.
- If the accident or incident is reportable under RIDDOR the required notification procedure will be followed by the Corporate Health and Safety Officer.
- Accidents or Incidents that are reportable under RIDDOR include
 - **Over seven day incapacitation of a worker** – Accidents must be reported where they result in an employee being away from work, or unable to perform their normal work duties, for more than seven consecutive days as the result of their injury. This seven day period does not include the day of the accident but does include weekends and rest days.
 - **Non-fatal accidents to non-workers (e.g. members of the public)** – Accidents to members of the public or others who are not at work must be reported if they result in an injury and the person is taken directly from the scene of the accident to hospital for treatment to that injury.
 - **Fractures other than to fingers, thumbs and toes** – Bone fractures include a break, crack or chip.
 - **Amputation of an arm, hand, finger, thumb, leg, foot or toe**
 - **Any injury likely to lead to permanent loss of sight or reduction in sight in one or both eyes**
 - **Any crush injury to the head or torso, causing damage to the brain or internal organs**
 - **Any burn injury (including scalding, chemical or radiological)** – which covers more than 10% of the whole body's total surface area or causes significant damage to the eyes, respiratory system or other vital organs
 - **Any degree of scalping requiring hospital treatment**

- **Any loss of consciousness caused by head injury or asphyxia**
- **Any other injury arising from working in an enclosed space** – which leads to hypothermia or heat-induced illness or requires resuscitation or admittance to hospital for more than 24 hours
- The Corporate Health and Safety Officer is responsible for the analysis and review of all investigation reports and may undertake further investigation of an incident/accident/near misses or dangerous occurrence where deemed necessary.
- The Corporate Health and Safety Officer will review all accidents that are recorded on Target 100 and produce accident statistics and reports.
- Where an accident investigation reveals matters that are required to be implemented in order to prevent a recurrence, the required action must be taken immediately by the appropriate manager
- Where an investigation reveals that immediate action is required to prevent a recurrence but circumstances dictate that it is not possible or feasible, any required interim measures to ensure the safety of the people affected must be taken.

3.8 Workplace Transport

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes ensuring the safe operation of vehicles within the Councils premises or under the control of the council.

The main problems associated with transport and vehicles include:-

- Collisions with pedestrians
- Collisions between vehicles
- Reversing of vehicles
- People falling from vehicles
- Overloading of vehicles
- Overturning vehicles.

The council will take appropriate action to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and the Workplace (Health, Safety and Welfare) Regulations 1992, and with the specific Approved Code of Practice (L24) and guidance notes (HSG 136 and INDG 199) issued by the HSE.

In particular the following rules and procedures will be applied in relation to this area and associated work activities -

- All activities involving workplace transport and vehicle movement will be subject to risk assessment and subsequent action, as detailed within the risk management section of the policy.
- Workplace vehicle transport systems will be developed with the following aims and objectives:-

Site Considerations	Operational
Ensuring that vehicles and pedestrians are kept safely apart.	Ensuring that loading / unloading operations can be carried out safely.
Providing suitable pedestrian crossing points on vehicle routes.	Carrying out regular safety checks of traffic routes using an appropriate checklist
Providing suitable vehicle parking.	Provision of banksmen or other means of controlling any necessary reversing operations
Avoiding sharp or blind bends.	
Ensuring that vehicle routes are sufficiently wide for all vehicles using them.	
Ensuring firm and even floor surfaces on all routes.	
Ensuring that floor and other signage is provided and maintained.	
Considering the adoption and enforcement of speed limits.	
Considering the need for barriers in high risk areas.	
Considering the need for speed humps or similar devices.	
Considering the need for fixed mirrors at blind bends.	
Ensuring that reversing manoeuvres are kept to a minimum.	
Considering the feasibility of one-way systems.	
Ensuring good levels of lighting in all areas.	

- All accident / incident irrespective of any injury/damage to their manager/supervisor should be recorded on Target 100 as soon as practicable.
- All forklift truck drivers and other employees or other persons present around high risk traffic routes must wear high visibility vests or jackets.

3.9 Manual Handling

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes dealing with the risk of injuries and other problems associated with manual handling.

Manual Handling is defined as lifting, lowering, pushing, pulling and carrying.

The main injuries associated with manual handling include -

- Provision of regular refresher training
- Musculoskeletal disorders (MSDs) such as back strain or slipped discs
- Hernias
- Lacerations, crushing of hands or fingers
- Repetitive strain injuries such as tenosynovitis
- Bruised or broken toes or feet
- Various sprains and strains.

The council will take appropriate action to control the associated risks and to comply with the relevant legal requirements, as contained within the Manual Handling Operations Regulations 1992, and with the specific guidance note (L23) issued by the HSE.

In particular the following rules and procedures will be applied in relation to this area and associated work activities -

- The council will, wherever possible or feasible, avoid the need for potentially hazardous manual handling by providing mechanical means or other working systems.
- Where it is not possible or feasible to avoid potentially hazardous manual handling suitable and sufficient risk assessments of the tasks involved will be carried out with a view to reducing the risk of injury by the implementation of control measures.
- All manual handling assessments will be designed to look at all of the following areas:-
 - The tasks involved
 - The individual capacities required
 - The loads involved
 - The working environment involved.
- Suitable records will be kept of all manual handling assessments, which will be brought to the attention of all relevant employees.
- Suitable and sufficient instruction, training and supervision will be provided in the correct handling and lifting techniques to all employees involved in manual handling tasks.

3.10 Work at Height

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes ensuring that any work at height is avoided, if possible, or otherwise carried out safely by eliminating or reducing the risk of falling.

The council will take appropriate action to control the associated risks and to comply with the relevant legal requirements, as contained within the Working at Height Regulations 2005 and with the specific guidance issued by the HSE.

Work at height is to be considered as any work where a person could be injured from falling, even if it is at or below ground level.

In particular the following rules and procedures will be applied in relation to this area and associated work activities -

- Where possible, work at height must be avoided as the first consideration when managing the risks in this area.
- Where work at height is unavoidable the risks of the relevant work must be assessed and appropriate work equipment will be selected and used before work starts.
- All work at height must be properly planned, organised, supervised and carried out in as safe a manner as is reasonably practicable.
- All equipment used in connection with work at height must be properly inspected and maintained, including ladders and stepladders.
- All risks arising in connection with fragile surfaces must be properly controlled.
- All reasonable steps must be taken to prevent objects falling from height or reducing the risk of injuries arising from falling objects.
- When planning work at height account must be taken of emergency and rescue requirements.
- Work must not be carried out during weather conditions that could endanger health and safety.
- Employees and other people involved in work at height must be competent and, where necessary, trained in avoiding falling and how to minimise injuries in case of falls.
- Reports must be kept of all required inspections of equipment used for working at height.

3.11 Slips and Trips

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes controlling the risks of slips and trips accidents at work.

The council will take appropriate action to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and the Workplace (Health, Safety and Welfare) Regulations 1992 and with the specific Approved Code of Practice (L24) and guidance notes (HSG 155 and INDG 225 issued by the HSE.

In particular the following rules and procedures will be applied in relation to this area and associated work activities -

- All risk assessments must consider the hazards that could result in slips and trips and, where identified, measures must be taken to eliminate, reduce or control the risks involved.
- The selection of floor surfaces must include consideration of the slip resistant qualities and general suitability to the areas in question and the activities or processes carried out.
- Measures should be taken to prevent floors from getting wet or contaminated from work activities or processes. Keep water or contaminants away from walkways.
- Spillage procedures must ensure the rapid clean-up of any spillages or contamination by designated personnel without further endangering employees and other persons. Where floors are greasy a suitable cleaning agent must be used.
- Where necessary suitable warning signs and barriers must be erected during the removal of spillages.
- Steps and slopes on floors must have good foot and hand holds and have no sudden changes of level.
- Adequate levels of lighting must be provided and maintained in all areas and walkways.
- Where necessary suitable footwear will be provided for employees, taking into account the conditions, the work and the individual.
- Trailing leads must be avoided in all working areas and walkways.
- All accidents and incidents involving slips and trips must be recorded and investigated fully, with consideration being given to the underlying causes and required improvements to prevent a recurrence.

- Suitable and adequate information, instruction and training must be provided to all employees regarding the avoidance of slips and trips accidents and in spillage removal and prevention.
- Employees must report all spillages immediately to their manager/supervisor together with any building defects or other problems that are causing floors to be wet, slippery or uneven.
- All maintenance work resulting in wet, slippery or uneven floors must be carried out as soon as possible, with barriers and warning signs being erected as a temporary measure.
- All areas must be kept clear of rubbish and other obstructions likely to cause slips and trips.

3.12 Electrical Safety

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes ensuring the provision, use and maintenance of safe electrical installations and equipment.

The main hazards associated with electricity include -

- Shock
- Burns
- Arcing
- Fires
- Explosions
- Secondary injuries such as falls from height following shock.

The council will take appropriate action to control the associated risks and to comply with the relevant legal requirements, as contained within the Electricity at Work Regulations 1989 and with the specific guidance (HSG 85/107/236 and HSR 25) issued by the HSE.

In particular the following rules and procedures will be applied in relation to this area and associated work activities -

Fixed Electrical Installations

- All fixed installations and systems will meet the required British Standards.
- All fixed installations will be maintained in a safe condition.
- All fixed installations will be routinely inspected.
- Only suitably competent people will be allowed to carry out any work on electrical installations and systems.

- Adequate socket-outlets will be provided to avoid overloading or the excessive use of extension leads.
- Employees are required to report any defective electrical installations or systems.

Portable Electrical Equipment

- All portable electrical equipment will be safe and suitable for the particular work in which it is used.
- All portable electrical equipment will be maintained in a safe condition.
- All portable electrical equipment will be subject to a system of visual inspection and testing, including before it is first put into use.
- Only suitably competent persons will be allowed to carry out testing or any work on portable electrical equipment.
- All portable electrical equipment brought onto council premises or sites by employees and contractors must be tested before use.
- Employees are required to report any defective equipment and to remove it from service if it is considered to be detrimental to safe usage.

Record Keeping

Facilities Management will retain and update the following records as appropriate –

- A register of all portable electrical equipment on council premises or sites.
- Details of instruments and testing equipment used for electrical work.
- Copies of any permits authorising work on electrical equipment.
- Safety information provided to and by contractors.
- All information relating to individual competence and training of people who are authorised to inspect electrical installations or equipment or conduct, manage, supervise or assess electrical work.
- Details of inspections and tests conducted on fixed electrical installations, systems and portable electrical equipment.

3.13 Display Screen Equipment

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes ensuring the safe use of display screen equipment (DSE).

The main health problems associated with the use of DSE include -

- Aches and pains in the hands, wrists, arms, neck, shoulders or back
- Eye strain or similar visual problems
- Headaches
- Stress and fatigue

The council will take appropriate action to control associated risks and to comply with the relevant legal requirements as contained within the Display Screen Equipment Regulations 1992 and with the specific guidance (L26) issued by the HSE.

In particular the following rules and procedures will be applied in relation to this area and associated work activities -

- All employees will assess their workstation on the introduction of new DSE or on the movement or change of location of DSE and record the assessments on Target 100.
- Where the assessments reveal equipment or other issues that do not meet the minimum legal requirements, further advice can be sought from Corporate Health and Safety.
- The individual service area will arrange and pay for the procurement of specialist items e.g. ergonomic mouse or a specific chair
- The council will arrange for, and/or pay the reasonable costs of, eye and eyesight tests by a qualified optician for all DSE users.
- All DSE users will be entitled for tests to be repeated at intervals as recommended by the optician.
- The council will pay the reasonable costs of providing users with spectacles required for DSE use, where found to be necessary by the tests.
- All DSE users will be provided with suitable and sufficient information, instruction and training regarding the safe use of workstations by Corporate Health & Safety and the availability of eye and eyesight tests by HR.
- Job rotation/breaks will be arranged if required in consultation with the appropriate manager.

3.14 Hazardous Substances

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes ensuring that all significant risks associated with the use, storage, sale or transport of hazardous substances are assessed and adequately controlled.

The council will take appropriate action to comply with the relevant legal requirements, as contained within the Control of Substances Hazardous to Health

Regulations 2002 (COSHH) and the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (CHIP) and Regulation on Classification, Labelling and Packaging of Substances and Mixtures (CLP Regulation), and with the associated specific Approved Codes of Practice (HSG 193) and guidance notes issued by the HSE.

In particular the following rules and procedures will be applied in relation to this area and associated work activities -

- An up-to-date register of all chemicals and other hazardous substances used, stored, sold or transported by the council will be maintained on Target 100 together with the latest relevant safety data sheets.
- Before a new product is introduced, a copy of the Material Safety Data Sheet must be obtained so that a COSHH assessment can be undertaken.
- All new products will initially undergo a process of approval, using the relevant technical information and data sheets, before inclusion in the approved product range.
- COSHH assessments will be completed and recorded for all chemicals and other hazardous substances used, stored, or transported by the council.
- All processes and activities will be designed and operated to minimise the emission, release and spread of substances hazardous to health.
- Exposure will be controlled by measures that are proportionate to the particular health risks involved.
- The most effective and reliable control options will be chosen which minimise the escape and spread of substances hazardous to health.
- When developing and introducing control measures care will be taken to ensure that it does not increase the overall risk to health and safety.
- Where adequate control of exposure cannot be achieved by other means, suitable personal protective equipment will be provided, in combination with other control measures.
- All elements of control measures will be monitored and reviewed regularly for their continuing effectiveness.
- All employees will be provided with suitable and adequate information, instruction and training on the hazards and risks from the substances with which they work and the use of control measures developed to minimise the risks, including the safe storage of materials and the use of required personal protective equipment.
- Suitable health surveillance will be arranged by the line manager who will liaise with HR for any employee who may be exposed to any substance for which it is required or is appropriate.

3.15 Personal Protective Equipment

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes the provision, use and maintenance of personal protective equipment (PPE).

