



Borough of Tamworth

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APPOINTMENTS AND STAFFING COMMITTEE

14 September 2020

Dear Councillor

A meeting of the Appointments and Staffing Committee will be held in **Online Meeting on Tuesday, 22nd September, 2020 at 6.00 pm**. Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, appearing to be 'AOS', followed by a long horizontal line extending to the right.

CHIEF EXECUTIVE

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting (Pages 5 - 6)**
- 3 Declarations of Interest**

To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.

4 Pay Policy Statement 2020 (Pages 7 - 26)

The Report of the Assistant Director of People

5 Diversity and Equality Scheme 2020- 2024 (Pages 27 - 52)

The Report of the Assistant Director of People

6 Request to appoint a temporary Environmental Health Officer (Pages 53 - 54)

Report of the Assistant Director of Regeneration & Development

7 HR Policies (Pages 55 - 118)

Report of the Head of HR and OD

8 Exclusion of the Press and Public

To consider excluding the Press and Public from the meeting by passing the following resolution:-

“That in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1,2, 3 and 4 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public”

At the time this agenda is published no representations have been received that this part of the meeting should be open to the public.

9 Reduction in Mayoral Support (Pages 119 - 126)

Report of the Executive Director of Organisation

People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail committees@tamworth.gov.uk

preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.

To Councillors: D Cook, S Doyle, J Oates, Dr S Peale and R Pritchard

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MINUTES OF A MEETING OF THE APPOINTMENTS AND STAFFING COMMITTEE HELD ON 22nd JULY 2020

PRESENT: Councillor S Doyle (Chair), Councillors J Oates and Dr S People

The following officers were present: Andrew Barratt (Chief Executive), Anica Goodwin (Executive Director Organisation), Sarah McGrandle (Assistant Director Operations and Leisure), Anna Miller (Assistant Director – Growth & Regeneration), Lynne Pugh (Assistant Director Finance), Zoe Wolicki (Assistant Director People), Jackie Noble (Head HR and Organisational Development), Jo Hutchison (Democratic Services, Scrutiny and Elections Officer) and Adam Deakin (Technical Infrastructure Engineer)

Apologies received from: Councillor(s) D Cook and R Pritchard

1 ELECTION OF CHAIR FOR THE MEETING

RESOLVED that Councillor S Doyle be elected as Chair for the meeting.

(Moved by Councillor Dr S People and seconded by Councillor J Oates)

2 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 15th January 2020 were deferred to the next meeting.

3 DECLARATIONS OF INTEREST

Councillor Dr Simon Pepale declared a non pecuniary interest in item 5.

4 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

(Moved by Councillor Dr S Peaple and seconded by Councillor J Oates)

The Technical Infrastructure Engineer left the meeting prior to commencement of the next agenda item.

5 INITIAL IMPACT OF THE PANDEMIC ON THE COUNCIL'S BUSINESS AIMS

The Head of Paid Service sought approval from Members for the implementation of the proposed staffing changes.

RESOLVED that Members:

Endorsed and approved the recommendations contained within the Report.

(Moved by Councillor J Oates and seconded by Councillor S Doyle)

Chair

TUESDAY, 22 SEPTEMBER 2020

REPORT OF THE ASSISTANT DIRECTOR PEOPLE

PAY POLICY STATEMENT 2020

EXEMPT INFORMATION

None

PURPOSE

This report details Tamworth Borough Council's Pay Policy Statement so that statutory guidance as set out in S38 of the Localism Act is adhered to.

RECOMMENDATIONS

That the Committee approve the Pay Policy Statement 2020 to be presented to Full Council for adoption and publication in line with the Localism Act 2011.

EXECUTIVE SUMMARY

Under section 112 of the Local Government Act 1972, the Council has the "power to appoint officers on such reasonable terms and conditions as authority thinks fit". The Pay Policy Statement (Appendix 1) sets out the Council's approach to pay in accordance with the requirements of Section 38 of the Localism Act 2011.

The purpose of the statement is to provide transparency with regard to the Council's approach to setting the pay of its employees by identifying;

- the methods by which salaries of all TBC employees are determined;
- the detail and level of remuneration of TBC's most senior staff i.e. 'Chief Officers', as defined by the relevant legislation;
- the Committees responsible for ensuring the provisions set out in this statement are applied consistently throughout the Council and recommending any amendments to Full Council.

Once approved by Full Council, this policy statement will come into effect and will be subject to review on a minimum of an annual basis in accordance with the relevant legislation prevailing at that time.

Under The Equality Act 2010 (Gender Pay Gap Information Regulations 2017) legislation, the council is required to publish its Gender Pay Gap on an annual basis. The Gender Pay Gap information presented within this report (Appendix 2) is for a snapshot date of 31st March 2019 and as such the figures presented are historical and don't reflect the current organisational picture.

Findings for the snapshot date of 31st March 2019 indicate that progress has been made in reducing our gender pay gap, this was formally reported and published by 30th March 2020 as dictated by legislation. The difference in the mean hourly rate between male and females reduced from 12.6% in 2018 to 11.03% in 2019. More females are now in posts within the upper pay quartile, increasing from 50% in 2018 to 51.69% in 2019. In the lower pay quartile, the figure has become more balanced and representative of the workforce with females occupying 74.65% of roles, which has much reduced from 81.16% in the previous year.

OPTIONS CONSIDERED

N/A

RESOURCE IMPLICATIONS

There are no resource implications associated with this report. All pay is accounted for with the approved Council Budget; current salaries are budgeted at £ 11.96 million for 2020/21.

LEGAL/RISK IMPLICATIONS BACKGROUND

Section 38 of the Localism Act must be complied with, therefore, so as to minimise risk this report must be approved by full Council.

EQUALITIES IMPLICATIONS

The Localism Act was subject to consideration in terms of compatibility with the European Convention on Human Rights and contains a statement by the then Secretary of State that the provisions are compatible with equalities legislation. The Pay Policy Statement is now part of a wider transparency and equality framework alongside gender pay gap reporting requirements.

SUSTAINABILITY IMPLICATIONS

None

BACKGROUND INFORMATION

The Council has published a pay policy on an annual basis, in line with legislation, since 2012. The first annual Gender Pay Gap report was published in 2018 to meet new legislative requirements.

REPORT AUTHOR

Zoe Wolicki, Assistant Director People

LIST OF BACKGROUND PAPERS

Pay Policy 2019

APPENDICES

Appendix 1 Pay Policy Statement 2020

Appendix 2 Gender Pay Gap Report 2019

PAY POLICY STATEMENT 2020

Document Status: DRAFT

Document Ref: HRPP2020

Originator: Zoe Wolicki

Owner: Anica Goodwin

Version: 01.01.09

Date: 07.09.20

For Approval by Full Council

Classification: SEC1 - Routine

Document Location

This document is held by Tamworth Borough Council, and the document owner is Anica Goodwin. Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Councils Intranet. Please check for current version before using.

Revision History

Revision Date	Version Control	Summary of changes
17.01.13	2013	Update figures and spinal column points
09.01.14	2014	Reviewed & updated with 2013 pay settlement
10.02.15	2015	Updated following 2015 settlement
04.03.15	2015	Finalised figures based on recommendations of Leader & Appointments & Staffing Committee 26.2.15
17.02.16	2016	Reviewed & Updated
16.02.17	2017	Reviewed and updated
20.03.17	2017 final	Finalised for Full Council Approval
13.04.18	2018	New format, reviewed information and updated with 2018 pay settlement Addition of gender pay information
04.04.19	2019	Reviewed information and updated with 2019 new grade structure and gender pay information
24.08.20	2020	Reviewed and updated
07.09.20	2020	Updated to take into account 2020 pay settlement

Key Signatories

Approvals Creation and Major Change

Name	Title	Approved
Appointments & Staffing	Head of Paid Service	
Full Council	Leader of the Council	

Approval Path

Major Change

Anica Goodwin
Andrew Barratt
Trade Union Liaison Group
Appointments & Staffing
CMT / Cabinet
Full Council

Action

Submission
Sponsor
Consultative Group
Approval
Corporate Approval
Council Approval

Document Review Plans

This document is subject to a scheduled annual review. Updates shall be made in accordance with business requirements and changes and will be with agreement with the document owner.

Distribution

The document will be available on the Intranet and published on our internet site.

Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

1. Purpose and Scope of the Policy Statement

- 1.1 Section 38 (1) of the Localism Act 2011 requires the Council to prepare an Annual Pay Policy Statement.
- 1.2 The purpose of this statement is to provide transparency with regard to the Council's approach to setting the pay of its employees by identifying:
- The detail and level of salary for each of the Chief Officers as defined by relevant legislation
 - The salary of the lowest paid employee
 - The relationship between the salaries of Chief Officers and other employees
 - The methods by which salaries and grades of employees are determined
 - The committee responsible for ensuring the provisions set out in this statement are applied consistently throughout the council and recommending any amendments to full council
- 1.3 In determining the pay of all of its employees, the Council will comply with all relevant employment legislation. This includes the:
- Equality Act 2010 (incorporating the Gender Pay Gap Regulations 2017)
 - Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000,
 - Agency Workers Regulations 2010 (amended 2020)
 - Transfer of Undertakings (Protection of Earnings) Regulations 2006
 - National Minimum Wage (Amendment) Regulations 2018
- 1.4 This Pay Policy Statement applies to the Council's Chief Officers. It addresses the legal requirement to set out how pay is determined for this group. This includes the following posts within Tamworth Borough Council:
- Chief Executive
 - Executive Directors
 - Assistant Directors
- 1.5 This Pay Policy Statement is a supplement to Tamworth Borough Council's overarching pay and associated policies which form part of the terms and conditions of employees. These include but are *not limited to*:
- Tamworth Borough Council Pay Policy
 - Job Evaluation Scheme
 - NJC Terms and Conditions of Employment (Green Book)
 - JNC Terms and Conditions for Chief Executives
 - JNC Terms and Conditions for Chief Officers (Executive Directors & Assistant Directors within Tamworth Borough Council are appointed to these Terms and Conditions).
 - Honorarium Policy
 - Travel, Subsistence & Expenses Policy
 - Market Supplement Policy
 - Flexible retirement Policy
 - Additional Payments Policy
 - Other Payments Policy
 - Augmented Payments Policy
 - Employer Pension Discretion Policy

1.6 Once approved by full council, this policy statement will come into immediate effect and will be subject to review on a minimum of an annual basis.

2. Arrangements for Officer Pay

2.1 The general terms and conditions of employment are governed by the following national agreements:

- Chief Executive, Executive Directors and Assistant Directors - JNC for Chief Officers of Local Authorities,
- All other Employee Groups - NJC for Local Government Services

2.2 The Council uses two forms of Job Evaluation to identify officer pay. This is either through the Council's Gauge Job Evaluation Scheme or the Hay Evaluation Scheme. The Hay Job Evaluation scheme is used to evaluate the following roles within the Council.

- Chief Executive
- Executive Directors and Assistant Directors
- Heads of Service are evaluated under Gauge and Hay (this is due to the cross over point of the two schemes).

All other posts within the Council are evaluated under the Gauge evaluation scheme in accordance with the agreed policies.

2.3 Based on the application of the relevant Job Evaluation process; the Council uses the nationally negotiated pay spine as the basis for its local grading structure. The Council remains committed to adherence with national pay bargaining in respect of the national pay spine and any annual cost of living increases negotiated within this.

2.4 The pay award, effective from 1st April 2020, was agreed on 24th August 2020. The percentage uplift is 2.75%. **Appendix 1** details the Council's pay scales for 1st April 2020 to 31st March 2021.

2.5 In determining its grading structure and setting remuneration levels for all posts, the Council takes account of the need to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain employees who are able to meet the requirements of providing high quality services to the community, delivered effectively and efficiently and at times at which those services are required.

2.6 The Executive Director Organisation (Head of Paid Service) under the general scheme of delegation within the Council will determine the terms and conditions of employment of all officers.

2.7 The Council also recognises that it may need to make additional payments to individuals taking on temporary assignments and responsibilities under the scope of the Council's Review of Grade/ Honorarium Policy. Where the level of remuneration cannot be determined using the job evaluation framework, this may be a discretionary payment of either one or two spinal column points (SCP). The Council retains the right to make payments not set within the pay scale, where these can be objectively justified.

- 2.8 All other pay related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined by Council Policy. The Additional Payments Policy and Other Payments Policy specify such payments that may be made.
- 2.9 From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and the Council retains the right within the Pay Policy to justify such a payment where necessary. The Council will ensure the requirement for such a payment (taking into account whole package comparisons) is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the local government sector in line with the Council's Market Supplement Policy. The Council has no officers in receipt of such payment.
- 2.10 Additional payments are made to any Council Officers who act as Returning Officers and carry out duties at elections. These payments are calculated according to the approved scale or set by a government department depending on the nature of the election. For the year commencing 1st April 2020 the annual payment has been calculated as £3098.15, with 70% of this amount paid to the Deputy Returning Officer. This payment will be made after each election process and due to the cancellation of the planned elections in May 2020 as a result of COVID-19, it is unlikely that any payments will be made within the 2020/21 financial year.
- 2.11 New appointments will normally be made at the lowest point of the relevant grade, although this can be varied where necessary to secure the best candidate with approval from the Head of Paid Service and will be subject to an equality impact assessment. Employees who transfer within the organisation to a job of the same grade will transfer on their current SCP.
- 2.12 Tamworth Borough Council employees enjoy the benefit of a company paid healthcare cash plan at a cost of £10.95 per month per employee.
- 2.13 In exceptional circumstances the Council may make a payment to an individual under a Settlement Agreement. Such agreements protect the Council where there is a risk of compensation and/or damages claim, which could have high financial impact and/or damage the Council's reputation. Payments for all officers would be authorised by the Head of Paid Service. In the event a Settlement Agreement involving the Chief Executive or Head of Paid Service, the decision would be made by Full Council.

3. Chief Officer Remuneration

3.1 For the purposes of this statement, senior management means Chief Officers as defined within S43 of the Localism Act. The posts falling within the statutory definition are set out below, with details of their basic salary and allowances as at 1st April 2020.

Job Type / Allowance	Scale Point	Salary	Car Allowance
Chief Executive Returning Officer Fee	CE1	£117381.60 Nil due to cancellation of election	£963
Executive Director, Head of Paid Service and Deputy Chief Executive	EX1	£96420.60	£963
Executive Director	EX2	£91180.32	£963
Executive Director	EX2	£91180.32	£1239
Assistant Director	AD4	£68123.28	£963
Assistant Director	AD3	£66027.12	£1239
Assistant Director	AD3	£66027.12	£963
Assistant Director	AD3	£66027.12	£1239
Assistant Director	AD3	£66027.12	£963
Assistant Director	AD3	£66027.12	£1239
Assistant Director	AD2	£64455.12	£963

4. Additions to Salary of Chief Officers

- 4.1 In the event that a Chief Officer vacancy is covered by the distribution of duties to other Chief Officers augmented payments will be made.
- 4.2 The salary details given in **3.1** also provides details of additional payments made to chief officer salaries including:
- Essential Car User Allowances as determined by the Council's Travel, Subsistence & Expenses Policy and reviewed and updated in line with NJC rates.
 - Returning Officer/Registration of Electors duties are determined by Electoral Registration Officer Section 8 Representation of the People Act 1983 and Returning Officer Section 35 Representation of the People Act 1983. They are based on the size of the electorate multiplied by a figure set by County Council on an annual basis.

4.3 Assistant Directors are subject to performance related incremental rises.

4.4 The council does not apply any bonuses to its Chief Officers.

5. Relationship between the Remuneration of Chief Officers and others

5.1 In comparing the Chief Executive pay with the wider workforce the Council will use the following definitions:

- The lowest-paid employee: the employee or group of employees with the lowest salary (full-time equivalent) employed by the Council at the date of assessment.
- The median: the mid -point salary when full-time equivalent salaries are arranged in order of size (highest to lowest). Based on salary levels of staff on the date of assessment.
- This excludes those employed on casual contracts of employment, but includes part time employees where their salaries are normalised to the full-time equivalent. It also excludes Apprentices who are employed on the Tamworth Borough Council apprentice pay grade, which mirrors age related national minimum wage.

