



HUMAN RESOURCES AND COUNCIL TAX COMMITTEE

AGENDA

DATE:	Thursday, 12 October 2023
TIME:	7.30 pm
VENUE:	Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Chapman BEM (Chairman)
Councillor Calver (Vice-Chairman)
Councillor Amos
Councillor Guglielmi

Councillor Morrison
Councillor Skeels Jnr.
Councillor G Stephenson

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DATE OF PUBLICATION: Wednesday, 4 October 2023

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 1 - 8)

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on Thursday, 6 July 2023.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, and the nature of it, in relation to any item on the agenda.

4 Questions on Notice pursuant to Council Procedure Rule 38

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

5 Report of Assistant Director (Partnerships) - A.1 - Human Resources Transformation and Update Report (Pages 9 - 18)

To provide Members of the Human Resources and Council Tax Committee with an update on a number of key Human Resources activities, including the pending Pay Review and Pay Award, the procurement of a new HR & Payroll System and the introduction of a new Employee Benefit – Salary Finance.

6 Report of Assistant Director (Partnerships) - A.2 - Alcohol and Drugs at Work Policy (Pages 19 - 34)

To update the Human Resources & Council Tax Committee on the review of the Council's Alcohol, Drugs and Substance Abuse Policy in line with identified best practice and employment legislation.

7 Joint Report of Assistant Director (Partnerships) and Assistant Director (Finance & IT) - A.3 - Update to the Threats and Violence at Work Policy (Pages 35 - 50)

To update the Human Resources & Council Tax Committee on the review of the Council's Threats and Violence at Work Policy in line with identified best practice and updated legislation.

8 Exclusion of Press and Public

The Committee is requested to consider passing the following resolution:-

“That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 9 and 10 on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act.”

9 Exempt Minutes of the Last Meeting (Pages 51 - 54)

To confirm and sign as a correct record the exempt minutes of the last meeting of the Committee held on Thursday, 6 July 2023.

10 Report of Corporate Director (Operations & Delivery) - B.1 - Market Forces for Environmental Health Officers (Pages 55 - 62)

To put forward proposals for the continuation of the Market Forces Supplement to support the recruitment and retention of qualified Environmental Health staff.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Human Resources and Council Tax Committee is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 7.30 pm on Monday, 26 February 2024.

Information for Visitors

FIRE EVACUATION PROCEDURE

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**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX
COMMITTEE,
HELD ON THURSDAY, 6TH JULY, 2023 AT 7.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Chapman BEM (Chairman), Calver (Vice-Chairman), Amos, Davidson, Skeels Jnr. and G Stephenson
Also Present:	Councillor Gina Placey (Portfolio Holder for Partnerships)
In Attendance:	Anastasia Simpson (Assistant Director (Partnerships)), Katie Wilkins (Head of People), Carol Magnus (Organisational Development Manager), Ian Ford (Committee Services Manager), Jo Williams-Lota (Human Resources Manager), Debianna Messenger (Work Based Learning Manager), Bethany Jones (Committee Services Officer) and Emma Haward (Leadership Support Assistant)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were given from Councillor Guglielmi with no substitution and Councillor Morrison (with Councillor Davidson substituting).

2. MINUTES OF THE LAST MEETING

It was moved by Councillor Amos, seconded by Councillor Calver and:-

RESOLVED that the minutes of the last meeting of the Committee, held on Thursday, 23 February 2023, be approved as a correct record.

3. DECLARATIONS OF INTEREST

Councillor G Stephenson stated for the public record that she was a member of the Communication Workers Union (CWU) but that she had no involvement with Tendring District Council in that capacity.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No Questions on Notice pursuant to Council Procedure Rule 38 had been submitted on this occasion.

5. INTRODUCTION TO THE HUMAN RESOURCES TEAM

Following the recent District Council elections and for the benefit of new Members, the Committee received an introduction to the Council's Human Resources Team via a presentation from the Head of People, Katie Wilkins.

The presentation covered the following matters:-

- (i) Human Resources – Governance

- (ii) TDC as an Employer
- (iii) The HR Team
- (iv) HR Functions
- (v) Workforce Planning
- (vi) Terms & Conditions
- (vii) East of England Local Government Association (EELGA)

The Committee noted the contents of the presentation.

6. APPRENTICESHIP UPDATE

The Committee received a presentation (including videos) from the Work Based Learning Manager (Debianne Messenger) and Carol Magnus (Organisational Development Manager) updating it on the work of the Council's Career Track and Apprenticeship provision section.

The presentation covered the following matters:-

- (i) What is an Apprenticeship?
- (ii) Two Aspects to apprenticeships in TDC
- (iii) Career Track
- (iv) Apprenticeships – Funding, Governance and Service Provision
- (v) Priorities for 23/24 and 24/25.

The Committee noted the contents of the presentation.

7. REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.1 - WHISTLEBLOWING POLICY & PROCEDURE

The Committee had before it a report of the Assistant Director (Partnership) (report A.1) which was a review of the Council's Whistleblowing Policy in line with identified best practice and employment legislation.

Members were told that Tendring District Council had committed to high standards of openness, integrity, and accountability in the provision of quality services for the benefit of the local community and was fully committed to being fully accountable for those services.

Members were made aware that the Council had set in place rules, regulations, quality standards and procedures to ensure that high standards of conduct and commitment to service were observed, but it recognised that malpractice could occur.

The Committee heard that whistleblowing was an action that someone took to report wrongdoing at work. An example was, where there had been suspected misconduct, illegal acts, or failure to act within the Council's established governance framework.

It was reported that the Whistleblowing Policy and Procedure document made it clear that employees could raise concerns without fear of victimisation, subsequent discrimination, disadvantage, or dismissal. It was intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking the problem or "blowing the whistle" outside of the organisation.

The Committee was informed that the Policy applied to all:-

- *Employees of Tendring District Council;*
- *Employees of contractors working for the Council, for example agency staff;*
- *Employees of suppliers;*
- *Those providing services under a contract or other agreement with the Council; and*
- *Voluntary workers working within the Council.*

Any disclosures against Elected Members were dealt with under a separate procedure and the Council's Monitoring Officer should be contacted directly in that regard.

Members were made aware of the recently published "*Lessons from Public Interest Reports and other interventions Report*" (Part II) by Grant Thornton (*a professional services network which provided assurance, tax and advisory services to privately held businesses, public interest entities, and public sector entities*) which outlined a number of recommendations to encourage best practice and mitigate risk.

A number of the recommendations from the report specifically related to 'Whistleblowing' and the Council's Policy on those matters was as follows:-

- *"Cultivate an open and transparent culture;*
- *Ensure staff can raise concerns/whistle blow, and that this practice was encouraged and was independently investigated. Formal channels would be in place for the involvements of both the s151 and Monitoring Officers;*
- *Embed an active review of all complaints and a zero-tolerance approach to inappropriate behaviours;*
- *Undertake regular training to ensure officers are aware of the Officer code of conduct and that they understand their roles;*
- *If it was not already in place, councils should consider the introduction of regular reviews of key governance policies such as their whistleblowing and confidential reporting, fraud prevention and anti-corruption policies."*

The Committee was reminded that the review of the Council's Whistleblowing Policy, considered those recommendations, specifically the reporting and investigation mechanisms for dealing with, and responding to, Whistleblowing concerns, and the roles and responsibilities of those involved, as outlined under the 'Procedure for Making a Disclosure' heading.

Members were informed that the 'Monitoring & Review' heading outlined the Council's approach to the monitoring of disclosures, including the introduction of regular reporting of the number of disclosures made to the Audit Committee as part of the usual Table of Outstanding Issues reporting process.

As a result, the Audit Committee would evaluate the effectiveness of this policy to ensure that the Policy fulfilled its objective of providing a clear, transparent, and robust procedure to deal with disclosures and that Whistleblowers were supported and confident in the procedure.

Finally, the Committee was told that the information held in the central disclosure record would be evaluated and reviewed periodically by the Council's Statutory Officers, to

establish whether current policies, procedures and protocols needed to be reviewed and whether any further action would need to be taken by the Council.

It was moved by Councillor G Stephenson, seconded by Councillor Amos and:-

RESOLVED that the Council's updated Whistleblowing Policy & Procedures be approved and adopted.

8. **REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.2 - WORKFORCE UPDATE REPORT**

Members had before them the latest analysis of workforce data that provided them with statistics relating to the staff employed within the Council and how that compared to the Tendring District and national averages. This was a standard report that was periodically provided to the Human Resources and Council Tax Committee.

Members were told that at the time of writing the report, Tendring District had 486 full-time equivalent (FTE) employees. The FTE figure equated to 681 workers in total (including casual worker and learners). This was made up of 377 full-time and 304 part-time staff.

As previously reported to Members, amongst the fully contracted staff there were several employees who were undertaking external apprenticeships, including those at degree level (Level 6) and above.