The council will take appropriate action to provide and maintain such personal protective equipment as required or deemed necessary and to comply with the relevant legal requirements, as contained within the Personal Protective Equipment at Work Regulations 1992, and with the specific guidance (L25) issued by the HSE.

In particular the following rules and procedures will be applied in relation to this area and associated work activities -

- The council acknowledges that, as a means of hazard elimination, the use of PPE is the last consideration.
- Where it has been established that PPE is the only means, or is required to supplement other control measures, the council will ensure that adequate supplies of suitable PPE are available and maintained.
- The level of PPE required will be determined through the Risk Assessment Procedure.
- Where appropriate, all PPE will conform to the applicable British Standard, and/or the relevant "Certificates of Approval" issued by the HSE, or will be required to have the appropriate CE marking.
- Where required, suitable and sufficient storage accommodation will be provided for PPE when not in use.
- All employees required to wear PPE will receive suitable and adequate information, instruction and training in its use, maintenance, cleaning and storage, and the relevant risks it will avoid or limit.
- All employees required to wear PPE must use it in accordance with the risk assessment and manufacturers guidance.
- All employees must report any defects to PPE or loss to their manager. Please refer to the Employee Replacement Equipment Policy.
- Personal protective equipment e.g. high vis jackets, hearing protection will be provided for visitors to council premises, where required or appropriate.
- Contractors will be required to provide and wear their own PPE.

3.16 Machinery, Plant and Equipment

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes ensuring that all

machinery, plant and equipment is maintained in a safe condition and used in a safe manner.

The council will take appropriate action to control the associated risks and to comply with the relevant legal requirements, as contained within the Provision and Use of Work Equipment Regulations 1998, Lifting Operations and Lifting Equipment Regulations 1998, Abrasive Wheels Regulations 1970 and the Supply of Machinery (Safety) Regulations 1992 and with the specific guidance (L22) issued by the HSE.

In particular the following rules and procedures will be applied in relation to this area and associated work activities -

- The council will, as far as is reasonably practicable, ensure that all equipment is suitable for the intended use or tasks.
- All equipment will comply with the relevant British Standard and be CE marked where appropriate.
- All dangerous parts of machinery will be suitably and adequately guarded.
- All equipment will be maintained in efficient order and in good repair.
- Regular inspections of all equipment will be carried out by competent people and suitable records will be maintained by the service area, including before it being put into use. The frequency of inspections will be determined by the risk assessment or in line with legal requirements, manufacturer's instructions or other recommended guidance.
- All equipment will be maintained in efficient order and in good repair.
- Any defective equipment where there is an increased risk of injury will be taken out of operation and not used until the necessary repairs have been completed to make it safe to use.
- Employees are required to report any defective equipment immediately to the appropriate manager/supervisor.
- Employees are required to only use equipment for the purpose or operations for which it is suitable or intended.
- Every employee who uses equipment will receive suitable and adequate information, instruction, training and supervision.

3.17 Gas Safety

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes ensuring that all gas appliances within council premises or premises where the council is responsible under a maintenance agreement, are installed safely and maintained in a safe condition.

The council will take appropriate action to control the associated risks and to comply with the relevant legal requirements, as contained within the Gas Safety (Installation and Use) Regulations 1998 and relevant Codes of Practice or guidance notes issued by the HSE or other bodies.

In particular the following arrangements will be applied in relation to this area and associated work activities -

- All relevant gas appliances will be installed by a Gas Safe registered engineer or company.
- Annual gas safety checks of all relevant appliances will be carried out every 12 months by a Gas Safe registered engineer or company.
- Records of all relevant gas safety checks will be kept for at least two years.
- The council will, as far as is reasonably practicable, ensure that all gas appliances are suitable for the intended use.
- All appliances will comply with the relevant British Standard or other relevant safety standards.
- Any reports of defective gas appliances or reports of smells of gas or carbon monoxide will be dealt with immediately, with the appliance being taken out of operation until inspected and/or repairs have been completed to render it safe to use as advised by a Gas Safe registered engineer or company.
- All work organised or carried out on behalf of the council to gas appliances will only be carried out by a Gas Safe registered engineer or company.
- Reference to gas appliances within the above arrangements includes any ancillary gas equipment, pipework, flues and safety devices.
- Audit checks of works undertaken by gas safety engineers.

3.18 Noise at Work

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes preventing damage to the hearing of people exposed to high levels of noise at work.

The main problems associated with occupational noise include -

- Noise induced hearing loss
- Temporary and permanent threshold shift
- Tinnitus
- Stress
- Injuries arising from distracted attention.

The council will take appropriate action to control the associated risks and to comply with the relevant legal requirements, as contained within the Noise at Work Regulations 2005, and with the specific guidance note (L108) issued by the HSE.

In particular the following rules and procedures will be applied in relation to this area and associated work activities -

- The council will generally attempt to reduce exposure to noise at work and the consequential risk of hearing damage as far as is reasonably practicable by means other than ear defenders.
- If a noise problem is suspected, a suitable and sufficient noise assessment will be carried out to determine the appropriate level, type and duration of noise exposure and the corresponding course of action. Suitable records of all such assessments will be kept and reviews carried out at appropriate intervals.
- Measures taken in respect of noise exposure will be dependent upon the outcomes of the assessment and in accordance with comparisons against the legal action levels as follows:
 - Lower Exposure Action Values - daily or weekly personal noise exposure of 80dB(A) or a peak sound exposure of 135dB(C) or 112 Pascal's.
 - Upper Exposure Action Values - daily or weekly personal noise exposure of 85dB(A) or a peak sound pressure of 137dB(C) or 140 Pascal's.
 - Exposure Limit Value - daily or weekly personal noise exposure of 87dB(A) or a peak sound pressure of 140dB(C) or 200 pascals, after taking into account the protection given by any personal hearing protectors provided.
- Where the noise exposure to employees is at or above a lower exposure action value but below an upper exposure action value, suitable personal hearing protectors will be made available to relevant employees upon request.
- Where the noise exposure is at or above an upper exposure action value, Hearing Protection Zones will be demarcated and suitable signs displayed.
- Suitable personal hearing protectors must be provided and must be worn by all persons who enter any hearing protection zone.
- Adequate information, instruction and training will be provided to all employees with a noise exposure at or above a lower exposure action value regarding the risks to their hearing, the availability of personal hearing protectors, defects reporting systems, their own duties and health surveillance issues.
- All personal hearing protectors and other equipment will be maintained and replaced as necessary.

- All employees will be required to use personal hearing protectors and other noise reduction equipment, where deemed necessary, and to report any defects to the appropriate manager Please refer to 3.15
- Where a noise risk assessment reveals that there is a risk to the health of employees who are exposed to noise, suitable health surveillance will be provided to the employees in question.
- Health surveillance will normally take the form of regular hearing tests (audiometric testing) and will generally apply to all employees who are regularly exposed to noise at or above an upper exposure action value.
- Where as a result of health surveillance an employee is found to have identifiable hearing damage, arrangements will be made for the employee to be examined by a doctor or other suitably qualified medical specialist.
- Health records, or a copy, will be kept and maintained by HR as appropriate (often there is a long period between exposure and onset of ill health). Where a doctor or other suitably qualified medical specialist considers that the hearing damage suffered by an employee is likely to be the result of exposure to workplace noise, the employee will be informed accordingly and other measures will be considered, including the review of relevant risk assessments and the health of other employees similarly exposed, together with consideration being given to assigning the employee to alternative work where there is no risk of further noise exposure.
- Where persons other than employees are exposed to noise, similar measures will be taken to the above in respect to ensuring their protection from adverse noise levels other than the provision of health surveillance and general information, instruction and training.
- Risk Assessments will reflect the risk of exposure to noise where relevant, and the assessments will be reviewed in line with 3.2.

3.19 Vibration at Work

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes the control of health risks from exposure to hand-arm and whole-body vibration in the workplace.

The common early symptoms associated with exposure to vibration include:-

- Tingling and numbness in the fingers
- Loss of sense of touch
- Loss of grip strength
- Pain in the wrist (carpal tunnel syndrome)
- White and red colouration in the fingers (vibration white finger)
- Back pain.

The council will take appropriate action to control the associated risks and to comply with the relevant legal requirements, as contained within the Control of Vibration at

Work Regulations 2005, the Management of Health and Safety Regulations 1999 and the Provision and Use of Work Equipment Regulations 1998 and with the specific guidance notes (L140/141 and INDG 175/242/296) issued by the HSE.

In particular the following rules and procedures will be applied in relation to this area and associated work activities -

- The council will, as far as is reasonably practicable, reduce the exposure to vibration from the use of equipment to a minimum.
- The service will carry out review and monitor assessments of the vibration risk to employees in order to determine the likelihood of exposure being above the daily exposure action value (EAV).
- Following, and in accordance with, the assessment a programme of measures will be implemented to eliminate the risk or reduce exposure to as low as is reasonably practicable.
- Where there are employees who are likely to be exposed above the daily exposure limit value (ELV), immediate action will be taken to reduce their exposure below the limit value.
- Suitable and adequate information and training will be provided to all employees exposed to vibration regarding the risks involved and the measures being taken to reduce those risks.
- HR will arrange for appropriate health surveillance for employees who are regularly exposed to vibration above the action value or otherwise continue to be at risk.
- Health Surveillance for employees exposed to vibration at work will follow the guidance provided by the HSE in will be a tiered system and will be administered by HR through our Occupational Health Provider
 - **Tier 1** is an initial screening questionnaire used as a first check for people moving into jobs involving exposure to vibration. The replies to the questionnaire will indicate whether they need to be referred to Tier 3 for a HAVS health assessment.
 - **Tier 2** is an annual screening questionnaire that can be issued once a year to employees exposed to vibration risks to check whether they need to be referred to Tier 3 for a HAVS health assessment.
 - **Tier 3** involves a HAVS health assessment by a qualified person (eg an occupational health nurse). If the assessment shows that the employee has HAVS, the employee Tier 4 will apply.
 - **Tier 4** involves a formal diagnosis and is carried out by a doctor qualified in occupational health. The doctor will advise you on the employee's fitness for work.

- **Tier 5** is optional and involves referral of the employee for certain tests for HAVS. The results may help the doctor assess fitness for work.
- Service areas will keep records of all assessments and control actions and review the assessments in line with 3.2.
- Health records, or a copy, will be kept and maintained because often there is a long period between exposure and onset of ill health.

Exposure action and limit values

For hand-arm vibration the exposure values, assuming an eight hour working day, are -

Exposure action value: 2.5 m/s² A(8)
Exposure limit value: 5.0 m/s² A(8)

For whole-body vibration the exposure values, assuming an eight hour working day, are -

Exposure action value: 0.5 m/s² A(8)
Exposure limit value: 1.15 m/s² A(8)

3.20 Asbestos

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes managing asbestos that may be present in premises.

No building work (of any scale or however minor) should be undertaken without prior consent of Facilities Management.

The arrangements in this section (3.20) are supported by and should be used in conjunction with the Asbestos Management Plan.

Common sources of asbestos in buildings include -

- Sprayed asbestos and asbestos loose packing - generally used as fire breaks in ceiling voids
- Moulded or preformed lagging on pipes and boilers
- Sprayed asbestos used as fire protection in ducts, firebreaks, panels, partitions, ceiling panels and around structural steel work
- Insulating boards used for fire protection, thermal insulation, partitioning and ducts
- Millboard, paper and paper products used for insulation of electrical equipment
- Asbestos pipe lagging
- Asbestos insulation board
- Perforated ceiling tiles

- Asbestos cement products including corrugated roofing, gutters and rainwater pipes.

The council will take appropriate action to control the associated risks and to comply with the relevant legal requirements, as contained within the Control of Asbestos at Work Regulations 2006 and with the Approved Code of Practice (L143) issued by the HSE.

In particular the following rules and procedures will be applied in relation to this area and associated work activities -

- A survey of all Council buildings will be carried out to find out if there is asbestos in the premises, including the amount and its condition.
- All materials will be presumed to contain asbestos, unless there is strong evidence that they do not.
- A record will be kept of the location and condition of the asbestos containing materials (ACMs) or presumed ACMs in all council premises.
- An assessment of the risk from the materials will be carried out.
- A plan will be prepared that sets out in detail how ACMs are going to be managed and the risk from this material.
- Steps will be taken to put the plan into action and to review and monitor it.
- Information on the location and condition of the material will be provided to anyone who is likely to work on or disturb it.
- All surveys and any required sampling will be carried out by a suitably trained person.
- All required asbestos removal work will only be carried out by a licensed contractor.
- All contractors will be provided with a copy of the Asbestos Register for the building prior to any works commencing by Facilities Management
- No works to building structures are to be commissioned without prior agreement with Facilities Management
- Where employees have been exposed to Asbestos, health surveillance records will be maintained for 50 years.

3.21 CDM Regulations

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes ensuring that its responsibilities as a "Client" in relation to construction projects and related works are fully met.

The council will take appropriate action to comply with the relevant legal requirements, as contained within the Construction (Design and Management) Regulations 2007 (CDM) and Approved Code of Practice L144 "Managing Health and Safety in Construction" and relevant guidance issued or approved by the HSE.

In particular the following rules and procedures will be applied in relation to this area and associated work activities -

- The council will at an early stage in a CDM project appoint a CDM co-ordinator to provide advice, manage and manage the work in question.
- The council will only appoint or use competent designers, CDM co-ordinators, principal contractors and contractors for any CDM work.
- The council will ensure co-operation with all other duty holders and will require a health and safety plan to be developed for any CDM project before they allow the construction phase to start.
- The council will ensure that any relevant information that they hold is provided to other relevant duty holders.
- The council will ensure that suitable reporting procedures are in place to identify and act upon any health and safety risks or other issues.

3.22 Safety at Organised Events

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes controlling the safety risks associated with organised events involving or requiring approval by the council.

The council will take appropriate action to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and with the specific Approved Codes of Practice and guidance notes (HSG195) issued by the HSE.

Please refer to the Safety at Public Events – a good practice guide for more information.

3.23 Legionella

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes controlling the health risks associated with legionella bacteria in water systems.

