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Tuesday, 29 May 2007

## **S U M M O N S**

**MEETING:** Personnel Sub Board  
**DATE:** 6 June 2007  
**TIME:** 6.00pm  
**PLACE:** Committee Room 1, Town Hall, Gosport  
**Democratic Services contact:** Catherine McDonald



BOROUGH SOLICITOR

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## **MEMBERS OF THE BOARD**

Councillor Carter	Councillor Hook
Councillor Chegwyn	Councillor Smith
Councillor Clinton	Councillor Wright

The Mayor (Councillor Gill) (ex officio)  
Chairman of Policy and Organisation Board (Councillor Cully) (ex-officio)

## **FIRE PRECAUTIONS**

(To be read from the Chair if members of the public are present)

**In the event of the fire alarm (continuous ringing) or bomb alert (intermittent ringing) sounding, please leave the room immediately.**

**Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.**

**Legal & Democratic Support Unit:** Linda Edwards – Borough Solicitor  
Switchboard Telephone Number: **(023) 9258 4242**

Britdoc Number: **DX136567 Gosport 2** Website: **www.gosport.gov.uk**

**IMPORTANT NOTICE:**

- **The Summons, Agenda and accompanying Reports can be provided in large print, on tape, in Braille or in other languages on request**
- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

**NOTE:** Members are requested to note that if any member wishes to speak at the Board meeting then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.

AGENDA

**PART A ITEMS**

1. APOLOGIES FOR NON-ATTENDANCE
2. ELECTION OF CHAIRMAN FOR THE MUNICIPAL YEAR 2007-2008
3. ELECTION OF VICE CHAIRMAN FOR THE MUNICIPAL YEAR 2007-2008
4. DECLARATIONS OF INTEREST  
*All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.*
5. MINUTES  
*To confirm the Minutes of the Sub Board meeting held on 21 March 2007 (copy attached)*
6. DEPUTATIONS – STANDING ORDER 3.5  
  
*(NOTE: The Sub Board is required to receive a deputation(s) on a matter which is before the meeting of the Sub Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Monday 4 June 2007. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*
7. PUBLIC QUESTIONS – STANDING ORDER 3.6  
  
*(NOTE: The Sub Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Sub Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Monday 4 June 2007).*
8. EQUAL OPPORTUNITIES IN EMPLOYMENT  
*To advise the Sub-Board of the necessity to update the Council's Equal Opportunities Policies, including the production of a separate policy covering Bullying and Harassment.*
9. REDUNDANCY POLICY  
*To advise the Sub-Board of the necessity to update the Council's Redundancy Policy in view of the change in redundancy payment calculations and legislation relating to discrimination.*

PART II  
Contact Officer:  
Kathy Inch  
Ext 5224

PART II  
Contact Officer:  
Kathy Inch  
Ext 5224

Personnel Sub Board  
6 June 2007

10. SMOKE-FREE POLICY

*To advise the Sub-Board of the necessity to update the Council's Smoking Policy in view of the change in legislation.*

PART II  
Contact Officer:  
Kathy Inch  
Ext 5224

11. CHRISTMAS CLOSURE

*To advise the Sub-Board of a request received from UNISON that the Town Hall should close to the public on Monday, 24<sup>th</sup> December 2007.*

PART II  
Contact Officer:  
Ian Lycett  
Ext 5201

12. ANY OTHER ITEMS

*-which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.*

13. EXCLUSION OF PUBLIC

To consider the following motion:

That in relation to the following item the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information within Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the report.

**PART B ITEM**  
**FOLLOWING THE EXCLUSION OF THE PRESS AND PUBLIC**

Item No.	Item	Paragraph no. of Part I of Schedule 12A of the Act	
14.	<b>EARLY RETIREMENT</b>  <i>To seek approval for a request for early retirement.</i>	Paragraphs 1 and 3 <b>Reason:</b> The report contains personal and financial information which is not considered appropriate to be released to the public.	Part II Linda Edwards Borough Solicitor Ext 5401

## AGENDA ITEM NO. 8

<b>Board/Committee:</b>	Personnel Sub-Board
<b>Date of Meeting:</b>	6 <sup>th</sup> June 2007
<b>Title:</b>	Equal Opportunities in Employment
<b>Author:</b>	Head of Personnel
<b>Status:</b>	FOR APPROVAL

### **Purpose**

To advise the Committee of the necessity to update the Council's Equal Opportunities Policies, including the production of a separate policy covering Bullying and Harassment.

### **Recommendation**

That the Sub-Board approve the adoption with immediate effect of the revised Equality and Diversity in Employment Policy, and the Bullying and Harassment Policy.

### **1 Background**

- 1.1 The Council adopted an Equal Opportunities Policy many years ago, and this is reviewed and updated from time to time to ensure compliance with legislation.
- 1.2 The policy has been reviewed, with changes made to reflect current legislation and best practice (Appendix A).
- 1.3 Recent case law resulting from the Protection from Harassment Act 1997 has highlighted the advisability of having a separate policy to cover this important area (Appendix B).

### **2 Report**

- 2.1 The changes made to the Equal Opportunities Policy are mainly the inclusion of additional legislation, updating definitions using current guidance, and more clearly identifying the procedure to be followed where there is a problem or complaint.
- 2.2 The Bullying and Harassment Policy is intended to clarify the meanings of the words, thus identifying unacceptable behaviour, and confirm the procedure to be used should there be instances of bullying or harassment.

- 2.3 The reports were considered by the Local Joint Staff Committee at their meeting on 23<sup>rd</sup> May 2007, and recommended to the Sub-Board for adoption.

### **3 Risk Assessment**

- 3.1 The updating of the Council's equality in employment policy ensures that procedures are compliant with current legislation, thus reducing the risk of unlawful discrimination.
- 3.2 The production of a separate bullying and harassment policy raises awareness of these issues, and that they are unacceptable, thus reducing the risk of such behaviour occurring.

### **4 Conclusion**

- 4.1 Changing Regulations require the updating of the Council's policies relating to equal opportunity and diversity in employment.
- 4.2 The revised policies are compliant with current legislation and best practice, and were recommended by the Local Joint Staff Committee meeting on 23<sup>rd</sup> May 2007 for adoption.