Statutory guidance recommends that the most appropriate metric for measuring the relationship between pay rates as a multiple of Chief Executive pay to median salary. Tracking this multiple will allow the Council to ensure that public services are accountable for the relationship between top pay and that paid to the wider workforce.

	Annual Salary	Ratio to Highest
Highest Salary	£117,382	
Median (Mid-point) value	£24,982	1:4.7
Lowest full time salary	£17,842	1:6.6

6. Lowest Paid Employee

6.1 The lowest paid persons employed under a contract of employment with the Council are employed on full time 37 hours equivalent salaries in accordance with the minimum spinal column point currently in use within the Council's grading structure. As at 1st April 2020, the lowest spinal column point is spinal column point 1 (£17842).

The Council employs Apprentices who are not included within the definition of 'lowest paid employees' as they are paid the age related National Minimum Wage. From 1st April 2020 the National Living Wage (for 25 and over) and National Minimum Wage rates paid are:

25 and over	21 to 24	18 to 20	Under 18	Apprentice
£8.72	£8.20	£6.45	£4.55	£4.15

7. Recruitment of Chief Officers

- 7.1 The Council's policy and procedures with regard to recruitment of Chief Officers is set out within the Officer Employment Procedure Rules as detailed in Part 4 / Schedule 8 of the Constitution. When recruiting to all posts the Council will take full and proper account of its own Equality and Diversity, Recruitment and Selection, Employment Stability and Re-engagement Policies. The determination of the remuneration to be offered to any newly appointed Chief Officer will be in accordance with the pay structure.
- 7.2 Where the Council remains unable to recruit Chief Officers under a contract of service, or there is a need for interim support to provide cover for a vacant substantive Chief Officer post, the Council will, where necessary, consider and utilize engaging individuals under 'contracts for service' (subject to the relevant tests for compliance with IR35 Intermediaries Regulations). These will be sourced through a relevant procurement process ensuring the council is able to demonstrate the maximum value for money in securing the relevant service. The Council does not currently have any Chief Officers engaged under such arrangements.

8. Payments on Termination - Chief Officers

- 8.1 The Council's approach to statutory and discretionary payments on termination of employment of chief officers, prior to reaching normal retirement age, is set out within its policy statement in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006. We have chosen not to adopt Regulations 12 and 13 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007.
- 8.2 Any other payments falling outside the provisions (such as Settlement Agreements) or the relevant periods of contractual notice shall be subject to a formal decision made by the Chief Executive and Head of Paid Service with delegated authority to approve such payments.

9. Gender Pay Gap Reporting

- 9.1 The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 require Tamworth Borough Council to calculate and publish the pay gap between male and female employees each year. The data is based on the pay situation as at 31st March 2019 and is published on the Tamworth Borough Council's and the Government's website. The report is included as part of this policy and is attached at **Appendix 2**.

10. Accountability and Decision Making

- 10.1 In accordance with the Constitution of the Council, the Appointments and Staffing Committee are responsible for decision making in relation to employment policies including recruitment, pay, terms and conditions and severance arrangements in relation to employees of the Council. Where appropriate implementation of these policies may be delegated to the Chief Executive and Head of Paid Service the scheme of delegation.

11. Publication

11.1 Once approved by Full Council, this policy statement and any subsequent amendment will be published on the Council's website. Human Resources will be responsible for the annual review to ensure an accurate pay policy is published each financial year and that the Council remains compliant with legislation.

11.2 In accordance with the Code of Practice on Local Authority Accounting, the annual Statement of Accounts must include pay details of Senior Officers (as defined by the Accounts and Audit (England) Regulations 2015) where the salary is above £50,000 per annum. The following aspects must be included:

- Salary, fees or allowances paid to or receivable by the person in the current and previous year;
- Any sums payable by way of expenses allowance that are chargeable to UK income tax;
- Any compensation for loss of employment and any other payments connected with termination;
- Any benefits received that do not fall within the above – including contribution to the person's pension

The Council complies with this requirement and publishes the data on the Tamworth Borough Council website.

Tamworth Borough Council Grade Structure from 01/04/2020		
Grade	Spinal Column Point	
A	1	17842
	1	17842
B	2	18198
	3	18562
C	4	18933
	5	19312
	6	19698
D	7	20092
	8	20493
	9	20903
	10	21322
	11	21748
	12	22183
Not used	13	22627
	14	23080
	15	23541
	16	24012
E	17	24491
	18	24982
	19	25481
	20	25991
	21	26511
	22	27041
F	23	27741
	24	28672
	25	29577
	26	30451
	27	31346
	28	32234
G	29	32910
	30	33782
	31	34728
	32	35745

H	33	36922
	34	37890
	35	38890
	36	39880
Not used	37	40876
	38	41881
I	39	42821
	40	43857
	41	44863
	42	45859
	43	46845
J	44	48016
	45	49234
	46	50446
Assist Directors	AD1	62,883.00
	AD2	64,455.12
	AD3	66,027.12
	AD4	68,123.28
Executive Director	EX2	91,180.32
Executive Director - Head of Paid Service	EX1	96,420.60
Chief Exec	100	117,381.60

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Gender Pay Gap Report 2019

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Purpose

To brief CMT on Tamworth Borough Councils position with respect to the Gender Pay Gap on the snapshot date of 31 March 2019.

Recommendations
 1. To approve the 2019 Gender Pay Gap figures for publication by 30 March 2020 to meet mandatory government requirements

Background

Tamworth Borough Council (TBC) has published its first Gender Pay Gap report since 2018 to meet government requirements that employers with 250 or more employees must publish information each year to show the difference in average pay between male and female employees.

This is TBC's third annual report and provides data as at a "snapshot" date of 31 March 2019.

The gender pay gap report sets out Tamworth Borough Council's results in relation to 6 calculations:

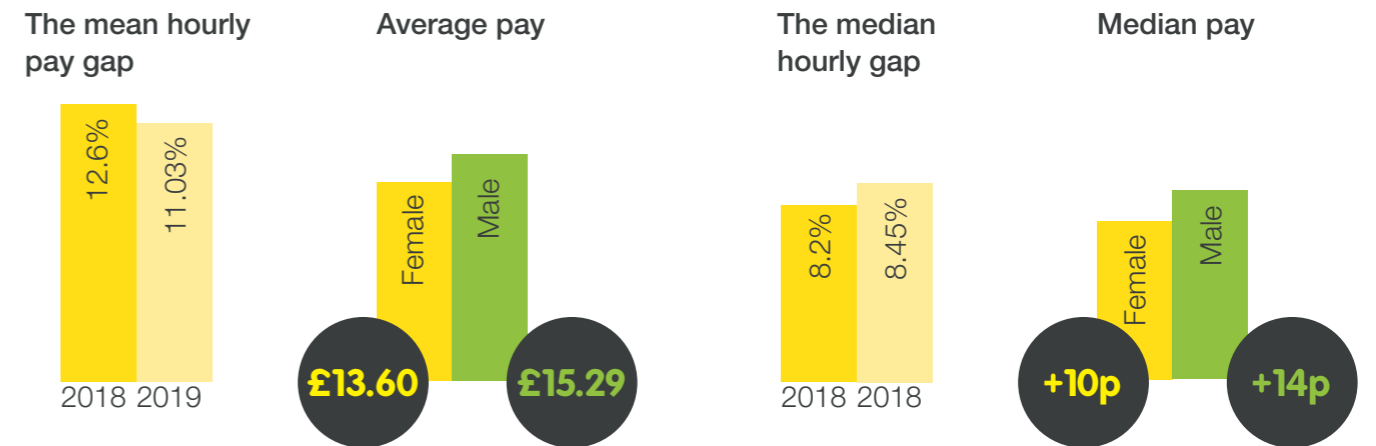
Mean Gender Pay Gap	Median Gender Pay Gap	Mean Bonus Gap	Median Bonus Gap	Bonus proportions	Pay Quartile
The difference between the mean hourly rate of pay of male full pay relevant employees and that of female full pay relevant employees.	The difference between the median hourly rate of pay of male full pay relevant employees and that of female full pay relevant employees.	The difference between the mean bonus pay paid to male relevant employees and that paid to female full pay relevant employees.	The difference between the median bonus pay paid to male relevant employees and that paid to female relevant employees.	The proportions of male and female relevant employees who were paid a bonus during the relevant period.	The proportions of male and female full pay relevant employees in the lower, lower middle, upper middle and upper quartile pay bands.

The Council must publish its result both on its own website and the government gender pay gap service website. The data analysed relates to all employees of Tamworth Borough Council employed in temporary or permanent contracts on the reporting snapshot date (known as relevant employees). It includes those under an apprenticeship or contract to provide a service which falls under the IR35 regulations. Pay is based on ordinary pay which includes basic pay (hourly rate), contractual enhancements (such as stand by or essential car user) and sick pay. Pay excludes expenses, overtime pay, pay in lieu of leave, benefits in kind and redundancy pay.

How does Tamworth Borough Council's gender pay gap compare to previous years?

Headcount

Tamworth Borough Council's headcount was static during the period 2017– 2019. In 2017 it was 346; it decreased to 343 in 2018 and increased to 346 in 2019. There has been a slight increase in female employees, rising by 2 FTE or 0.57%. 62.4% of the workforce are female and 38.6% are male.



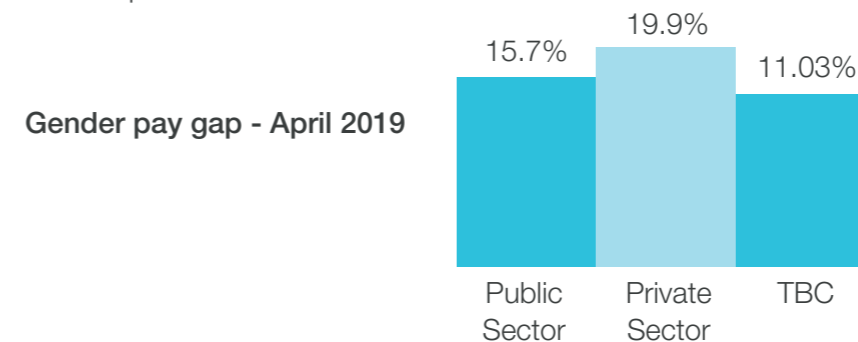
Breakdown of genders in each quartile

The breakdown of genders in each quartile showed improvement in the top quartile as the gender split is now 51.69% (female) and 48.31% (male), an improvement of 1.69% from last year. Whilst there is improvement, this quartile is not representative of the organisation's ratio as a whole.



How does Tamworth Borough Council's gender pay gap compare with that of other organisations?

A quarter of companies and public sector bodies have a pay gap of more than 20% in favour of men. There was no significant improvement in the gender pay gap. The mean gender pay gap for the whole economy (according to the October 2019 Office for National Statistics (ONS) Annual Survey of Hours and Earnings (ASHE) figures) is 17.3%. In April 2019 the gender pay gap was 15.7% in the public sector and 19.9% in the private sector and 18.4% in non-profit bodies or mutual associations. Positively, at 11.03%, Tamworth Borough Council's mean gender pay gap is significantly lower than that for the whole economy and the public sector.



Gender Pay Gap Outcomes

The results of the 6 required calculations are outlined below, based on data for the snapshot date of 31 March 2019 and are also compared with the data from 31 March 2018 and 31 March 2017.

Gender	Full pay relevant employee count		
	31 March 2019	31 March 2018	31 March 2017
Female	216 (62.42%)	217 (63.26%)	214 (61.85%)
Male	130 (37.58%)	126 (36.67%)	132 (38.15%)
Total	346	343	346

Mean Gender Pay Gap

The mean (average) gender pay gap is the difference between the mean hourly pay rate of relevant male employees and that of relevant female employees as a percentage of men's earnings.

Gender	Mean hourly rate		
	31 March 2019	31 March 2018	31 March 2017
Female	13.60	13.11	13.11
Male	15.29	15.00	14.79
Mean Average	14.24	13.80	13.75
% mean hourly rate is lower for women	11.03%	12.6%	11.37%

Therefore, at Tamworth Borough Council the **mean** hourly rate for women is **11.03%** lower than for men.

Median Gender Pay Gap

The median (middle value) gender pay gap is the difference between the median hourly pay rate of the relevant male employees and that of relevant female employees as a percentage of men's earnings.

Gender	Median hourly rate		
	31 March 2019	31 March 2018	31 March 2017
Female	12.08	11.98	12.18
Male	13.19	13.05	12.97
Median Average	12.66	12.70	12.80
& median hourly rate is lower for women	8.45%	8.2%	6.05%

Therefore, at Tamworth Borough Council the **median** hourly rate for women is **8.45%** lower than for men.

Bonus Pay Gap

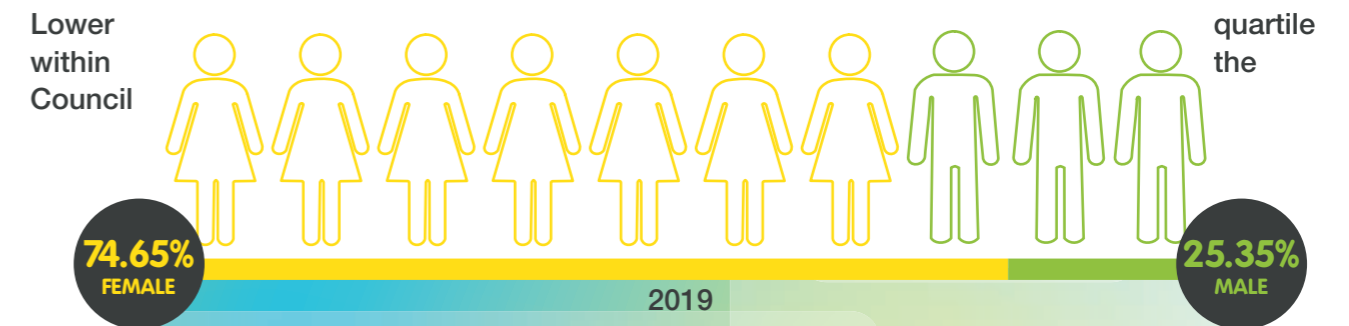
Tamworth Borough Council does not pay bonus payments to employees in line with the criteria within the scope of the data requirements and therefore we are unable to report on this element.

Quartile Pay Bands

The proportions of male and female relevant employees in the four quartiles for the current and previous submission (current year in highlighted columns):

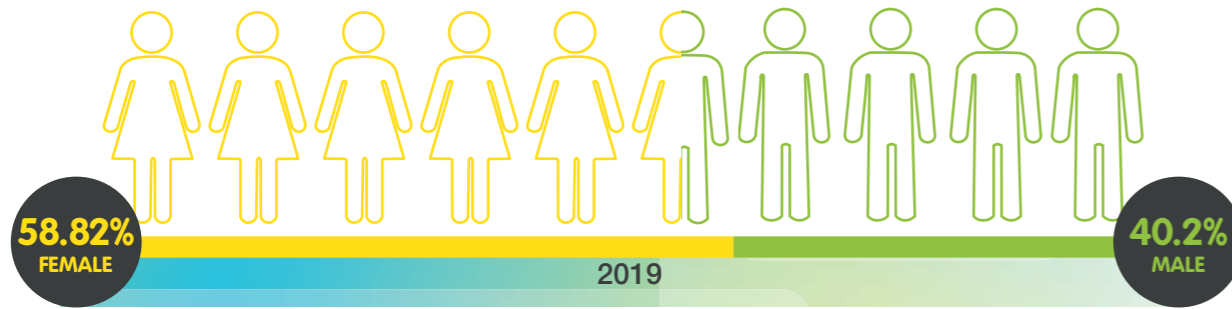
	No. of employees			Male employees			Female employees		
	2019	2018	2017	2019	2018	2017	2019	2018	2017
Lower quartile	71	69	61	18 25.35%	13 18.84%	14 22.95%	53 74.65%	56 81.15%	47 77.05%
Lower-middle quartile	102	102	109	42 41.18%	41 40.20%	44 40.37%	60 59.82%	61 59.80%	65 59.63%
Upper-middle quartile	84	86	103	27 32.14%	29 33.72%	37 35.92%	57 67.86%	57 66.28%	66 64.08%
Upper quartile	89	86	73	43 48.31%	43 50%	37 50.68%	46 51.69%	43 50%	36 49.32%

The above chart shows Tamworth Borough Council's workforce divided into four equal-sized groups based on hourly pay rates, the lowest paid 25% of employees (the lower quartile) rising to the highest paid 25% (the upper quartile).