Members heard that over the last 12 months, officers had achieved degrees in the following areas:-

- Human Resources
- Chartered Surveying
- Chartered Management
- Digital & Technology Solutions.

Other professional apprenticeships included Accountancy, Audit, Town Planning (*Technical Support*), and Operational Management. The above were only examples; that list was not exhaustive.

It was reported to the Committee that Tendring District Council had always encouraged organic progression (*growing our own*). However, TDC had several vacancies (*technical and non-technical*) that remained unfilled due to a lack of suitable candidates.

The Committee heard that the recruitment challenge was also a growing trend nationally and had been recognised by EELGA (East of England Local Government Association), who reported that 78% of Councils had recorded recruitment and retention challenges.

Some posts required qualified individuals that were increasingly scarce or where the market attracted higher pay scales than those currently adopted by Tendring District Council. This would have a detrimental impact on the retention of the Council's existing staff and future recruitment opportunities.

The Committee was made aware that the Council worked with the EELGA last year to carry out an independent review of its pay structure. This led to some options to support best use of the NJC pay spine in alignment with the employment market. Those included, salary and benefits benchmarking, improved marketing of vacancies and employment offer and expanding the well-established “grow your own” ethos. Those options had been considered as part of the Assistant Director change programme.

The Committee was reassured that the commitment of Tendring District Council employees ‘to go the extra mile’ continued despite the challenges identified above and should be noted.

It was moved by Councillor G Stephenson, seconded by Councillor Skeels and:-

RESOLVED that the contents of the report be noted.

9. **REPORT OF HEAD OF DEMOCRATIC SERVICES AND ELECTIONS - A.3 - HUMAN RESOURCES SUB-COMMITTEE PANEL - APPOINTMENT OF THE NAMED SUB-COMMITTEE MEMBER AND NAMED SUBSTITUTE SUB-COMMITTEE MEMBER FROM A POLITICAL GROUP THAT IS NOT REPRESENTED ON THE CABINET**

The Committee was reminded that the Council had in place a Sub-Committee Panel of the Human Resources Committee, which was duly constituted to form part of the recruitment, dismissal, and disciplinary process for the appointment of Senior Officers. This included the Chief Executive and other Statutory Chief Officers (Section 151 and Monitoring Officer posts), Chief Officer posts (Corporate Directors, Directors and Assistant Director (Partnerships)) and all Deputy Chief Officers (Assistant Directors and other such Senior Officers as defined within the Regulations).

The Committee heard that the Panel would undertake the final interview of those applicants for Senior Officer posts who had successfully been shortlisted and had undertaken the necessary technical interviews and assessments. Having considered the views and professional advice given by the relevant officers, the Panel would notify the Assistant Director (Partnerships) of the name of the person to whom the post was to be offered and any other matter relevant to the appointment. In the case of the Chief executive and the Monitoring Officer, the Panel would recommend to Council to approve the appointment before an offer was made.

Members were told that the Panel was comprised of three members normally consisting of:-

- 1) A Portfolio Holder, as determined by the Leader of the Council;
- 2) The Chairman (or in their absence or unavailability the Vice-Chairman) of the Human Resources & Council Tax Committee; and
- 3) A named committee member from a political group that was not represented on the Cabinet.

Following the District Council Elections held in May 2019 the Committee had appointed Councillor Calver as the named member from a political group that was unrepresented on the Cabinet and Councillor Morrison as the named substitute member from a political group that was not represented on the Cabinet. They had served throughout that four-year term.

Members were informed that following the District Council elections in May 2023 the Committee was now required to re-appoint the named committee member and the named substitute committee member from a political group that was unrepresented on the Cabinet.

The Committee was told that in making the appointments that they were therefore permitted to choose from the following members of the Committee:-

Councillor Chris Amos
Councillor Carlo Guglielmi
Councillor Mick Skeels

It was moved by Councillor Amos, seconded by Councillor Skeels and:-

RESOLVED that the Committee -

- (a) appoints Councillor Guglielmi as the named committee member from a political group not represented on the Cabinet on the Human Resources Sub-Committee Panel; and
- (b) appoints Councillor Skeels as the named the substitute committee member from a political group not represented on the Cabinet on the Human Resources Sub-Committee Panel.

10. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Skeels, seconded by Councillor Amos and:-

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 11 and 12 on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act.

11. REPORT OF DIRECTOR (PLANNING) - B.1 - A MARKET FORCES REPORT FOR POSTS WITHIN THE PLANNING SERVICE

RESOLVED that the Human Resources and Council Tax Committee agrees that the Market Forces Supplement applied for all qualified (*first degree in Planning or the Postgraduate degree in Planning*) Planning Officers be continued for a period of two years from the point of agreement, at which point a review will be undertaken in line with the Council's Discretionary Market Forces Policy.

12. REPORT OF CORPORATE DIRECTOR (OPERATIONS AND DELIVERY) - B.2 - MARKET FORCES REPORT FOR POSTS WITHIN THE PROPERTY & PROJECTS TEAM

RESOLVED that the Human Resources and Council Tax Committee agrees that:-

- (a) the Market Forces Supplement be applied with immediate effect to the posts within Property and Projects Services, requiring either an appropriate L6/7 Degree in Surveying and holding or working towards chartered status or other higher level

- membership of an appropriate professional body such as the Royal Institution of Chartered Surveyors;
- (b) the Market Forces Supplement is discretionary, to be decided by the Assistant Director, Partnerships in consultation with the Chief Executive as Head of Paid Service; and
 - (c) the Supplements be applied for a period of up to two years or until the outcome of the Council's pay audit is implemented.

The meeting was declared closed at 8.52 pm

Chairman

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HUMAN RESOURCES & COUNCIL TAX COMMITTEE 12 October 2023

REPORT OF ASSISTANT DIRECTOR OF PARTNERSHIPS

A.1 HUMAN RESOURCES TRANSFORMATION AND UPDATE REPORT

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide Members of the Human Resources and Council Tax Committee with an update on a number of key Human Resources activities, including the pending Pay Review and Pay Award, the procurement of a new HR & Payroll System and the introduction of a new Employee Benefit – Salary Finance.

EXECUTIVE SUMMARY

Procurement of a new Payroll & HR System

Tendring District Council (TDC) currently uses a Human Resources and Payroll software solution provided by Iris FMP TeamSpirit (version 23.1.2). The current system is due to be retired (*no longer supported by the provider*) on 31 March 2024 and as a result, there is a requirement to purchase a new software solution.

The TDC payroll function facilitates payment to approximately 700 staff; at the time of writing, this comprises permanent (521) and temporary (16) members of staff, apprentices (10) and casual workers (150).

Membership in the Local Government Pension Scheme (LGPS) is automatic for most TDC employees; therefore, all elements of employer and staff contributions and management activity, including the production of monthly returns, are required.

There is also the need to facilitate a separate Elections Payroll (*in order to process data files provided by the Elections Team*) to pay those working on behalf of the Returning Officer for any Election.

The objective of procuring a new system is to deliver an integrated Human Resources and Payroll software solution that seeks to automate the administrative functions of each discipline, providing an end-to-end solution that supports the entire employee lifecycle from recruitment to end of employment.

A detailed specification has been prepared to outline TDC's requirements in respect of the Human Resources and Payroll software to support TDC's activities in these areas, including the following requirements: -

- Adequate security controls throughout the Human Resources and Payroll disciplines.
- The provision of accurate information for statutory and government returns as well as for internal management information.
- A flexible approach allowing TDC to implement and use any additional module(s) according to their own timetable and/or requirements.

The Council's financial controls will also be embedded within the chosen system to achieve greater efficiency with the use of automated processes and decision making.

In line with the expectations set out in the Council's constitution, a framework agreement has been identified rather than the Council undertaking its own tender process (*due to the significant number of suppliers, it is expedient to use a framework approach rather than a full tender process*). This framework is available via Crown & Commercial Services (G Cloud 13, lot 2). The framework allows for a contract period of up to 4 years (3 + 1) and can be awarded directly rather than through any further competition.

The procurement exercise entailed a long, medium and short list process, whereby the authority's requirements were described, and suppliers were narrowed down against these through each list or stage. MHR iTrent came out as the only supplier that could specifically meet the Council's requirements.

MHR iTrent currently delivers services to 47% of UK Local Governments. In addition, it is noted that other local authorities in Essex also use the MHR iTrent system, which could provide further value for money opportunities/flexibilities as part of potentially exploring shared service options going forward.

In terms of key milestones and delivery, subject to Cabinet's agreement to the additional necessary funding as part of the review of carry forwards from 2022-23, which they are due to consider at their October 2023 meeting, it is anticipated that contracts will be signed early in October and implementation will commence shortly after. A dual payroll process will be undertaken in January, February and March 2024 to ensure the system is fully tested before going live on 1 April 2024.