<b>Financial Services comments:</b>	None
<b>Legal Services comments:</b>	The proposed policies comply with the relevant legislation.
<b>Service Improvement Plan implications:</b>	
<b>Corporate Plan:</b>	Assists with "Performance" and "People" elements of Corporate Plan
<b>Risk Assessment:</b>	Paragraph 3
<b>Background papers:</b>	Relevant legislation and guidance
<b>Appendices/Enclosures:</b>	
Appendix A	Equality & Diversity in Employment Policy
Appendix B	Bullying and Harassment Policy
<b>Report author/Lead Officer:</b>	Kathy Inch

## GOSPORT BOROUGH COUNCIL

**EQUALITY AND DIVERSITY IN EMPLOYMENT****POLICY STATEMENT**

The Borough Council of Gosport confirms its commitment to equality of opportunity in all areas of its work and to the fair provision of its services to all sections of the community, in order to achieve its mission of working with the community to improve everyone's quality of life and deliver a sustainable future for the Borough. The Council's strategic priorities relating to people, places, prosperity and the pursuit of excellence, are underpinned by values of which equal opportunities forms an important element. The Council recognises the value of diversity in the population and in its workforce, and takes seriously its duty to promote equality.

All individuals will be treated in a fair and equal manner and in accordance with the law regardless of gender, marital status, race, religion/belief, skin colour, age, disability, sexual orientation, gender reassignment, culture, nationality, or ethnic origin, employment status, or union membership status. No requirement or condition will be imposed without justification which could disadvantage individuals purely on any of the above grounds.

The Council will not discriminate in any area of employment, or in the provision of its services to the public, and accepts its responsibilities to comply with all relevant legislation including the Sex Discrimination Acts 1975 and 1986, the Equal Pay Act 1970, the Race Relations Act 1976, the Disability Discrimination Act 1995, the Rehabilitation of Offenders Act 1975, the Employment Equality (Sexual Orientation) Regulations 2003 and Equality Act (Sexual Orientation) Regulations 2007, the Protection from Harassment Act 1997, the Employment Equality (Religion and Belief) Regulations 2003, the Sex Discrimination (Gender Reassignment) Regulations 1999, the Employment Equality (Age) Regulations 2006, the Equality Act 2006, and the Children Act 1989. The Council will not tolerate unacceptable attitudes, language or behaviour on issues of diversity, and has produced a Race Equality Scheme and Disability Equality Scheme, with a Gender Equality Scheme in the course of production. The Council's Equality Plan, Equality Schemes, Bullying and Harassment Policy and Policy on the Employment of Ex-Offenders should be read in conjunction with this document.

It is the responsibility of all officers of the Council to act in a fair and proper manner and in accordance with the Council's policies. Managers will ensure that the policy is properly applied. Responsibility for central co-ordination, advice and review of the policy lies with the Chief Executive.

All staff receive training in equal opportunities and diversity, which is also provided for Members of the Council, regular updates are issued, and the topic is covered during the induction of new staff. It is also a regular feature of Team meetings.

Anyone who feels that he or she has been subjected to unfair discrimination, bullying/harassment or victimisation should take the matter up with the Chief Executive, the Head of Personnel, or a Manager, as appropriate.

GOSPORT BOROUGH COUNCIL  
**EQUALITY AND DIVERSITY POLICY**  
**EMPLOYMENT**

**1. SUMMARY**

The Council is committed to equality of opportunity for all, to removing barriers to equal opportunity, and to ensuring that no unjustifiable requirements or conditions are imposed which could disadvantage particular groups. The Council fully recognises and accepts its responsibility to ensure that there is no discrimination on the grounds of a person's gender, marital status, race, culture, nationality, ethnic origin, religion/belief, skin colour, age, disability, sexual orientation, gender reassignment, union membership or employment status.

All individuals will be treated solely on their merits as employees or applicants for employment. The selection process for the recruitment of new staff will be clear and transparent. Procedures are adopted and training provided to avoid the possibility of bias or prejudice and consequent discrimination.

All areas of employment are covered by this policy, i.e. advertising, recruitment and selection, terms on which employment is offered, job allocation, promotion, secondment, training and development, discipline and grievance, and all aspects of day to day employment. Harassment or bullying of any employee will not be tolerated.

The Council is committed to the principle that mechanisms to determine both the pay and other terms and conditions of employment do not discriminate unlawfully, and recognises that decisions must be made on objective criteria. We will ensure that equal pay is given to employees carrying out like work or work seen as equivalent or work of equal value.

The Council encourages flexible work practices to allow a diversity of people into employment, and to help employees manage changing situations during their employment.

The Council will continue to keep its policies under review to ensure that employment, training, communication, and other policies do not disadvantage any particular group.

Every officer who manages or supervises staff has responsibility for applying this policy, and it is the responsibility of every employee to respect and act in accordance with it.

It is recognised that the co-operation and support of all staff is essential to the successful implementation of this policy. Consequently, the policies and practices are the subject of regular consultation with the recognised Trade Union(s).

**2. DEFINITIONS**

**DISCRIMINATION**

Discrimination can be direct or indirect. **Direct discrimination** occurs when a person treats another less favourably than he or she treats, or would treat, someone else, by reason of that person's gender, marital status, race, religion, skin colour, age, disability, sexual orientation, or trans-sexualism.



**Indirect discrimination** occurs where a provision, criterion or practice is applied, which cannot be justified as necessary for the job and is not a proportionate means of achieving a legitimate aim, which puts people of one group at a particular disadvantage compared with others. Indirect discrimination does not have to have been intentional to lead to an award of compensation.

There are various Acts and Regulations covering discrimination including the Sex Discrimination Acts 1975 and 1986, the Equal Pay Act 1970, the Race Relations Act 1976, the Disability Discrimination Act 1995, the Employment Equality Regulations (Age) 2006, which make it UNLAWFUL to discriminate on the grounds of gender, marital status, colour, race, nationality, ethnic or national origin, disability or gender reassignment, and age. This includes post-employment discrimination.

For example it is unlawful not to interview or appoint a man or woman solely because of gender, to sexually or racially harass a woman or man at work, to automatically refuse to consider applicants from a particular racial group or with a disability, or because of their age. It would be indirect discrimination, and therefore unlawful, to impose an unjustifiable requirement relating to qualifications (e.g. only obtainable in U.K.), or to unreasonably change a working pattern, without justification, which would mean that women (with childcare responsibilities) would be unable to meet it.

**Victimisation** is also unlawful, and occurs when a person suffers detriment as a result of pursuing equality issues. The Council will not tolerate victimisation on any grounds.

The Rehabilitation of Offenders Act 1974 provides that (with some exceptions) convictions are “spent” after a specified period of time, the time being dependent on the nature of the sentence imposed. “Spent” convictions need not be disclosed by applicants for employment, and must not be taken into account in employment decisions. (The (Exceptions) Order of 1975 and (Exceptions) (Amendment) Order of 1986 provides for certain categories of employment where disclosure of “spent” convictions is required. In such cases, the Council will require a Criminal Record Disclosure Certificate – this requirement will be made clear in relevant recruitment documentation) The Council has produced a Policy on the Employment of Ex-Offenders, which should be read in conjunction with this policy, and confirms that the holding of a criminal offence will not necessarily be a bar to employment – all circumstances will be taken into account in employment decisions.