The arrangements in this section (3.23) are supported by and should be used in conjunction with the Legionella Management Plan.

The presence of legionella bacteria in water systems can, under certain circumstances, result in the potentially fatal legionnaire's disease in employees and other people who may inhale contaminated water droplets.

The council will take appropriate action to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and with the specific Approved Codes of Practice (L8 and L21) and guidance notes issued by the HSE.

In particular the following rules and procedures will be applied in relation to this area and associated work activities –

- The council will carry out a risk assessment in respect of the risk of legionella within the water systems within council premises, including an assessment of the water temperatures involved, the possibility of droplet formation and the presence of any particularly susceptible persons.
- An up to date schematic plan of the water systems will be prepared.
- The risk assessment and schematic plan will contain details of the precautions to be taken and instructions for the operation of the system.
- Where necessary, a written cleaning and disinfection/treatment procedure for the water systems will be developed.
- Regular visual checks will be carried out on the cleanliness and general condition of the water system.
- Where necessary, water temperature, chemical water quality and legionella checks will be carried out.
- Records of all tests undertaken and maintenance to the water systems will be kept.

3.24 Infection Control

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes ensuring that the risks associated exposure to activities where there is a potential of contracting an infection

Infections at work are those created by exposure to harmful micro-organisms such as bacteria, fungi, viruses, internal parasites, and other infectious proteins known as prions. These are called 'biological agents' in health and safety legislation.

The council will take appropriate action to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and any specific Approve Codes of Practice and guidance notes issued by the HSE and other relevant bodies.

- Risk Assessments will be undertaken by managers where staff have been identified as being at risk of exposure to infection and suitable control measures will be identified.

Biological Agent / Disease	Workers who could be at risk
Toxocaris	- Operatives who could come into contact with infected animal faecal matter
Leptospirosis	- Operatives who work near open water - Operatives who are exposed to rat or cattle urine
HIV	- Operatives who could come into contact with needles/sharps or bodily fluids such as blood or semen
Hep A	- Operatives who could come into contact with raw sewage - Operatives who could come into contact with needles/sharps
Hep B	- Operatives who could come into contact with needles/sharps or bodily fluids such as blood or semen
Hep C	- Operatives who could come into contact with needles/sharps or bodily fluids such as blood or semen

- Where appropriate, employees at risk of exposure to infection will be provided with information cards that will provide them with detailed information including the risks involved, control measures in place and what to do in the case of exposure

3.25 Mobile Phones

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes implementing measures to ensure that health and safety is not compromised by the use of mobile phones, particularly while driving.

The council will take appropriate action to comply with the relevant legal requirements, as contained in the Management of Health and Safety at Work Regulations 1999 and with the specific guidance issued by the HSE and other relevant bodies.

Employees are not required to use mobile phones whilst operating vehicles, plants or similar.

Please see the full Policy on the Work-related Use of Mobile Phones and the Driving at Work Policy for further details on this matter.

3.26 Lone Working

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes dealing with the risks associated with lone working.

Lone worker is defined as "persons who work by themselves without close or direct supervision".

A Lone Working Policy has been implemented which details the arrangements in place for Lone Workers, including the Identicom Devices. Please refer to the policy for more details.

3.27 Violence at Work

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes protecting employees from the risk of violence at work.

Work related violence is defined as "any incident in which a person is abused, threatened or assaulted in circumstances relating to their work".

An Employee Protection Policy is in place, which details the arrangements in place to assist in reducing the risk of violence at work, including the Employee Protection Register. Please refer to the Policy for more details.

3.28 Driving at Work

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes ensuring that the risks and associated with the driving of vehicles operating on council business are adequately controlled.

Please see full Driving at Work Policy and Driving at Work Good Practice Guide for further details on this matter.

3.29 Smoking at Work

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes controlling the risks associated with smoking at work and exposure to second-hand or "passive" smoke. The Council acknowledges that some employees may wish to make use of electronic cigarettes ("e-cigarettes") in the workplace; the Workplace No Smoking Policy provides more details on the arrangements in place.

3.30 Home Working

The council recognises that it has a responsibility to ensure a safe and healthy working environment and acknowledges that this includes dealing with the risks to employees who are classed as home workers.

The definition of a home worker is "any person who carries out work at their home on behalf of, authorised by or with the consent or knowledge of the council and its management".

The council will take appropriate action to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and with the specific guidance (INDG226) issued by the HSE.

Please refer to the Homeworking Scheme for more information on the arrangements in place.

3.31 Stress

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes preventing employees from suffering from the adverse effects of stress caused by, or arising out of, work-related activities.

The council will take appropriate action to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and other applicable legislation and with the specific guidance notes (HSG218) issued by the HSE.

Please refer to the Stress at Work Policy and Guidance for more information on the arrangements in place.

3.32 Alcohol, Drugs and Solvents

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this may be jeopardised by those who misuse alcohol, drugs or solvents within the working environment.

The council will, therefore, take appropriate action to protect all employees' health, safety and welfare, Council property and general levels of efficiency and success against substance abuse.

Please refer to the alcohol, drugs and substance misuse policy and procedure for more information on the arrangements in place.

3.33 New and Expectant Mothers

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes dealing with the risks to pregnant employees or those returning after maternity leave.

The council will take appropriate action to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and the Workplace (Health, Safety and Welfare) Regulations 1992 and with the specific Approved Code of Practice(L21) and guidance (HSG122) issued by the HSE and other relevant bodies.

In particular the following rules and procedures will be applied in relation to this area and associated work activities –

- The council recognises that pregnancy is not an illness and that the related health and safety implications can be adequately addressed by health and safety management procedures.
- When carrying out all risk assessments account will be taken of the hazards that could pose a health or safety risk to new and expectant mothers.
- Where hazards that could pose a risk to new or expectant mothers are identified the council will take appropriate action to remove or reduce the risk and will inform relevant female employees of childbearing age.
- All expectant mothers must inform the council in writing of their pregnancy.
- In order to protect the health and safety of an employee and her unborn child it is in the employees' best interests that the council is informed of the pregnancy as soon as is practicable.
- The council reserves the right to require expectant mothers to provide written medical evidence of the pregnancy from a qualified doctor.
- Upon receipt of notification from a new or expectant mother the council will carry out a risk assessment specific to the employee, based on the initial assessment and any medical advice provided by the doctor.
- Following the assessment, specific health and safety guidance and instruction will be provided as appropriate. This guidance will usually apply prior to the absence period and, upon her return, whilst she is breastfeeding.
- Where there are jobs or tasks that are considered to be unsuitable for expectant mothers due to the serious risk of harm to the mother and/or child the council will offer suitable alternative work or, where this is not possible, suspend the employee on full pay for as long as is necessary to protect her and the health of the child. This action would only be contemplated in extreme circumstances and would be carried out with full and proper consultation.
- The council reserves the right to request that pregnant employees attend a medical consultation, and, if necessary, allocate work in accordance with medical opinion.
- For these purposes the council defines a new or expectant mother as being someone who is pregnant, has given birth within the previous six months, or is breastfeeding.
- Anyone who is pregnant and has any concern regarding health and safety at work because of her pregnancy, must seek advice from her manager/supervisor before undertaking the task about which she has a concern.

- Please refer to the Maternity Policy and Procedure for more information.

3.34 Young Persons

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes dealing with the risks to young persons at work.

A young person is defined as "any person who has not attained the age of 18".

The council will take appropriate action to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and the Health and Safety (Training for Employment) Regulations 1990 and with the specific and guidance (HSG65 and 199) issued by the HSE and other relevant bodies.

In particular the following rules and procedures will be applied in relation to this area and associated work activities -

- The council will ensure that employed young people are protected from any risks to their health and safety which result from their lack of experience, their absence of awareness of risks or their lack of maturity.
- The council will not employ a young person to carry out any work which is -
 - Beyond their physical or psychological capacity
 - Involves exposure to harmful chemicals or agents
 - Involves exposure to radiation
 - Involves an increased risk of accidents due to their lack of experience, lack of risk awareness and immaturity
 - Involves a risk to health from cold, heat, noise or vibration.
- When carrying out or reviewing risk assessments particular account must be taken of the special risks that could be incurred to young people including -
 - Their inexperience, lack of risk awareness and immaturity
 - The layout of the workplace or workstation
 - The work equipment involved
 - Any harmful chemicals, agents or processes present or used.
 - The organisation of processes and activities
 - The health and safety training provided for young persons.
- No young person must be allowed to start work until the appropriate risk assessment and job specific induction training have been completed.
- A template for carrying out a young person's risk assessment can be found on Target 100.
- No young person must be allowed to carry out work where the risk assessment identifies a significant risk which cannot be eliminated.

- The above rules and procedures will also apply to all students and schoolchildren under 18 years, including those undergoing work experience.
- Where the young person is 16 years or less the parents or guardians will be notified of the outcomes of the risk assessment and details of any safeguards which will be used to safeguard the health and safety of the child.
- Suitable and adequate levels of supervision must be provided for young people at all times and detailed in the risk assessment.

3.35 Visitors and Contractors

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes controlling the safety and work of visitors and contractors when present on council premises.

The council will take appropriate action to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and Construction (Design and Management) Regulations 2007 and with the specific Approved Codes of Practice (L144) and guidance issued or approved by the HSE.

In particular the following rules and procedures will be applied in relation to this area or work activity:-

- Visitors and contractors will not be permitted on council premises unless specifically authorised and, where necessary, accompanied at all times by a council employee.
- All visitors and contractors will be required to comply with the council's Health and Safety Policy and relevant rules and procedures.
- The council will take all reasonable steps to ensure the health and safety of all visitors and contractors.
- The council will provide all visitors and contractors with relevant information, instruction and training as required to ensure their health and safety, including site rules and emergency procedures.
- All visitors and contractors must report to the council reception/site office upon arrival and leaving.
- The council will take account of the possible presence of visitors and contractors when developing, implementing and practising fire and other emergency procedures.
- All visitors and contractors must immediately report to the council any accidents or incidents resulting in injury or damage, so that they can be recorded on Target 100, and where necessary comply with their legal reporting requirements under RIDDOR.

- All contractors will be expected to comply with all relevant legal requirements, codes of practice and guidance relating to their operations and work activities.
- Only contractors that are on the "Approved List of Contractors and Suppliers" will be authorised by Facilities Management to carry out work for, or on behalf of, the council.
- All contractors will be subjected to a full assessment of their competence and suitability before being placed on the approved list including an assessment of the following documentation and systems -
 - Health and safety policy
 - Risk assessments
 - Safe systems of work or working procedures
 - Monitoring arrangements
 - Training records
 - Accident/incident records
 - Enforcement action records
 - Suitable references.

3.36 Consultation with Employees

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this policy cannot be achieved without the co-operation and commitment of employees at all levels, requiring the development and maintenance of effective means of consultation.

The council will take appropriate action to promote consultation and to comply with the relevant legal requirements, as contained within the Safety Representatives and Safety Committees Regulations 1977 and the Health and Safety (Consultation with Employees) Regulations 1996 and with the associated guidance issued by the HSE. Regular consultation and discussions with employees on health and safety matters is therefore given high priority in order to gain their continued support and co-operation.

In particular the following rules and procedures will be applied in relation to this area

- All employees at all levels within the council are encouraged to participate in safety meetings led by their manager/supervisor.
- Employees and/or their representatives are encouraged to raise concerns about health, safety and welfare matters with their manager/supervisor and will receive positive feedback on any issues raised. Any unresolved issues should initially be referred to the Corporate Health and Safety Officer and or Trade Union Representative.
- The Corporate Health and Safety Committee has been set up as a forum for discussion of health and safety issues affecting the council and its employees and will meet on a quarterly basis.

- Suitable information and resources will be provided for all safety representatives in order to allow them to take a full and effective part in consultations.
- Employees representatives will be consulted on all matters that affect their health, safety and welfare. Feedback arising from such consultation will be fully considered before any decisions are made.
- All Corporate Health and Safety Policies will be ratified by the Corporate Health and Safety Committee and Staffing Committee, unless there are items that cannot be resolved, they will be referred to the Employee Consultative Committee prior to the Staffing Committee.

3.37 Information, Instruction and Training

The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes ensuring a competent workforce through the provision of suitable and adequate information, instruction and training.

The council will take appropriate action to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and other applicable legislation, and guidance notes issued by the HSE.

In particular the following rules and procedures will be applied in relation to this area and associated work activities -

- The council will not require any employee to perform any work activity or task unless he/she has received suitable and adequate information, instruction and training, or is working under the supervision of a trained and competent employee.
- The council acknowledges the importance of providing information, instruction and training to all new staff as soon as is practicable after they start work.
- The council recognises that instruction and training may also be necessary for existing employees to act as a reminder and to accommodate any relevant changes.
- The council accepts the responsibility of ensuring that all temporary employees are also given health and safety information, instruction and training appropriate to their work activities and environment.
- Records will be kept of all training provided to employees and training needs will be regularly monitored.

ITEM FOR STAFFING COMMITTEE – 11 November 2014

PROPOSED POLICY ON DIGNITY AT WORK

Submitted by: Executive Management Team

Portfolio: Finance and Resources

Purpose of the Report

To obtain the Committee's approval for a proposed Dignity at Work Policy in place of the current Workplace Bullying and Harassment Policy.

Recommendation

That the policy detailed at Appendix A be approved.