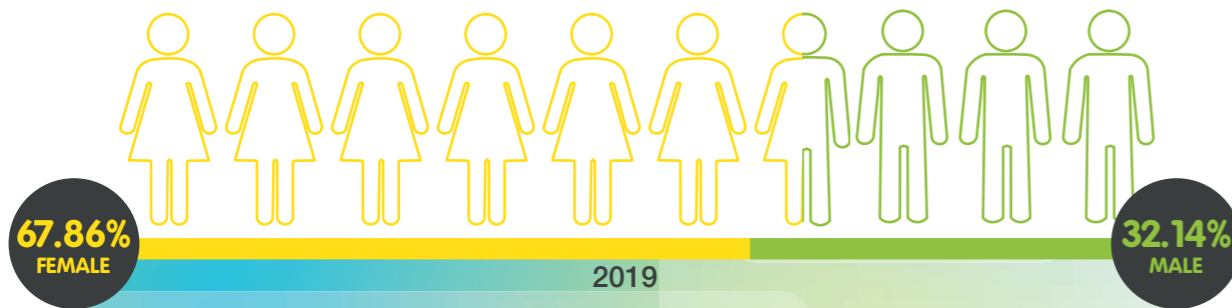


A disproportionate amount of women are within this quartile, which is known as occupational segregation, where more women than men are concentrated in certain occupations. Historical societal factors, such as gender stereotypes, affect career choices. In TBC case roles such as Cleaners and Customer Service Assistants (i.e. grade B - the lowest pay grade within the Council) are still predominantly female. On a positive note, this has improved from previous years.

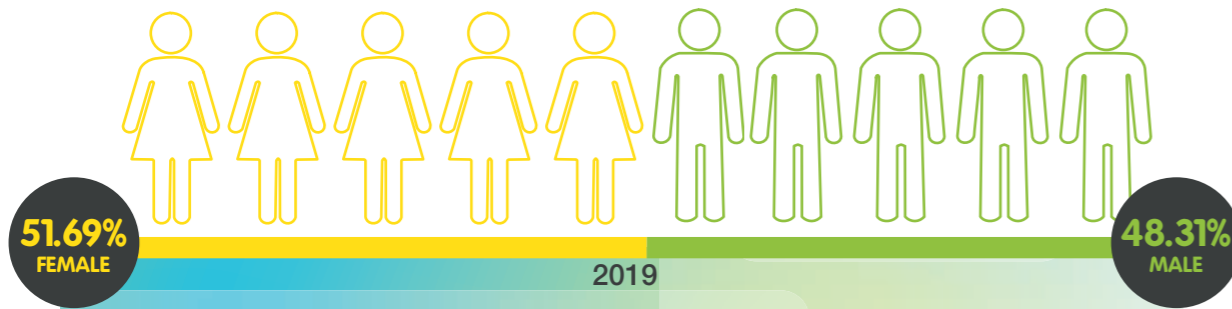
Lower-middle quartile within the Council



Upper-middle quartile within the Council



Upper quartile within the Council



This is an improvement from last year but lower than the male:female ratio in the whole organisation.

What are the underlying causes of Tamworth Borough Council's gender pay gap?

Under employment legislation, men and women must receive equal pay for:

- The same or broadly similar work;
- Work related as equivalent under a job evaluation scheme; or
- Work of equal value.

Tamworth Borough Council is therefore confident that its gender pay gap does not stem from paying men and women differently for the same or equivalent work. Rather its gender pay gap is the result of the roles in which men and women choose to apply for within the organisation and the salaries that these roles attract.

Across the UK economy as a whole, men are more likely than women to be in senior roles (especially very senior roles at the top of organisations), while women are more likely than men to be in front line roles at the lower end of the organisation. Women are more likely than men to have had breaks from work that have affected their career progression, for example to bring up children. They are also more likely to work part time, and many of the jobs that are available across the UK on a part time basis are relatively low paid.

What is Tamworth Borough doing to address its gender pay gap?

Whilst Tamworth Borough Council's gender pay gap compares favourably with that of organisations across the whole UK economy, this is not a subject about which Tamworth Borough Council is complacent, and it is committed to doing everything that it can to reduce the gap.

Tamworth Borough Council is committed to the principle of equal opportunities and equal treatment for all employees, regardless of sex, race, religion or belief, age, marriage or civil partnership, pregnancy/maternity, sexual orientation, gender reassignment or disability. It has a clear policy of paying employees equally for the same or equivalent work, regardless of their sex (or any other characteristic set out above). As such, job roles are evaluated to determine pay grades irrespective of the post holder's gender.

To date, the steps that Tamworth Borough Council has taken to promote gender diversity in all areas of its workforce. The Council has considered all aspects of the employee life cycle; attraction, recruitment, on boarding, development, retention and separation, including the following:

- All vacancies are eligible for part time and full time staff.
- Recruitment is standardised with a structured interview and often with tasks to reduce bias.
- Governance is in place to ensure starting salaries above the minimum spinal column point for the grade are fair and equitable.
- All job roles are evaluated via nationally recognised mechanisms.
- The executive levels of the organisation are appointed to spot a salary which limits the opportunity to negotiate and thus removes bias.
- An agile working policy promoting flexible working; including part time, job share, flexible start and finish times.
- TBC supports parents with maternity leave, shared parental leave and adoption leave. Four employees returned from maternity indicating the organisation's commitment to flexible working.
- Male and female employees receive the same enhancements for overtime and allowances.
- Training and development (including professional qualifications) is available to all staff.
- All staff attends equality and diversity training and refresher training.
- Performance is not linked to pay awards. Research has proven men are more successful at negotiating higher performance ratings.
- Exit interviews are carried out and any areas of concern are examined.

Future actions

None of these initiatives, will, of itself, remove the gender pay gap – and it may be several years before some have any impact at all. In the meantime, TBC is committed to reporting on an annual basis on what it is doing to resolve the gender pay gap and the progress it is making. Furthermore, TBC policies are impact assessed to minimise unfavourable treatment on staff.

Summary

In conclusion, TBC is pleased there has been a decrease of 1.57% (mean) in the gender pay gap for the reporting period and an increase of women in the upper quartile.

Tamworth Borough Council continues to be committed to report on an annual basis on what it is doing to reduce the gender pay gap will continue to embed equality and diversity within everything we do.

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APPOINTMENTS AND STAFFING

TUESDAY, 22 SEPTEMBER 2020

REPORT OF THE ASSISTANT DIRECTOR PEOPLE

DIVERSITY AND EQUALITY SCHEME 2020- 2024

EXEMPT INFORMATION

None

PURPOSE

This report provides an updated Diversity and Equality Scheme which gives assurance that systems or work streams are in place where required in order that Tamworth Borough Council embraces equality and diversity and remains compliant.

RECOMMENDATIONS

That the Committee endorse the Diversity and Equality Scheme 2020 – 2024 and incorporated action plan and recommend it to Full Council (27th October 2020) for formal approval and publication.

EXECUTIVE SUMMARY

The Council's previous Diversity and Equality Scheme outlines how we will promote equality and diversity in the delivery of our services. Over the past few months the scheme has been revised and subject to formal approval will ensure that Tamworth Borough Council will remain compliant.

The Council is required to ensure continued compliance with the Specific Duties in place for the public sector known as the Public Sector Equality Duty PSED. The requirements are that a public sector body must:

- Publish information annually
- Have equality objectives and review these every 4 years

The Council's equality objectives were adopted along with the 2015 scheme and have been retained as they remain relevant.

- To use customer insight to develop accessible services particularly aimed at those demonstrating greatest need.
- To ensure all council strategies, policies and procedures consider the impact on our diverse community/ workforce to ensure maximum inclusion.

In refreshing the scheme it was evident that it did not include consideration of either antisemitism or Black Lives Matter which currently have a high profile in the national and international arena these issues have now been included in the scheme including the adoption of the international Holocaust Remembrance Alliance (IHRA) definition of Anti-Semitism as approved by Cabinet in March 2020.

In addition updates to both the current workforce and community profiles are included in the Scheme.

The associated action plan found on page 17 of the scheme reflects the proposed activity to enable the Council to ensure compliance.

A priority action within the plan is to address the new legislation regarding accessibility for government websites (the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018) coming into force from 23rd September 2020. The council is currently compliant, however, new documents published to the website are now subject to stricter regulations to ensure they are accessible.

OPTIONS CONSIDERED

The report provides a refreshed Diversity and Equality Scheme, which is designed to set out a programme to meet the Council's statutory requirements under the Equality Act. No other practicable options were identified.

RESOURCE IMPLICATIONS

Budgets for training are already in place and there is no further financial investment required for the delivery of the action plan.

LEGAL/RISK IMPLICATIONS BACKGROUND

The equality objectives together with the delivery of the action plan will ensure Tamworth Borough Council remains compliant with the Public Sector Equality Duty. HR will continue to monitor government policy on all associated matters and will advise CMT accordingly.

EQUALITIES IMPLICATIONS

There are no adverse equality implications as a direct result of this policy.

SUSTAINABILITY IMPLICATIONS

In reviewing the scheme the intention remains to ensure that processes were adapted rather than additional resources requested so as to ensure sustainability.

REPORT AUTHOR

Zoe Wolicki Assistant Director People

LIST OF BACKGROUND PAPERS

Diversity and Equality Scheme 2015-2019

APPENDICES

1. The revised Diversity and Equality Scheme 2020-2024



Diversity & Equality Scheme
2020 - 2024

Document Status: Final

Document Ref: HRPOL -

Originator: Jackie Noble

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.01

Date: August 2020

Approved by Corporate Management Team / Appointments and Staffing

Classification: SEC1 - Routine

Document Location

This document is held by Tamworth Borough Council, and the document owner is HR.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Council's Intranet. Please check for current version before using.

Revision History

Revision Date	Version Control	Summary of changes
April 2020	V1	An updated policy to include definition of Anti-Semitism, philosophical belief and updated data
August 2020	V2	Further updated to include reference to Black Lives Matter

Key Signatories

Approvals Creation and Major Change

Name	Title	Approved
Appts & Staffing		

Approvals Minor Change and Scheduled Review

Name	Title	Approved
Anica Goodwin		
TULG		

Approval Path

Major Change

	Action
Originator	HR
Owner	Head of Paid Service
TULG	Consultative Group
CMT	Corporate Approval
Appts & Staffing Committee	Council Approval

Minor Change

HR	Submission
TULG	Consultative Group
Director	Delegated Approval

Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

Distribution

The document will be distributed through Astute as a MANDATORY policy and will also be available on the Intranet.

Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

**Making Equality Real in Tamworth (MERIT)
Diversity and Equality Scheme
2020 – 2024**

Contents

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1 Statement of intent

Tamworth Borough Council (TBC) recognises the importance of involving the wider community in the development of services, which are accessible and reflect people's needs. The Council's values go further to specify the promotion of equal opportunities and to celebrate diversity.

By making equality and diversity a core element of all things that we do, we will be best placed to achieve our vision.

Where barriers exist which prevent us from achieving our goals, we have a moral and legal obligation to break them down.

The starting point and primary focus is this Council's vision "To put Tamworth, its people and the local economy at the heart of everything we do" This vision will be achieved through our strategic priorities:

- To meet housing needs through a variety of approaches and interventions
- To facilitate sustainable growth and economic prosperity
- To work collaboratively and flexibly to meet the needs of our communities
- To create a new and developing vision for the continued evolution of Tamworth, including a town centre fit for the 21st Century
- To be financially stable
- To ensure our employees have the right skills and culture to help our residents, visitors and businesses
- To ensure our service delivery is consistent clear and focussed
- To ensure our decisions are driven by evidence and knowledge

These in turn translate into the Council's strategic plans and intentions and form the basis of the Corporate and local plans, the sustainability strategy and the medium term financial strategy.

However, the most important aspects of our Scheme remain not the words but the actions and outcomes we have set ourselves in conjunction with the Tamworth community and visitors to the area.

Our Equality Statement is available to download at www.tamworth.gov.uk

2 Introduction

The Scheme outlines how we will promote diversity and equality in the delivery of our services provided both directly by ourselves and in conjunction with our partners. Taking into account UK legislation, our scheme clearly addresses our duties and responsibilities to:

- Age
- Disability (including mental health)
- Gender reassignment
- Race (which includes ethnic or national origins, colour or nationality)
- Sex
- Religion or belief
- Sexual Orientation
- Pregnancy or maternity
- Marriage and Civil Partnership*

The above are known as protected characteristics within the Equality Act 2010.

*Only the first aim of the General Duty applies to the characteristic of marriage and civil partnership see section 4.1.3.

The Scheme recognises evolving case law in relation to belief. The Equality Act 2010 states that belief means any "religious or philosophical belief and any reference to belief includes a reference to a lack of belief". A philosophical belief must be:

- genuinely held and not just an opinion or point of view based on the present state of information available;
- be a belief about a weighty and substantial aspect of human life;
- have a level of cogency, seriousness, cohesion and importance; and
- Worthy of respect in a democratic society, compatible with human dignity and not conflicting with the fundamental rights of others.

Examples of protected beliefs include Humanism, Pacifism, Atheism and a belief in man-made climate change. An employment tribunal found Veganism to have met the threshold for a philosophical belief under the Equality Act 2010.

This Scheme reflects our commitment to the wider equality agenda while ensuring that the strict duties that are placed upon us under the provisions of the Equality Act. Consequently our actions in respect of each area are set out throughout the scheme.

Furthermore, in response to the death of George Floyd and related Black Lives Matter, Tamworth Borough Council reaffirms its commitment to racial equality.

Employees, Elected Members and the organisation have a responsibility to ensure that no person is treated differently because of their skin, race, religion or gender.

With increased partnership working, commissioning and procurement of services, the Scheme also sets out the expectations placed on partners, suppliers and the voluntary sector to contribute to the Council's equality and diversity agenda.

The aim of the Scheme is to integrate the Council's diversity and equality activities into normal service delivery mechanisms, while at the same time encouraging departments to deliver their products and services in an innovative and creative way.

Prior to any mainstreaming, a key element of the scheme will be the expectation that consultation and involvement of individuals and organisations will take place within the community to better understand their requirements and any barriers they face.

This scheme also formally recognises the 'Thrive at Work' campaign and the intention to achieve Bronze Accreditation.

This scheme will be reviewed annually and reported to Cabinet.

3 Policy Statement

We aim to create and maintain a community that embraces change and welcomes diversity; diversity helps to build such communities by celebrating differences and combining our talents.

To achieve this, the Council continues to be committed to removing discrimination from public life. This includes major commitments that establish the Council as a community leader.

- The Council is striving to ensure that it does not discriminate against staff or members of the public.
- The Council is working to make Tamworth a place free from discrimination
- People are proud to be who they are
- Striving to ensure that the contribution of all groups is valued
- Differences between people are welcomed
- Removing barriers to ensure that all groups have the same chances of success
- The Council will provide services that are inclusive and designed to meet customer needs, including those most vulnerable.