## HARASSMENT AND BULLYING

**Harassment** occurs where a person is subjected to unwanted conduct that has the purpose or effect of either violating that person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It can take many forms and may be directed at an individual or group of individuals. It is not the intention of the perpetrator but the deed itself and the impact on the recipient which determines what constitutes harassment.

Sexual harassment is unwanted conduct of a sexual nature, or other conduct based on sex, affecting the dignity of women and men at work. It can include unwelcome physical, verbal or non-verbal conduct.

Harassment can also take place on other grounds, eg race, sexual orientation, religious convictions, disabilities, age. It can range from violence and bullying to ignoring someone, and can include physical contact, jokes, offensive language, gossip, display of posters, obscene gestures, non co-operation at work, coercion, pestering, spying.

Extreme forms of harassment, such as assault, constitute offences under criminal law. Other forms of harassment can contravene the Sex Discrimination, Race Relations and Disability Discrimination Acts.

**Bullying** is a sustained form of psychological abuse that aims to make victims feel demeaned and inadequate. It is defined as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. (If any physical contact is involved, this will be considered an assault.)

The Bullying and Harassment Policy, which should be read in conjunction with this policy, sets out in more detail the type of behaviour which constitutes bullying and/or harassment, and confirms the procedure which should be followed, which is detailed below.

### EQUAL PAY

Pay includes pensions, discretionary bonuses and sick pay, all other terms and conditions, and any additional benefits.

*Like work* is defined as work which is the same or broadly similar. *Work rated as equivalent* is defined as work which has achieved the same or a similar number of points under a job evaluation scheme. *Work of equal value* is defined as work which is of broadly equal value when compared under headings such as effort, skill and decisions.

The Council uses a Job Evaluation Scheme to determine the value of all jobs, and undertakes an equal pay audit every two years.

### **3. THE PROCEDURE: WHAT TO DO**

If you consider that discrimination has occurred, or that you have been victimised, bullied or harassed, it is important that prompt action is taken. You can determine whether you wish to deal with the matter initially informally or more formally. You are advised to retain a written log of all incidents including dates, times, witnesses, and retain any relevant reports, letters, e-mails.

(1) You can speak or write to the individual you feel has discriminated against you, bullied, harassed or victimised you. The primary aim is to ensure that the behaviour stops. It is therefore important to make it clear as soon as possible to the perpetrator that the behaviour is unwelcome and must stop immediately.

(2) If you do not want to do this, or feel that it would be difficult for you, you should report the matter to one of:

your Line Manager,  
your Section Head,  
your Service Unit Manager,  
the Head of Personnel or Personnel Officer,  
or your Trade Union representative,

who will take the matter up on your behalf. If the person you report to is not your Service Unit Manager, he/she will normally need to be involved at this stage. The Head of Personnel should also be advised. Confidentiality will be respected, only such persons as necessary having details of the matter, and you will be kept informed of action taken.

- (3) If the matter is resolved at this stage, a confidential note of the incident and the action taken will be retained in confidence for a period of two years by the Head of Personnel, who is responsible for monitoring equal opportunity issues in employment.
- (4) If the matter is not capable of being resolved informally, or if it remains unresolved due to non-acceptance of the allegation made or because the behaviour continues, then you should put your complaint in writing, detailing:

- The name of the person who is alleged to have carried out the discrimination
- What form of discrimination has occurred, when and where
- The names of any witnesses to incidents of discrimination
- The names of any others who have been treated in a similar way
- Any action already taken to counteract the discrimination

either through the Head of Personnel or your Union representative, requesting an interview with an independent Service Unit Manager (i.e. a Manager other than the Manager employing you or the person about whom you are complaining), at which you may be accompanied by a representative of your choice.

- (5) A separate interview should be arranged by the Service Unit Manager with the person against whom the allegations are made, who may be accompanied by a representative of his/her choice at that interview. A personnel representative may also be present.
- (6) The Service Unit Manager will be responsible for carrying out a thorough investigation as quickly as possible, as a result of which a decision may be made that either:
- \* the allegation(s) is/are unfounded
  - \* the matter has been satisfactorily resolved and no further action is necessary
  - \* the disciplinary procedure should be invoked and a formal meeting arranged.
- (7) If you remain dissatisfied with the decision, you may raise the matter under the Council's Grievance Procedure. In accordance with that procedure, if the matter is not resolved, it can ultimately be considered by a Panel of Members of the Council.

### Notes

If the allegation refers to a Service Unit Manager, the matter should be referred to the Chief Executive or a Director. A matter involving the Chief Executive should be referred to the Monitoring Officer.

If the matter involves an Elected Member, the Chief Executive should be advised. The Chief Executive will refer the matter to the Leader of the relevant political group, and will determine appropriate action. Separate procedures exist for issues involving Elected Members.

If the matter involves a member of the public or a visitor to the Town Hall, the relevant Service Unit Manager (or Chief Executive or Director) should take appropriate action.

If an employee decides not to take any action to deal with a problem and the circumstances described are serious, the Council reserves the right to investigate the situation in

accordance with its duty of care to ensure the safety of all employees who may be adversely affected by the behaviour.

Where a complaint is being investigated, it is recognised that it may be difficult for the employees concerned to continue to work in close proximity. If this is the case, the Council will consider all the circumstances and may consider, for example, a voluntary request from either party to transfer to another job, or transfer to another location, although a transfer cannot be guaranteed since this depends on the availability and suitability of any alternatives. Alternatively, or in addition, counselling or mediation will be arranged if appropriate.

Malicious complaints – Where a complaint is blatantly untrue and has been brought out of spite, or for some other unacceptable motive, the complainant will be subject to the Council's disciplinary procedure, as will any witnesses who have deliberately misled the investigating officer(s).

Grievance procedure – The appropriate stage of the procedure will depend on the level at which the matter was determined. For example, if it was determined at Service Unit Manager level, stage 5 of the Grievance procedure will apply.

#### **4. AWARENESS, MONITORING AND RESPONSIBILITY**

The Head of Personnel has overall responsibility for co-ordination of the policy, advice and review. The Chief Executive, Deputy Chief Executive, Service Unit Managers, Section Heads and Line Managers have responsibility for ensuring its adoption and implementation in their Units.

Procedures and documentation will be kept under constant review, with any changes being subject to consultation before adoption.

Advice on the policy is given to all new employees as part of their induction to the Council, and training is provided regularly for all staff, with updates being issued where there are changes in Regulation or guidance.

The process of recruitment and selection as well as subsequent retention will be monitored and reviewed to ensure compliance with this policy. This includes the drafting of job descriptions and person specifications, application forms, the wording and placing of advertisements, short-listing, interviewing and other selection arrangements, staff development scheme, terms and conditions of employment, training and development opportunities, promotion, redundancy provisions, discipline/grievance, and all aspects of employment.