1. Background

- 1.1 The Borough Council aims to fulfil its responsibilities as an equal opportunities employer and committed to creating an environment of positive relationships whereby all employees are treated with dignity and respect in the workplace.
- 1.2 The Dignity at Work Policy and Procedure is a development from the existing Workplace Bullying and Harassment Policy which has been reviewed to better detail the legal position after the introduction of the Equality Act 2010. The Act saw the development of the law with regard to employers' responsibility for preventing bullying and harassment and for the increased definition of a protected characteristic.
- 1.3 The policy and procedure has been developed to deal with instances of Bullying, Harassment and Victimisation of or by employees, customers, elected members, customers, service users, contractors, casual and agency workers and anyone else who works for the Council in any capacity. A copy of the proposed policy is attached at Appendix A.
- 1.4 The policy aims to ensure that if inappropriate behaviour does occur in the workplace, it is dealt with in a serious, sensitive and confidential manner, so that the matter can be resolved as quickly and as sensitively as possible for all parties concerned and aimed at resolution rather than punishment.
- 1.5 The policy review is designed to benefit all employees regardless of whether or not they have a protected characteristic. It contains clear guidance on the behaviours that are expected from all employees and the action that will be taken where this falls short of requirements or breaches the rights of those with a protected characteristic.
- 1.6 It emphasises the importance of trying to resolve the matter through either informal discussion or through the use of mediation in the first instance. Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease. The use of mediation is open to

the parties concerned and can be a valuable resource in helping to resolve harassment and bullying complaints.

- 1.7 The policy gives employees and managers greater guidance in how to deal with these types of issues in the workplace, informally giving them the option of mediation to resolve issues and re-establish working relationships that may have deteriorated or even broken down.
- 1.8 The trade unions were provided with a draft copy of the policy in November 2013 and their recommended changes have been discussed and agreed in September 2014. They support the implementation of the policy.

2. Issues

- 2.1 At its meeting on 6 October 2014, the Employees Consultative Committee recommended that the Policy and Procedure be adopted.

3. Legal and Statutory Requirements

- 3.1 It is important that the council's policy on Dignity at Work reflects current best practice and ensures the council fulfils its obligations in accordance with the Equalities Act 2010.

4. Equality Impact Assessment

- 4.1 Implementation of the policy will help to ensure the Borough Council fulfil its responsibilities as an equal opportunities employer and is committed to creating an environment of positive relationships whereby all employees are treated with dignity and respect in the workplace.

5. Financial and Resource Implications

- 5.1 None

6. Major Risks

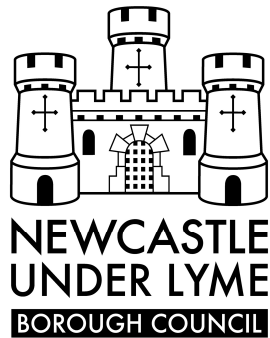
- 6.1 None identified.

7. List of Appendices

Appendix A –Dignity at Work at Work

8. Earlier Committee Resolutions

Employees Consultative Committee – 6 October 2014



DIGNITY AT WORK POLICY & PROCEDURE

Bullying & Harassment Policy Originated: 7th January 2005

Revised: April 2005

Revised: July 2006

Revised: April 2007

Revised: April 2008

Revised: September 2009

Equality Impact Assessed: February 2011

Dignity at Work Policy & Procedure Originated: September 2011

*Human Resources Shared Drive/Policies & Procedures/Dignity at Work Policy
Inc TU comments discussed and agreed Sept 2014*

CONTENTS

	Page No
1. Introduction and Scope of the Policy	1
2. Definitions of Bullying, Harassment and Victimisation	1
3. Effective Management	3
4. Organisational Change	3
5. Responsibilities	4
6. Procedure	4
7. Informal Stage	4
Formal Stage	5
8. Appeal Process	7
9. Malicious Complaints	8
10. Confidentiality	8
11. Support and Training	8
12. Monitoring and Review	9
Appendix A FLOWCHART OF THE INFORMAL STAGES OF DEALING WITH BULLYING, HARASSMENT AND VICTIMISATION	10
Appendix B FLOWCHART OF THE MEDIATION PROCESS	11
Appendix C FLOWCHART OF THE FORMAL STAGES OF DEALING WITH BULLYING, HARASSMENT AND VICTIMISATION	12
Appendix D AGREEMENT TO MEDIATION	13
Appendix E FORMAL BULLYING, HARASSMENT AND VICTIMISATION COMPLAINT FORM	14
Appendix F APPEALS PROCESS	17

DIGNITY AT WORK

POLICY & PROCEDURE

1. **Introduction and Scope of the Policy**

- 1.1 Newcastle-under-Lyme Borough Council is an equal opportunities employer and is committed to creating an environment of positive working relationships whereby all employees are to be treated with dignity and respect in the workplace.
- 1.2 This policy and procedure has been developed to deal with instances of Bullying, Harassment and Victimisation of or by employees, elected members, customers, service users, contractors, casual and agency workers and anyone else who works for the Council in any capacity, whether by direct contact with the Council or otherwise.
- 1.3 Depending on the nature of the complaint some instances may be dealt with under other Council policies. For example, the Standards Complaint Procedure specifically deals with elected members as a Code of Conduct issue, and customers would be covered by the Corporate Complaints, Comments and Compliments Policy.
- 1.4 Complaints received from members of the public alleging harassment will be treated as sensitively as any other complaint regarding service and appropriate action will be taken.
- 1.5 The policy aims to ensure that if inappropriate behaviour does occur in the workplace, it is dealt with in a serious, sensitive and confidential manner, so that the matter can be resolved as quickly as possible for all parties concerned. It also applies to bullying, harassment and victimisation that takes place during normal working hours and also outside normal working hours, where an individual's actions adversely affect the council or have a bearing on any workplace relationship.
- 1.6 Reasonable modifications may be made to this policy to suit particular circumstances. For example, if a complainant or alleged harasser is not employed by the Council (for example, if the worker's contract is with an agency) the council could not dismiss the worker but instead require the agency to remove the worker, if appropriate, after investigation.
- 1.7 Bullying, Harassment and Victimisation can impact both in terms of the individual(s) involved and on the overall organisation. It can undermine an individual's confidence and self esteem, result in long term problems with work and relationships at work. This in turn could have a more profound effect on the individual both in terms of their mental and physical wellbeing. For the organisation bullying and harassment can result in high absenteeism, poor performance and general low morale of employees and increased staff turnover.

2. **Definitions of Bullying, Harassment and Victimisation**

- 2.1 Bullying is not specifically defined in law, however ACAS provide 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.'*
- 2.2 It should be noted that bullying is not confined to those individuals in authority, and that an employee might well bully someone on the same grade or higher, or groups

of employees may bully an individual. In these cases the bullying may take the form of threats, abuse, teasing and practical jokes.

- 2.3 In the Equality Act 2010, harassment is defined as *‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading or otherwise environment for that individual.’* Harassment may be related to age, sex, race, disability, religion, sexuality or on any personal characteristic of an individual.
- 2.4 The essential characteristics of harassment are that it is unwanted by the recipient and that it is for each individual to determine what behaviour is acceptable to them and what they regard as offensive. It is the unwanted nature of the conduct that distinguishes harassment from behaviour between employees that is welcome, mutual and appropriate in a working environment.
- 2.5 Bullying and harassment may be misconduct which is physical, verbal or non-verbal, for example, by letter, email, phone call, text or posts on social networking sites.

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to) the following:

- physical conduct ranging from unwelcome touching to serious assault;
 - unwelcome sexual advances;
 - the offer of rewards for going along with sexual advances, eg promotion, access to training;
 - threats for rejecting sexual advances, for example suggestions that refusing advances will adversely affect the employee’s employment, evaluation, pay, advances, assigned work, or any other condition of employment or career development;
 - demeaning comments about a person’s appearance;
 - unwelcome jokes or comments of a sexual or racial nature or about an individual’s age;
 - questions about a person’s sex life;
 - unwanted nicknames related to a person’s age, race or disability;
 - the use of obscene gestures;
 - the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, for example magazines, calendars or pin-ups;
 - spreading malicious rumours or insulting someone;
 - picking on someone or setting him or her up to fail;
 - making threats or comments about someone’s job security without good reason;
 - ridiculing someone;
 - isolation or non-cooperation at work; and
 - excluding someone from work related social activities.
- 2.6 Bullying and harassment may be summarised as any behaviour that is unwanted by the individual to whom it is directed. It is the impact on the behaviour rather than the intent of the perpetrator that is the determinant as to whether bullying and/or harassment has occurred. (However, see sections 3.1-3.4).
- 2.7 Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone

because they have made a complaint or giving them a heavier or more difficult workload.

- 2.8 Provided that an individual acts in good faith, for example that the individual genuinely believes that what they are saying is true, then they have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying and/or harassment and the Council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised an individual.

3. **Effective Management**

- 3.1 Line managers are responsible for ensuring that staff who report to them perform to an acceptable standard within a performance management framework. Legitimate, justifiable, appropriately conducted monitoring of an employee's behaviour or job performance does not, therefore, constitute bullying and/or harassment. On occasions, it may be necessary for managers to implement the Capability Procedure, or the Disciplinary Procedure.

- 3.2 It is reasonable to expect a manager to execute these functions in a fair, firm and consistent manner. Carrying out these functions does not therefore constitute an act of bullying and/or harassment. Albeit some staff may feel stressed or anxious while the procedures are ongoing. However, abuse of these procedures may constitute bullying and/or harassing behaviour.

- 3.3 It is important to differentiate between firm, fair management and bullying and/or harassing behaviour. It is in the interests of the organisation that managers should be able to carry out their duties without threat of ill-intentioned, malicious or vexatious complaints.

- 3.4 Since there can be differences in perception, it is not always easy to differentiate between firm, fair management and bullying and/or harassment. Managers have a particular responsibility to:

- set a good example by their own behaviour;
- ensure that there is a supportive working environment;
- make sure that staff know what standards of behaviour are expected of them;
- intervene to stop bullying or harassment and
- report promptly to Human Resources any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

4. **Organisational Change**

- 4.1 Organisational change is both essential and inevitable. It may be caused by many factors, for example, reductions in budgets, economic downturn, the introduction of new legislation, service reform or changes to organisational strategy. It is vital that the Council evolves to remain effective in the economic climate and to ensure service delivery.

- 4.2 The Council recognises that changes can at times result in employees feeling apprehensive, upset and resistant to such change. Organisational change is never intended to undermine or humiliate employees but will always be aimed at improving council services and meeting economic challenges. Organisational change does not amount to bullying and/or harassment.

5. **Responsibilities**

- 5.1 It is the responsibility of all employees to comply with this policy and procedure. Employees have a duty to understand how their behaviour affects others, and a responsibility ensuring that their conduct is in accordance with the principles set out in this policy and procedure.
- 5.2 Managers have a responsibility to uphold and promote this Policy and Procedure. Management teams should treat employees fairly and with dignity and respect, with a view to developing and maintaining a working environment in which bullying and/or harassment are understood by all to be unacceptable.

6. **Procedure**

- 6.1 Issues of Bullying, Harassment/Victimisation can be addressed using either the informal process and/or the formal process as outlined in **Appendices A, B and C**.
- 6.2 Where possible and appropriate, complaints should be dealt with by using an informal approach, at least in the first instance. Informal action provides the opportunity to resolve such allegations through informal discussion and possibly mediation. Some people may not be aware that their behaviour in some circumstances is being perceived as bullying and/or harassment. Using an informal approach gives the alleged harasser the opportunity to stop if directly approached by an employee, manager or through a mediation process.
- 6.3 However, should the informal approach fail to stop the Harassment, Bullying or Victimisation, or if it is considered that the situation is so serious as to warrant formal action, then the formal approach should be taken. This involves the complainant making a written complaint (**Appendix E**).
- 6.4 The Council will treat complaints sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a 'need to know basis'. For example, the Complainant's identity and the nature of the allegations must be revealed to the Respondent so they are able to respond to the allegations.

Some details may also need to be given to potential witnesses and the importance of confidentiality will be explained to them.

7. **Informal Stage**

- 7.1.1 Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease.
- 7.1.2 Complainants are encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that their actions are unwanted and should not be repeated. This may be done verbally or in writing; in which case the complainant should keep a copy of this documentation.
- 7.1.3 The Complainant should also keep a record of events which have caused concern/distress and the effect that they have had on them. These records should include date(s), time(s) and details of the circumstances and any witnesses present.

Supporting information, such as notes, emails, minutes or meetings should also be retained.

- 7.1.4 If the Complainant feels unable to approach the alleged harasser, a work colleague, trade union representative or a member of Human Resources can be asked to speak to the alleged harasser on the complainant's behalf. A note should be made of the action taken and the matter notified to Human Resources immediately.
- 7.1.5 An individual who is made aware that their behaviour is unacceptable should:
- Listen carefully to the complaints and the particular concerns raised;
 - Respect the other person's point of view (everyone has a right to work in an environment free from harassment/intimidation);
 - Understand and acknowledge that it is the other person's reaction/perception to another person's behaviour that is important;
 - Agree the aspects or behaviour that will change;
 - Review their general conduct/behaviour at work and with other workplace colleagues.
- 7.1.6 It is expected that every effort to achieve a mutually agreed informal resolution to the complaint will be made by both parties. Wherever possible, early and open intervention is actively encouraged.
- 7.1.7 Mediation is another option open to the parties concerned and can be a valuable resource in helping to resolve harassment and bullying complaints. It can be used in addition to informal discussions to try to resolve the matter satisfactorily.
- 7.1.8 Mediation is a confidential way of resolving issues and re-establishing working relationships that may have deteriorated or even broken down, by bringing in an impartial third party, the mediator. Mediation is entirely voluntary and can only proceed where both parties agree to it. This process can be accessed through Human Resources. (See Agreement to Mediation at Appendix D).
- 7.1.9 Where a resolution is reached through the informal stage of the process, with both parties agreement, a copy of the outcome should be given to both parties and a further copy placed on their personnel files. An appropriate manager or the mediator should make arrangements for ongoing monitoring of the situation.
- 7.1.10 In a case where a resolution is not achieved through the informal stage of the process, the Complainant still has recourse to the formal procedure. However, any discussions which took place during mediation remain confidential, and 'without prejudice' conversations may not be used by either party in any subsequent internal or external process, unless this is with the explicit consent of all parties.
- 7.1.11 In the event that mediation is not pursued at the informal stage, it will remain an option, if appropriate, for all parties to follow either during the formal procedure or on conclusion of any internal investigation.