The Council will support anyone who shares the same aims, including community groups, the voluntary sector, trade unions and partner organisations.

Tamworth Borough Council is committed to providing value for money and accountability which will underpin the delivery of all corporate themes. Working with others, the Council will deliver services that are well governed, ethical, effective, efficient and economically viable.

4 Diversity and Equality at Tamworth Borough Council

4.1 What are our legal duties?

4.1.1 Equality Act 2010

The Act brings together, harmonises and extends previous equality law. The Equality Act has replaced all previous discrimination law with a single act. The majority of the Act came into force on 1st October 2010. Within the Act there is a public sector equality duty which came into force on 6th April 2011. The public sector equality duty applies to public bodies and others carrying out public functions.

4.1.2 The Public Sector Equality duty

The Public Sector Equality Duty consists of a general duty and specific duties which apply to the Council.

4.1.3 The General Duty

The General Duty requires the Council to:
Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;

- Advance equality of opportunity between people from different groups; and
- Foster good relations between people from different groups

This means the Council is required to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics
- Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

4.1.4 The specific duties

The specific duties underpin the general duty, they require the Council to:

- Publish its equality objectives and review them at least every four years, and
- Publish information on employees and those affected by the Council's policies at least annually, this can be found at www.tamworth.gov.uk

The Council's objectives are:

- To use customer insight to develop accessible services, particularly aimed at those demonstrating the greatest need

- To ensure all council strategies, policies and procedures consider the impact on our diverse community/workforce to ensure maximum inclusion.

4.1.5 Anti-Semitism

Anti-Semitic discrimination is the denial of Jews of opportunities or services available to others.

TBC has adopted the international Holocaust Remembrance Alliance (IHRA) definition of Anti-Semitism and incorporated it into the Diversity and Equality Scheme.

Information from the 2011 Census showed that there were 7 people within the Borough who stated their religion as Judaism.

“Anti-Semitism” is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of antisemitism are directed towards Jewish and non-Jewish individuals and/or their property, towards Jewish community institutions and religious facilities”.

Anti-Semitism may take a number of forms in contemporary society which include;

- Making stereotypical or dehumanizing allegations about Jews
- Calling for, aiding or justifying the killing or harming of Jews
- Holding Jews collectively responsible for the actions of the state of Israel
- Using symbols and images associated with anti-Semitism
- Criminal acts are anti-Semitism when targets of the attack, whether people or property are selected because they are, or are perceived to be Jewish or linked to Jews

4.2 Monitoring the Scheme

The Scheme will be reviewed annually to check progress against actions and refresh the action plan for the following year. Progress will be reported to Cabinet on all diversity and equality matters annually this will be done via the Council's performance management system, Pentana.

4.3 Consultation, Communication, Input and Involvement of the Community and Partner Organisations

A key element of the Council's overall programme of services, which forms an integral part of the Diversity and Equality Scheme, is customer involvement. The ability to access groups and individuals who face barriers and discrimination, which can provide a positive input to the development of services, is vital. Consultation and involvement with people is an essential part of the current equality legislation.

4.4 Communication

A copy of the Scheme will be issued to all staff and elected members via Astute in an effort to ensure that the Scheme is put into practice. In addition, the Scheme will be placed on the Council's internet and intranet.

The Scheme will also be included with tender information and contracts for work undertaken for Tamworth Borough Council by external organisations and individuals. All of our policies, including those relating to equality and diversity, will upon request be made available for translation and/or in another medium where required.

Our procurement strategy makes specific reference to our commitment to ensure that all procurement practices comply with equality legislation.

Our partners and contractors will also be made aware of our commitment and targets under the scheme and again this will be detailed in the action plan.

5 Community impact Assessments

The Public Sector Equality Duty requires the Council to assess the impact on equality of policies, procedures; however the mechanism to do so is not specific.

Tamworth Borough Council has developed a process that seeks to ensure strategies and policies are impact assessed. This assessment goes further than just the protected characteristics and includes a number of other elements including safeguarding of the vulnerable, health and the environment. This process can be found at 14.1.

6 Programme of Training and Development

Diversity and Equality training is a mandatory requirement for all employees and elected members. All staff and elected members will attend a workshop and subsequent refresher training on a 3 year cycle.

Staff

TBC has a comprehensive Diversity and Equality awareness training workshop which is mandatory for all new staff within the first six months of employment, with a refresher for all staff every three years. The programme is delivered by diversity and equality specialists appointed through our procurement processes.

The aim of the programme is to raise awareness of both legal and moral duties in the development of service provision, ensure all employees have read and understood the Council's Diversity and Equality Scheme and to afford employee's the opportunity to develop their knowledge.

Staff are also given the opportunity to attend external training events.

Elected Members

We recognise each year that our elected members may change and as such we need to ensure that their knowledge and skills in this area is current. Elected

members should attend a diversity awareness workshop within 6 months of being elected and subsequently attend refresher training every 3 years.

7 Breaches of this policy

Any breach of this policy will be treated very seriously and employees may be disciplined in accordance with the Council's Capability and Conduct policy.

8 Responsibilities

Cabinet Members: are responsible for approving the policy and monitoring the performance via the performance management framework and ensuring all strategic policies are impact assessed.

Deputy Leader and Portfolio Holder for Assets: has responsibility for equality and diversity. The portfolio holder is required to work closely with the Council's designated officers and champion the scheme and its contents with elected members.

Chief Executive: is responsible for ensuring that the Council is complying with the Public Sector Equality Duty.

Executive Director Organisation: is the organisation's Equality champion and is responsible for ensuring equality activities are co-ordinated and carried out in the Authority.

All Directors/Assistant Directors: will ensure that policies presented to Cabinet for approval and supporting strategies and procedures are impact assessed as per the requirements of the scheme.

Safeguarding Officer: is the Council's lead officer for safeguarding children and vulnerable adults. The Safeguarding and Vulnerable Adults Protection policy can be found on the Council's intranet site Infozone.

Human Resources: will advise on the schemes and policies, organise delivery of necessary training, monitor and produce employee profiles and workforce data and liaise with all service delivery managers to ensure awareness and compliance.

Managers: are responsible for delivering equality in their area of responsibility, embedding it into policy and delivery of the services provided. Managers will also be responsible for ensuring breaches of the scheme are brought to the attention of the relevant Director for any necessary action.

All employees: have a responsibility to treat people fairly, take account of different people needs, challenge inappropriate behaviour and not knowingly discriminate, harass or victimise anyone and attend relevant training with regard to equality and diversity.

Contractors, Suppliers and Consultants: are expected to meet equality requirements within contracts and service level agreements. The Council will not award contracts without an appropriate level of equality commitment from contractors.

Volunteers: are expected to comply with, and be treated in line with, the principles of this policy.

Audit: are expected to carry out reviews of the scheme as specified by the annual audit plan.

9 Reporting discrimination or harassment

We have established systems for employees to raise any issues around harassment or discrimination via our Grievance and Dignity and Respect at Work policies.

We have also reviewed our arrangements for the reporting of incidents of harassment or suspected discrimination from members of the public in relation to service provision. The scheme covering this is known as the Harassment, Assaults and Threat (HAT) policy and is available on the Council's website.

10 Complaints, Comments and Compliments

We encourage feedback from local people and undertake to investigate complaints thoroughly in accordance with our procedures.

The Council has a complaints, comments and compliments procedure known as "Tell Us", which is operated in accordance with our diversity and equalities agenda.

We are committed to:

- Dealing with complaints and comments quickly and effectively.
- Using feedback to review and improve our services
- Encourage feedback from all sections of the community and undertake to investigate complaints thoroughly in accordance with our procedures.
- Ensuring complaints, comments and compliments are fed back to the service area for a prompt response.
- Ensuring that information from complaints are captured and monitored with the diversity agenda in mind.

11 Our Workforce

We aim to provide an inclusive, respectful and discrimination free environment for all our employees. We want all our employees to feel respected, appreciated and to be able to do a good job to the best of their ability.

11.1 Full time equivalent (FTE) employees

303.50 FTE as at 31 March 2019

304.24 FTE as at 31 March 2020

Number and types of contracts issued

	Male full time	Male part time	Male casual	Female full time	Female part time	Female casual	Total
March 2019	117	8	24	130	92	37	408

March 2020	112	10	31	131	89	50	423
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11.2 Length of Service

	<1	1 to 2	3 to 5	6 to 10	11 to 15	16 to 20	>20
March 2019	30	35	51	83	87	44	78
March 2020	47	44	44	73	84	56	75

11.3 Age

	<21	21 to 30	31 to 40	41 - 50	51 to 60	>60
March 2019	5	32	61	118	126	66
March 2020	10	42	57	113	135	66

11.4 Ethnic Group

	2019	2020
White - English/Welsh/ Scottish/Norther Irish/British	387	405
White - Irish	3	3
White - Gypsy or Irish Traveller	0	0
White - any other white background	5	6
Mixed/Multiple Ethnic group – White and Black Caribbean	0	0
Mixed/Multiple Ethnic group – White and Black African	0	0
Mixed/Multiple Ethnic group – White and Asian	1	0
Any other mixed/multiple ethnic background	1	0
Asian/Asian British - Indian	2	1
Asian/Asian British - Pakistani	1	1
Asian/Asian British - Bangladeshi	1	1
Asian/Asian British - Chinese	1	0
Asian/Asian British - Any other Asian Background	0	1
Black/African/Caribbean/Black British - African	0	0
Black/African/Caribbean/Black British - Caribbean	4	3
Black/African/Caribbean/Black British - any other Black/African/ Caribbean background	2	2
Other ethnic group – Arab	0	0
Any other ethnic group	0	0

11.5 Disability

	Declared a disability	Not disabled/not responded
2019	2	406
2020	11	412

12 Our Community

12.1 Profile of our Council Tenants

Gender	39% of our tenants are men and 61% are women
Ethnicity	We know the ethnicity 79.72% of our tenants. 77.93% of our tenants are White British, 1.79% are Black and Minority Ethnic and 20.28% are unknown.
Age	We know the age of 96.17% of our tenants. 32.64% are aged 65 and over and 63.52% are aged between 18 and 64.
Disability	We know that 19% of our tenants have a disability of some form.
Religion	We know the religion of 35% of our tenants.
Sexual Orientation	We know the sexual orientation of 38.43% of our tenants.

12.2 Demographic overview of our community

	Tamworth		Staffordshire		England	
Total 2016 population	77,000		867,100		55,268,100	
Total under 5 population	4,700	6.1%	45,000	5.2%	3,429,000	6.2%
Total under 16 population	15,000	19.4%	149,300	17.2%	10,529,100	19.1%
Total working age (16-64) population	48,300	62.8%	535,000	61.7%	34,856,100	63.1%
Total 65+ population	13,700	17.8%	182,900	21.1%	9,882,800	17.9%
Total 85+ population	1,400	1.8%	21,700	2.5%	1,328,100	2.4%
Minority ethnic group	3,830	5%	54,680	6.4%	10,733,220	20.2%

(Office of National Statistics)

The population of Tamworth is 77,000 with a population density of 24.9010 people for every hectare of land. There are relatively more children aged under 16 compared to England and less people aged 85 and over, many of whom are income deprived. There are also more single-parent households than average. The overall population for Tamworth is projected to increase between 2016 and 2026 by 2% with significant growth in people aged 65 and over (26%) and aged 85 and over (58%). The rate of increase in the number of older people aged 85 and over in Tamworth is faster than the England average, equating to 800 additional residents aged 85 and over by 2026.

The demand on public sector funded services has increased considerably over the last decade and a higher than average proportion of adults in Tamworth uses health and social care services. An ageing population means that these demands are likely to increase further.

The 2011 census indicates the population is 51% women and 49% men. The average age of residents is 39; the median age is also 39. Overall life expectancy at birth in Tamworth is 79 years for men and 83 years for women, both similar to the

national averages. However both men and women living in the most deprived areas of Tamworth live six and nine years less than those living in less deprived.

5% of the population are from minority ethnic groups. This means minority ethnic groups may experience greater isolation and have less of a network of support. We are working to ensure this is understood by all staff and elected members.

The majority religion is Christianity (48,632) with an increasing number claiming no religion (4,687).

The majority of residents speak English as their first language (98.3%), Polish is the second most widely spoken language at 0.8%. Slovak, Gujarati, Latvian, Panjabi, Lithuanian and Chinese are spoken by 0.1% by Tamworth's residents.

Residents between the ages of 16 and 74 are the main workforce in Tamworth. The number within this category is 56,833. Those that remain active and fall within this age bracket make up 41,188 people, 15,645 are inactive. 24,514 people are full time, 8,566 are part time and 2,541 are unemployed. There is a high proportion of households with children where there are no adults in employment (4.7%) compared with England (4.2%).

The top occupations in Tamworth are:

Elementary (simple and routine tasks which mainly require use of hand held tools & often some physical effort)	14.9%
Elementary administration & Service	13.2%
Admin and Secretarial	12.6%
Skilled Traders	12%
Professional	11.5%
Associate, Professional & Technical	11%
Machine Operatives	10.4%
Sales & Customer Service	9.9%
Admin	9.9%
Managers, Directors and Senior Officials	9.4%

13 Supporting Information

What do we mean by Diversity and Equality?

The two concepts of Diversity and Equality are very different and together form a whole that is larger in many respects than the sum of its individual constituents. Diversity recognises that we can only achieve equality by taking into account the different needs of the communities, equality is impossible to achieve without recognising diversity. Diversity is more about good management practice.

An example of Diversity:

To ensure that all communities benefit equally from our services, the Local Authority recognises that they need to address the different communities in the area. They developed an action plan for Black and Minority ethnic people which included:

- Involving black and minority ethnic organisations in advising on how they could change their service.

- Training staff in adapting services to meet diverse cultural, religious and dietary requirements.
- Researching best practice in other Local Authorities.
- Ensuring that information about the service can be produced in different languages, or in plain English versions

A similar action plan was developed for services that needed to target particular disabled groups and gay, lesbian, and bi-sexual communities.

Equality refers to outcomes, making sure that all social groups benefit equally from our activities.

An example of Equality

By comparing take up for services with the census, a Local Authority is aware that some community groups are under-represented. Equality would only be achieved if service uptake is in the same proportion to the numbers of people in the district from different communities.

What is discrimination?

Discrimination is a type of negative treatment that affects a whole group of people or an individual because they belong to a group.

The best way to understand discrimination is to set it against other types of negative treatment. Negative treatment edges into discrimination when the person on the receiving end is being badly treated by someone else who assumes a dominant or superior position.

Reasons for bad treatment	Who it affects
Individuality	Individuals, such as personality conflicts, or aspects of a person that lead to them being harassed or bullied (i.e. a response to a person's personal behaviour)
Life circumstances/condition	People who have a change of life circumstances that leads to temporary bad treatment (i.e. becoming homeless or losing a job, and seeing how other people's behaviour changes towards them).
Social Identity	A person's basic identity (who they are) is abused. The target is something about the individual which they share with a whole group and cannot change. This affects: <ul style="list-style-type: none"> • Ethnicity • Sex • Sexuality • Disability • Religion and cultural identity • Age

Discrimination affects whole groups in the following ways:

- Discrimination is a prejudiced reaction to a person's social identity (such as their gender or race)
- Discrimination is systematic, or institutional (i.e. it is embedded in laws, policies, and in everyday culture including much 'common sense')
- Discrimination leads to negative patterns (i.e. continuing pay gap between men and women, or continuing link between disability and lack of employment)

Equality law recognises two types of discrimination

- Direct discrimination: this is when there is a conscious intention to discriminate.
- Indirect discrimination: this is when discrimination is an unintended result of a decision or action.