Wherever possible, job share and flexible working patterns will be offered.

The committee responsible for agreeing employment policies is the Personnel Sub-Board.

#### **5. INFORMATION AND ADVICE**

If you would like further information about this policy or about equal opportunities generally, please contact a member of staff in the Personnel Section.

Other policies and documents which should be read in conjunction are:

## EO Policies

- Equality Plan
- Equality Schemes
- Bullying and Harassment Policy
- Code of Practice on Recruitment and Selection
- Policy on the Employment of Ex-Offenders

These documents are available on Infonet, or on request from staff in the Personnel Section.

## **EQUAL OPPORTUNITIES POLICY**

### **PROVISION OF SERVICES**

In accordance with its Mission, Priorities and Values, the Council is committed to equality of opportunity for all, to promoting equal opportunity and removing barriers. The Council fully recognises and accepts its responsibility to ensure that there is no discrimination on the grounds of a person's gender, marital status, race, nationality, ethnic origin, religion/belief, skin colour, age, disability, sexual orientation or gender reassignment. We value diversity in the population and in our workforce, and are committed to providing services fairly to all sections of the community.

All individuals will be treated fairly and equally, and all relevant legislation will be complied with, in the provision of our services, and in arrangements for access to facilities and information.

In pursuance of this policy, the Council will monitor the use of its services by means of consultation, checking, monitoring and maintaining records, and the use of questionnaires/surveys as appropriate. Where needs are identified, appropriate action will be taken.

The officer responsible for equality of opportunity in the provision of our services is the Chief Executive, and the committee responsible for agreeing policy actions in service provision is the Policy and Organisation Board.

The Council will ensure that

- All staff are trained to provide an appropriate and informed response to all service users without unlawful discrimination.
- Recruitment and selection methods are free from bias and applied fairly.
- Any complaints of discrimination are dealt with speedily and fairly.
- Confidentiality of information is maintained at all times.

The Council will also

- provide suitable interpreting or translation services where needed
- ensure that buildings are accessible to all wherever possible or that a suitable alternative is provided
- provide information in large print, in Braille, on tape or in another language where needed.

The Council uses a number of service suppliers (contractors, consultants and other suppliers). Where services are supplied on behalf of the Council, we ensure that suppliers who have direct contact with service users, staff, or the general public, act in a way that is consistent with the Equal Opportunities Policy and Equality Schemes. The process of selecting and procuring of suppliers is undertaken in a way that is fair and non discriminatory.

If you feel that you have been treated unfairly or suffered harassment because of your gender, marital status, race, nationality, ethnic origin, religion/belief, skin colour, age, disability, sexual orientation or trans-sexualism, you should report this without delay to the Chief Executive.

Any such complaints will be fully investigated as speedily as possible, and you will be kept advised of action taken.

If you are dissatisfied with any decision, you have the right to use the Council's formal Complaints Procedure, and to take the matter up with the appropriate external body.

## APPENDIX B

**GOSPORT BOROUGH COUNCIL**  
**BULLYING AND HARASSMENT POLICY**

**1. SUMMARY**

The Council is committed to providing a working environment that respects the rights of each individual - bullying and harassment are unacceptable and will not be tolerated. Everyone should be treated with dignity and respect at work.

The policy and procedure has been designed to inform employees about the type of behaviour that is unacceptable, and to provide employees who are the victims of harassment and bullying with a means of redress.

Implementing and upholding this policy is the duty of all our managers including line managers, but all employees have a responsibility to ensure that harassment has no place at work, including work-related activities and functions.

This policy should be read in conjunction with the Council's Equal Opportunities Policies.

**2. DEFINITIONS**

**Bullying** is a sustained form of psychological abuse that aims to make victims feel demeaned and inadequate. It is defined as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient (ACAS). It is behaviour which leads to loss of self-esteem for the victim and ultimately the self-questioning of their worth. If any physical contact is involved, this will be considered an assault.

**Harassment** occurs where, on grounds of race, ethnic or national origin or for a reason relating to a person's disability, sex, sexual orientation, religion/belief or age, a person is subjected to unwanted conduct that has the purpose (intention) or effect (unintentional) of either:  
violating that person's dignity, or  
creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Each person has the right to decide what behaviour is acceptable or unacceptable; if an individual finds certain behaviour unacceptable and they feel damaged by it, then that individual has the right to say so. It may be related to age, sex, marital status, race, nationality, ethnic origin, skin colour, disability, religious, political or deeply held personal beliefs, sexual orientation, gender re-assignment, employment status, membership or non-membership of a trade union, the carrying out of



health and safety duties, criminal record, health, or any physical characteristic of the individual.

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it recurs once it has been made clear that it is regarded by the victim as offensive. However, just one incident may constitute harassment if it is sufficiently serious.

Examples of bullying may include:

- Violence and intimidation
- Shouting or swearing at a person or persons in public and private
- Ignoring or deliberately excluding people
- Persecution through threats and instilling fear
- Spreading malicious rumours
- Constantly undervaluing effort or setting someone up to fail
- Spontaneous rages over trivial matters
- Deliberately withholding important information or supplying incorrect information
- Deliberately sabotaging or impeding work performance

It is the job of a manager to provide constructive and fair criticism of an employee's performance or behaviour at work where this is warranted. It is unacceptable to condone bullying under the guise of "strong management" but a strong management style does not amount to bullying provided that employees are treated with respect and dignity.

Examples of harassment include:

- Verbal harassment, such as crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip and offensive songs
- Non-verbal harassment, such as obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper and computer generated), graffiti, offensive letters or e-mails, offensive text messages, offensive objects
- Physical harassment, such as unnecessary touching, patting, pinching or brushing against another employee's body, intimidating behaviour, assault and physical coercion
- Coercion including pressure for sexual favours (e.g. to get a job or promotion), pressure (as opposed to offering) to participate in political, religious or trade union groups etc.
- Isolation or exclusion from work-related social activities
- Intrusion, such as stalking, pestering, spying

These examples are not exhaustive.

**Harassment at work is unlawful** under the following: Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, Employment Equality (Sexual Orientation) Regulations 2003, Employment Equality (Religion or Belief) Regulations 2003, Employment Equality (Age) Regulations 2006, and it is also a **criminal offence** under the Criminal Justice and Public Order Act 1994,

the Protection from Harassment Act 1997, Criminal Justice and Police Act 2001, and the Anti-terrorism, Crime and Security Act 2001.

The Council, its managers and supervisors, and **employees personally** can be held liable for unlawful actions and required to pay damages.

### 3. AWARENESS

Harassment and bullying will not be tolerated and if complaints are upheld, this will result in disciplinary action. In accordance with the Council's Disciplinary Procedure, deliberate serious harassment amounts to gross misconduct, which may result in instant dismissal.