7.2 **Formal Stage**

- 7.2.1 Where informal action has failed to resolve the complaint or is considered inappropriate, or where the Bullying, Harassment or Victimisation is of a more serious nature or has re-occurred, then the formal stages of the process may be instigated.

- 7.2.2 Formal complaints under the policy should be made in writing to the Complainant's Head of Service or, if they are implicated, to the relevant Executive Director/Chief Executive. If the allegation is against the Chief Executive or against an Elected Member, the Complaint should be reported to the Council's Monitoring Officer.
- 7.2.3 The Complainant should complete the 'Formal Bullying, Harassment and Victimisation Complaint Form' (Appendix E). This form asks for details of the complaint, possible resolutions and what attempts have been taken to try and resolve the matter informally.
- 7.2.4 Timescales for making complaints under the formal stages of the process may vary based on the informal approach taken, and the success of this in resolving the issue. However, where the Complainant believes that it is necessary to use the formal approach, this should be done so as soon as reasonably practicable and must be registered within 3 months of an incident(s) taking place to enable a full investigation.
- 7.2.5 It is recognised that complaints of this nature may relate to cumulative actions taking place over a period of time. If this is the case, whilst these may be detailed in the complaint, the formal stages of the process may only be entered into within the last 3 months of an incident(s) or after the informal stage when a resolution has not been achieved.
- 7.2.6 Once a formal complaint has been received, the Respondent will be informed and consideration will be given to whether the Complainant should be separated from the Respondent whilst at work. Individual cases will be considered by the relevant Executive Director, if the Head of Service is the respondent. This may be achieved either by a temporary transfer/redeployment or by temporary suspension with pay of either or both parties on a precautionary basis, or by a similar action deemed appropriate under the circumstances, until the complaint has been resolved.
- 7.2.7 On receipt of the complaint, the relevant Head of Service/Executive Director/Chief Executive will write to the Complainant, acknowledging receipt of the complaint within 3 working days. In consultation with Human Resources, an Independent Investigating Officer will be appointed to investigate the matter in detail. The Investigating Officer will be supported in this process by a Human Resources Officer.
- 7.2.8 Wherever possible, the Investigating Officer will meet with the Complainant within 5 working days of the complaint being submitted. The Complainant may be accompanied by a trade union representative or work colleague. At this meeting the Investigating Officer will ascertain the details of the complaint and determine the relevant points to be investigated.
- 7.2.9 The Investigating Officer will also write to the Respondent to advise them that a complaint has been made against them and that they will be given the details and the opportunity to respond to this in due course.
- 7.2.10 Having ascertained the relevant points in the complaint, the Investigating Officer will arrange to meet with the Respondent. The Respondent may be accompanied by a trade union representative or work colleague. The purpose of this meeting is to give the Respondent an opportunity to answer the allegations and provide any other relevant information in relation to the complaint.
- 7.2.11 The Investigating Officer will then decide if it is necessary to interview witnesses to any of the alleged incidents. These individuals may be accompanied by a trade union representative or work colleague at the meeting.

- 7.2.12 If during the investigation process, any further points have emerged which require a response from any parties involved, the Investigating Officer will meet with the relevant individuals to discuss the matter further. Ideally, any counter complaints will be dealt with simultaneously under one integrated investigation.
- 7.2.13 All investigatory interviews will be tape recorded.
- 7.2.14 Ideally, investigations should be completed within two months. In any case where completion of the investigation within the two month timeframe is not possible due to delays and the complexity of the investigation, the Complainant and Respondent will be advised accordingly.
- 7.2.15 During the investigation, the Investigating Officer will keep the Complainant and Respondent updated on anticipated timescales.
- 7.2.16 The Investigating Officer should prepare a report with a view to establishing the facts and summarising their findings. The report should be submitted to the Head of Service/Executive Director/Chief Executive. Whilst taking into account the findings contained in the report, the Head of Service/Executive Director/Chief Executive will determine the outcome. Although not exhaustive, the following are possible outcomes of an investigation:
- On the balance of probabilities, there is a case to answer and therefore disciplinary action is required in accordance with the Council's Disciplinary Procedure;
 - No case to answer, therefore no formal action required;
 - Both parties are partially responsible therefore recommend support through training, mediation and/or counselling;
 - The Complainant raised a malicious complaint and therefore should be subject to disciplinary action.
- 7.2.17 The Investigating Officer will also write to both the Complainant and the Respondent to confirm that the investigation is complete and that the report is with the relevant Head of Service/Executive Director/Chief Executive.
- 7.2.18 Finally, within 10 working days of receiving the Investigating Officer's Report, the relevant Head of Service/Executive Director/Chief Executive will arrange to meet with both the Complainant and Respondent separately to advise them of the Investigating Officer's summary of their findings and to advise both parties as to what action if any will be taken. The decision will be confirmed in writing within 5 working days of the meeting.

8. **Appeal Process**

- 8.1 The Complainant or the Respondent about whom the allegations have been made, may appeal against the decision taken by the Head of Service/Executive Director/Chief Executive.
- 8.2 The purpose of any appeal is to consider whether the process of the investigation was fair and/or whether the findings and conclusions are reasonable in all of the circumstances, and not to reinvestigate the complaint.
- 8.3 The Appeal Process is detailed in **Appendix F**.

9. **Malicious Complaints**

- 9.1 Where an allegation is not upheld, this does not necessarily mean that the complaint was maliciously or vexatiously raised. The complainant may still feel that they have been subjected to Bullying, Harassment or Victimisation. However the Investigating Officer has not been able to find the necessary evidence to substantiate the allegation(s).
- 9.2 There may be cases where an individual makes an unfounded allegation of bullying and/or harassment for malicious reasons. Complaints that are not made in good faith undermine the validity of the whole process and damage the basis of good working relationships. These cases will be investigated and dealt with fairly and objectively under the Council's Disciplinary Procedure and may result in a disciplinary penalty being issued which may include dismissal and recovery of the council's costs.

10. **Confidentiality**

- 10.1 Claims of bullying and/or harassment/victimisation will always be treated seriously. Confidentiality is vitally important to provide all parties concerned with a degree of security and to ensure that all procedural aspects are dealt with sympathetically, impartially and objectively.
- 10.2 However, all parties should be aware/informed at the outset of the procedure that the need may arise to breach confidentiality, and should the need arise for breaking a confidence, all parties will be made aware of the situation and the reasons for such disclosure.
- 10.3 Due to the nature of this policy, no party will be issued with a copy of the Investigating Officer's Report.
- 10.4 Any other breaches of confidentiality will be treated seriously and may result in disciplinary action.

11. **Support and Training**

- 11.1 The Council recognises that all employees involved in Bullying, Harassment or Victimisation at work may experience emotional or psychological reactions to their involvement. This includes the Complainant, (the person against whom the allegations have been made) the Respondent and witnesses (if appropriate). It is therefore considered essential that the management response to these situations is sympathetic and supportive.
- 11.2 The support available to all parties concerned is as follows:-
- Employees may elect to take advice from a Trade Union representative and/or Human Resources.
 - The Council may consider providing confidential counselling or a referral to occupational health at any stage of the procedure.
 - Integration into the workplace following a complaint will require sensitive handling to establish effective working relationships. This may involve professional mediation, support from Human Resources and a possible review of job roles etc.

11.3 The Council is committed to raising awareness of this Policy and Procedure and to make information/training available to employees as appropriate.

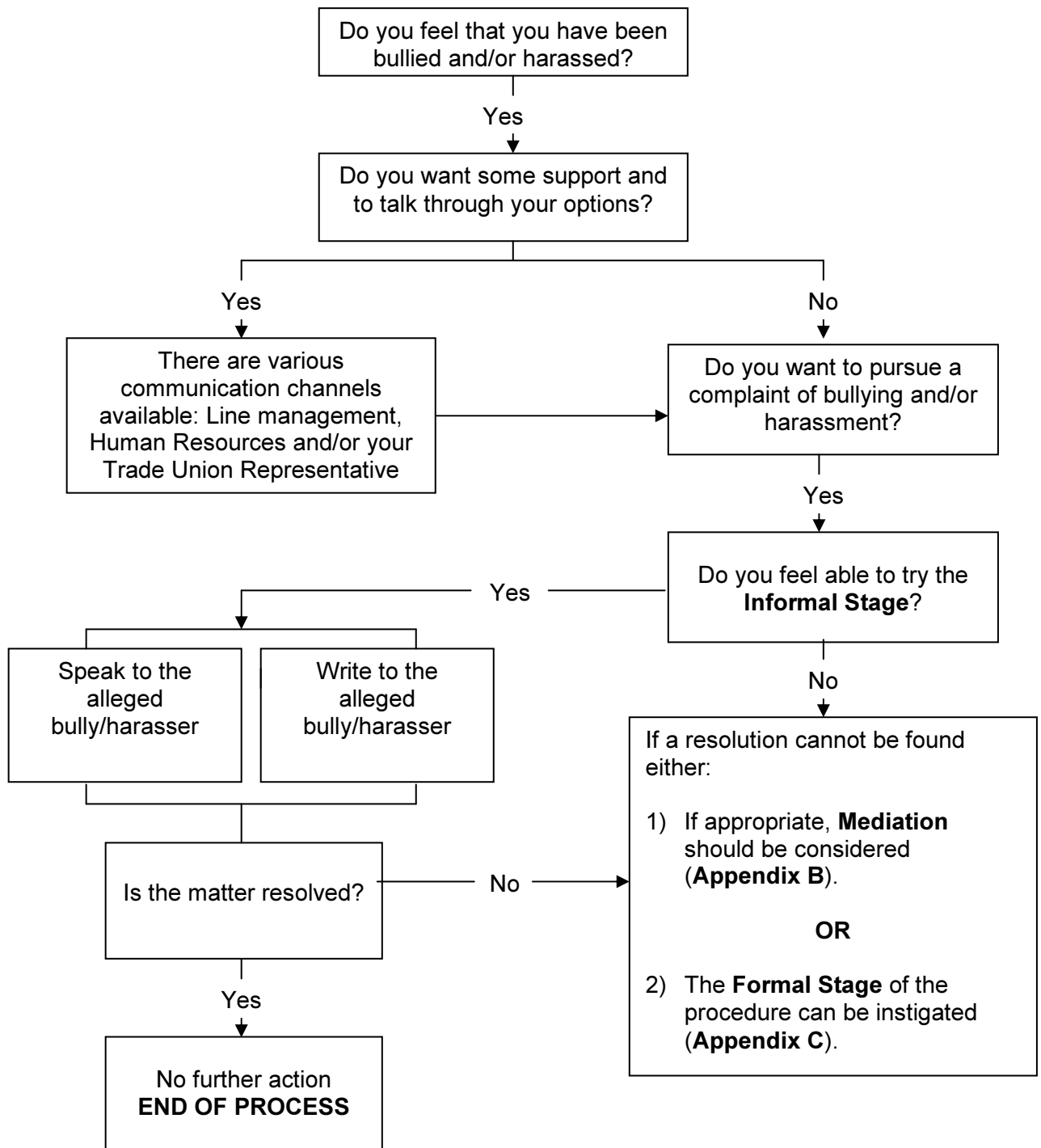
11.4 A copy of this Policy and Procedure will be made available to staff on the intranet. For those employees that do not have access to the intranet, a copy of this policy and procedure will be available from management.