Procurement of InfiniStats System to support the pending Pay Review

The Human Resources and Council Tax Committee have previously requested that Senior HR Officers engage the services of East of England Local Government Association ((EELGA) a *politically led, cross-party organisation that works on behalf of the 50 local councils in the East of England*) to expand on the earlier Pay Review undertaken (*which looked at the recruitment and retention issues for Tendring District Council, reviewing current solutions in place and seeking alternative options. Also benchmarking the Council's offer and against current market, with options for consideration where appropriate*) to carry out a comprehensive, **service wide**

review of TDC's pay structure as follows: -

- Across the whole staffing establishment, in the context of neighbouring authorities and regionally.
- In the context of professional and technical areas – this will be an extension of the work already undertaken by EELGA and will also consider those areas in which Market Forces Supplements* are currently applied.

**A Market Forces Supplement is an additional temporary payment to the basic salary of an individual job or specific group of jobs where market pressures would otherwise prevent the Council from being able to recruit or retain staff with a particular skill or group of skills as endorsed by the Human Resources & Council Tax Committee.*

Upon completion of the review, TDC is looking for formal recommendations for corrective action (*if applicable*) both in terms of the current salary position and the likely position in 3-5 years. This is particularly important in the context of the current fiscal savings agenda and will allow TDC to set an appropriate salary budget position.

EELGA has responded to this request to say that while they can support this workstream, they are unable to undertake any separate pay benchmarking outside of InfiniStats (*in the region*), and therefore this assignment would require the authority to be signed up to the system.

Once we have InfiniStats, the authority plans to engage an EELGA (*Talent Bank*) Associate who can then utilise TDC's and other Council's data in the context of undertaking the pay review and providing formal recommendations as outlined above.

Additional benefits offered by using InfiniStats to support this workstream will mean that the authority will have access to regional and local pay data on an ongoing basis.

Once the review by EELGA has been concluded, a report of the findings and the associated recommendations for action (*if applicable*) will be presented to a future meeting of the Human Resources & Council Tax Committee.

Introduction of a new Employee Benefit – Salary Finance

As a result of the current cost of living pressures, our employees, like everyone else, may be struggling more than ever with their finances, which may place additional pressure on their mental health and ability to be productive at work.

Supporting the financial wellbeing of our employees is one of the most effective ways the Council can improve their personal and professional lives.

According to recent research undertaken by Salary Finance - 2023 (*figures relate to 15.6 million working people*).

- 53% of people struggle more with their finances since Covid-19;
- 2x as many worries about their financial situation every day;
- 95% of those say it has a negative impact on their mental health;
- 43 million hours are lost each week to poor financial wellbeing; and
- 40% say their financial situation affects their ability to be productive.

The Chartered Institute of Personnel and Development (CIPD) believes all workplaces, regardless of size or sector, should offer financial wellbeing support to employees (*February 2023*).

The Council does not currently hold a contract with any salary finance company. Previously, the Council had a contract with Neyber; however, this company has been bought out by its biggest competitor, Salary Finance.

As a due diligence exercise, HR Officers have researched the salary finance market to ensure TDC employees are offered value for money and the best service possible from a reputable finance company.

Following the research into Salary Finance, it was identified that they are a well-established, reputable financial wellbeing provider. It is the largest employee finance wellbeing provider in the UK, helping over 4.5 million employees. Their services are used by a large number of private, public sector (*including many local, district and borough Councils*), and not-for-profit organisations. Their services are also endorsed by the Public Services People Managers Association (PPMA).

Salary Finance offers a range of different options to suit each individual employee. This could be a loan, an advance, savings and/or an education platform. The percentage rates are more favourable than those of high street lenders and give the employee the flexibility to repay their loan, advance, or savings through their salary. The service is free to the Council, as the employer, and therefore an easy way to offer support to our employees.

There is no specific cost to TDC for using the service, apart from the administrative costs for the Payroll and HR teams, which would be responsible for setting up individual arrangements with employees and Salary Finance.

It is planned that following the 12-month initial contract, the service provision will be reviewed, and if TDC is satisfied that the service meets our employees' needs, we will look to extend for a rolling 12-month period*.

It should be noted that Salary Finance is part of the suite of financial wellbeing support for our employees. The Council already provides financial advice through the Employee Assistance Programme and will seek to identify other ways to support our employees during these particularly challenging times. The Council is also planning to promote free cost of living support sessions for employees over the coming months, which are being provided by the Suffolk and North-East Essex ICS, who are partnering with HSBC.

**If the Council decides not to extend the contract with Salary Finance, any employees who have existing arrangements will not be affected as Salary Finance will continue to comply with all its outstanding obligations with no impact to the organisation. Similarly, should an employee leave the employment of TDC, any financial obligation will transfer with them.*

Pay Award Update 2023/24

The Council is part of the National Employers arrangements (*The National Agreement on Pay and Conditions for Service*), whereby pay awards are negotiated nationally between local authority representatives and trade unions, with these arrangements covering around 1.4 million people across around 300 councils.

A full and final pay offer was made by national employers in February 2023 as follows: -

- With effect from 1 April 2023, an increase of £1,925 (*pro rata for part-time employees*) to be paid as a consolidated, permanent addition on all NJC pay points 2 to 43 inclusive.
- With effect from 1 April 2023, an increase of 3.88 per cent on all pay points above the maximum of the pay spine.
- With effect from 1 April 2023, an increase of 3.88 per cent on all allowances (*as listed in the 2022 NJC pay agreement circular dated 1 November 2022*).

Two of the Trade unions have called for a re-negotiation, one of whom has a current ballot of its members for industrial action (*due to conclude 24 October*). However, if the offer were to be accepted by the unions, an employee on the bottom pay point in April 2021 (earning £18,333) will have received an increase in their pay of £4,033 (22.0 percent) over the two years to April 2023. For an employee at the mid-point of the pay spine (pay point 22), their pay will have increased over the same period by £3,850 (13.99 percent).

Two out of three unions need to agree to put into action the 2023 pay award.

National Employers continue to advise very strongly against imposing any pay offer before the collective bargaining process has concluded as this carries the risk of fragmenting the unity of the employers' position as well as wider legal implications.

Once the pay award is agreed upon, HR Officers will work with Payroll colleagues to ensure that it is processed as soon as possible, including the backdating arrangements to 1 April 2023.

RECOMMENDATION(S)

It is recommended that the Human Resources & Council Tax Committee:

Note the content of this report, including the Officer Decisions already taken in

consultation with the Chair of the Human Resources & Council Tax Committee, and the decision taken by the Portfolio Holder for Finance & Governance (as outlined under the 'Previous Relevant Decisions' heading of this report).

REASON(S) FOR THE RECOMMENDATION(S)

This report seeks to update members of the HR & Council Tax Committee on operational developments within the Human Resources Service Unit.

ALTERNATIVE OPTIONS CONSIDERED

There is no alternative option to consider, as this is an update report on the Council's key Human Resources activities.

Alternative options were considered as part of the decision-making process for each of the above relevant headings.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Positive people related practices will ensure that high standards of conduct and commitment to service are observed by officers, thus, contributing to the Corporate Plan 2020/24 priority requirements of '*strong finances and governance*' and the '*delivering high quality services*'.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

The Council must ensure compliance with Employment Legislation, the Equalities Act 2010, and the Working Time Directive.

The Council has a legal duty of care to employees to ensure their health and safety at work, as set out in the Health and Safety at Work Act 1974, the Management of Health and Safety at Work Regulations 1999 and other related legislation.

This report is to update the HR & CTAX Committee, therefore, they are asked to note the content of this report only. All decisions as outlined in this report have been made in line the executive decision-making process as outlined in part 3 of the Council's constitution.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The '*Finance and Other Resource Implications*' were considered as part of the formal decision-making process for each of the above relevant headings.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>By ensuring best practice is applied to our people practices, the authority will ensure it attracts and retains the resource required to sustain high levels of service delivery for residents.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>Regular monitoring of the workforce and review of the authority's people policies (<i>in line with recognised best practice</i>) also ensures compliance with Employment Legislation.</p>
<p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	<p>As a major employer in the district, the Council's ambition is to contribute to building a more prosperous local community by modelling good employment practices.</p> <p>Tending District Council is also an 'Anchor' organisation; Anchors play a key role in shaping and developing the skills of the local workforce.</p>
<p>MILESTONES AND DELIVERY</p>	
<p>(a) Management Team 26 September 2023 (b) Human Resources & Council Tax Committee 12 October 2023</p>	
<p>ASSOCIATED RISKS AND MITIGATION</p>	
<p>Failure to monitor the authority's staffing levels and demographic, including vacancies, could impact upon the authority's ability to meet service demand, the new HR & Payroll system will allow greater workforce monitoring opportunities.</p>	
<p>OUTCOME OF CONSULTATION AND ENGAGEMENT</p>	
<p>The local union branch executive is consulted on all staff change management programmes and is regularly updated on the authority's staffing matters.</p>	
<p>EQUALITIES</p>	
<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p> <p>In line with the Public Sector Equality Duty, public bodies such as the Council must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, and victimisation, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.</p> <p>The Council is committed to being an inclusive employer in all its People policies and practices, which it extends to volunteers.</p> <p>As a Disability Confident Leader and an Anchor Organisation, the Council will proactively identify and facilitate ways to recruit individuals who may experience barriers to employment.</p> <p>The Council will also take an active leadership role in encouraging and working with local communities and employers to do the same.</p>	

A detailed equality impact assessment has been undertaken (*as appropriate*) to ensure that there is no impact on the protected characteristics.