Harassment and bullying of staff by visitors to the Council, or by Members of the Council, is taken equally seriously.

A copy of this policy, together with the Council's Equal Opportunities Policies, will be provided to each employee with their contract of employment. It is also available for viewing by staff and Members of the Council on the Council's Infonet site. Service Unit Managers and Section Heads will receive formal training on how to implement the policy, with guidance included in the Management Manual. They will be responsible for ensuring that all Officers in their Unit and Section are aware that bullying and harassment will not be tolerated within the Council and that, if they are subjected to bullying or harassment, they are aware of the procedure to be followed.

The Council provides regular equal opportunities training, including bullying and harassment. Regular updates are provided, together with articles in the staff magazine.

### 4. THE PROCEDURE

If you consider that harassment or bullying has occurred, or that you have been victimised because you have made a complaint about harassment or bullying, it is important that prompt action is taken.

*You are advised to retain a written log of all incidents including dates, times, witnesses. In addition, if reports, letters, memos are relevant, they should be retained.*

The procedure to be followed is detailed in the Equal Opportunities policies, which can be accessed on Infonet, but is also repeated below.

Just as it is for the individual to decide what behaviour is either acceptable or unacceptable, it is also for the individual to decide which route to take in solving the problem. It can be resolved informally or formally. You can choose to solve it yourself by approaching the perpetrator and telling them that their behaviour is unwelcome and must stop; you could seek support in doing this from a colleague or Trade Union representative who can accompany you. Alternatively, you could put your views in writing to the perpetrator.

Where informal solutions fail, or you do not want to speak to the person you feel has harassed or bullied you or victimised you because you have made a complaint, or the bullying or harassment is serious in nature, you should approach either - your Line Manager, Section Head, Business Unit Manager, the Head of Personnel or a Personnel Officer, or your Trade Union representative, who will take the matter up on your behalf. Such complaints should be investigated swiftly, with confidentiality, only such persons as necessary having details of the matter, and you will be kept informed of action taken.

If the matter is resolved at this stage, a confidential note of the incident and the action taken will be made and retained in confidence by the Head of Personnel for a period of two years.

If the matter remains unresolved due to non-acceptance of the allegation made or because the behaviour continues, then the following procedure should be adopted. The procedure is repeated in detail in the Council's Equal Opportunities Policies.

1. Consider whether you wish to deal with the matter informally, by speaking to the perpetrator, either personally, with a colleague or Trade Union representative accompanying you, or in writing.

2. If you do not wish to do this, or feel that it would be difficult for you, report the matter to one of:

Your line manager  
Your Section Head  
Your Business Unit Manager  
The Head of Personnel or a Personnel Officer  
Your Trade Union representative

who will take the matter up for you with the perpetrator and their Business Unit Manager.

3. If the matter is able to be resolved as a result of the above, a confidential note will be made and retained by the Head of Personnel.
4. If the matter is not capable of being resolved informally, or if problems continue, you should detail your complaint in writing and, through the Head of Personnel or a Personnel Officer or your Trade Union representative, submit this to an independent Business Unit Manager (i.e. a Manager other than the Manager employing you or the person about whom you are complaining) requesting an interview with that Manager. You may be accompanied at that interview by a representative of your choice.
5. The independent Business Unit Manager will arrange to interview the person against whom the allegations are made, who may be accompanied by a representative of his/her choice.
6. The Business Unit Manager will carry out a thorough investigation as quickly as possible (which may involve interviewing witnesses

identified by the complainant or the alleged perpetrator), as a result of which a decision may be made that either:

- \* the allegation(s) is/are unfounded
- \* the matter has been satisfactorily resolved and no further action is necessary
- \* the disciplinary procedure should be invoked and a formal meeting arranged.

7. If you are dissatisfied with the decision, you may invoke the Council's formal Grievance Procedure.

It may not be possible to establish that there was an intention to offend. In such circumstances, conduct will be regarded as bullying or harassment (making a person feel demeaned and inadequate, violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment) if, taking all the circumstances into account, particularly including the recipient's views, it would be reasonable to come to that conclusion.

Malicious complaints – Where a complaint is blatantly untrue and has been brought out of spite, or for some other unacceptable motive, the complainant will be subject to the Council's disciplinary procedure, as will any witnesses who have deliberately misled the investigating officer(s).

## **5. MONITORING AND RESPONSIBILITY**

The Head of Personnel has overall responsibility for co-ordination of the policy, advice and review, and for monitoring its application and effectiveness. Service Unit Managers have responsibility for ensuring its adoption and implementation in their Units.

Procedures and documentation will be kept under constant review, with any changes being subject to full consultation with recognised Trade Unions before adoption.

The committee responsible for agreeing policy is the Personnel Sub-Board.

## **6. INFORMATION AND ADVICE**

If you would like further information about this policy or about harassment and bullying generally, please contact the Head of Personnel.

## AGENDA ITEM NO. 9

<b>Board/Committee:</b>	Personnel Sub-Board
<b>Date of Meeting:</b>	6 <sup>th</sup> June 2007
<b>Title:</b>	Redundancy Policy
<b>Author:</b>	Head of Personnel
<b>Status:</b>	FOR APPROVAL

### **Purpose**

To advise the Sub-Board of the necessity to update the Council's Redundancy Policy in view of the change in redundancy payment calculations, and legislation relating to discrimination.

### **Recommendation**

That the Sub-Board approve the adoption with immediate effect of the revised Redundancy Policy.

### **1 Background**

- 1.1 Changes have been made to the statutory redundancy payments scheme under the Employment Rights Act 1996 consequent on the introduction of the Employment Equality (Age) Regulations 2006.
- 1.2 As a result of these changes, and the need to ensure that there is no unlawful discrimination in the criteria used in selection for redundancy, it is necessary to review and update the Council's Redundancy Policy.

### **2 Report**

- 2.1 Members will recall that the changes made to the statutory redundancy pay scheme are as follows:

Upper and lower age limits for right to statutory redundancy pay removed

Final year "taper" removed

For redundancies on or after 1 October 2006, amounts are calculated on the following basis:

Up to age 21 – 0.5 weeks' pay for each completed year of service

22-40 years of age – 1 week's pay for each completed year of service

41+ years of age – 1.5 weeks' pay for each completed year of service

- 2.2 Since our redundancy policy includes reference to redundancy payment calculation, it must be revised to reflect these changes.
- 2.3 Members will recall from the policy relating to early termination

(which includes redundancy and early retirement) that it is lawful to enhance redundancy payments, but such enhancement must mirror the statutory scheme, and can only be permitted to a maximum of 3.45.

- 2.3 The Regulations relating to discrimination on the grounds of age also mean that it is necessary to consider the criteria which would be used in the event of the need for redundancies, since criteria such as “LIFO” (last in first out) are potentially age discriminatory.
- 2.4 The Policy has therefore been revised, and is attached as Appendix A.
- 2.5 The Policy was considered by the Local Joint Staff Committee meeting on 23<sup>rd</sup> May 2007, and recommended for adoption.