12. **Monitoring and Review**

12.1 This Policy and Procedure will be reviewed in line with organisational requirements and good practice.

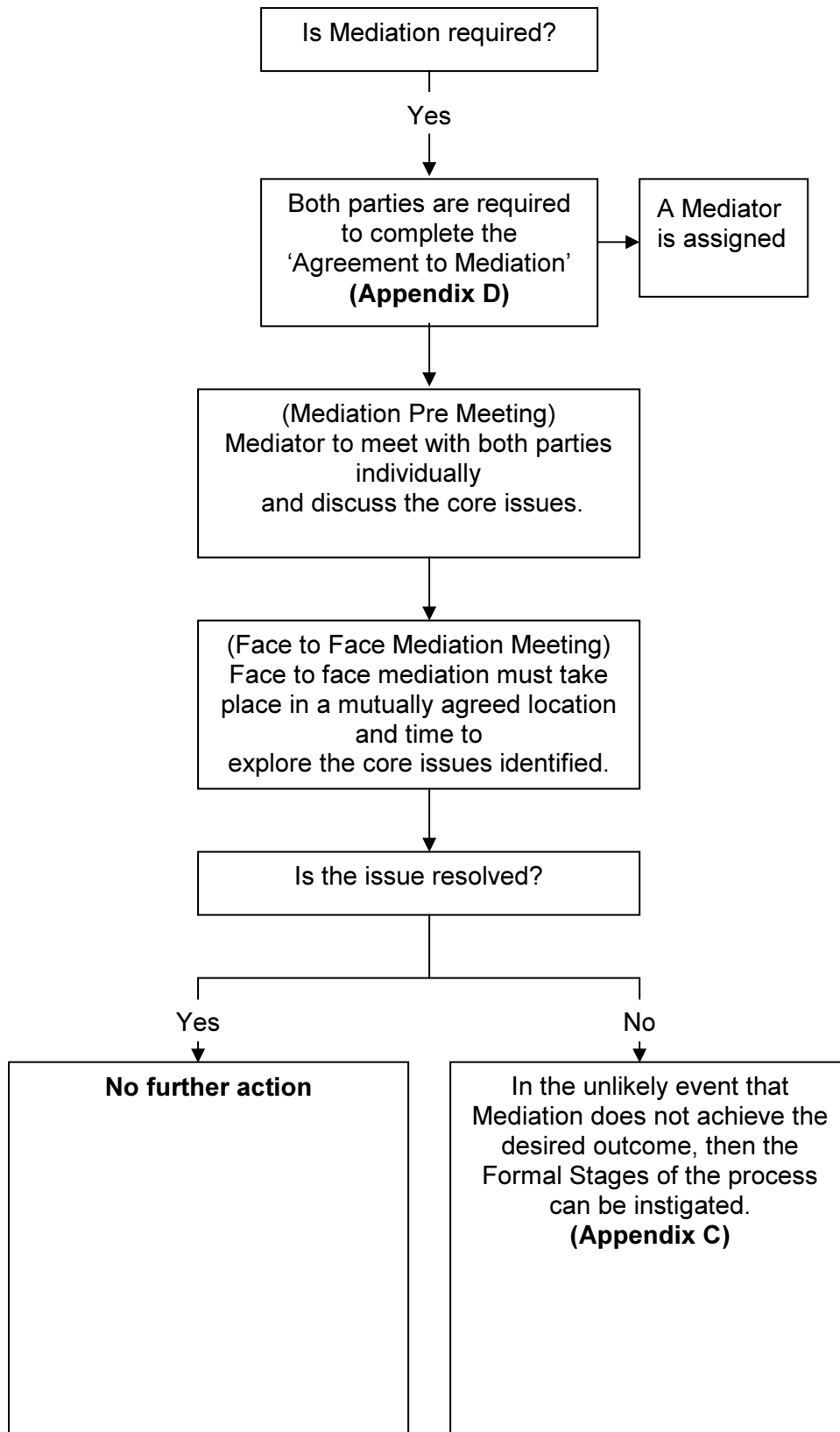
DIGNITY AT WORK POLICY & PROCEDURE

FLOWCHART OF THE INFORMAL STAGES OF DEALING WITH BULLYING, HARASSMENT AND VICTIMISATION



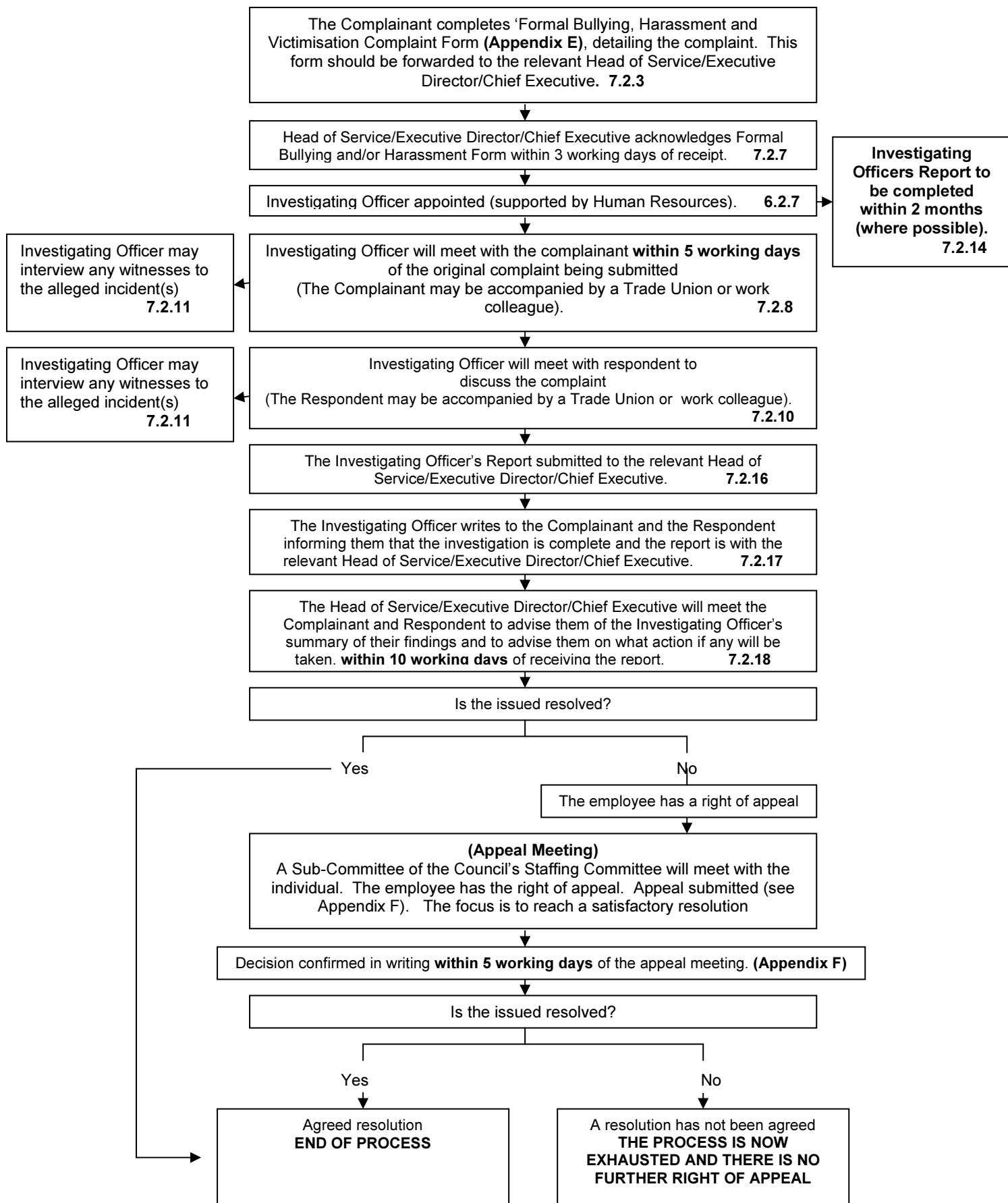
DIGNITY AT WORK POLICY & PROCEDURE

FLOWCHART OF THE MEDIATION PROCESS



DIGNITY AT WORK POLICY & PROCEDURE

FLOWCHART OF THE FORMAL STAGES OF DEALING WITH BULLYING, HARASSMENT AND VICTIMISATION



DIGNITY AT WORK POLICY & PROCEDURE

AGREEMENT TO MEDIATION

1. Both parties undertake to listen to each other's point of view.
2. Both parties undertake to be co-operative towards resolving the conflicts.
3. Both parties agree to remain respectful towards each other.
4. Both parties acknowledge that the process is reliant on goodwill and commitment to acceptance on good faith.
5. Any discussions which may take place during mediation remain confidential and 'without prejudice', and may not be used by either party in any subsequent internal or external process, unless this is with the explicit consent of both parties.

Employee Name (Complainant):

Employee Signature:

Date:

Employee Name:

Employee Signature:

Date:



DIGNITY AT WORK POLICY & PROCEDURE

BULLYING, HARASSMENT AND VICTIMISATION
FORMAL COMPLAINT FORM

Employee Name (Complainant):

Job Title :

Directorate:

Service Area:

Are you being supported by a Trade Union or work colleague in this matter?

No

Yes Please provide details

Please provide the name of the employee(s) against whom the complaint is being made and exactly as possible, the date(s), time(s) and place(s) of the alleged incident(s) that are being complained about.

The complaint is against:

Incident(s) details:

Date(s):

Time(s):

Place(s):

.....

(Please continue on a separate sheet if necessary)

continued ...

Please provide a detailed account of your complaint. You will need to describe as fully as possible what has taken place, including relevant dates and times and, where applicable, names of any witnesses. *(Please note that as part of the investigation, you will be interviewed to obtain further information and details about the incident(s) outlined in this form).* **Therefore, you must clearly outline the matters that you wish to be considered as part of the investigation process on this form.**

continued ...

Please summarise what steps (if appropriate) have been taken to resolve matters informally:

Empty box for summarising steps taken to resolve matters informally.

Please state what solution you believe would resolve the situation (please note that this may not necessarily be achieved):

Empty box for stating a solution to resolve the situation.

Employee Signature (Complainant):

Date:

Form for Employee Signature and Date.

Complaint Form received by:

*Head of Service/Executive Director/Chief Executive (*please circle appropriately)

.....

Signature of *Head of Service/Executive Director/Chief Executive (*please circle appropriately)

.....

Date:

Form for Complaint Form received by, signature, and date.

Please forward this Form to the Head of Human Resources under confidential cover

DIGNITY AT WORK POLICY & PROCEDURE

APPEAL PROCESS

1. The appeal must be lodged in writing to the Head of Human Resources within ten working days of the receipt of the notification of the outcome of the employee's complaint stating the specific grounds of their appeal.
2. The appeal will be heard by a Sub-Committee established by the Council's Staffing Committee for this purpose, supported by a representative to give legal advice. They will review the original documents and the decision made taking into account the employee's stated grounds of appeal. The Sub-Committee's decision will be final.
3. The appeal meeting will be held without unreasonable delay where possible within ten working days.
4. The employee will be informed in writing of the date, time and place of the appeal meeting which will include a copy of the original outcome letter.
5. The employee has the right to be accompanied by a work colleague or Trade Union Representative.
6. The appeal meeting will be tape recorded to ensure consistency and clarity.
7. The Chair of the Sub-Committee hearing the Appeal conducting the meeting will introduce those present; explain the purpose of the meeting i.e. to address the specific points raised in the employee's appeal, inform the employee that the appeal will be conducted in a fair and impartial way and that the original decision will be overturned (in part or in full) or upheld (in part or in full) or a new decision will be made.

If the previous appeal meeting had been adjourned for further investigation the Chair will at the start of the meeting explain their findings and conclusion in relation to any additional allegations made, which were connected to the case.

If new allegations are made and are unconnected, they should be raised as a new complaint.

8. It is important to note that the appeal meeting is not an opportunity to rehear the case and evidence will not be heard again at the meeting.
9. The Employee will be asked to state the specific grounds of the appeal, why they consider the original decision to be incorrect and what kind of resolution they would like.
10. The Council's representative will respond to the grounds of appeal.
11. The Sub-Committee can ask the employee any relevant questions and will give the employee the opportunity to ask any questions.
12. The Council's representative can ask the employee questions.

13. The employee and Sub-Committee can ask the Council's representative any questions.
14. The Employee or their Representative will sum up their case.
15. If new evidence or allegations emerge during the appeal meeting, it may be necessary for the Chair to adjourn the meeting to allow for a further investigation.
16. At the end of the appeal meeting the Chair will sum up the facts.
17. The Chair will explain that a decision will be made after full consideration and reflection and the employee will be informed of the decision in writing within five working days of the appeal meeting.
18. There is no further right of appeal.

ITEM FOR THE STAFFING COMMITTEE

DATE 11th November 2014

Purpose of the Report

To obtain any comments and approval for the proposed Employee Protection Policy.

Recommendation

That the revised Employee Protection Policy at Appendix A be approved.

1. Background

- 1.1 This Policy and its arrangements were previously under the title of Potentially Violent Persons.
- 1.2 This Policy does not cover verbal or physical aggression between colleagues – this is managed by the Bullying and Harassment Policy and Disciplinary Procedure.
- 1.3 The Management of Health and Safety at Work Regulations 1999 require an organisation to put in place arrangements to control health and safety risks.
- 1.4 Violence at work whether verbal or physical is a known risk that our employees are exposed to; we therefore need to ensure that we have suitable and sufficient controls in place to reduce the risk to our employees.
- 1.5 The Employee Protection Policy outlines the controls we have in place to reduce the risk to employees. Controls include the Employee Protection Register that identifies properties and/or residents that have been verbally or physically violent towards employees or where there are known environmental hazards i.e. dangerous dogs etc.
- 1.6 The Employee Protection Policy should be implemented in conjunction with the Lone Working Policy and Information Protection Policy.
- 1.7 The policy document sets a clear direction for the organisation to follow and should be shared throughout the workforce, so that everyone understands how verbal and physical aggression will be managed.
- 1.8 The Employee Protection Policy will be reviewed every three years unless there are significant changes or an incident that requires the policy to be reviewed. The Employee Protection Register will be reviewed annually.
- 1.9 The attached policy has been endorsed by the Corporate Health and Safety Committee on 25th June 2014 and the Employee Consultative Committee on 6th October.

2. Issues

- 2.1 Once the Employee Protection Policy has been agreed, work will commence on updating the Employee Health and Safety Handbook and will undergo the same consultation process at a later date.

- 2.2 At the Employee Consultative Committee it was verbally reported that there were some minor amendments to the Policy that was submitted, which have been made and include
- Changed Data Protection Officer / Audit Manager to “Audit Manager and Monitoring Officer” (pages 7 & 8)
 - Added an additional category to the Incident Categories, Category D - 3rd Party Notification i.e. information provided by external agencies such as the Police, Aspire or the Benefits Agency (page 7)
 - Clarification of the review of incidents once the retention period has expired; these will be reviewed annually to determine if a credible risk still exists, which therefore would warrant the details remaining on the register. (page 8)

3. Legal and Statutory Implications

- 3.1 The Council is required to endeavour to comply with the Management of Health and Safety at Work Regulations 1999 and the Health and Safety at Work Act 1974.

4. Equality Impact Assessment

- 4.1 The policy applies equally to all employees.

5. Financial and Resource Implications

- 5.1 None

6. Major Risks

- 6.1 There is a risk to the Council if we fail to manage known risks that are employees could be exposed to.

7. Earlier Cabinet/Committee Resolutions

- Corporate Health & Safety Committee 25th June 2014.
- Employee Consultative Committee 6th October 2014.

8. List of Appendices

Appendix A – Employee Protection Policy



DRAFT
Employee Protection Policy

DRAFT

Document Control	
Prepared by:	Corporate Health and Safety
Title	Employee Protection Policy
Status	Draft
Author	Claire Dodd
File Name	Z:\Corporate Health and Safety\Employee Protection
Document Owner	Nesta Barker/Liz Dodd
Keywords	Potentially Violent Persons, Employee Protection, Visiting Officers, Lone Working
Date of Review	November 2017

Revision History			
Version	Date	By	Summary of Change
1.0	13.01.2014	C.Dodd	Creation
1.1	17.01.2014	C.Dodd	DRAFT Circulation to PVP Group for comments
1.2	25.06.2014	C.Dodd	DRAFT Circulation to CHSC for comments
1.3	27.08.2014	C.Dodd	DRAFT Circulation for ECC
1.4	20.10.2014	C.Dodd	DRAFT Circulation for Staffing Committee

Approval Signature			
Name: Nesta Barker		Date	
Name: Liz Dodd		Date	

1. Introduction

- 1.1 The council recognises that it has a responsibility to provide a safe and healthy working environment and acknowledges that this includes dealing with members of the public who are known to be or have the potential to be physically or verbally aggressive, or if there is a known hazard at a premises an employee may visit.
- 1.2 The council will endeavour to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and other applicable legislation and with the specific guidance note (INDG69) issued by the HSE

2. Application

- 2.1 This policy is applicable to all employees who are classed as “Visiting Officers” or who deal directly with Members of the Public as part of their role.
- 2.2 The Policy covers
 - actual violent behaviour towards employees
 - serious verbal or written abuse or threats towards employees
 - environmental hazards i.e. dangerous premises or dangerous animals
- 2.3 The incidents recorded will include actual incidents involving employees or where information has been passed to the Council by a partner agency i.e. Police or Environment Agency.