SOCIAL VALUE CONSIDERATIONS

The Council aims to lead by example as a major local employer. This includes following recognised best practices and ensuring full compliance with legislation.

Examples of this include being a Disability Confident Leader and an Employer Recognition Scheme Gold Award holder; both of these commit the authority to being an advocate in these areas.

The Council is also an Anchor organisation. Anchor organisations are usually large organisations that are local to the place they operate and have the leverage to maximise social value through their role as workplace developers, employers and procurers, their core businesses (for example, health and education), and the linkages they have to the place they operate.

IMPLICATIONS FOR THE COUNCIL’S AIM TO BE NET ZERO BY 2030

This report has no direct implication on the Council’s aspiration to be net zero by 2030.

OTHER RELEVANT IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	Not applicable
Health Inequalities	Not applicable
Area or Ward affected	Not applicable

ANY OTHER RELEVANT INFORMATION

N/A

PART 3 – SUPPORTING INFORMATION

BACKGROUND

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

- [Decision details on public web site](#) (PFH Decision Procurement of a New HR & Payroll System)
- [Decision details on public web site](#) (Officer Decision taken in consultation with the Chair of the HR & CTAX Committee – Procurement of InfiniStats System)
- [Decision details on public web site](#) (Officer Decision taken in consultation with the Chair of the HR & CTAX Committee – Introduction of Salary Finance)

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

N/A

APPENDICES

N/A

REPORT CONTACT OFFICER(S)

Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.

Name	Katie Wilkins
Job Title	Head of People
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HUMAN RESOURCES & COUNCIL TAX COMMITTEE
12 October 2023

REPORT OF ASSISTANT DIRECTOR OF PARTNERSHIPS

A.2 - ALCOHOL AND DRUGS AT WORK POLICY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update the Human Resources & Council Tax Committee on the review of the Council's Alcohol, Drugs and Substance Abuse Policy in line with identified best practice and employment legislation.

EXECUTIVE SUMMARY

Tendring District Council is committed to providing a safe and professional environment for all employees and service users. As part of that commitment, it is important that all employees and anyone working on our behalf are clear about what is expected when it comes to alcohol and drugs at work.

Employees who come to work under the influence of alcohol or drugs can be a risk to both themselves and others. Colleagues, customers of the Council and members of the public can all be adversely affected and the reputation of the Council may also suffer.

The Council has a responsibility for preventing and controlling the misuse of alcohol and drugs at work for the benefit of the workforce in general and the community to whom we provide a service.

The Council is committed to supporting employees who admit, and seek help for an alcohol or drug problem.

This Policy was originally developed in 2007 (*although it has been subject to review*) at that time the Council was more tolerant of drinking at work, and during working hours. However, over the years the Council, and Society as a whole, has naturally shifted and changed its attitude to drinking at work. As such, there has been a comprehensive review of the Policy, and the rules around what is expected from employees have been expanded and clarified.

The updated Policy applies to all:-

- employees of Tendring District Council;
- employees of contractors working for the Council, for example agency staff and
- voluntary workers working with the Council.

This Policy does not apply to Elected Members who have separate policy and guidance in this area.

RECOMMENDATION(S)

It is recommended that the Human Resources & Council Tax Committee:

Approves and adopts the Council's updated Alcohol and Drugs at Work Policy.

REASON(S) FOR THE RECOMMENDATION(S)

As it is considered that the changes made to the Alcohol and Drugs at Work Policy go beyond the delegated authority that the AD for Partnerships has to make Minor amendments to Human Resources Policies and Procedures necessary as a result of legislation, national guidance or best practice, it is considered appropriate that the HR & CTAX Committee approves these changes in line with Part 3 of the Council's Constitution.

ALTERNATIVE OPTIONS CONSIDERED

There is an option of not making the changes recommended, however, this would not be in line with current best practice and the current culture of the Council.

Furthermore, by not accepting these changes, the Council may be at risk of breaching Health & Safety legislation, as well as reputational risk.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council's Alcohol and Drug Policy supports the authority's governance arrangements and provides assurance to the residents of Tendring that the Council has set in place rules, regulations, quality standards and procedures. This will ensure that high standards of conduct and commitment to service are observed by officers, thus, contributing to the Corporate Plan 2020/24 priority requirements of '*strong finances and governance*' and the '*delivering high quality services*'.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

The Council has a general duty under the health and Safety at Work Act 1974 to ensure that as far as reasonably practicable, that it looks after and protects the health, safety and welfare of employees. There is also a duty under the management of Health and Safety at Work Regulations 1999 to assess the risks to the health and safety of employees. If a manager knowingly allows an employee under the influence of drug misuse to continue working and their behaviour places the employee or others at risk, then there could be serious legal and financial risks for the Council.

The Road Traffic Act 1988 states that any person who when driving or attempting to drive a motor vehicle on a road or other public place is unfit to drive through drink or drugs shall be guilty of an offence.

The Misuse of Drugs Act 1971 covers nearly all drugs with misuse and or dependence liability. The Act makes the production, supply and possessions of these controlled drugs unlawful except in certain specified circumstances (*e.g. they have been prescribed by a doctor*).

Other relevant legislation is as follows:

- Equality Act 2010

FINANCE AND OTHER RESOURCE IMPLICATIONS

No specific risks have been identified. This is a policy review and update which is needed to ensure best practice and continued legal compliance. This work sits within existing budgets.

USE OF RESOURCES AND VALUE FOR MONEY	
The following are submitted in respect of the indicated use of resources and value for money indicators:	
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Alcohol and Drugs at Work Policy looks to support employees who otherwise might be absent from work due to the effects of alcohol or drugs, and therefore impacting our delivery of services.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The revised Alcohol and Drugs at Work Policy forms part of the Council's governance arrangements. It provides a mechanism to ensure that there are clear rules around alcohol and drugs at work, and what to do in cases where such rules are breached.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	As a major employer in the district, the Council's ambition is to contribute to building a more prosperous local community by modelling good employment practice. Tendring District Council is also An 'Anchor' organisation – Anchors play a key role in shaping and developing the skills of the local workforce.
MILESTONES AND DELIVERY	
(a) Agreement by Management Team 26 September 2023 (b) Human Resources & Council Tax Committee 12 October 2023 (c) Officer Decision 16 October 2023 (d) Publication to TDC intranet 16 October 2023	
ASSOCIATED RISKS AND MITIGATION	
The updated Alcohol and Drugs at Work Policy will ensure that the authority meets its statutory obligations with regard to Health and Safety legislation.	
OUTCOME OF CONSULTATION AND ENGAGEMENT	
Full consultation has taken place with the local Unison Branch Executive, and they are fully supportive of the recommended approach (<i>in line with best practice</i>) in the terms of the updated rules concerning alcohol and drugs at work, and the management of alcohol and drug related issues at work.	
EQUALITIES	
<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p> <p>In line with the Public Sector Equality Duty, public bodies such as the Council must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.</p> <p>The Council is committed to being an inclusive employer and a 'Disability Confident Leader', in all of its people policies and practices.</p>	

The revised Alcohol and Drugs at Work Policy will ensure that the Council continues to comply with all relevant employment legislation and identified best practice.

The Alcohol and Drugs at Work Policy is explicit in that all cases will be dealt with in a non-discriminatory and consistent way and in accordance with the Council's Diversity and Equality Policies.

Having undertaken an Equality Impact Assessment, the conclusion is that the proposal does not impact on the protected characteristics.

SOCIAL VALUE CONSIDERATIONS

The Council aims to lead by example as a major local employer. This includes following recognised best practice and ensuring full compliance with legislation.

Examples of this include being a Disability Confident Leader and an Employer Recognition Scheme Gold Award holder; both of these commit the authority to being an advocate in these areas.

The Council is also an Anchor organisation. Anchor organisations are usually large organisations which are local to place and have the leverage to maximise social value through their role as workplace developers, employers and procurers, their core business (*for example health and education*) and the linkages they have to the place they operate.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

This report has no direct implication on the Council's aspiration to be net zero by 2030.