### **3 Risk Assessment**

- 3.1 The updating of the Council’s policy ensures compliance with current legislation, thus eliminating the risk as far as possible of any legal challenge.
- 3.2 The use of such a policy provides the Council with the opportunity to fairly select and compensate staff where redundancy is unavoidable.

### **4 Conclusion**

- 4.1 Changing Regulations require the updating of the Council’s policy on redundancy.
- 4.2 The revised policy incorporates the changes to the calculation of redundancy payments, and also includes the criteria to be used to ensure fair selection in such circumstances.
- 4.3 The policy was recommended by the Local Joint Staff Committee meeting on 23<sup>rd</sup> May 2007 for adoption by the Sub-Board.

<b>Financial Services comments:</b>	As detailed in the report
<b>Legal Services comments:</b>	The proposed policy complies with the relevant legislation
<b>Service Improvement Plan implications:</b>	
<b>Corporate Plan:</b>	Assists with “Performance” and “People” elements of Corporate Plan
<b>Risk Assessment:</b>	Paragraph 3
<b>Background papers:</b>	Regulations
<b>Appendices/Enclosures:</b>	
Appendix ‘A’	Redundancy Policy
<b>Report author/Lead Officer:</b>	Kathy Inch

## APPENDIX A

**GOSPORT BOROUGH COUNCIL****REDUNDANCY AND REDEPLOYMENT POLICY****1. INTRODUCTION**

- 1.1 The Council manages its required staffing reductions by careful planning and the imposition of various measures to minimise the effect both on the organisation and the staff themselves. We have introduced an early retirement scheme and discretionary payments policy, and make every attempt to avoid compulsory redundancies. We do, however, recognise that continuing financial pressures can mean that a policy of no compulsory redundancies cannot be sustained.
- 1.2 This policy has therefore been produced to confirm the actions the Council will take where there is an unavoidable need to make redundancies.

**2. STATUTORY RESPONSIBILITIES**

- 2.1 Redundancy is defined by the Employment Rights Act 1996 as a dismissal attributable wholly or mainly to:-
- a) the fact that the Employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed by him, or has ceased or intends to cease to carry on that business in the place where the employee was so employed; or
  - b) the fact that the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place they were so employed, have ceased or diminished or are expected to cease or diminish.
- 2.2 Making employees redundant can involve unfair dismissal and employees can present claims for redundancy payments and unfair dismissal at the same time. Complaints are mainly that either:-
- (a) they were unfairly selected for redundancy, or
  - (b) the manner of implementing the redundancy was unfair.

These questions can only be addressed in Law by an Employment Tribunal upon application by an aggrieved employee and it is the intention of this policy that such complaints are minimised if not altogether eliminated.

In this connection it must be recognised that the employer has a legal obligation to consult the employees concerned and/or their union(s) well in advance. The process of consultation must begin at the earliest opportunity, and in the case of numbers of 20 or more employees being affected the minimum period for consultation is 30 days. There is a collateral duty to notify the Department of Trade and Industry in advance where 20 or more redundancies are proposed, and where large scale redundancies (100 or more) are involved, consultations must begin at least 90 days before the first dismissal.

Consultation must begin before notices of dismissal are issued; there must be time for those being consulted to consider properly the proposals put to them, and to express their views, which must be genuinely considered. The process should cover ways and means of avoiding redundancies.

The employer must begin the process of consultation by providing the union(s) with details in writing of the reasons for the proposals, the number and descriptions of the employees whom it is proposed to dismiss as redundant, the total number of employees of any such description employed at the establishment in question, the proposed method of selecting the employees who may be dismissed, the proposed method of carrying out the dismissals with due regard to any agreed procedure, including the period over which the dismissals are to take effect, and the proposed method of calculating the amount of any redundancy payments otherwise than in compliance with a statutory obligation.

To ensure compliance with the complex legislation, and thus avoid the significant penalties for improper handling of a redundancy proposal, Personnel Services must be actively involved in any such proposals.

Where employment is terminated, the Council's Dispute Resolution Procedure for termination on redundancy will be followed.

### 3. REDUNDANCY PAY

- 3.1 Changes have been made to the way redundancy pay is calculated to avoid age discrimination. An entitlement to redundancy pay arises for employees dismissed as redundant who have been continuously employed for at least 2 years. The calculation is as follows:

0.5 week's pay for each full year of service where age during year less than 22

1 week's pay for each full year of service where age during year is 22 or above, but less than 41

1.5 weeks' pay for each full year of service where age during year is 41+

- 3.2 Redundancy payments are tax free up to £30,000 and the Council has agreed to use actual weeks' pay rather than the statutory maximum. The Council has further agreed to mirror the statutory scheme with a multiplier of 2.75 in compulsory redundancy situations, and to allow Members of the Local Government Pension Scheme to convert compensation payments into additional pensionable service, in accordance with the augmentation provisions, subject to a maximum of 6 2/3 years and to this being cost neutral.
- 3.3 Employees facing redundancy who are at least 50 years of age (55 from 2010) and members of the Pension Scheme may qualify for an immediate pension and lump sum payment under that Scheme.

### 4. ALTERNATIVES TO REDUNDANCY



- 4.1 As a responsible employer the Council would only consider redundancy proposals as a last resort. However, this would not detract from its responsibility to face a redundancy situation if the circumstances demanded.
- 4.2 Wherever possible the Council will consider any alternatives to avoid or lessen the possibility of compulsory redundancy. These may include:-
- a) restrictions on recruitment,
  - b) the termination of employment of agency staff,
  - c) the reduction or elimination of overtime working,
  - d) short-time or shared working,
  - e) seeking volunteers for redundancy, and/or short-time or shared working,
  - f) temporary or permanent transfers with protection of salary for a temporary period in accordance with the Council's local agreement,
  - g) priority to staff affected by a redundancy proposal to fill suitable vacancies elsewhere within the Council,
  - h) retraining of staff affected wherever possible.
- 4.3 Whilst considering these options the Council must also take a balanced view of the implications of actions. Restricting recruitment, for instance, may in the long term distort the staff profile and may reduce the introduction of good quality employees. Overtime restrictions will reduce line management's ability to meet operational difficulties flexibly, and voluntary redundancies may result in employees seeking to leave whom we would need to retain.