An example of direct discrimination

A Council introduces a free advice service for single mothers who are employees. A male single parent objects on the grounds of sex inequality and is told that there is insufficient demand to extend this discretionary service to male employees.

An example of indirect discrimination

A Council introduces an employee support group for single parents. After a year the Council carries out a monitoring exercise of the group and finds that all members are female. This is despite the fact that there has been an increase in male single parents who are employees. The Council refuses to consult with male single parent employees on the grounds that all employees know about the group. The result is that the Council is not able to find out why the pattern has emerged that only women are using the group.

Diversity and Equality Action Plan 2020 – 2024

Action	By When	Responsible Officer	Completed	Outcome
Annual Review of the scheme and action plan and report to Cabinet	31 st March of each year	ZW/JN		Compliance with legislation
Scheme is approved and adopted by full council	October 2020	ZW		
The international Holocaust Remembrance Alliance (IHRA) definition of Anti-Semitism is incorporated into the Diversity and Equality Scheme.	October 2020	ZW		The new scheme is implemented
Scheme is communicated via Astute and internet	October 2020	ZW/JN		Compliance with internal audit recommendations
Carry out Community Consultation of the Diversity & Equality scheme and update to cabinet (ensuring covid safety)	April 2021	ZW/JN		
E&D training is procured for a 4 year period	December 2020	ZW/JN		Training is procured and timetabled
E&D training to be delivered to all new employees and elected members	Ongoing	ZW/JN		Training is delivered
Elected members and staff will receive safeguarding children and at risk adults training	By 31 st March	SI/JN		Training is delivered
Delivery of refresher E&D training for employees and elected members	Ongoing	ZW/JN		Training is delivered
Carry out Gender Pay Gap analysis on an annual basis	By 31 st March annually	ZW/JN		Gender Pay Gap is reported. Reduce of gender pay gap
Publish annual pay policy	Annually in April	ZW		Compliance with Section 38 of the Localism Act 2011
Establish & Communicate equality objectives and review on a 4 yearly basis	31 st March 2020	ZW/JN		Compliance with Public Sector Equality Duty (contained within the Equality Act 2010)

All HR policies must contain completed impact assessment	In line with review dates	JN	ongoing	Incorporated into HR policy
Publication of workforce data on an annual basis	April	JN		Statistics will be included to Diversity & Equality Scheme
All Directors ensure that strategic policies and procedures contain community impact assessments	Ongoing	Directors/ Assistant Directors		Improved provision of service ensuring maximum inclusion
Seek to deliver a successful Thrive At Work bronze submission	2022	ZW/JN	Ongoing	Accreditation and improved awareness of health and mental health
Improve equality, diversity & inclusion in recruitment	December 2020	ZW/JN		All interview processes will include on specific equality & diversity question
Ensure flexible working arrangements are clear on all job adverts.	September 2020	ZW/JN		To support the Gender Pay Gap action plan
Where services are reviewed and changes are proposed, we will carry out equality impact assessments to ensure the full impact of changes is understood before decisions are made	Ongoing	Directors/ Assistant Directors	Ongoing	Improved provision of serviced ensuring maximum inclusion
Achieve full compliance with EU Accessibility Directive	31 March 2021	GY/AT		Legally compliant access to website and apps

Feedback

We welcome all feedback on the content of this scheme.

You can contact us by emailing enquiries@tamworth.gov.uk, telephone 01827 709709.



Part 1 – Details	
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Diversity and Equality
Date Conducted	August 2020
Name of Lead Officer and Service Area	Jackie Noble HR
Commissioning Team (if applicable)	N/A
Director Responsible for project/service area	Anica Goodwin
Who are the main stakeholders	Employees
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members
Outline the wider research that has taken place (E.G. commissioners, partners,	

other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input type="checkbox"/>
	Being reviewed	<input checked="" type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To comply with the Equality Act 2010 which will ensure TBC's employees and services it offers are not discriminatory.

Who will be affected and how?

All employees - This policy provides guidance for of support.

Are there any other functions, policies or services linked to this impact assessment?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If you answered 'Yes', please indicate what they are? All employees Landlord Services Health Inequalities Policy Housing Strategy TBC Corporate Objectives			

Part 3 – Impact on the Community			
Thinking about each of the Areas below, does or could the Policy function, or service have a <u>direct</u> impact on them?			
Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability and explicitly references reasonable adjustments
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status

Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of those with caring responsibilities
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

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Part 4 – Risk Assessment
From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome

Date of Review (If applicable)

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TUESDAY, 22 SEPTEMBER 2020

REPORT OF THE ASSISTANT DIRECTOR REGENERATION AND DEVELOPMENT

REQUEST TO APPOINT A TEMPORARY ENVIRONMENTAL HEALTH OFFICER

EXEMPT INFORMATION

None.

PURPOSE

Our Environmental Health Service has been given responsibilities for the 'Test and Trace' and investigation of local outbreaks of Covid-19 in 'High Risk Places, Locations and Communities'. To fulfil this function the Director of Health and Wellbeing at Staffordshire County Council has provided Tamworth Borough Council with £50,000 funding to temporarily boost the capacity of the Environmental Health Service and provide an Out of Hours Emergency Response. We have already committed some of this funding to increase the hours of part time staff and implement an out of hour's rota.

It has become clear that the remainder of this funding needs to be focused on a technically qualified Environmental Health Officer (EHO) staff resource as there is a need for us to contact multiple businesses and provide technical and legal advice on infection control procedures and the latest Test and Trace Regulations/Guidance. We are anticipating a surge in demand in the coming months and it is felt that we need to urgently increase capacity within the Environmental Health Service.

It is proposed that the remainder of the funding from Staffordshire County Council be used to employ a full time EHO for 7 months. Or if this is unsuccessful, to use an employment agency to appoint a full time EHO for a limited time period within the remaining budget.

RECOMMENDATIONS

It is recommended that the Committee approve the request to employ a temporary full time Environmental Health Officer (EHO) for 7 months. If the recruitment process for this post is unsuccessful permission is then sought to appoint a full time agency EHO for a limited time period within the remaining budget.

EXECUTIVE SUMMARY

Staffordshire County Council has provided Tamworth Borough Council with £50,000 funding to temporarily boost the capacity of the Environmental Health Service to investigate local outbreaks and incidents of Covid-19 in high risk premises. It is proposed that this funding be used to appoint a temporary full time Environmental Health Officer (EHO) for a 7 month period. If recruitment to this post is unsuccessful it is proposed that a full time temporary EHO be appointed via a recruitment agency within the remaining funding.

RESOURCE IMPLICATIONS

The proposal will be funded directly from the £50,000 funding provided by Staffordshire County Council. If this funding is not spent it will need to be returned to Staffordshire County Council.

Council. This additional post will commit £26,000 of the funding from Staffordshire County Council. The remaining amount of £24,000 has already been committed with an extension to an existing post holder's hours and to an extension of an agency environmental health officer, If the recruitment process for this additional post is unsuccessful and permission is granted to appoint an agency EHO then there will only be enough funding to appoint the agency EHO for 19 weeks.

LEGAL/RISK IMPLICATIONS BACKGROUND

If this request is refused there is a risk that the Environmental Health service will not have the capacity to respond to localised outbreaks and incidents involving Covid-19.

SUSTAINABILITY IMPLICATIONS

None.

BACKGROUND INFORMATION

None.

REPORT AUTHOR

Gareth Harvey, Head of Environmental Health

LIST OF BACKGROUND PAPERS

None.

APPENDICES

None.

TUESDAY, 22 SEPTEMBER 2020

REPORT OF THE HEAD OF HR AND OD

HR POLICIES

EXEMPT INFORMATION

This report is non exempt.

PURPOSE

To update members regarding the development of three HR policies; Domestic Abuse for Employees, Grievance and Probationary Periods.

RECOMMENDATIONS

That the Domestic Abuse for Employees, Grievance and Probationary Periods policies are formally approved for immediate implementation.

EXECUTIVE SUMMARY

Domestic Abuse for Employees' is a new policy which provides a framework for how employees, subject to domestic abuse, can be supported by the employer and sign-posted to appropriate external support. Furthermore, it provides a framework for dealing with employees who are perpetrators of domestic abuse.

The current 'Grievance' policy combines grievances and dignity at work which, at times, made the process unclear. The revised 'Grievance' Policy is a stand-alone policy designed to bring clarity for employees raising issues of concern and for managers responding to grievance matters. In addition to individual grievances, the new policy also provides a framework for dealing with collective grievances. The policy complies with ACAS best practice and employment law.

'Probationary Periods' is currently covered in the Conduct and Capability policy. A dedicated Probationary Periods policy provides managers and new employees with clear guidance on expectations and milestones for review during the first six months of employment.

Once approved, the policies will come into effect and be implemented through Astute. Any open grievance cases will continue under the existing policy and new cases will be dealt with under the new policy. Staff already in their first six month of employment will continue to be managed under the Conduct and Capability policy. Only new starters after 23rd September 2020 will be managed under the Probationary Periods policy.

RESOURCE IMPLICATIONS

There are no resource implications for implementing the three policies.

LEGAL/RISK IMPLICATIONS BACKGROUND

None. The three policies are designed to give managers a framework to deal with employee issues appropriately. The policies will ensure consistency of application and minimise future legal issues.

SUSTAINABILITY IMPLICATIONS

None.

BACKGROUND INFORMATION

HR policies are reviewed on a 3 years cycle to ensure they are legally compliant, meet best practice and are clear for employees and staff. All policies have undergone consultation with the recognised Trade Unions.

REPORT AUTHOR

Jackie Noble, Head of HR and OD

LIST OF BACKGROUND PAPERS

None

APPENDICES

Appendix 1 - Domestic Abuse for Employees Policy
Appendix 2 - Grievance Policy
Appendix 3 - Probationary Periods Policy



Domestic Abuse For Employees

Document Status: Draft

Document Ref: HRPOL -

Originator: Jackie Noble

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.01

Date: September 2020

Approved by Corporate Management Team / Appointments and Staffing

Classification: SEC1 - Routine

Document Location

This document is held by Tamworth Borough Council, and the document owner is HR.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Council's Intranet. Please check for current version before using.

Revision History

Revision Date	Version Control	Summary of changes
June 2020	V1	A new policy providing guidance on Domestic Abuse for staff as victim or perpetrator
September 2020		Finalised following TU consultation

Key Signatories

Approvals Creation and Major Change

Name	Title	Approved
Appts & Staffing		

Approvals Minor Change and Scheduled Review

Name	Title	Approved
Anica Goodwin		
TULG		

Approval Path

Major Change

	Action
Originator	HR
Owner	Head of Paid Service
TULG	Consultative Group
CMT	Corporate Approval
Appts & Staffing Committee	Council Approval

Minor Change

HR	Submission
TULG	Consultative Group
Director	Delegated Approval

Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

Distribution

The document will be distributed through Astute as a MANDATORY policy and will also be available on the Intranet.

Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

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1 Policy Statement

- 1.1 Tamworth Borough Council (TBC) recognises, as an employer, that domestic abuse is a serious issue and affects many people's lives. This policy applies to employees as victims and perpetrators. The overwhelming majority of victims are women and therefore women make up the main group who need support. However, this policy also applies to men.
- 1.2 This policy sets out what TBC hopes to achieve in relation to domestic abuse and recognises that domestic abuse takes place in a range of situations, including:
- Where a woman is the victim,
 - Where a man is the victim,
 - Heterosexual, bisexual, transgender, lesbian and gay relationships,
 - Where the victim is a child or young person under 18 years old,
 - Where the victim is a vulnerable adult e.g. an older or disabled person.
- 1.3 This policy also sets out how TBC will respond to employees who are perpetrators of domestic abuse.

2 Definition

- 2.1 The term domestic abuse shall be understood to mean any form of violence or abuse that takes place within a present or former intimate relationship. The relationship may be with a partner, family member or carer. The violence may include physical, sexual, emotional or financial abuse. Typically, the abuse forms a pattern of coercive or controlling behaviour which escalates in frequency and severity over time.
- 2.2 Whilst in theory anyone can experience domestic abuse, crime statistics and research shows that, in reality, domestic abuse is gender specific. In the great majority of cases the perpetrator is male and the victim is female. Domestic abuse is not limited to any particular social group or class; it occurs across the social spectrum, regardless of age, race, ethnic or religious group, disability or lifestyle. Abuse and multiple-discrimination can be faced by those who fall into more than one group.
- 2.3 Examples of domestic abuse include:
- Physical abuse, e.g. slapping, pushing, kicking, punching and stabbing, attempted murder, murder or honour killings;
 - Sexual abuse, i.e. rape and non-consensual sex acts;
 - Female genital mutilation;
 - Emotional or psychological abuse, e.g. intimidation, isolation, verbal abuse, humiliation, degradation, not allowing friends or relatives to visit or phone, destruction of belongings, threat of legal sanctions, e.g. deportation, custody of children etc;
 - Financial abuse, denial of rights or restriction of personal freedom, e.g. withholding money or medical help.

3 Facts about domestic abuse

3.1 There is a great deal of research that can be accessed. Here are some facts:

- Domestic abuse occurs in all social classes, cultures and age groups whatever the sexual orientation, mental or physical ability.
 - Once it has started it often becomes more frequent and more violent.
 - It can severely affect children emotionally and physically.
 - Victims are sometimes beaten or harassed by members of their immediate or extended family.
 - 2 women a week are killed by a current or former partner.
 - For every 4 victims of stalking, 3 will be female, 1 will be male.
 - For every 3 victims of domestic abuse, 2 will be female, 1 will be male.
 - 5.7% of adults aged 16-74 years (2.4 million people) experienced domestic abuse in the period March 2018 – March 2019,
 - Police recorded 1,316,800 domestic abuse related incidents and crime,
 - A higher percentage of adults experienced abuse carried out by a partner than a family member.
- (source National Crime Survey 2019)

4 Benefits for victims who are in work

4.1 For many victims who are able to work (they may sometimes be prevented from doing so), work is essential for them to survive. Not only does it provide them with money, but also acts as a respite from the violence and abuse at home. It can also help them to retain some self-esteem and independence.

4.2 The workplace can make an important contribution to the safety of victims, but only when employers and colleagues have an understanding of the effects of domestic abuse on all aspects of an individual's life. Having a policy will ensure that staff are aware of TBC's commitment to take positive action in cases of domestic abuse and will encourage an environment in which victims can feel safe to speak about the problem and obtain appropriate support. This will also, hopefully, encourage victims to seek help sooner rather than later.

5 Aims

5.1 The aim of this policy is to ensure that every employee who is a victim of domestic abuse and who raises the issue with TBC will be treated promptly, fairly and with regard to personal safety and confidentiality. It sets out the employer's response should a member of staff be alleged or found out to be a perpetrator of domestic abuse.

6 Objectives

6.1 The objectives of this policy are to:

- Assist and support employees who approach the organisation for help in addressing problems arising from domestic abuse;
- Ensure those employees seeking assistance are confident their situation will be handled with understanding and sensitivity and with the seriousness it warrants;

- Ensure that all cases brought to the attention of the organisation will be treated confidentially by those involved;
- Raise awareness of domestic abuse and ensure a consistent approach across TBC;
- Set out what the organisation will do if employees are found to be perpetrators of domestic abuse.

7 Legal Obligations and TBC's Duty of Care

- 7.1 TBC acknowledges that it has a duty of care to the mental health and well-being of its employees (H&S at Work Act 1974) and it will treat domestic abuse in the same way as any other health hazard and assess risks to mental health and well-being when necessary.
- 7.2 TBC acknowledges that the individual's right to confidentiality is paramount. The organisation will ensure that employees know that maintaining confidentiality is of crucial importance to the safety of those experiencing domestic abuse.
- 7.3 The organisation will only involve other agencies or share information with the consent of the person concerned, unless:
- It is required to do so by law, or
 - The sharing of information is necessary for the protection of children.
- 7.4 For employees experiencing and receiving support for domestic abuse, it will remain confidential as far as it is reasonably practicable within our duties as an employer.