OTHER RELEVANT IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	Not applicable
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Health Inequalities	Not applicable
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Area or Ward affected	Not applicable
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ANY OTHER RELEVANT INFORMATION

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Council's Alcohol and Drugs at Work Policy has undergone a comprehensive review. The amended policy and procedure offers a fair and consistent approach to all employees.

The revised document provides more clarity in the terms of what is expected from employees, and the support available.

The updated Policy makes it clear that employees should not drink at work, and acknowledges that some of our workforce work remotely at home.

The Council's updated Policy covers the following sections:-

- The legal position
- Rules on alcohol
- Rules on illegal and prescribed drugs
- Responsibilities of both managers and employees
- Supporting an employee who may have a problem with alcohol or illegal drugs
- Procedure to follow if an employee has breached this policy
- Confidentiality
- Support available – although detailed support will be available in the accompanying guidance

In the updated Policy, although employees whose performance, behaviour or attendance at work is affected by alcohol or drugs, risk disciplinary action on the grounds of misconduct or capability, the Council is still committed to supporting employees who admit they have a problem with alcohol or drugs. As such, before taking disciplinary action, the Council will take into consideration where employees wish to voluntarily enter and actively participate in an alcohol or drug rehabilitation program.

Throughout the policy there is an emphasis on encouraging employees to seek help if they feel they have a problem, and for the manager to proactively identify and support any employees who they believe might have a problem with alcohol or drugs.

The name of the Policy has been changed to 'Alcohol and Drugs at Work' to reflect that the policy not only covers alcohol and drug misuse, but what is deemed acceptable in terms of drinking at work, and includes prescribed drugs and what employees should do if these might affect their ability to undertake their role.

To simplify the Policy, throughout the updated policy, the term 'substance' has been removed and replaced with 'alcohol and drugs' which also relates to the use of prescribed drugs (*including prescription medication that has not been prescribed to the employee*) and Novel Psychoactive Substances (NPS) including those formerly known as legal highs.

To support the Policy, new detailed guidance in this area for Managers and Employees will be made available. Therefore, some of the sections in the current Policy have been removed and will be included in the guidance documents.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

The original Alcohol Drugs and Substance Abuse Policy was introduced in 2007.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

There are no background papers or published reference material associated with this report.

APPENDICES

Appendix – Alcohol and Drugs at Work Policy October 2023

REPORT CONTACT OFFICER(S)

Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.

Name	Jo Williams-Lota
Job Title	HR Manager
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ALCOHOL AND DRUGS AT WORK POLICY

Issued by – Human Resources
Updated – October 2023

Alcohol and Drug at Work Policy

Contents

Introduction	3
The Legal Position	4
Tendring District Council – Rules on Alcohol.....	4
Tendring District Council -Rules on Illegal and Prescribed Drugs.....	5
Responsibilities	6
Supporting an employee who may have a problem with alcohol or illegal drugs....	7
Procedure to follow where there has been a breach of this policy	7
Confidentiality.....	8

Introduction

The Council is committed to providing a safe and professional environment for all employees and service users. As part of that commitment, it is important that all employees and anyone working on our behalf are clear about what is expected when it comes to alcohol and drugs at work.

Employees should be free from the effects of alcohol, drugs and other substances while they are at work. Misuse can have a negative impact on an employee's ability to work effectively. An employee who has a persistent alcohol or drug problem is likely to be absent from work more often. Moreover, alcohol and drug misuse can substantially impair judgement, concentration and co-ordination.

Employees who come to work under the influence of alcohol or drugs can pose a risk to themselves and others. Colleagues, customers of the Council and members of the public can all be adversely affected and the reputation of the Council may also suffer. The Council has a responsibility for preventing and controlling the misuse of substances at work for the benefit of the workforce in general and the community to whom we provide a service.

This policy relates to the use of alcohol, drugs, the illegal use of prescribed drugs, and Novel Psychoactive Substances (NPS), including those formerly known as legal highs, which will be collectively referred to in this policy as 'alcohol or drugs'.

This policy also refers to legal drugs that have been prescribed to the employee that may affect their performance.

This policy applies to all employees. Any breach of this policy will be investigated under the Council's Disciplinary Policy and Procedure, which may lead to disciplinary action up to and including summary dismissal.

Employees whose performance, behaviour, or attendance at work is affected by alcohol or drugs, risk disciplinary action on the grounds of misconduct or capability. However, if the employee wishes to voluntarily enter and actively participate in an alcohol or drug rehabilitation programme, the Council may take this into consideration before taking disciplinary action.

In the case of casual workers, volunteers, agency workers, or contractors, services may be terminated immediately upon a breach of this policy.

This policy does not apply to Elected Members.

The Council is committed to supporting employees in a fair and sensitive manner. As such, separate guidance on alcohol and drug misuse for managers and employees is available from the HR Team and on the Council's Intranet (TED).

The Legal Position

The Council has a general duty under the Health and Safety at Work Act 1974 to ensure, as far as reasonably practicable, that it looks after and protects the health, safety and welfare of employees. There is also a duty under the management of Health and Safety at Work Regulations 1999 to assess the risks to the health and safety of employees. If a Manager knowingly allows an employee under the influence of drug misuse to continue working and their behaviour places the employee or others at risk, then there could be serious legal and financial risks for the Council.

The Road Traffic Act 1988 states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence.

The Misuse of Drugs Act 1971 covers nearly all drugs with misuse and / or dependence liability. The Act makes the production, supply and possession of these controlled drugs unlawful except in certain specified circumstances (*e.g., they have been prescribed by a doctor*).

It is possible that, in certain circumstances, criminal charges could be brought against the Council or an employee if there is found to be a breach of the above legislation. The Council will co-operate with any criminal investigation relating to the supply or misuse of drugs or other substance-related criminal activity.

Any employee who receives a drug or alcohol-related criminal conviction during the course of their employment is expected to inform their Line Manager immediately. Failure to do so could damage the reputation of the Council and may result in disciplinary action for the employee involved.

Tendring District Council – Rules on Alcohol

Employees must not present themselves for work if they are under the influence of alcohol with a blood alcohol level in excess of the relevant legal drink drive limit.

1. Employees must also not present themselves for work if they have a reasonable belief that their judgement, behaviour, or ability to carry out their job would be affected.
2. If the employee needs to drive or operate machinery for work reasons, they must not carry out that work unless they are under the relevant legal drink drive limit.
3. Employees must not consume alcoholic beverages on Council premises or during their working time, including in any vehicle being used for Council business, or if they are working at home or remotely.
4. Employees must not be seen with unsealed alcoholic beverages on Council

premises.

5. Employees are not allowed to consume alcohol at any time wearing a Tendring District Council uniform, name badge, or any form of Council identification. This includes during break times and outside of working hours.
6. Alcoholic beverages may be supplied on Council premises for special occasions for consumption outside the normal course of employment, with the express consent of a member of Management Team or an Assistant Director. On such occasions, employees are expected to behave responsibly. Managers are also reminded that some employees will not consume alcohol on religious grounds and Managers must ensure that any consumption of alcohol outside of the normal course of employment does not cause offence to their employees.
7. Subject to compliance with other rules, employees may consume alcohol outside Council premises and working hours for Council-related activities, e.g., residential conferences and social events. However, employees are expected to consume alcohol in moderation and behave respectfully and appropriately at all times.

Contravention of any of the above may lead to disciplinary action, which could amount to gross misconduct and lead to summary dismissal.

Tendring District Council - Rules on Illegal and Prescribed Drugs

1. Employees must not present themselves for work if they are under the influence of illegal drugs.
2. Employees must also not present themselves for work if they have a reasonable belief that their judgement, behaviour, or ability to carry out their job would be affected.
3. Employees must not drive or operate machinery for work reasons if they are unfit to do so because they are on legal or illegal drugs or if they have certain levels of illegal drugs in their blood.
4. Employees must not consume or be in possession of illegal drugs on Council premises or during their working time, including in any vehicle being used for Council business, or if they are working at home or remotely.
5. If an employee has been prescribed medication that may affect their ability to do their job safely and efficiently or has a medical condition that may replicate the signs of drug or alcohol intoxication, they must talk to their manager about this as soon as possible and before they start work.
6. Employees must not be involved in the sale or distribution of illegal drugs during the course of their employment, either on or off Council premises.

Contravention of any of the above may lead to disciplinary action, which could amount to gross misconduct and lead to summary dismissal.

Employees who are found in possession of illegal drugs while at work, or a work-related event or activity, may be reported to the police.

Employees should also ensure they adhere to the rules outlined in the Council's No Smoking Policy, which refers to smoking cigarettes, vaping and smoking illegal drugs.