## 5. ROLE OF PERSONNEL SERVICES

- 5.1 In addition to the formal role outlined in 2.2 above it is acknowledged that a redundancy situation produces a very stressful and difficult period for those affected and the Council whilst recognising the 'human' aspects of redundancy have established a Personnel Services Section which will respond to the situation with understanding, care and a positive attitude to try to minimise the problems and difficulties which will inevitably arise.
- 5.2 The professional support and guidance which the section will provide to those employees affected can include:
- a) assistance with preparation of c.v.,
  - b) career counselling,
  - c) assistance in seeking new employment opportunities,
  - d) guidance on interview skills,
  - e) providing advice regarding entitlements and benefits available from both the Council and Government,
  - f) personal counselling.
- 5.3 The Council will actively encourage time-off provisions to enable employees to seek alternative employment and Personnel Services will co-ordinate attempts to publicise the skills and experience of individuals to help secure employment.

## 6. SELECTION FOR REDUNDANCY

- 6.1 In the event that a redundancy situation is unavoidable, the selection of employees for redundancy becomes crucial. This must be carried out fairly, without

discrimination – the criteria must be reasonable and objective, well defined and capable of being applied in an independent way. The following are possible methods:

- a) Close down the function/service completely - all employees affected.
- b) Invite volunteers.
- c) L.I.F.O. or F.I.F.O. – “last in first out” or “first in first out” – however, these methods can result in indirect sex discrimination and also age discrimination, and should therefore never be used alone.
- d) Skills, qualifications and experience – these criteria help to ensure the retention of a balanced workforce possessing the skills and experience needed by the organisation. Using such criteria would involve identifying the positions that will be retained, producing job and person specifications for those positions, and identifying criteria based on those specifications.
- e) Attendance and disciplinary records.
- f) A combination of methods.

6.2 Where redundancies are unavoidable and all other possibilities have been considered, the Council will consider the skills, qualifications and experience needed to be retained, and use the following criteria in selecting for redundancy:

- Whether the employee is willing to take voluntary redundancy.
- Skills.
- Qualifications.
- Experience.
- Knowledge of the job.
- Performance.
- Efficiency.
- Appraisal records.
- Conduct and behaviour.
- Disciplinary record.
- Attendance.
- Timekeeping.

6.3 Employees and trade unions will be involved in the process outlined in this policy document to ensure that the legitimate interests of the staff are given full consideration.

## AGENDA ITEM NO. 10

<b>Board/Committee:</b>	Personnel Sub-Board
<b>Date of Meeting:</b>	6 <sup>th</sup> June 2007
<b>Title:</b>	Smoke-Free Policy
<b>Author:</b>	Head of Personnel
<b>Status:</b>	FOR APPROVAL

### **Purpose**

To advise the Sub-Board of the necessity to update the Council's Smoking Policy in view of the change in legislation.

### **Recommendation**

That the Sub-Board approve the adoption of the Smoke-Free Policy with effect from 1<sup>st</sup> July 2007.

## **1 Background**

- 1.1 The Health Act 2006 and associated Regulations prohibit smoking in, inter alia, workplaces and work vehicles with effect from 1<sup>st</sup> July 2007.
- 1.2 It is therefore necessary to revise the Council's Smoking Policy. (An additional policy is also being prepared dealing with the effect of the new Regulations as they affect enclosed public places and Council-owned buildings, which will be considered by the Policy and Organisation Board.)

## **2 Report**

- 2.1 Employers have a duty under the Health and Safety at Work Act 1974 to provide and maintain a working environment which is, so far as is reasonably practical, safe, without risks to health, and adequate as regards facilities and arrangements for the welfare of employees at work.
- 2.2 Five sets of Regulations have been produced, under the Health Act 2006, which deal with the prohibition of smoking - premises and enforcement, signs, exemptions and vehicles, penalties and discounted amounts, and vehicle operators and penalty notices. Section 2(2) of the Health Act 2006 states that premises must be smokefree if they are used as a place of work, including vehicles.
- 2.3 In consequence of the introduction of the new Regulations, smoking is

prohibited with effect from 1<sup>st</sup> July 2007 in enclosed public places and vehicles, including workplaces.

- 2.4 A revised Smoke-Free Policy for employment purposes has therefore been produced, and this is attached as Appendix A.
- 2.5 The policy was recommended by the Local Joint Staff Committee at their meeting on 23<sup>rd</sup> May 2007 for adoption.
- 2.6 The policy relating to prohibition of smoking in enclosed public places and Council-owned buildings is being prepared by Environmental Services and will be considered by the Policy and Organisation Board.

### **3 Risk Assessment**

- 3.1 The updating of the Council's policy ensures compliance with current legislation, thus eliminating the risk as far as possible of any legal challenge, or of putting the health of staff at risk.

### **4 Conclusion**

- 4.1 New Regulations require the updating of the Council's Smoke-Free Policy.
- 4.2 Two policies have been produced, one dealing with employment, and the other dealing with public places and Council-owned buildings, which will be considered by the Council's Policy and Organisation Board.
- 4.3 The employment policy was recommended by the Local Joint Staff Committee at their meeting on 23<sup>rd</sup> May 2007 for adoption by the Sub-Board.

<b>Financial Services comments:</b>	None
<b>Legal Services comments:</b>	The provisions of the Health Act 2006 dictate a change in the Council's smoking policy
<b>Service Improvement Plan implications:</b>	
<b>Corporate Plan:</b>	Assists with "Performance" and "People" elements of Corporate Plan
<b>Risk Assessment:</b>	Paragraph 3
<b>Background papers:</b>	Regulations
<b>Appendices/Enclosures:</b>	
Appendix 'A'	Smoke-Free Policy
<b>Report author/Lead Officer:</b>	Kathy Inch

## APPENDIX A

**GOSPORT BOROUGH COUNCIL**  
**SMOKE-FREE POLICY - EMPLOYMENT**

**1. PURPOSE**

The Council's smoke-free policies have been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke, and to ensure compliance with:

- the Health and Safety at Work Act 1974 (Section 2(2) places a duty on employers to provide and maintain a safe working environment which is, so far as is reasonably practical, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work), and with
- the Health Act 2006 and associated Regulations, which come into effect from 1<sup>st</sup> July 2007 and prohibit, inter alia, smoking in workplaces and work vehicles.

Exposure to second-hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

The policy is not concerned with **whether** people smoke, but **where** they smoke and the effect this has on others, and with the exclusion of preventable carcinogenic substances in the locality of the Council's workplaces and enclosed public spaces.

This policy applies to employees, volunteers, those undertaking work experience, and those undertaking work for the Council (e.g. consultants, contractors) and Members of the Council when they are in the Council's workplaces. A separate policy has been produced, which should be read in conjunction with this document, relating to enclosed public places and Council-owned buildings.

**2. THE POLICY**

In order to ensure a healthy working environment and protect the current and future health of employees and members of the public, it is the policy of Gosport Borough Council that all workplaces and enclosed public spaces are smoke-free.