8 Identification of the problem

- 8.1 Whilst it is the responsibility of the individual to recognise they are a victim of domestic abuse, due to the fear, shame and guilt associated with the problem the organisation is aware that victims find it difficult to seek help and support. Consequently, the organisation will take a proactive approach to the issue and be aware of some of the signs that may indicate domestic abuse, for example:
- Employee becoming withdrawn/depressed,
 - Frequent submissions of self-certified absences,
 - Presenteeism – where victims prefer to be at work rather than at home,
 - Reduced quantity/quality of work,
 - Conduct, or outbursts out of character,
 - Employee's partner frequently contacting them at work,
 - Visible bruising/injury,
 - Uncharacteristically late or high absenteeism rate without explanation.
 - Inappropriate or excessive clothing,
 - Uncharacteristically depressed, anxious, distracted or having trouble concentrating,
 - Receiving repeated upsetting calls/texts or being a victim of vandalism or threats.
 - Obsession with time or avoiding lunch breaks or socialising outside work.

8.2 It is important to remember that any of the above may arise from a range of circumstances and are not exclusive indicators of domestic abuse.

9 Confidentiality and a right of privacy

9.1 Employees who disclose experiencing abuse can be assured that the information they provide is confidential and will not be shared with other members of staff without their permission.

9.2 Where domestic abuse in a same sex relationship is disclosed, due regard will be paid to the double disclosure of confidential information, particularly where the individual recipient of abuse may not be 'out' at work.

9.3 There are, however, some circumstances in which confidentiality cannot be assured. These occur when there are concerns about children or vulnerable adults or where the employer needs to act to protect the safety of employees.

9.4 In circumstances where TBC has to breach confidentiality it will seek specialist advice before doing so. It if decides to proceed in breaching confidentiality after having taken advice, it will discuss with the employee why it is doing so and it will seek the employee's agreement where possible.

9.5 As far as possible, information will only be shared on a need-to-know basis.

9.6 All records concerning domestic abuse will be kept strictly confidential.

10 Support to victims

10.1 TBC will respond sympathetically, confidentially and effectively to any member of staff who discloses they are experiencing domestic abuse.

10.2 Any employee disclosing domestic abuse will be given advice on a range of services that may provide specialist help and support. They will also be given assistance to access these services should they require it. The fact that many victims may have suffered several assaults and types of abuse before raising the issue should be borne in mind. In addition, they may not feel strong enough to follow advice immediately.

10.3 Support available includes:

- Assistant Director/Heads of Service/Human Resources will consider granting extended or special leave for employees experiencing domestic abuse to attend relevant appointments, including with support agencies, solicitors, to rearrange housing or childcare and for court appointments. Time to attend appointments to obtain advice or support regarding domestic abuse will be facilitated as far as possible given the exigencies of the organisation.
- Temporary or permanent changes to working times and patterns.
- Changes to specific duties, for example to avoid potential contact with an abuser in a customer facing role.

- Access to Employee Assistance Programme (Listening Centre).
 - Absences from work arising from domestic abuse will be treated sympathetically and will be taken into account as mitigating circumstances for sickness absence management, disciplinary/ capability purposes.
- 10.4 Relocation or redeployment may be considered by the organisation if both the employee and the employer think this may help. It should be recognised that some work settings may be more difficult than others and managers should be sensitive about the type of work they allocate to someone in this position.
- 10.5 Where an employee's personal safety is at risk within the work setting, the organisation will assist the employee in putting together a personal safety plan. In some instances this may need to address the safety of colleagues. If the employee's personal safety is at immediate risk, consideration should be given to involving the police at an early stage. The personal safety plan will be an individualised plan and those involved in devising it will agree it with the victim.
- 10.6 A DASH (Domestic abuse, stalking and harassment, and honour based violence) risk assessment can be undertaken by specialist support agencies and can be located at www.dashriskchecklist.co.uk
- 10.7 Confidential counselling services are available through the Listening Centre and may be accessed by victims of domestic abuse.

11 Staff Roles and Responsibilities

- 11.1 Employees who are experiencing domestic abuse may not feel able to tell people at work of their situation or approach their manager with problems in the first instance. However, as a result of other issues, such as frequent absence from work, poor performance, or an employee's partner frequently contacting her/him at work, a manager or colleague may become aware of the situation. In these circumstances a manager should consider if there is an underlying cause, such as domestic abuse, and take this into account in considering how to deal with the situation. A colleague must consider the value of alerting the manager to their concerns.
- 11.2 If there is an underlying cause which has been identified, then offering appropriate support may mean that the employees are able to deal with their situation more effectively. Where the victim's perpetrator is appearing in court, TBC will handle the situation with as much sensitivity and confidentiality as possible.

12 The Role of Managers

- 12.1 Managers need to develop a sensitive approach and ensure the employee is offered support if domestic abuse is an issue that has been disclosed to them. When dealing with a report of domestic abuse from an employee, managers should:
- Ensure discussions take place in private and are confidential as far as possible.
 - Take the employee seriously, taking time to listen to her/him, believing what s/he tells you and ensuring a non-judgemental approach.

- Understand that an employee may wish to involve a third party, such as a colleague, trade union representative or friend, rather than speak to her/his line manager.
- Be aware that there may be a variety of discriminatory issues facing the employee because of her/his age, gender, sexuality, ethnic background, race, disability, religion, culture, gender reassignment.
- Explore what support is available, explore options, and support the employee in whatever s/he then decides to do.
- As managers have a duty to maintain a secure environment for all employees, it may be necessary to explore, with the employee concerned, the possibility of informing colleagues of potential risks. If the employee agrees to this approach, colleagues should be reminded that the information is confidential.
- Managers must not make a personal rather than a managerial commitment to resolve an issue for a member of staff.
- Managers will not counsel the employee but offer information, workplace support and signpost other organisations.
- Reminding Customer Services staff and colleagues not to divulge information about employees, especially personal details such as addresses, telephone numbers or work patterns.
- Agreeing what to tell colleagues and how they should respond if the (alleged) abuser rings or calls at the workplace to help them maintain security in the workplace.
- Offering temporary or permanent changes in the workplace, work times or patterns to make the employee less at risk at work on their journeys to and from work. For example changes to the office layout to ensure the employee is not visible from reception points or ground floor windows.
- Making sure the systems for recording staff whereabouts during the day are adequate. If work involves visits outside of the office, consider how risks could be minimised.

13 Perpetrators of domestic violence

13.1 Position Statement

- 13.1.1 This section of the document has been devised to outline the TBC's policy in relation to employees who are convicted of offences involving domestic abuse, those against whom an allegation has been made or those who come forward who are presenting concerns about their behaviour within an intimate relationship.
- 13.1.2 Domestic abuse perpetrated by staff will not be tolerated under any circumstances nor will it be treated as a purely private matter which is of little or no concern to the organisation. However, TBC recognises that it can have a role in encouraging and supporting employees address offending/problematic behaviour of all kinds and will treat any allegation or conviction on a case-by-case basis for disciplinary purposes.
- 13.1.3 TBC will not be involved in "mediation" between an alleged domestic abuse perpetrator and victims and other family members. The needs of staff who are perpetrators and their families should be dealt with separately.
- 13.1.4 When faced with staff members who have been convicted of an offence involving domestic abuse, those against whom an allegation has been made or those who

come forward presenting concerns about their behaviour within an intimate relationship, the organisation will take into account the following:

- Ensuring that staff who commit domestic abuse related offences are held accountable.
- Upholding public confidence in the integrity of TBC as a whole.
- Upholding public confidence and the confidence of victims in reporting domestic abuse and in the organisation's response to domestic abuse.

14 Code of Conduct

- 14.1 TBC employees are public servants which brings expectations of a high standard of integrity, personal conduct and discipline in its entire staff.
- 14.2 Confidence and credibility are fundamental to the effective performance of TBC.
- 14.3 The Code of Conduct is intended to inform all staff irrespective of grade of the standards of conduct expected of them. It identifies a set of principles governing behaviour by which staff are expected to abide.
- 14.4 Whilst the Code of Conduct does not, itself, constitute a set of disciplinary rules and any disciplinary action thought necessary by management will be taken in accordance with the relevant procedures, any failure to adhere to this Code of Conduct will be taken into account in such procedures.
- 14.5 Staff are expected at all times to present high standards of personal integrity, conduct and appearance that will not reflect adversely on the organisation and its reputation.

15 Application of the Code of Conduct

- 15.1 Line managers have an obligation to their staff. On the occasions when a line manager may note, or become aware of, some aspect of a staff member's behaviour which gives rise for concern, they have a duty to observe and, if necessary, act. On these occasions this will trigger discussions with the Assistant Director/Head of Service and Human Resources.

16 Criminal Proceedings

- 16.1 TBC has adopted a policy regarding the notification of criminal proceedings by all members of staff.
- 16.2 The organisation's policy requires any member of staff who has criminal proceedings instituted against them to notify the organisation immediately.
- 16.3 The notification will be to the line manager and from there to the Assistant Director/ Head of Service and Human Resources.

Criminal Proceedings include:-

- (a) a charge of a criminal offence,
 - (b) a summons or a warrant to appear before any Criminal Court,
 - (c) a caution in respect of any criminal offence.
- 16.4 TBC will consider any criminal proceedings notified by members of staff and decide whether or not any further action is necessary.
- 16.5 In the event of an acquittal i.e. a not guilty plea being sustained, it would not be appropriate for the organisation to retain that information in respect of criminal proceedings on a personal file. Failure to disclose criminal proceedings could result in disciplinary action.
- 16.6 Criminal cases involving domestic abuse will be looked at on a case by case basis depending on the nature and the severity of the offence.
- 16.7 Where a decision is made not to suspend, the organisation will consider restricting duties.
- 16.8 If the organisation becomes aware of an alleged domestic abuse situation and both the perpetrator and victim are employees, it will take steps to ensure that safety in the workplace is paramount for the person being abused and all other employees.
- 16.9 Confidentiality can have a bearing on safety. If an alleged abusive partner working in the same location suspects that home circumstances have been disclosed at work, this could conceivably cause problems for the partner or colleagues in the workplace. In certain circumstances it may be appropriate or necessary for the organisation to activate the workplace policy on Dignity and Respect.

17 Civil Proceedings

- 17.1 There is an expectation that an employee of the organisation will inform the employer of the existence of any domestic abuse related civil orders (under the Family Law Act 1996 or Protection of Harassment Act 1997) or child contact restrictions against an alleged abuser and any recorded breaches of such orders/restrictions. Breaches of civil non-molestation orders are now a criminal offence.

18 Non-Criminal Incidents, Allegations and Suspicions

- 18.1 The above are difficult to define as it is not easy to determine the degree of criminality involved nor are they susceptible to one-off solutions. There is a natural tendency to underestimate what is going on in family situations. Staff becoming aware of unreported incidents of domestic abuse, or receiving allegations or having suspicions thereof, should report the matter to their line manager in the first instance.

19 Referral to External Agencies

- 19.1 It is not appropriate for the organisation to offer the alleged perpetrator counselling and guidance. If it is agreed by employer and employee that structured intervention would be a beneficial course of action the organisation will refer the employee to an approved service provider.

20 Respect and Dignity

- 20.1 TBC's HR policies can be found on Info Zone.

21 The role of the Human Resources Department

- 21.1 The effects of domestic violence can impact upon employees in many ways such as punctuality, attendance, Health & Safety, work performance and productivity. The Human Resources Department will ensure that the availability of confidential support for victims and perpetrators, through the Employee Assistance provider, is widely publicised on the Intranet. A list of some national and regional agencies providing support for victims and perpetrators is attached as Annex A.

22 Options for action

- 22.1 The following list is neither exhaustive nor mandatory:
- Improving security measures, such as changing keypad numbers.
 - Reminding all employees, particularly reception and HR staff, not to divulge information about other employees, especially personal details such as addresses, and telephone numbers and movements.
 - Where reasonably practicable, particularly where the alleged perpetrator is a colleague, consider offering temporary or permanent changes in workplace.
 - Considering work times and patterns so as to ensure the employee is less at risk at work and on their journeys to and from work. This could include changes to the office layout to ensure that the employee is not visible from reception points or from ground floor windows.
 - Offering changes in specific duties.
 - Agreeing what to tell colleagues and how they should respond if the abuser rings or calls at the workplace. Providing colleagues with a photograph of the abuser and other relevant information, such as car registration numbers, may help to maintain security in the workplace.
 - Making sure that the systems for recording employee whereabouts e.g. home visits, meetings, are adequate and considering how risks can be minimised. Examples could be changing duties or allowing another colleague to accompany them on certain journeys.
 - Recording all incidents of violence or threatening behaviour in the workplace, including persistent phone calls, e-mails or visits to an employee by an alleged perpetrator.
 - Considering requests for alternative working arrangements.
 - Considering paid or unpaid time off for employees who have disclosed that they are experiencing domestic abuse.
 - Considering, at the employee's request, changing payment arrangements if their abuser has access to their finances or is applying financial pressure on them.

- Considering, with the employee's consent, referring them to an appropriate agency.
- Providing advice on support mechanisms.
- Consider how sensitive information and risk assessments are stored and accessed.

Table of useful websites and telephone numbers

If you ever feel you are in immediate danger, dial **999**

The Ann Craft Trust

Offers advice to professionals, parents, carers and family members on issues relating to the protection of vulnerable children and adults.

Telephone: 0115 951 5400, www.anncrafttrust.org.

Broken Rainbow

Support for lesbian, gay, bisexual and transgender people experiencing domestic violence.

Tel: 0800 999 5428, www.broken-rainbow.org.uk

Domestic Violence Intervention Project

Counselling and support to male perpetrators of domestic violence who wish to break their cycle of abuse. A support service is also available to the female partners of those undergoing counselling.

Tel: 0207 633 9181, www.dvip.org.uk

Everyman Project

Everyman offers a range of support services for men who want to stop behaving violently or abusively, and for the people affected by their violence or abuse.

Tel: 0207 263 8884

Forced Marriage Helpline

Called the 'Honour Network', the dedicated helpline is run by the charity Karma Nirvana, which helps survivors of honour crimes and forced marriages.

Tel: 0333 272 7761

Foreign & Commonwealth Office

For advice on forced marriages:

Tel: 020 7008 1500, www.fco.gov.uk

Forward UK

The Foundation for Women's Health, Research and Development is the charity providing help for Female Genital Mutilation; including counselling, referrals, information, materials and training.

0208 960 4000

Honour Network

A confidential helpline providing emotional and practical support and advice for victims and survivors (male and female) of forced marriage and/or honour based violence and abuse. It supplies advice and support to potential victims, victims in crisis and professional agencies.

www.karmanirvana.org.uk

Home Office Domestic Violence Pages

Facts, figures and helpline information

www.homeoffice.gov.uk

IKWRO

IKWRO provides advice and support to Middle Eastern women and girls living in the UK who are facing forced marriage, 'honour' based violence, female genital mutilation and domestic abuse.

Tel: 0207 920 6460

Tel: 07846 275 246 (Kurdish/Arabic)

Tel: 07846 310 157 (Farsi/Dari/Turkish)

Jewish Women's Aid

Tel: 0808 801 0500 (Domestic Abuse) 0808 801 0656 (Sexual Violence), www.jwa.org.uk

Karma Nirvana

Supporting victims of honour based abuse and forced marriage

Tel: 0800 5999 247

Listening Centre

Tel: 01543 300068

MALE (Men's Advice Line & Enquiries)

A helpline for male victims of domestic abuse and violence.

Tel: 0808 801 0327, www.mensadvice.org.uk

Muslim Women's Helpline

Tel: 0800 999 5786, www.mwhl.org

The National Child Protection Helpline (NSPCC)

This is a free, confidential service for anyone concerned about children at risk, including children themselves. The service offers counselling, information and advice.