Responsibilities

Managers should seek to:

- Encourage safe and sensible drinking habits;
- Be aware of and identify any aspects of the work situation that could contribute to alcohol or drug misuse and take action to change them;
- Be familiar with the relevant guidance, Policies and Procedures;
- Ensure that staff are fully conversant with both disciplinary rules and the Policy on Alcohol and Drug Misuse and therefore understand what is expected of them;
- Be aware of the effects of alcohol and drug misuse and be alert to and monitor changes in work performance and attendance, sickness and accident patterns;
- Intervene early when there are signs of problems;
- Adopt a non-judgmental approach and use sensitive interviewing skills to ascertain whether alcohol is the underlying cause of work problems;
- Refer staff for assistance as appropriate;
- Ensure that discussions between an employee remain confidential and agree beforehand who they can share the information with, unless required to do so under law or in cases of a serious health, safety and welfare concern;
- Contact the Human Resources Team for further advice and guidance.

Employees are:

- Encouraged to talk to their Line Manager, another Manager they feel comfortable talking to, if they have a problem with alcohol or drug misuse or dependency, before it becomes an issue at work;
- Encouraged to seek help from external professionals and organisations, including their GP and the Council's Employee Assistance Programme;
- Read the employee guidance and become familiar with the Policy and Procedures;
- Be prepared to follow any advice, guidance and support offered by the Council;
- Employees should consider the reputation of the Council and how their individual actions could be perceived;
- To inform their Line Manager if they are under investigation by the police or

have received a police caution or conviction that may impact their role, such as receiving a driving ban while they are required to drive on council business.

Supporting an employee who may have a problem with alcohol or illegal drugs

Where a Manager suspects that an employee may have a problem with alcohol or illegal drugs, they must carry out a confidential interview with the employee to discuss the problem and agree on the options available for help. Further support for managers can be found in the Manager's Guidance.

Individual employees may approach their Manager or Human Resources of their own accord to discuss an alcohol or illegal drug problem. Managers should welcome such an approach and indicate to the employee that such discussions will be conducted with the strictest confidence.

The Council recognises alcohol and drug misuse or dependency as primarily a health-related and social problem requiring specialist counselling and/or treatment.

The Council is committed to reasonably accommodate and support any employee who wishes to voluntarily enter and actively participate in an alcohol or drug rehabilitation programme. However, it is the employee's responsibility to speak to their Manager to seek assistance before alcohol or drug problems lead to a breach of the Council rules, and possible disciplinary action.

Every effort will be made to ensure that employees undergoing counselling or treatment are retained in their original jobs until their performance and attendance records return to, or remain at, an acceptable level. If this is not possible, every effort should be made to find the employee alternative employment within the Council.

Managers will work with and seek advice from the Human Resources Team to ensure that the employee is appropriately supported. At any stage, employees can contact a member of the Human Resources Team, who will be able to offer referrals to Occupational Health, the Employee Assistance Programme (EAP) and other external organisations for further counselling or treatment.

Absence from work for counselling and treatment should be recorded as sick leave.

Procedure to follow where there has been a breach of this policy

If there are reasonable grounds to think an employee has consumed or is under the influence of alcohol or drugs while they are at work, their Manager (*or another appropriate Manager*) will speak to them about their concerns. If they think that the employee is not in an appropriate condition to work, the employee will be sent home.

Where appropriate, after consultation with the Head of People / HR Manager, the employee may subsequently be suspended from work and invited to a meeting.

When considering if the employee is under the influence of drugs or alcohol to a level

that may affect performance or cause a potential safety risk, the Manager does not need to rely on evidence of drug or alcohol consumption or misbehaviour. Instead, the Manager would consider if, in their reasonable belief, there is an obvious impairment of the employee's physical or mental ability, including slurred speech, difficulty maintaining balance, or other relevant changes in behaviour. Further examples of potential drug or alcohol misuse can be found in the Manager's Guidance.

Where there has been a breach of this policy or there is an incident related to alcohol or drug misuse, it may be considered a disciplinary offence. Managers should seek guidance from the Human Resources Team in deciding if this is the case and how to proceed.

Once a breach of this policy occurs, the employee may wish to voluntarily enter and actively participate in an alcohol or drug rehabilitation program. The Council may take this into consideration before taking disciplinary action, although it will depend on the seriousness and circumstances of the breach.

Confidentiality

Details of alcohol or drug misuse problems experienced by employees will be retained in strictest confidence, subject to requirements under law, or in cases of a serious health, safety and welfare concern.

This policy does not form part of an employees' terms and conditions of employment, and may be subject to change in line with the Council's constitutional and local trade union consultation arrangements.

Useful Support and Sources of Information

Council's Employee Assistance Programme – Health Assured

Free, confidential 24 hour helpline to support employees through any of life's issues or problems

Telephone number – 0800028 0199

Substance Dependence Support

Live Well

Live Well is an Essex-wide collaboration of Local Authorities and partners to provide advice on local and national support for alcohol and drug issues.

www.livewellcampaign.co.uk/livewell-articles/alcohol-and-drugs-support/

We Are With You

We Are With You is a charity offering confidential support to people who have issues with drugs, alcohol, or mental health.

Also providing support and advice to anyone who's worried about someone else's drinking or drug use

www.wearewithyou.org.uk

NHS Choices Website

www.nhs.uk/conditions/Alcohol-misuse

www.nhs.uk/Livewell/drugs

Alcohol Dependence Support

Drinkline

Drinkline runs a free, confidential helpline for people who are concerned about their own drinking or someone else's.

Helpline: 0300 123 1110

Weekdays 9am to 9pm

Weekends 11am to 4pm

Drinkaware

Drinkaware works to reduce alcohol misuse and harm in the UK.

www.drinkaware.co.uk/

Alcoholics Anonymous

AA is an organisation of men and women who share their experiences with each other, hoping to solve their problems and help others to recover from alcoholism.

www.alcoholics-anonymous.org.uk

0800 9177 650

help@aamail.org

Al-Anon

Al-Anon provides support to anyone whose life is, or has been, affected by someone else's drinking, regardless of whether that person is still drinking or not.

www.al-anonuk.org.uk

Drug Dependence Support

Frank

Talk to Frank is a national anti-drug advisory service. It is intended to reduce the use of both legal and illegal drugs by providing information about the potential effects of drugs.

www.talktofrank.com

0300 123 6600

Text 82111

frank@talktofrank.com

Action on Addiction

Action on Addiction is a charity working across treatment, research and education for families and addicts.

www.actiononaddiction.org.uk

Narcotics Anonymous

NA is a non-profit fellowship of recovering addicts who meet regularly to help each other stay clean. Membership is open to anyone with a drug problem seeking help, regardless of what drug or combination of drugs have been used and irrespective of age, sex, religion, race, creed or class.

www.ukna.org

0300 999 1212

helpline@ukna.org

HUMAN RESOURCES & COUNCIL TAX COMMITTEE 12 October 2023

JOINT REPORT OF THE ASSISTANT DIRECTOR OF PARTNERSHIPS AND ASSISTANT DIRECTOR OF FINANCE AND IT

A.3 - UPDATE TO THE THREATS AND VIOLENCE AT WORK POLICY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update the Human Resources & Council Tax Committee on the review of the Council's Threats and Violence at Work Policy in line with identified best practice and updated legislation.

EXECUTIVE SUMMARY

The Council undertakes a number of statutory duties that bring employees into contact with members of the public. At times, employees are at risk of conflict with the public due to the nature of their responsibilities. The Council is committed to taking positive action to reduce the risk to its employees from acts of or potential violence and verbal abuse.

The Council has recently invested in updated Conflict Resolution Training for front-line staff, with the intention of giving staff the skills and knowledge to deal with conflict in the workplace in a more confident way.

Additional training is planned for later this year; however, the feedback received so far has been very constructive and staff have indicated that they feel more positive when dealing with these difficult situations, should they occur.

Furthermore, in response to feedback from the staff who have undertaken training and a working party of employee and union representatives, the policy has been updated.

The revised policy also incorporates the standards outlined in the newly developed '*Unison - Violence at Work Charter*', including reference to the following: -

- Staff are encouraged to report all violent incidents and they are told how to do this.
- Thorough risk assessments are conducted for staff placed in vulnerable situations.
- The employer has support pathways in place for staff who are victims of violence at work, so that they know where to turn for advice and support.
- Training is in place to ensure staff are aware of the appropriate way to deal with threatening situations.

This policy relates to the following: -

- Employees of Tendring District Council.
- Employees of contractors working for the Council, for example, agency staff.
- Voluntary workers working within the council.

This policy update is part of a suite of support available to frontline employees and will be subject to regular review in line with legislative changes and best practice.

RECOMMENDATION(S)

It is recommended that the Human Resources & Council Tax Committee:

- a) Approves and adopts the Council's updated Threats and Violence at Work Policy.
- b) Notes the delegation afforded to the Assistant Director of Partnerships to make any future minor amendments to this policy necessary as a result of legislation, national guidance or best practice.