3. Legal Responsibilities

- 3.1 Health and safety law applies to risks from violence, just as it does to other risks from work. The main pieces of relevant legislation are:
 - **The Health and Safety at Work etc. Act 1974 (HSW Act)**
Employers have a legal duty under this Act to ensure, so far as it is reasonably practicable, the health, safety and welfare at work of their employees.
 - **The Management of Health and Safety at Work Regulations 1999**
Employers must consider the risks to employees (including the risk of reasonably foreseeable violence); decide how significant these risks are; decide what to do to prevent or control the risks; and develop a clear management plan to achieve this.
 - **The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)**
Employers must notify their enforcing authority in the event of an accident at work to any employee resulting in death, major injury, or incapacity for normal work for seven or more days. This includes any act of non-consensual physical violence done to a person at work.

- 3.4 Employees have responsibilities to take reasonable care of themselves and other people affected by their work activities and to co-operate with their employers in meeting their legal obligations.
- 3.5 This Policy is subject to the requirements laid out in the Legal Responsibilities which lays out the Council's duties under the Data Protection Act 1998. (Please also refer to Appendix 1 which provides specific guidance produced by the Information Commissioner's Office on data protection good practice and the use of violent markers)

4. Incident Categories

- 4.1 Incidents that are reported by employees will be recorded on a central database (please refer to section 7) the incidents will be classified under the following categories
- **Category A** - actual violent behaviour towards employees
 - **Category B** - serious verbal or written abuse or threats towards employees
 - **Category C** - environmental hazards i.e. dangerous premises or dangerous animals. (please note that this category does not include construction or demolition sites)
 - **Category D** - 3rd Party Notification i.e. information provided by external agencies such as the Police, Aspire or the Benefits Agency

4.2 Category A – Actual violent behaviour towards employees

Work related violence is defined as "any incident in which a person is abused, threatened or assaulted in circumstances relating to their work".

Incidents recorded under this category could include

- where an employee of the Council has been physically assaulted by a member of the public
- there is physical abuse of employees personal property i.e. cars or homes
- there is a serious intention to cause harm e.g. a chair may be thrown at a member of staff but misses them
- where there is a violent friend or associate present that displays violence towards employees and there is a significant likelihood that they will be present when dealing with a member of the public

4.3 Category B - Serious verbal or written abuse or threats towards employees

Entries recorded under this category could include

- an incident of serious verbal or written abuse or threats of physical violence aimed at employees
- where verbal or written abuse are likely to be carried out and could turn into physical violence
- threats by email

- threats posted on a website
- where there is a threatening or abusive associate who could carry out the threats
- incidents of inappropriate nature (including actual and/or gestures) relating to gender, sexual orientation, race, age and or disability
- sexual harassment (physically or by email)

4.4 Category C – Environmental Hazards

Environmental Hazards can be summarised as “incidents” where a hazard has been reported at a property which raises a significant risk to the safety of employees. These “incidents” may not be obvious or easily avoided.

Entries recorded under this category could include

- dangerous animals
- structural defects
- poor house/ garden conditions
- filthy or verminous
- substances hazardous to health e.g. asbestos

4.5 Category D – 3rd Party Notification

3rd party notification refers to information provided by external agencies such as the Police, Aspire or the Benefits Agency. Incidents could not have affected our employees directly but a decision has been made that there is a credible risk to our officers.

5. Recording and Reporting Incidents

5.1 All incidents should be recorded by employees on the Corporate Violence / Bullying Incident Report Forms (see Appendix 2). As much information as possible should be included in the report form to enable a comprehensive review to be undertaken to ensure that the incident can be dealt with appropriately and sufficient control measures can be put into place.

5.2 Additional information that could be entered onto the form may include

- The apparent mental stability of the individual
- Any threatening activities, incidents or behaviour they have or are alleged to have committed
- If this has been notified from an external agency
- If necessary, the Corporate Health and Safety Officer may require the employee involved to supply a more detailed written account of the incident.

5.3 The forms can be directly input on to Target 100 or forms can be downloaded from the E-Voice Health and Safety Pages. It is noted that some employees may complete one of the other incident forms e.g. near miss, depending on the nature of the incident; these will be assessed by the Corporate Health & Safety Officer to determine if they need to be included on the database.

- 5.4 Once the forms have been uploaded onto Target 100, an alert will be sent to the Corporate Health & Safety Officer via email.
- 5.5 Incidents that fall into Category A **MUST** be reported to the police by the employee.
- 5.6 If an incident falls under Category B, it is at the discretion of the individual employee as to whether they contact the police, if required they can contact the Corporate Health and Safety Officer for advice.
- 5.7 HR can offer advice and support for individuals who have been affected by an incident i.e. counselling or signpost them to more specialised support.

6. Incident Review and Classification

- 6.1 On receipt of a Corporate Violence / Bullying Incident Form the Corporate Health and Safety Officer and Audit Manager will
- review the data logged in the form
 - categorise the incident (A,B,C or D)
 - make a decision as to how the person involved in the incident should be handled.
 - enter the incident onto the database
 - if appropriate, they will ensure a warning marker is allocated to the relevant database(s) (A,B,C or D) and issue a letter to the customer (see Appendix 3).

7. Incident Database

The Incident Database is a computerised database that contains names and/or addresses of persons who have displayed violent or abusive behaviour towards employees of Newcastle-under-Lyme Borough Council (or details of dangerous animals at those addresses).

7.1 Recording of addresses/individuals

- 7.1.1 Once the incident has been reviewed and classified, the Corporate Health and Safety Officer will enter this onto the Database which will create a warning marker.
- 7.1.2 When a decision is made to include details of an individual on the Incident Database, the Corporate Health and Safety Officer will ensure:
- the relevant details are recorded on the database;
 - appropriate violent marker warning 'flags' are set up on the relevant databases;
 - relevant employees are alerted by email;
- 7.1.3 Individuals whose details have been placed on the database are notified in writing using the letter template at Appendix 3. However, in cases where it is

believed that notifying the individual about the information held would in itself create a substantial risk of a violent reaction from them, it may be decided that they are not notified. This decision must be confirmed with the council’s Audit Manager and Monitoring Officer.

7.1.4 All measures have been taken to ensure that information will be held securely and processed in accordance with the requirements of the Data Protection Act (Guidance attached at Appendix 1).

7.1.5 We will utilise information held by the Council to validate names and addresses (during the retention period) to ensure that information provided to Visiting Officers is maintained and up to date.

7.2 Record Retention

Once an individual or an address has been placed on the database, it will be reviewed for accuracy on an annual basis by the Corporate Health & Safety Officer and the Audit Manager to decide whether the entry should be retained or reviewed. Consideration will be given

- the original level of threat of violence;
- how long ago this was;
- the previous and subsequent behaviour of the individual;
- any intelligence/circumstances where it is considered a risk to employees remains

7.2.1 Retention Period

Category	Incident Type	Retention Period
A	actual violent behaviour towards employees	5 years (*) (**)
B	serious verbal or written abuse or threats towards employees	3 years(*) (**)
C	environmental hazards i.e. dangerous premises or dangerous animals	5 years(*) (**)
D	3 rd Party Notification i.e. information provided by external agencies such as the Police, Aspire or the Benefits Agency	5 years(*) (**)

(*) Details will remain on the database where it is determined that a credible risk to staff still exists.

(**) Where an incident contains a number of Incident Categories, the more serious incident will determine the retention period.

Once the retention period expires, entries onto the database will be reviewed thereafter annually to determine if a credible threat still exists and the entry remains on the database.

7.1 Access to the Database

- 7.2.1 No employees other than the Corporate Health and Safety Officer, the Head of Environmental Health Services and the Audit Manager will have access to the database for the purposes of adding/deleting entries;
- 7.2.2 'Front line' employees dealing with customers at The Guildhall and Kidsgrove Town Hall will have view of warning flags in relation to individuals and addresses;
- 7.2.3 Employees dealing with service requests allocated to them via the various databases and/or who are required to visit an address or interview an individual, will have view of warning flags in relation to individuals and also access to the full incident record for that individual, including their address and other individuals at the address who are recorded on the database;
- 7.1.4 Access to the additional data held on the database will be via eVoice and will be strictly controlled by username activated access permissions determined by the Heads of Service in consultation with the Corporate Health and Safety Officer and "Audit Manager and Monitoring Officer";
- 7.2.5 For services/sections where staff do not have access to CRM, access will be via their nominated administrator.

7.3 Disclosure

- 7.3.1 Details contained on the database may be disclosed to the police and other partner organisations as appropriate and only when there is good reason to do so. Any decisions concerning the disclosure of information will lie with the "Audit Manager and Monitoring Officer".

7.4 Communication of Information to Visiting Officers

- 7.4.1 If an incident is decided to warrant recording, on saving the incident, a flag is setup in the relevant database to alert users where appropriate. An email to alert relevant individual staff members will automatically be dispatched, a generic warning letter will be printed with appropriate information, and the data will be entered onto to the Employee Protection database.
- 7.4.2 Once a flag has been assigned to a premises / person, staff will be alerted in 2 ways:
 - 1. If the staff member is front facing, a discreet pop-up will appear on their screen indicating that there is information relating to the address exists on the Employee Protection Register.

2. If the staff member is a service request recipient, at the bottom of the request will be a warning field which is populated if a marker exists.

7.4.3 Staff will be able to check the details of the warning markers via a secure page on E-Voice. Staff who have previously been identified as having an interest in PVP markers will be allowed to view a page with a listing of entries within the catalogue. From here, they will be able to see specific details. Any users who do not have permissions will be referred to the Corporate Health and Safety Officer or Head of Environmental Services. Access to the intranet pages will be at the request of Heads of Service, at which point a user's logon would be added to an access control list.

8 Risk Assessment

8.1 The council will endeavour to comply with the relevant legal requirements, as contained within the Management of Health and Safety at Work Regulations 1999 and other applicable legislation and with the specific Approve Code of Practice (L21) and guidance notes (INDG69) issued by the HSE.

8.2 In particular the following rules and procedures will be applied in relation to this area and associated work activities -

- An assessment of the risks relating to work related violence faced by employees must be carried out for all relevant work activities or situations.
- An assessment of risks relating to visiting officers which could have the potential to cause harm to an employee
- Management and employees at all levels will be encouraged to take work related violence seriously. It must not be accepted as "part of the job".

8.3 The Council will adopt suitable measures to minimise exposure of employees to work related violence.

8.4 All employees who could be affected by work related violence must receive adequate and suitable information, instruction and training to assist them in recognising signs of aggression and situations that could result in violence and how to avoid or deal with them. Further support and advice can be sought through HR.

8.5 Risk assessments on properties or individuals where there is a potential of exposure to verbal or physical aggression or an environmental condition that could cause harm to the employee should be undertaken.

8.6 Examples of persons at risk (although not exclusive) could be

- Visiting Officer – to a public or private premises
- Customer Services Agent

- Enforcement Officers – inviting members of the public into the civic offices for interviews
- Employees involved in cash transactions.
- Employees representing authority.
- Employees working alone

8.7 Risk Assessments are recorded and monitored on Target 100. Please refer to the Lone Working Policy – Appendix 1.

9 Responsibility of Employees

9.1 Employees have a responsibility to protect the health, safety and welfare of themselves and others.

9.3 Employees should familiarise themselves with the Employee Protection Policy and database, associated documents and ensure that they adhere to the requirements of the Policy and service specific Risk Assessment

9.4 All employees are required and encouraged to report to their manager/supervisor any incidents of work related violence or concerns regarding environmental conditions regardless of the circumstances

9.5 Homeworkers are not exempt from the requirement to comply with this policy.

9.6 A good practice guide for visitor officer / public safety can be located in the Lone Working Policy – Appendix 2.

9.7 There may be the occasions where employees could find that allegations are made against them by Members of the Public whether this be about their behaviour/conduct. If whilst carrying out their duties, employees feel that a complaint or allegation could be made against them, they should record the details of the incident as soon as possible and report this to their line manager. These could subsequently

10. Responsibility of Line/Business Manager or Head of Service

10.1 Employees dealing with members of the public or visiting private or public premises cannot be subject to constant supervision, however it is still an employer's duty to ensure they are healthy and safe at work. Supervision and training can help to ensure that employees understand the risks associated with their work and that the necessary health and safety precautions are carried out.

10.2 The extent of supervision required depends on the risks involved and the ability of the employee to identify and handle health and safety issues. Employees new to a job, undergoing training, doing a job that presents special risks, or dealing with new situations may need to be accompanied at first.

10.3 The level of supervision required is a management decision, which should be based on the findings of a risk assessment; the higher the risk, the greater the

level of supervision required. It should not be left to individuals to decide whether they require assistance.

10.4 Ensuring that all work-related hazards are identified, suitable and sufficient risk assessment undertaken and appropriate control measures put into place and undertake monitoring and review of risk assessments.

10.5 Employers should ensure that employees who have been victims of, or otherwise affected by, work related violence will receive support, counselling, legal advice or other assistance from the council as is necessary to assist them in their recovery.

11 Non-Compliance

11.1 Any infringement of these rules by an employee may result in appropriate disciplinary action, which will be dealt with in accordance with the Council's disciplinary procedure.