Help and advice for adults – Tel: 0808 800 5000

Help for children – Tel: 0800 1111

www.nspcc.org.uk

National Domestic Violence

Access to emergency refuge accommodation and information service

Helpline run in partnership with Women's Aid and Refuge

Tel: 0808 2000 247, www.crimereduction.gov.uk

National 24 hour Domestic Violent Helpline (run in partnership with Women's Aid and Refuge)

Tel: 0808 2000 247, www.womensaid.org.uk, www.refuge.org.uk

National Victim Support Helpline

Tel: 0845 303 0900, www.victimsupport.org.uk

Next step (against domestic abuse)

Helpline, support and information - Swadlincote area

Tel: 01283 229854

Opoka

Free line for Polish women who experience domestic abuse and violence in the UK

Tel: 01174 270 012

Police Domestic Abuse Officers

In an emergency contact 999. If you've been a victim of domestic abuse or are concerned for someone who is, you can report this in the safety of your local police station. In non emergency cases and for general advice contact 101 .

To request information under Clare's law, make a Domestic Violence Disclosure Scheme application (DVDS). Clare's law gives any member of the public the right to ask the police if their partner may pose a risk to them. Under Clare's law, a member of the public can also make enquiries into the partner of a close friend or family member.

Refuge

Refuge offers a range of services which given women and children access to professional support whatever their situation.

For women and children against domestic violence

Tel: 0808 2000 247, www.refuge.org.uk

Respect

Respect is the national association for professions working with people to end their abusive behaviour.

Refuge and Respect have worked together to produce a comprehensive resource designed to help employers and HR professionals respond to employees who are victims or perpetrators of abuse.

Tel: 0808 801 0327/ 0808 802 4040

Details can be found at www.respect.uk.net/pages/the-domestic-violence-resources-manual-for-employers.html

Reunite

Advice, information and support to parents, guardians, and family members who have had, or who fear, child abduction.

Tel: 0116 2556 234, www.reunite.org.uk

Samaritans

The Samaritans is a national charity that provides 24-hour confidential emotional support for anyone in crisis. The Samaritans has introduced a single national telephone to link up all branches with one easy to remember, low cost number: 08457 909 090.

www.samaritans.org.uk

Staffordshire Lesbian and Gay Switchboard

01782 266998

The Mix

Support for 16-25 year olds

0808 808 4994

Victim Support

National charity which helps people affected by crime.

Victim Support line - Tel: 0300 303 3778

<http://www.victimsupport.org.uk>

Women's Aid (Staffordshire)

Women's Aid is the key national charity working to end domestic violence against women and children. They support a network of over 500 domestic and sexual violence services across the UK.

0300 330 5959 www.womensaid.org.uk

Zero Tolerance

Independent charity which campaigns for the prevention of male violence against women and children.

www.zerotolerance.org.uk



Part 1 – Details	
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Domestic Abuse for Employees
Date Conducted	January 2020
Name of Lead Officer and Service Area	Jackie Noble HR
Commissioning Team (if applicable)	N/A
Director Responsible for project/service area	Anica Goodwin
Who are the main stakeholders	Employees
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members
Outline the wider research that has taken place (E.G. commissioners, partners,	

other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input checked="" type="checkbox"/>
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To provide guidance on how to support victims of Domestic Abuse and employees who are perpetrators. Support agencies are referenced.

Who will be affected and how?

All employees - This policy provides guidance for of support.

Are there any other functions, policies or services linked to this impact assessment?	
Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/>
If you answered 'Yes', please indicate what they are?	
All employees	
Respect and Dignity Code of Conduct	

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Part 3 – Impact on the Community			
Thinking about each of the Areas below, does or could the Policy function, or service have a <u>direct</u> impact on them?			
Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability and explicitly references reasonable adjustments
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status

Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of those with caring responsibilities
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

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Part 4 – Risk Assessment
From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome

Date of Review (If applicable)



Grievance Policy

Document Status: Draft

Document Ref: HRPOL -

Originator: Jackie Noble

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.01

Date: September 2020

Approved by Corporate Management Team / Appointments and Staffing

Classification: SEC1 - Routine

Document Location

This document is held by Tamworth Borough Council, and the document owner is HR.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Council's Intranet. Please check for current version before using.

Revision History

Revision Date	Version Control	Summary of changes
August 2019		A complete refresh of the Grievance Procedure, including collective grievances
June 2020		Amended to include AD and ED feedback

Key Signatories

Approvals Creation and Major Change

Name	Title	Approved
Appts & Staffing		

Approvals Minor Change and Scheduled Review

Name	Title	Approved
Anica Goodwin		
TULG		

Approval Path

Major Change

	Action
Originator	HR
Owner	Head of Paid Service
TULG	Consultative Group
CMT	Corporate Approval
Appts & Staffing Committee	Council Approval

Minor Change

HR	Submission
TULG	Consultative Group
Director	Delegated Approval

Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

Distribution

The document will be distributed through NETConsent as a MANDATORY policy and will also be available on the Intranet.

Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

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10	Recording of meetings Mediation Confidential Counselling Monitoring
11	Process Flowchart
12	Appendix 1 – Grievance Form
14	Appendix 2 - Order of proceedings for appeal hearing
13	Community Impact Assessment

1 Introduction

- 1.1 Tamworth Borough Council (TBC) recognises that from time to time employees may have individual grievances relating to a range of matters, which affect their working situation. The policy is designed to support the resolution of grievances as swiftly as possible in accordance with the ACAS Code of Practice on handling grievances.
- 1.2 Matters dealt with under this procedure include all issues relating to individual rights of employees concerning their employment such as; the application of terms and conditions of employment, health and safety, allocation of work, working environment, career development opportunities or the way in which they have been managed. Issues relating to grading, conduct, bullying and harassment, capability, appraisal and absence management are dealt with under different and specific procedures in their own right with a right to appeal. However, issues that are the subject of collective negotiation or consultation with the recognised Trade Unions will not be considered under the Grievance Procedure.

2 Aim

- 2.1 To ensure effective working relationships are maintained within the organisation by having a mechanism for resolving problems. Where a grievance is upheld, the aim is to correct errors, to repair omissions, or replace inferior decisions with better ones. Its purpose is not intended to establish guilt or innocence, but to achieve a resolution to a problem. On occasions, a grievance may centre on the word of one person against another with little or no supporting evidence and the manager determining the grievance will do so on the balance of probability and reasonable belief.
- 2.2 TBC encourages full and free communication between managers and employees and anticipates that this approach will lead to problems being resolved quickly and as near to their source as possible.

3 Representation

- 3.1 The employee has the right to representation by a recognised Trade Union Representative or by a work colleague. In exceptional circumstances, as a reasonable adjustment, employees may request to be accompanied by someone external to the organisation but this request must be made in advance and under no circumstances should this include family or members of the employee's household. A reasonable adjustment may be needed for an employee with a disability, for example, the provision of a support worker or advocate with knowledge of the disability and its effects.
- 3.2 At **Step 1** – informal stage, it would normally be expected that the meeting would be between the employee and their line manager.
- 3.3 An employee has a right to be accompanied by a Trade Union Representative or work colleague from **Step 2** – the formal stage of this procedure. The companion is allowed to address the meeting, to put and sum up the employee's case, respond on behalf of the worker to any views expressed at the meeting and confer with the employee during the meeting. The companion does not however, have the right to

answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employee from explaining their case.

4 Implications for other procedures

- 4.1 The Grievance Procedure should not be used to allege misconduct (including sexual or racial harassment against other employees). Alleged misconduct should be reported promptly to an appropriate manager who should initiate an investigation under the Conduct Procedure or Dignity and Respect procedure.
- 4.2 If an employee is dissatisfied and feels strongly that the manager deliberately or negligently mishandled an investigation, the grievance procedure can be appropriately invoked.

5 Steps in the procedure

- 5.1 A grievance should be raised as soon as the employee feels they have a grievance and normally within 1 month of the issue having arisen or an incident having taken place. Should the grievance be linked to an ongoing chain of events then the grievance should be made within one month of the last of this series of events.
- 5.2 **Step 1 – Informal resolution with immediate line manager**
- 5.3 Where an employee is aggrieved about a matter relating to his/her employment, they should discuss this initially with their immediate line manager as soon as possible but normally within 14 calendar days. They should provide details of the grievance, desired outcome/how it should be resolved and if appropriate, provide documentary evidence. This written statement will form the basis of the subsequent hearing and any investigations, so it is important that this is set out clearly with the outcome sought. The manager has the right to request clarification or more detail on the points raised.
- 5.4 The manager will endeavour to resolve the matter informally, taking into account the issues involved and remedy the employee is seeking. If the employee's immediate manager is closely involved in the issue relating to the informal grievance then it may be appropriate for the next level of management to assist in the informal resolution.
- 5.5 The relevant manager should reply in writing within 14 calendar days of the meeting. A record of the discussion should be provided to the employee to check for accuracy and agreement and held on the employee's file. If agreement cannot be reached on the record of the discussion the employee's comments or amendments should be included as an addendum with reasons why they were not accepted as changes to the original notes.
- 5.6 **Step 2 – Formal resolution and hearing the grievance:**
- 5.7 If the employee is not satisfied with the reply and the grievance has not been resolved informally i.e. at Step 1, the employee must lodge a formal grievance in writing by completing the Grievance Form. They must outline why they believe the line manager's decision was unfair or wrong and the resolution sought (Appendix 1)

within 14 calendar days of receiving the line manager's written response. This should be submitted to a more senior manager, within the reporting line. In exceptional circumstances, where it can be evidenced the more Senior Manager was too involved with the original decision to investigate the grievance, to adjudicate fairly and with impartiality, the grievance may be referred to an alternative Senior Manager. This will be considered on a case by case basis.

- 5.8 The manager receiving the grievance may request further details or explanation in advance of the meeting in order to progress matters.
- 5.9 The manager hearing the grievance will convene a meeting to discuss the grievance within 14 calendar days of receipt of the written grievance. If the employee or their representative is unavailable, the employee may request an alternative meeting date, where possible within 7 calendar days of the original date.
- 5.10 At the meeting the employee or their representative will have the opportunity to explain the nature of their grievance and outcome sought.
- 5.11 After the meeting, the manager may undertake whatever investigation is felt appropriate e.g. establish the background history, the facts, steps taken to resolve the grievance informally, checking relevant policies and procedures.
- 5.12 The manager should communicate their decision in writing within 14 calendar days, together with a record of the meeting. This should consist of an explanation of what resolution is proposed, what action has been taken or will be taken to resolve the grievance, or alternatively an explanation that no action can be taken, together with the reasons for this. If this cannot be done within 14 calendar days, the employee should be told when he or she can expect a response and the reason for the delay, e.g. the manager needs to conduct further interviews or gather further documentation. If the employee is dissatisfied with the outcome and remains aggrieved, they will have the opportunity to appeal in accordance with step 3 of the procedure.
- 5.13 A HR representative should also be in attendance to ensure consistency of treatment by providing guidance on similar grievances and how they were resolved/followed up and to act as a note taker.
- 5.14 Step 3 – Appeal:
- 5.15 If the employee remains dissatisfied with the decision, they must lodge their appeal within 7 calendar days of receipt of the written decision to the Head of HR and Organisational Development, outlining their grounds for appeal, why they were dissatisfied with the initial response and remedy sought.
- 5.16 The appeal will be heard by a member of the Corporate Management Team (CMT), supported by HR, as soon as possible, but where possible within 14 calendar days. They will not have had prior involvement or input at an earlier stage in the procedure.
- 5.17 The CMT member will have a copy of the written note of the informal and formal grievance meetings, the outcome letters and relevant paperwork. The employee

will have the opportunity to present the grounds of his/her appeal and the manager who conducted the formal meeting will attend to present the grounds of his/her decision. No new evidence should be presented at the appeal stage. If new evidence, not available at earlier stages within the procedure is forthcoming, this should be referred back to Step 2. The decision made at this stage is final.

- 5.18 The CMT member will assess whether or not the conclusion reached was appropriate. The employee will be notified in writing of the appeal decision as soon as practicable and normally within 7 calendar days of the meeting. A record of the meeting will be taken and provided to the employee. Once the grievance procedure, including the appeal stage, has been exhausted, the matter will be closed irrespective of whether the employee accepts the outcome.

6 Vexatious grievances

- 6.1 Under the procedure, it is assumed that complaints are made in good faith which means the individual genuinely believes the grievance to be justified, whether or not this proves to be the case. Where the grievance is found to have been made in bad faith or maliciously, consideration will be given to action under the Conduct policy.

7 Collective grievances

- 7.1 If more than one employee have identical grievances and they all wish them to be addressed in the same grievance process, this can be raised as a collective grievance. Those raising a collective grievance must agree (without any pressure being exerted on staff members to join the collective process) to do this. The aggrieved parties will be entitled to one grievance hearing and, if applicable, one appeal hearing. The aggrieved staff will be notified individually of the outcome at each stage of the process. If grievances are not identical the Council will arrange to hear the grievance on an individual basis.
- 7.2 The first stage of the collective grievance procedure is for the complaint to be put in writing. This written statement will form the basis of the subsequent hearing and any investigations, so it is important that this is set out clearly with the outcome sought. The complaint should; identify each colleague wishing to raise the grievance, identify the nominated Trade Union representative or colleague support, state all parties have voluntarily consented to use the collective grievance process and confirm all understand that the grievance will give each complainant one collective grievance meeting, one identical outcome and one appeal meeting.
- 7.3 If following the grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal. If only one employee wishes to pursue the appeal, the Council's normal grievance procedure will apply to the appeal.

8 Records and disclosure of information

- 8.1 A record of the outcome of each stage of the procedure, together with all relevant documents, must pass from the manager who dealt with the informal grievance to the manager who dealt with the formal grievance for reference.

8.2 The following record should be kept:

- Substance of the grievance,
- Interviews conducted,
- Employer's response,
- Any actions taken as a result of the grievance,
- Reasons for such actions,
- Details of any appeal and outcome,
- Subsequent developments

8.3 TBC processes personal data collected during informal complaints and formal grievances in accordance with GDPR. In particular, data is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. Inappropriate access or disclosure of employee data constitutes a data breach and will be reported in accordance with the organisation's data protection policy.

8.4 On conclusion of the case, the investigation records will be returned to HR. HR will retain the investigation records to demonstrate TBC investigated the grievance as part of a reasonable procedure. These records could be subsequently relied on before an employment tribunal if the employee went on to bring a claim against TBC. Records will be kept for no longer than 6 years after employment ceases.

8.5 Actions taken to resolve a grievance may have an impact on other individuals. While confidentiality is of prime importance in handling any grievance, in some circumstances there may be other individuals who may need to know the outcome, or certain aspects of the outcome that will impact on them. For instance, in cases where the grievance was about a fellow employee, that individual will also be informed of any aspect of the decision that affects them and the reasons for it. In such cases, the employee who raised the grievance should be informed of who else will be told about the decision and what type of information they will be given.

9 Status Quo

9.1 The employee can request for the status quo (i.e. the practice which applied immediately before the point of dispute arose) to be maintained for the duration of the time limits within this procedure.

9.2 In some circumstances, this may be overridden for example by an appropriate senior manager, if it presents a health and safety risk to employees or the public or would put the Council into disrepute or subject to litigation.

10 Equality Act

10.1 If any aspect of the grievance procedure causes the employee difficulty on account of any disability that they may have, or timings of meetings due to religious observance or caring commitments, the employee should raise this for appropriate arrangements to be made.

11 Recording of meetings

- 11.1 The employee will not normally be permitted to record electronically or digitally any meeting held by the organisation as part of the grievance procedure. In certain limited circumstances, the Council may permit the meeting to be recorded electronically. For example, where the employee is disabled, it may be appropriate as a reasonable adjustment under the Equality Act 2010.