REASON(S) FOR THE RECOMMENDATION(S)

The Threats and Violence at Work Policy is considered a key people policy for the authority; therefore, it is deemed appropriate that the Human Resources and CTAX Committee approve the updated policy and its adoption.

ALTERNATIVE OPTIONS CONSIDERED

There is no alternative option to consider than to adopt the updated policy. The updates incorporated within recognise identified best practice and the authority's statutory obligations in terms of the Health & Safety of its employees.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Positive people-related practices, including supporting employees with dealing with incidents of violence or threats at work, will ensure that high standards of conduct and commitment to service are observed by officers, thus contributing to the Corporate Plan 2020/24 priority requirements of '*strong finances and governance*' and '*delivering high quality services*'.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

This document supports the Council's Health and Safety requirements dictated under the Health and Safety at Work Act (HSAWA) 1974, which is to ensure staff are able to work in an environment where they feel safe and without the risk of threat or abuse.

This HSAWA also covers the Council's legal requirement to ensure all staff have the required training to enable them to carry out their role in an effective and competent manner. This act remains the foundation for protecting the wellbeing of people in the workplace.

As it is considered that the changes made to the Violence at Work Policy go beyond the delegated authority that the AD for Partnerships has to make minor amendments to Human Resources Policies and Procedures necessary as a result of legislation, national guidance, or best practice, it is considered appropriate that the Human Resources and CTAX Committee approve these changes and the adoption of the updated policy in line with Part 3 of the Council's Constitution.

FINANCE AND OTHER RESOURCE IMPLICATIONS

No specific risks have been identified. This is a policy review and update that is needed to ensure best practice and continued legal compliance.

The budget provision for officer training has been considered as part of the relevant decision-

making process for the procurement of this training.	
USE OF RESOURCES AND VALUE FOR MONEY	
The following are submitted in respect of the indicated use of resources and value for money indicators:	
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Threat and Violence at Work Policy details the Council's responsibilities relating to its employees under the Health and Safety at Work Act 1974.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks.	The updated Threats and Violence at Work Policy supports the Council's requirements under the Health and Safety at Work Act 1974. There would be a risk to the Council if these requirements were not met. The Health and Safety Executive (HSE) could impose a fine if the Council is deemed not to be fulfilling its obligations in relation to this Act.
C) Improving economy, efficiency, and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	As a major employer in the district, the Council must ensure that it continues to contribute to building a more prosperous local community by modelling good employment practices.
MILESTONES AND DELIVERY	
<ul style="list-style-type: none"> a) Agreement by Management Team 26 September 2023 b) Human Resources & Council Tax Committee 12 October 2023 c) Officer Decision 16 October 2023 d) Publication to TDC intranet 16 October 2023 	
ASSOCIATED RISKS AND MITIGATION	
The updated Threats and Violence at Work Policy supports the Council's legal responsibilities as an employer in relation to the Health and Safety at Work Act 1974.	
OUTCOME OF CONSULTATION AND ENGAGEMENT	
<p>Full consultation has taken place with the local Unison Branch Executive, and they are fully supportive of the adoption of the updated Threats and Violence at Work Policy (<i>in line with best practice</i>).</p> <p>Furthermore, an officer working party, which included representation from the Union, has contributed to the review of this policy.</p>	
EQUALITIES	
<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p> <p>In line with the Public Sector Equality Duty, public bodies such as the Council must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, and victimisation to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.</p> <p>The Council is committed to being an inclusive employer and a 'Disability Confident Leader', in all its People policies and practices.</p>	

Having undertaken an Equality Impact Assessment on the updated Threats and Violence at Work Policy, the conclusion is that the proposal does not impact the protected characteristics.

SOCIAL VALUE CONSIDERATIONS

The Council aims to lead by example as a major local employer. This includes following recognised best practice and ensuring full compliance with legislation.

Examples of this include being a Disability Confident Leader and an Employer Recognition Scheme Gold Award holder; both commit the authority to being an advocate in these areas.

The Council is also an Anchor organisation. Anchor organisations are usually large organisations that are local and have the leverage to maximise social value through their role as workplace developers, employers and procurers, their core business (*for example, health and education*), and the linkages they have to the place they operate.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

This report has no direct implication on the Council's aspiration to be net zero by 2030.

OTHER RELEVANT IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	Not applicable
Health Inequalities	Not applicable
Area or Ward affected	Not applicable

ANY OTHER RELEVANT INFORMATION

None

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Council's Violence at Work Policy has undergone a comprehensive review to recognise identified best practice, including the standards outlined in Unison's 'Violence at Work Charter'.

The updates include additional content relating to the use of lone worker devices, the principles outlined in the Council's Lone Working Policy, and the possible negative impact of social media in terms of threats to staff.

The title of the document now includes the word 'Threat' to make it clear to employees that they will be supported in all instances where it is perceived there has been an incident of violence or the possible threat of violence.

This document supports the Council's Health and Safety requirements dictated under the Health and Safety at Work Act (HSAWA) 1974, which is to ensure staff are able to work in an environment where they feel safe and without the risk of threat or abuse.

This HSAWA also covers the Council's legal requirement to ensure staff have the required training to enable them to carry out their role in an effective and competent manner. This act remains the foundation for protecting the wellbeing of people in the workplace. Employers have a responsibility to all staff, in any job role.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

The Violence at Work Policy was last formally adopted in August 2012.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

There are no background papers or published reference material associated with this report.

APPENDICES

Appendix A – Threats and Violence at Work Policy.

REPORT CONTACT OFFICER(S)

Name

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Formally the Assurance and Resilience Manager (*currently seconded to the Careline and Community Manager role*)

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THREATS AND VIOLENCE AT WORK POLICY

**Issued by – Human Resources and
The Health and Safety Team**

Updated – September 2023

Threats and Violence at Work Policy

Contents

1.0 Introduction.....	3
2.0 Definitions.....	3
2.1 Violence at Work.....	3
2.2 Scope of the Policy.....	4
3.0 Policy Statement	4
4.0 Responsibilities.....	4
4.1 The Council	4
4.2 Managers.....	4
4.3 Employees.....	5
5.0 Risk Assessment.....	6
6.0 Training.....	6
7.0 Incident Reporting.....	6
8.0 Violent Persons Database.....	7
9.0 Violence to Staff	7
9.1 Actions Possible.....	8
9.2 Decision on Action to be Taken Following an Incident	8
10.0 Lone Working	8
11.0 Support After an Incident	9
12.0 Longer Term Support.....	10

1.0 Introduction

The Council undertakes a number of statutory duties that bring employees into contact with members of the public. At times, employees are at risk of conflict with the public due to the nature of their responsibilities. The Council is committed to taking positive action to reduce the risk to its employees from acts of or potential violence and verbal abuse.

This Policy and associated Guidance have been produced in conjunction with a working party of employee and union representatives.

TDC is committed to following the standards detailed in the Union - Violence at Work Charter.

2.0 Definitions

2.1 Violence at Work

Violence at work is any incident, **perceived by the victim**, in which a person is abused, threatened, or assaulted in circumstances relating to their work and **which is deemed to be deliberately harmful, either psychologically or physically.**

Physical and verbal abuse is taken very seriously. The Council acknowledges the stress and anxiety that both verbal and physical abuse cause and takes incidences of this nature very seriously.

The Council considers the following behaviour towards employees unacceptable:

- Verbal abuse or threats to themselves **or any member of their family.**
- Verbal or physical harassment including, racial or sexual harassment and bullying, or threats **based on their age, sexual orientation, religious or non-religious beliefs, or disability.**
- Verbal or physical abuse to employees arising from their Council employment, at any time, including outside working hours.
- Threatening letters, electronic mail, or other communications from members of the public.
- Attacks on or damage to employees' property arising from or in connection with employees carrying out their duties; or
- **Abuse or threats on any form of social media.**
- **Intimidating behaviour such as banging a desk, shouting, swearing, spitting, kicking the furniture, or punching walls.**
- **Any unwanted physical contact.**

- Any other action that is intended to create physical or psychological harm.

2.2 Scope of the Policy

Throughout this document, reference is made to “the employee”. This is taken to include all persons who are employed by the Council, **apprentices, volunteers, or contractors, or in** any other capacity, as well as Members of the Council whilst engaged in or involved in connection with issues relating to Council business.

3.0 Policy Statement

The Council acknowledges the risk of violence or aggression towards employees in the course of employment and affirms that such violence, aggression, or verbal abuse is totally unacceptable. The Council will ensure that employees are provided with full support and positive action when employees are subjected to violence, aggression or threats of such.

4.0 Responsibilities

4.1 The Council

The Council has a duty to ensure employees' Health and Safety, so far as is reasonably practicable, and this includes protecting employees from the risks of violence.

Specifically, the Council has the following responsibilities:

- To actively pursue the policy statement in respect of violence at work.
- To prevent violence so far as is reasonably practicable.
- To deal appropriately and effectively with acts of violence.
- To provide full support and aftercare.
- To train all employees, **volunteers**, and their managers.