**Smoking is prohibited in all the Council's workplaces and vehicles, at entrances to and in the immediate vicinity of workplaces.**

**A workplace** is a space used by one or more members of staff, including lifts, corridors, stairways, lavatories, rest rooms, reception areas, and entrances. This includes all the Council's workplaces, and the Civic Wing of the Town Hall.

**Immediate vicinity** - Employees should not congregate to smoke outside or around the doors of workplaces, or close to windows.

Smoking is not permitted in **vehicles** belonging to the Council as an employer.

Where employees are using their private vehicles to carry others as part of their duties as employees, they should refrain from smoking whilst the passengers are in the car.

Appropriate signs, which must not be defaced, will be posted throughout the Council's workplaces, at the entrances and in Council vehicles. Educational information and publicity about the dangers of smoking and other health and safety hazards will be conveyed through the Infonet and Health and Safety Noticeboards.

For staff who do choose to smoke, a smoking shelter, which complies with the relevant legislation, is available in the vicinity of the Town Hall. For staff working in other locations, an external area will be designated for smoking. Smoking breaks may not be taken during "core time" hours. Employees who wish to smoke during working hours must "clock out" in order to do so and may only smoke in the shelter, designated area, or otherwise outside the building away from any entrance area – all such absences are subject to the operational requirements of the working area, and will be monitored by, and be at the discretion of, the Service Unit Manager concerned. Cigarette ends must be placed safely in the receptacles provided.

Every encouragement will be given to employees who wish to give up smoking. The South East Hampshire Stop Smoking Service can be contacted on 023 9224 8878 – the helpline is open from 8.30 a.m. to 4.30 p.m., Monday to Friday. Further information and advice is available on the website – [www.farehamandgosportpct.nhs.uk](http://www.farehamandgosportpct.nhs.uk). Employees are encouraged to participate in "Stop Smoking" courses which are available locally, details can be obtained from the website, or by contacting the NHS Giving Up Smoking helpline on 0800 169 0 169 or through their website [www.givingupsmoking.co.uk](http://www.givingupsmoking.co.uk). Arrangements will be made to bring such courses in-house if employees would find this more convenient.

### **3. IMPLEMENTATION AND REVIEW**

Responsibility for policy implementation rests with each Service Unit Manager; the policy will be reviewed and updated as necessary through the Council's Safety Committee and Local Joint Staff Committee, any changes being subject to formal adoption by the Council's Personnel Sub-Board.

This policy is effective from 1 July 2007.

### **4. NON-COMPLIANCE**

All staff are obliged to adhere to the policy; breaches of the policy by employees will be dealt with through the Council's disciplinary procedures. Serious and/or continued breaches could lead to dismissal. Breaches of the policy by those who are not employees of the Council should be reported to the relevant Manager, who will take appropriate action.

## AGENDA ITEM NO. 11

<b>Board/Committee:</b>	Personnel Sub-Board
<b>Date of Meeting:</b>	6 <sup>th</sup> June 2007
<b>Title:</b>	Christmas Closure
<b>Author:</b>	Chief Executive
<b>Status:</b>	FOR APPROVAL

### **Purpose**

To advise the Sub-Board of a request received from UNISON that the Town Hall should close to the public on Monday, 24<sup>th</sup> December, 2007, and that staff should be required to take a day's leave or flexi-leave on that day.

### **Recommendation**

That the Sub-Board approve the closure of the Town Hall to the public on Monday, 24<sup>th</sup> December, 2007, and that staff be required to take one day's annual leave on that day.

## **1 Background**

- 1.1 The Council's local agreement provides that the Town Hall will close to the public at the end of business on Christmas Eve, and re-open on 2<sup>nd</sup> January. To enable that closure to take place, the two "extra statutory" days are added to the bank holidays over Christmas/New Year, with the addition of one extra day.
- 1.2 Christmas Day 2007 falls on a Tuesday. UNISON have requested, as they did last time Christmas fell in the same way (2001), that the Town Hall should be closed on Christmas Eve. This would save the need to open and heat the building for one day, which tends to be a fairly quiet one in view of its proximity to Christmas.
- 1.3 In 2001, Local Joint Staff Committee asked that all staff be balloted, as a result of which a significant majority were in favour of closure. Staff were then required to take a day's annual or flexi-leave on the Christmas Eve.

## **2 Report**

- 2.1 Council Management Team considered UNISON's request at their meeting on 8<sup>th</sup> May 2007. They were concerned that the request would mean reduced service to the public for an additional day, but also noted that, in addition to the services which will continue to be provided, e.g. cemetery, leisure facilities, contractor services (street

cleansing, grounds maintenance, public toilet cleansing), some enforcement staff, emergency homelessness, and duty service, many more services are available on-line since 2001.

- 2.2 In all the circumstances, Council Management Team agreed to recommend to Personnel Sub-Board, through Local Joint Staff Committee, that the Town Hall should close on Monday, 24<sup>th</sup> December, 2007.
- 2.3 Council Management Team further recommended that staff be required to take one day's annual leave for this purpose. (Flexi-leave cannot be booked in advance, and it would not be appropriate for staff to work extra hours in December solely in order to take an extra day off; flexi-leave is therefore not considered appropriate in this instance.)
- 2.4 The Local Joint Staff Committee meeting on 23<sup>rd</sup> May 2007 considered the matter, and agreed to recommend that the Town Hall should close on 24<sup>th</sup> December, but there were differing views between UNISON and Members on whether staff should be required to take a day's annual leave, or whether they should be given the option of using annual or flexi-leave.

### **3 Risk Assessment**

- 3.1 Emergency services will be available throughout the period of the closure.

### **4 Conclusion**

- 4.1 UNISON have asked that the Town Hall should close on Monday, 24<sup>th</sup> December, 2007, as it did in 2001 when Christmas fell in the same way, and that staff should be required to take annual or flexi-leave for that purpose.
- 4.2 In view of the number of services which will still be available, Council Management Team agreed to recommend that the Town Hall should close to the public from end of duty on Friday, 21<sup>st</sup> December, 2007, until the morning of Wednesday, 2<sup>nd</sup> January, 2008, but that staff be required to take a day's annual leave (not flexi-leave) on 24<sup>th</sup> December.
- 4.3 Local Joint Staff Committee meeting on 23<sup>rd</sup> May 2007 agreed to recommend that the Town Hall be closed on 24<sup>th</sup> December, but there were differing views between UNISON and Members on whether staff should be permitted to use flexi-leave, rather than annual leave, for this purpose.



<b>Financial Services comments:</b>	None
<b>Legal Services comments:</b>	Included in the report
<b>Service Improvement Plan implications:</b>	
<b>Corporate Plan:</b>	
<b>Risk Assessment:</b>	Paragraph 3
<b>Background papers:</b>	Local Joint Committee Report 23.5.07
<b>Appendices/Enclosures:</b>	
<b>Report author/Lead Officer:</b>	Ian Lycett