12. Review

12.1 The Council will monitor the effectiveness of this policy and its general compliance within the organisation.

12.2 It is the responsibility of all managers/supervisors to ensure that their staff are aware of the content of the policy and to monitor compliance.

12.3 Any problems or complaints from staff on the operation of the policy should be raised in the first instance with their line manager. If it is not resolved then the Council's grievance procedure should be referred to.

12.4 This policy will be kept up to date and amended accordingly to reflect any changes in response to revised legislation and applicable standards and guidelines. Trade Unions and health and safety representatives will be consulted regarding any substantive changes.

Appendix 1 –



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Data Protection Good Practice Note

The use of violent warning markers

This guidance explains to those working with the public how best to manage the use of violent warning markers.

Employers have a duty of care to their staff to protect them in the workplace. Violent warning markers are a means of identifying and recording individuals who pose, or could possibly pose, a risk to the members of staff who come into contact with them. We understand that, in practice, a flagged piece of text is attached to an individual's file. These markers should be used very carefully and should contain the reasons for identifying individuals as being potentially violent. They are likely to record information relating to:

- the apparent mental stability of an individual; or
- any threatening actions, incidents or behaviour they have or are alleged to have committed.

This means personal data, and often sensitive personal data, will be included in a violent or potentially violent warning marker and so must comply with the Data Protection Act 1998 (the Act).

Compliance with the Act - fairness

The first data protection principle requires that the processing must be fair and lawful. This means that a decision to put a marker on an individual's file must be based on a specific incident or expression of clearly identifiable concern by a professional, rather than general opinions about that individual. The individual should pose a genuine risk and the decision should be based on objective and clearly defined criteria and in line with a clear and established policy and review procedure. The criteria should take into account the need to accurately record any incident.

For consistency, you should make sure a senior nominated person in the organisation is responsible for making these decisions. Decisions should be reviewed regularly. When making a decision this person should take into account:

- the nature of the threat;
- the degree of violence used or threatened; and
- whether or not the incident indicates a credible risk of violence to staff.

For the processing to be fair, you should normally inform individuals who have been identified as being potentially violent soon after you make the decision to add a marker to their record. It should be part of your procedure to write to the individual setting out why their behaviour was unacceptable and how this has led to the marker.

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You should tell them:

- the nature of the threat or incident that led to the marker;
- that their records will show the marker;
- who you may pass this information to; and
- when you will remove the marker or review the decision to add the marker.

There may be extreme cases where you believe that informing the individual would in itself create a substantial risk of a violent reaction from them. For example, because of the nature of the incident or the risk to another individual. In these cases it may not be sensible to inform the individual as described earlier.

If this is the case, you must be able to show why you believe that by informing the individual of the marker there would be a substantial risk of further threatening behaviour.

You should make all decisions on a case-by-case basis and keep records.

Compliance with the Act - processing conditions

The Act states that you should not process personal data unless you can meet one of the conditions in schedule 2 of the Act, and for sensitive personal data, one of the conditions in schedule 3.

As employers have a duty of care towards their staff, for example, under health and safety legislation, the appropriate schedule 2 condition to allow processing of information in markers is that processing is necessary to comply with any legal obligation imposed on the data controller (which in this case would be the employer). The appropriate schedule 3 condition is that processing is necessary to comply with any legal obligation imposed on the data controller in connection with employment.

The individual's rights

The Act gives individuals the right to make a subject access request. In most circumstances, you should reveal the fact that there is a violent warning marker on the individual's record. Although, in most cases, you should already have informed the individual. However, you should make this decision on a case-by-case basis and consider any other individuals (third parties) that may be included in the information. For more information about this, please see our guidance 'Subject access requests involving other people's information'.

There may be rare cases where you will need to consider whether:

- revealing the existence of the marker;
- revealing the information in the marker; or
- what the individual may infer from the existence of the marker;

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may actually cause serious harm to the physical or mental health or condition of that individual. In these cases, you must get specialist advice from health and data protection professionals. For some of these cases there may be relevant statutory instruments that modify the provisions in the Act that relate to the individual's rights (see note 1).

Requests from individuals to stop processing their personal information

Section 10 of the Act gives individuals the right to require you to stop processing their personal information if this is likely to cause them substantial and unwarranted damage or distress. If an individual gives you a section 10 notice relating to a violent warning marker then you should be aware that you may ultimately have to justify creating the marker in court.

Passing the information to other organisations

From a legal point of view, the appropriate schedule 3 condition for processing mentioned earlier will not cover disclosing the marker information to other organisations, as the condition relates to a legal obligation on the employer for their own staff, not other organisations' staff. However, where there is a good reason for providing the information to another organisation, for example, to alert them to the potential risk to their staff, this will be justified even though no Schedule 3 condition obviously applies. In these cases, our focus is on whether the processing is justified and not unfair.

The senior nominated person in the organisation should determine this on a case-by-case basis where there is a credible risk that an unlawful act, such as an assault, will occur. They should only provide the information to an individual of a similar level in the other organisation.

If you pass the information on to another organisation, you should inform the individual, unless that would be a serious risk to the person or another individual as described earlier. If you review the marker and decide to change or remove it, you should then inform the other organisations you previously sent the information to.

Retention

The fifth data protection principle states that personal information should not be kept longer than necessary. You must make sure violent warning markers are removed when there is no longer a threat. This should be part of the standard review procedure. The retention period is likely to depend in part on:

- the original level or threat of violence;
- how long ago this was;
- the previous and subsequent behaviour of the individual; and

Note 1

SI 2000 No. 413 'The Data Protection (Subject Access Modification) (Health) Order 2000'

SI 2005 No.467 'The Data Protection (Subject Access Modification) (Social Work) (Amendment) Order 2005'

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Appendix 2 –

Newcastle Borough Council
PRO EC Personal



NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

Assessor		Violence / Bullying Incident Report Form <small>© 2008 Business Safety Systems Ltd</small>			
Department / Location				Date and Time of Incident	
Reference number					
Employee Reporting The Incident		Person Completing This Report			
Name		Name			
Job / Position		Job / Position			
Department		Department			
What activity were they engaged in at the time of the incident?		Assailant			
Witness		Name			
Name		Job / Position			
Job / Position		Department			
Department		Address			
Address		What activity were they engaged in at the time of the incident?			
What activity were they engaged in at the time of the incident?		Other relevant details			
About The Incident					
What happened? Give an account of the incident, including any relevant events leading to the incident.					
What was the outcome? Injury / verbal abuse / anti-social behaviour / damage to personal property					
Details of action taken					
Any other relevant information					
Have the police been informed of the incident?		Yes	No		
If the police were informed please give the crime reference number					
Is this incident RIDDOR reportable (see background information - RIDDOR regulations)		Yes	No		
Have risk assessments and safe systems been reviewed following the incident?		Yes	No		
Supervisor checked					

Appendix 3 –

Our ref:

Your ref:

Date:

Dear

I am writing as a result of the recent time/s that you:

- Approached Newcastle-under-Lyme Borough Council via the Guildhall/Reception
- Approached Newcastle-under-Lyme Borough Council via telephone
- Used an amenity provided by Newcastle-under-Lyme Borough Council
- Were visited in your own home in connection with council matters
- Were visited at your place of business in connection with council matters
(delete as appropriate)

You will recall that on *(insert date)* you subjected one of the council's employees to physical abuse and/or threats of violence. The member of staff was obliged to:

- Terminate the telephone conversation/appointment
- Terminate the visit
- Call for assistance or for the police
(delete as appropriate – also include details of any other relevant incidents)

You have right to expect the best service from Newcastle-under-Lyme Borough Council and we will try to provide that service politely. In return we expect the same from you.

We reserve the right to ask anyone who abuses us, verbally or physically, to leave the premises. Abusive phone calls may be terminated. We will support staff who are subjected to aggression or violence and take legal action against perpetrators.

We also recognise that from time to time people need to complain to the council about the services they receive. A copy of our Complaints Procedure is available to you on request.

In view of the incident/s outlined above, I regrettably feel that I would have no alternative but to take further action if such behaviour were to be repeated.

I must also notify you that as a result of the incident, your details have been recorded on the council's Incident Database and your records marked to this effect.

Please contact me if you have any queries, but I must stress that any further similar incidents may result in police action and/or the council seeking an injunction via the courts.

Yours sincerely

ITEM FOR STAFFING COMMITTEE – 11 November 2014

EXTRA STATUTORY TUESDAYS – REVISED PROPOSAL

Submitted by: Executive Management Team

Portfolio: Finance and Resources

Purpose of the Report

To inform the Committee of the Joint Trade Unions issue over the re-imburement of the two days extra statutory holidays and the Officers response.

Recommendation

That the Collective Agreement cannot be changed and that the two extra statutory Tuesday continue to be added to the employees annual leave entitlement.

1. Background

Trade Unions

- 1.1 The Joint Trade Unions have identified an issue over the re-imburement of the two days extra statutory holidays onto employee holiday cards. This issue solely revolves around employees that finish employment whether due to leaving, dismissal, bereavement, early retirement or retirement within one financial year.
- 1.2 This issue has been recognised clearly by chance due to one employee retiring at the end of August it appeared that the two extra statutory days are added to the annual leave at the start of the year, which in normal circumstances is fine, but for an employee leaving the Authority in that financial year it becomes a problem when Human Resources come to look at the pro rata holidays that the employee is due, they could be in a detrimental position if they have already worked one or two of those bank holidays.
- 1.3 The employee had worked both extra statutory holidays this financial year, but had lost a number of hours of those holidays due to Human Resources calculations on a pro rata basis. The Trade Unions believe the Council should come up with a different way of calculating, the two days that should be put on an employee's holiday card as a separate entity after the days are worked and should not be used in any calculations if a person leaves within that year.

2. Officers Response

- 2.1 In the Collective Agreement in 2013 (Appendix A) it was agreed to add the two extra statutory days to an employee's annual leave entitlement and as such should not be put separately on to an employee's annual leave entitlement.
- 2.2 The new annual leave started in April 2014, whereby the extra 2 days were automatically added to the employees overall annual leave. This has also been incorporated into the Salary Scales i.e. Grade 5 now has 23 days per year instead of the previous 21 days (see intranet) + 4 days for the extra 5 years' service.
- 2.3 The 2 extra days are "recognised" but are not set dates (like bank holidays) and the employee is able to take the 2 extra days at any time in the year, therefore it should be pro-rata in their last year of employment.

3. The National Joint Council (NJC) for Local Government Services National Agreement on Pay and Conditions of Service ('the Green Book')

7.4 Extra Statutory Holidays

'Employees shall have an entitlement to two extra statutory days holiday, the timing of which shall be determined by the authority in consultation with the recognised Trade Unions with a view to reaching agreement, or added to annual leave by local agreement'.

The agreement has therefore superseded the extra 2 statutory holidays by adding them to the annual leave entitlement. This has been calculated correctly; any employee leaving during the year, the annual leave would be pro rata with the new overall entitlement.

Pro rata entitlement is calculated in accordance with the Local Government's Employers recommendation, as follows:

- Number of days employment in year x employee's entitlement
365

For example for someone who leaves on 31 August:

$$153 \times 27 = 11.3 \text{ days}$$

365

4. Local Conditions of Service

- 4.1 A local collective agreement was signed on 13 May 2013 that agreed for the extra two statutory days (taken immediately after the Spring and August bank holidays) to be treated as normal working days (i.e. no enhancements to basic pay payable to employees who work on these days as part of the normal working week). Any overtime worked on these days to be paid at rates applicable to a normal working day. Two days to be added to the employees' existing annual leave entitlements (pro rata for part-time employees). See appendix A.

5. Issues

- 5.1 The Employees Consultative Committee meeting held on 6 October 2014, resolved:

- (i) That the trade unions continued to object; and
- (ii) That the members believed that the interpretation from the Green Book should continue to be followed.

6. Legal and Statutory Implications

- 6.1 The collective agreement is a legally binding contract and it cannot be changed unilaterally, unless there is a term in the agreement that says otherwise.

7. Equality Impact Assessment

- 7.1 To ensure all employees are treated equally the Council ensures that it has a consistent approach when calculating pro rata holiday entitlement in accordance with the Local Government's Employers recommendation.

8. Financial and Resource Implications

- 8.1 The increased cost of the additional annual leave entitlement if not pro rata, would need to be financed from within existing approved salary budgets.

9. Major Risks

- 9.1 See 6 and 7

10. List of Appendices

Appendix A Collective Agreement dated 13 May 2014

11. Earlier Committee Resolutions

Employees Consultative Committee – 6 October 2014

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Classification: NULBC RESTRICTED Management

SCHEDULE to the Collective Agreement made on 13 MAY 2013

BETWEEN

THE BOROUGH COUNCIL OF NEWCASTLE-UNDER-LYME and
THE GMB, GMB/APEX and UNISON

CHANGES TO TERMS AND CONDITIONS OF SERVICE
APPLICABLE FROM 10 MAY 2013

1. Public Holiday Arrangements/Leave

- 1.1 The two 'extra statutory' holidays (taken immediately after the Spring and August bank holidays) to be treated as normal working days (i.e. no enhancements to basic pay payable to employees who work on these days as part of their normal working week)
- 1.2 Any overtime worked on these days to be paid at rates applicable to a normal working day
- 1.3 Two days to be added to employees' existing annual leave entitlements (pro rata for part-time employees).

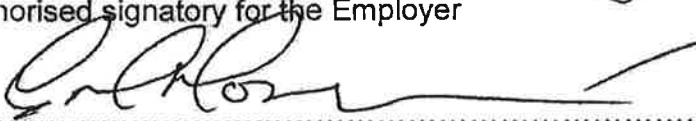
2. Telephone Allowances

- 2.1 Telephone allowances no longer to be paid.


SIGNED:



.....
Authorised signatory for the Employer



.....
Authorised signatory for GMB



.....
Authorised signatory for GMB/APEX

P. N. Parry - honsy - Regional Organiser

.....
Authorised signatory for UNISON

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