4.2 Managers

Managers are responsible for ensuring the risk of violence has been assessed and that any suitable control measures are implemented. The central role of Managers is vitally important in dealing with violent incidents in the workplace, and consequently all Managers will receive appropriate training.

Specifically, Managers have the following responsibilities:

- To ensure that risk assessments with respect to each post within their department are undertaken and reviewed on a regular basis (*yearly or sooner if necessary*).
- To ensure that all necessary steps are taken following the risk assessment to protect members of staff from being exposed to the effects of violence.
- *To consider if staff are lone workers and if there is a need to use a lone worker device, 'Peoplesafe', or similar type of device.*
- To ensure that when a member of their staff has been exposed to a violent incident, proper support and aftercare is provided.
- To ensure that each member of staff is trained and equipped to deal with violent incidents proportionate to the level of assessed exposure.
- To ensure that full support is available to each member of staff who experiences violence during the course of their work so as to enable their recovery from any aftereffects.

4.3 Employees

Employees also have an important role in minimising the effects of violence and to ensure that this role is maximised, employees have the following responsibilities:

- To protect their own health and safety by following this policy, guidance and any appropriate training available.
- To reduce the risk of provoking violence through good customer care and sensitivity to customer needs.
- To share information on violent people with colleagues through the Violent Persons Database via *the Corporate Health and Safety Team*.
- To co-operate with all arrangements for personal protection when engaged in lone working.
- *To consider the use of lone working devices ('Peoplesafe') or similar devices.*
- To report to their Manager any violence or potential violence/abuse and *complete a Violent Persons Report Form on TDC intranet*.
- To support colleagues who have been affected by violence.
- To seek support from their Manager if they feel vulnerable at any time.

- To avoid or leave situations where the risk of violence **appears** to be high.

5.0 Risk Assessment

In accordance with the Health and Safety at Work Regulations 1992 (*as amended*), Line Managers should create risk assessments and share them with all staff members so that they have the chance to comment on the assessment's content and are aware of the risks related to their job roles. When the risk of such acts against the individual has been identified, appropriate action will be taken to eliminate and/or reduce the risks of deliberate acts of violence/verbal abuse to employees, so far as is reasonably practicable.

6.0 Training

Relevant training will be provided for employees on a regular basis who are identified by a risk assessment as being in a potential risk situation. Such training will address:

- Managing effective relationships.
- **Understanding fear and aggression and how to deal with it effectively.**
- How to recognise, avoid and defuse potentially violent situations.
- **What to do if threatened, physically or verbally attacked.**
- What support is available if threatened or attacked and how to obtain it.

7.0 Incident Reporting

It is important to have detailed records of all incidents of violence towards staff, and this should include near misses, to avoid any future incidents. It is essential for all incidents to be reported so knowledge of previous incidents can be used to eliminate significant risks as well as to protect and guard against future incidents.

Where employees are victims of an act of **physical or verbal abuse**, the incident must be reported to the Corporate Health and Safety Team, who will then report to the Health and Safety Executive if required by using the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) **2013**. This action will be required in the following instances:

- If a person dies as a result of an incident **while carrying out their duties.**
- If the person suffers a major injury as defined by RIDDOR95.
- **Absence from work for more than 3 consecutive days relating to the incident. Staff must complete an incident report form in the first**

instance. This may result in further investigation by the Council's Corporate Health and Safety Team, if appropriate. Staff must complete an incident report form if they receive it.

- Face to face verbal abuse and threats.
- Threatening behavior.
- Threatening or persistent nuisance phone calls.
- Physical assaults.
- Experience any other event that may be identified as violence under Section 2.1 above.

Managers will be able to provide a copy of the required form. This will be scanned/forwarded to the Corporate Health and Safety Team using healthandsafety@tendringdc.gov.uk who will consider the appropriate action to be taken.

8.0 Violent Persons Database

The Violent Persons Database is a list of people whose past behaviour suggests that they have a potential for violence. For instance, they have been violent or threatened violence.

Information on the aggressor involved in the incident will be included in the database, which will be circulated to all employees who are authorised to have access to the database.

The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR) and applies to the register, so the information on it must be factual and relevant. Proof is therefore required in the form of an Incident Report Form. The information must be available ONLY to people who need to know, for Health and Safety reasons. This is based on the principles set out in Section 2 of this policy. The register must be kept up to date **at all times**.

To add information to the database, **staff should** complete the referral form on the Council's intranet and **send the completed document to** the Corporate Health and Safety Team.

9.0 Violence to Staff

If an act of violence or abuse is perpetrated against any **member of staff, volunteer, or apprentice**, a Manager will be able to advise on the support available and determine whether further action should be taken against the perpetrator. The provision of legal advice and representation following an incident will be considered and if necessary, the police will be notified.

Any legal action taken against a perpetrator of violence must be taken by the individual employee. However, this does not preclude the Solicitor to the

Council acting for the employee in legal proceedings should the case warrant this course of action.

9.1 Actions Possible

It is not always appropriate to take formal proceedings in relation to physical or psychological violence towards staff and other more effective remedies are available. These include:

- Applying for a court injunction.
- Prosecution of the assailant.
- Advising and accompanying the employee throughout a private prosecution.
- Provision of legal support to act on the employee's behalf.
- Any other appropriate action.

9.2 Decision on Action to be Taken Following an Incident

Following the collection of evidence by an individual's Manager regarding the incident, as well as the wishes of the employee, the most effective course of action will be determined by a panel consisting of a member of Human Resources, a Solicitor and a Manager from the department concerned.

The employee and their representative will be kept informed of proceedings at all times by the panel. All such action will be taken only in agreement with the employee concerned.

The course of action will then be progressed by the employee's Manager.

10.0 Lone Working

Employees often feel vulnerable when working alone, particularly if visits must be made to a location where they may feel more at risk of being physically or verbally abused. Where information is known of an address where people are at a higher risk of being involved in an altercation, the officer should be accompanied by another officer or Manager.

e.g., those on the 'High-Risk' Register. An employee must always be accompanied if visiting an address/person detailed on the 'High-Risk' database. All lone working policies must include provisions to ensure the safety of employees:

- Visiting during working hours.
- Working out of hours visits.

- Working in reception areas and interview rooms with public access.
- Meeting with people who are known or suspected to be violent.
- Visits made outside of the district.

Managers must consider the need for staff to use a Lone Worker Device and the reasons recorded in the risk assessment allocated to this task.

Due to the varying nature of the work undertaken by the different Departments within the Council, each Department must devise its own Lone Working Procedure consistent with the policy. However, the points listed above must be covered in all such policies.

Please refer to the Council's Lone Worker Policy for further guidance.

11.0 Support After an Incident

If an employee is assaulted or threatened during their work, they should report the incident to their Manager immediately and complete an Incident Report Form and forward it to the Council's Corporate Health and Safety Team. They will be offered the following assistance:

- Medical help – if required, officers should take themselves to hospital or call for an ambulance and have someone accompany them. Staff must not take a colleague in their own vehicle under any circumstances. If an officer has been physically assaulted but does not need immediate medical assistance, they should make an appointment to see their doctor so that they can take any necessary action. This could be important evidence if legal action is taken against the aggressor. This action may also form part of any RIDDOR completed by the Health and Safety Team. The amount of time off work would need to be recorded.
- Support and Understanding - The employee will receive support and understanding. Managers will need to clarify the facts surrounding the incident and it could help them to talk to the employee about the incident. If employees would rather speak to a member of Human Resources, this can be arranged. Alternatively, the employee can visit an external one-to-one counsellor, which Human Resources will organise on their behalf.
- Police - Any physical assault or serious threat must be reported to the police.
- CCTV – Where possible, copies of any CCTV records should be retained as soon as possible after the event.

- **Contact** - Someone will contact the employee's next of kin/partner or a friend on their behalf – if the employee wishes this.
- **Administration** - The necessary paperwork will be completed.
- **Respite** – The employee will be entitled to time off to recover **if this is considered appropriate**.

12.0 Longer Term Support

The impact of a violent incident may not affect the employee immediately, and the proceedings following an incident can be traumatic. **Managers should provide support** to the employee at any time, for instance, by:

- Providing and funding longer term one-to-one counselling **and/or other** mental health support.
- Giving paid time off during working hours to attend doctors, hospital appointments, police interviews, seek legal advice, or go to court relating to the incident.
- Offering the opportunity to have a work colleague, Manager, member of Human Resources or Health and Safety Personnel accompany the employee to court or to **attend** an interview.
- **Provide support for making formal statements needed for any court case associated with the incident.**
- Keeping the employee informed of the action being taken by the police or the Council following the incident.

This policy does not form part of an employees' terms and conditions of employment, and may be subject to change in line with the Council's constitutional and local trade union consultation arrangements.

By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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