12 Mediation

- 12.1 An independent third party or mediator can sometimes help resolve grievance issues. Mediation is a voluntary process where the mediator helps two or more people in dispute attempt to reach an agreement. This agreement comes from those in dispute not from the mediator. Human Resources should be contacted to discuss and to arrange the external mediator as required.

13 Confidential Counselling

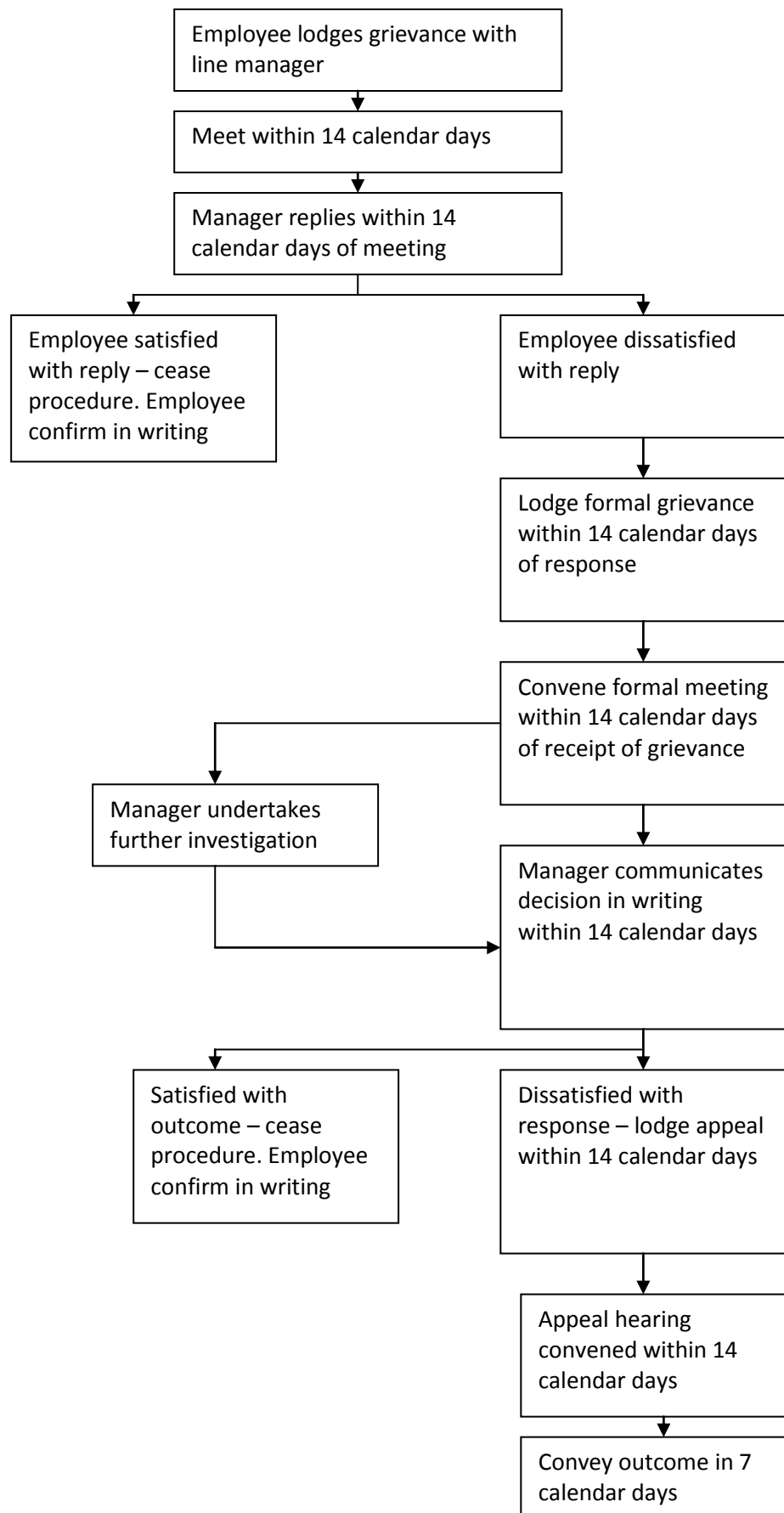
- 13.1 It is recognised any part of the grievance process can be distressing for all concerned. The Council's confidential counselling service 'The Listening Centre' is available to staff. Their contact details are: 01543 300 068 or enquiries@thelisteningcentre.co.uk.

14 Monitoring

- 14.1 The Council will act equitably and reasonably and will be able to demonstrate that they have done so in all cases. When determining the action to be taken, the Council will observe the need to satisfy the test of reasonableness in all circumstances.

To ensure that this Policy is applied fairly a member of the Human Resources Team will collate information on the use of the policy and its effectiveness.

Flowchart



Appendix 1

Formal Grievance Form

Name:	
Job Title:	
Department:	
Name of TU representative (if applicable):	
Nature of the grievance: Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and identities of those involved). You may attach additional sheets if required.	
Individuals involved in the alleged incident/complaint Please provide the names and contact details of any people involved in your complaint, including witnesses	
Summary of attempts at informal resolution:	
Desired outcome/remedy sought/how grievance should be resolved:	

Declaration. I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation.	
Signed	
Date	

Cc Human Resources

Appendix 2

Order of proceedings for a grievance appeal hearing

The format of any formal grievance appeal hearing conducted by the organisation will be as follows:

- The purpose of a appeal hearing will normally be to consider an employee's grounds for appealing the organisation's original decision regarding their grievance and determine whether or not the organisation should amend its decision.
- The employee should submit their grounds for appeal in writing in advance of the hearing, with any supporting documentation.
- The person leading the appeal hearing (the chair) will introduce the hearing; explain its purpose and how it will be conducted. HR will advise on the policy. A note taker will be present.
- The parties present at the appeal hearing will introduce themselves and confirm their respective roles in the appeal hearing.
- The chair will state that the appeal hearing is being conducted as part of the organisation's formal grievance procedure and confirm that a written record is being made.
- The chair will remind parties present that they are not permitted to record the hearing electronically and any breach of this provision may lead to disciplinary action against the employee. An exception to this would be where the employee has a disability and the organisation considers it to be a reasonable adjustment under the Equality Act 2010. In this circumstance, the organisation will take responsibility for making the recording.
- The chair will invite the employee to state their case, i.e. the grounds for the appeal against the organisation's decision regarding their grievance, what outcome they are seeking and why. The employee may do this personally, or the employee's representative (if they have elected to be represented) may do this on their behalf.
- The employee will refer to any documentation on which they are seeking to rely.
- The chair will refer to any written evidence that has been gathered in the course of any investigation that took place.
- The chair may ask the employee and manager who undertook the first investigation questions about the circumstances of the grievance to establish facts, background and surrounding circumstances. The chair has the right to ask the employee personally to answer such questions, although the employee may on request confer with their representative at any time during the appeal hearing.
- At any point during the hearing, the chair may adjourn the proceedings if it appears necessary or desirable to do so, including for the purpose of gathering further information or investigating any allegations made.
- Once all the evidence has been heard, the chair will sum up the key points of the appeal hearing.
- The chair will inform the employee of when a decision will be made with the merits of the employee's appeal and what action will be taken to resolve or otherwise deal with the grievance if their appeal is upheld.
- The chair will inform the employee that there is no further right of appeal against the outcome.
- The chair will thank the parties for attending and close the hearing.



Part 1 – Details	
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Grievance
Date Conducted	September 2020
Name of Lead Officer and Service Area	Jackie Noble HR
Commissioning Team (if applicable)	N/A
Director Responsible for project/service area	Anica Goodwin
Who are the main stakeholders	Employees
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members

Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>
	Being reviewed	<input checked="" type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To provide guidance to all employees on how to lodge a grievance which is in accordance with best practice and employment law.

Who will be affected and how?

All employees - This policy provides guidance on the process.

Are there any other functions, policies or services linked to this impact assessment?

Yes No

If you answered 'Yes', please indicate what they are?

All employees
Dignity and Respect policy
Capability and Conduct policy

Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability and explicitly references reasonable adjustments
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief and explicitly references adjustments for religious observance
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair

responsibilities			treatment irrespective of those with caring responsibilities
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Disability</i>	<i>Employee not supported in raising a grievance</i>	<i>Reasonable adjustments e.g. ,allowing an advocate, allowing recording</i>

<i>Religion or belief</i>	<i>Coincides with religious observance</i>	<i>Policy encourages employees to highlight commitments to avoid clashes in timings</i>
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Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Page 100

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
n/a				

Date of Review (If applicable)

APPOINTMENTS AND STAFFING COMMITTEE

TUESDAY, 22 SEPTEMBER 2020

REPORT OF THE HEAD OF HR AND OD

HR POLICIES

EXEMPT INFORMATION

This report is non exempt.

PURPOSE

To update members regarding the development of three HR policies; Domestic Abuse for Employees, Grievance and Probationary Periods.

RECOMMENDATIONS

That the Domestic Abuse for Employees, Grievance and Probationary Periods policies are formally approved for immediate implementation.

EXECUTIVE SUMMARY

Domestic Abuse for Employees' is a new policy which provides a framework for how employees, subject to domestic abuse, can be supported by the employer and sign-posted to appropriate external support. Furthermore, it provides a framework for dealing with employees who are perpetrators of domestic abuse.

The current 'Grievance' policy combines grievances and dignity at work which, at times, made the process unclear. The revised 'Grievance' Policy is a stand-alone policy designed to bring clarity for employees raising issues of concern and for managers responding to grievance matters. In addition to individual grievances, the new policy also provides a framework for dealing with collective grievances. The policy complies with ACAS best practice and employment law.

'Probationary Periods' is currently covered in the Conduct and Capability policy. A dedicated Probationary Periods policy provides managers and new employees with clear guidance on expectations and milestones for review during the first six months of employment.

Once approved, the policies will come into effect and be implemented through Astute. Any open grievance cases will continue under the existing policy and new cases will be dealt with under the new policy. Staff already in their first six month of employment will continue to be managed under the Conduct and Capability policy. Only new starters after 23rd September 2020 will be managed under the Probationary Periods policy.

RESOURCE IMPLICATIONS

There are no resource implications for implementing the three policies.

LEGAL/RISK IMPLICATIONS BACKGROUND

None. The three policies are designed to give managers a framework to deal with employee issues appropriately. The policies will ensure consistency of application and minimise future legal issues.

SUSTAINABILITY IMPLICATIONS

None.

BACKGROUND INFORMATION

HR policies are reviewed on a 3 years cycle to ensure they are legally compliant, meet best practice and are clear for employees and staff. All policies have undergone consultation with the recognised Trade Unions.

REPORT AUTHOR

Jackie Noble, Head of HR and OD

LIST OF BACKGROUND PAPERS

None

APPENDICES

Appendix 1 - Domestic Abuse for Employees Policy

Appendix 2 - Grievance Policy

Appendix 3 - Probationary Periods Policy



Probationary Periods Policy

Document Status: Final

Document Ref: HRPOL -

Originator: Jackie Noble

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.02

Date: September 2020

Approved by Corporate Management Team / Appointments and Staffing

Classification: SEC1 - Routine
Document Location

This document is held by Tamworth Borough Council, and the document owner is HR.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Councils Intranet. Please check for current version before using.

Revision History

Revision Date	Version Control	Summary of changes
September 2019		New policy giving detail for managing probationary periods
December 2019		Suggested amendments made
September 2020		Final version agreed following TU consultation

Key Signatories

Approvals Creation and Major Change

Name	Title	Approved
Appts & Staffing		

Approvals Minor Change and Scheduled Review

Name	Title	Approved
Anica Goodwin		
TULG		

Approval Path

Major Change

Originator
 Owner
 TULG
 CMT
 Appts & Staffing Committee

Action

HR
 Head of Paid Service
 Consultative Group
 Corporate Approval
 Council Approval

Minor Change

HR
 TULG
 Director

Submission
 Consultative Group
 Delegated Approval

Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

Distribution

The document will be distributed through ASTUTE as a MANDATORY policy and will also be available on the Intranet.

Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

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1 Introduction

- 1.1 Tamworth Borough Council (TBC) believes that effective induction and probationary processes are critical for recruitment and retention of talent in the organisation. A good induction, supported by a well-managed probationary period can enable employees to settle into the organisation and their role, understand their accountabilities and deliver on their objectives and performance standards.

2 Scope

- 2.1 This policy applies to all new appointments within TBC, including temporary and fixed term appointments. Casual employees are not subject to a probationary period.

3 Roles and Responsibilities

- 3.1 TBC recognises its obligation to help, advise, train and supervise employees during their probationary period. Equally, it is expected that employees make every effort to learn their new jobs, adapt and conform to the standards, behaviours and requirements of TBC.
- 3.2 The review of an individual's performance during the probationary period is a two-way process which should enable the employee and the manager to discuss the work and the working relationship through one to one meetings.
- 3.3 The roles and responsibilities include;

Line Managers:

- Ensuring that an induction is carried out with the employee so they understand their role in the organisation, how it contributes to the wider achievements of the organisation and the standards expected.
- Ensuring that employees have access to the information, instructions and resources necessary to do their job.
- Providing appropriate support and assistance, including reasonable adjustments, under the Equality Act, to enable employees to fulfil the duties and responsibilities of the post.
- Making sure that the employee's performance is assessed and monitored through regular meetings with the employee and that feedback is provided.
- Holding probationary review meetings with the employee, during the first week to set objectives, standards and expectations; and at 8, 16 and 24 weeks of employment to discuss their performance.
- Highlighting at the earliest opportunity, areas of performance, conduct or attendance which need improvement and consider whether assistance and training is necessary or whether the employee needs to be informed formally of concerns and agreeing an improvement action plan (Appendix 4).
- Ensure that the employee understands what the probationary period means and that they are clear on how their progress in respect of performance, conduct and attendance will be reviewed and assessed during this period.
- Recommend whether the employee can be confirmed in post or not.
- Making sure all correspondence regarding the probationary review meetings is copied to HR to be placed on the employee's personal file.
- Making reasonable decisions on the basis of facts in front of them.

- Implementing the policy and procedure consistently in line with current legislation and best practice.

Employees:

- Maintaining the required standards of performance by meeting the objectives and competency requirements of the role.
- Role modelling the organisation's values and behaviours.
- Seeking information and clarification, as required, to achieve the required performance standards.
- Learning their new role and adapting and conforming to the standards of attendance and conduct expected by Tamworth Borough Council.
- Complying with all policies and procedures.
- Participating fully in any supervision, induction, training, coaching, mentoring, occupational health support, offered to help them improve performance.

4 Key Principles:

- 4.1 New employees cannot transfer to a new post during their probationary period unless it is a promotion opportunity.
- 4.2 The probationary period will last for six months for all new appointments. Where there are serious concerns, as outlined in section 7, a decision regarding ongoing employment may be brought forward.
- 4.3 Managers are required to take action as soon as any concerns arise, rather than waiting for the review periods.
- 4.4 Written records should be produced and retained for all one to one meetings and formal review meetings. A copy of these records should be given to the employee and a copy forwarded to HR.

5 Performance Standards

- 5.1 Performance will be assessed against specified criteria:
 - Quality of work compared with established standards,
 - Quantity of work compared with established standards,
 - Amount of supervision needed compared with that normally required,
 - Range of work undertaken compared with the duties specified on the job description,
 - Working relationships towards other employees and people the employee comes into contact with,
 - Level of attendance, punctuality and general conduct and behaviour.

6 Sickness Absence

- 6.1 Satisfactory attendance is a key criterion in assessing the overall suitability of employees as part of the probationary process. Employees will be informed of this and what the expected attendance standards are (as outlined in the Managing Attendance Procedure). The procedure will run concurrently with the Probationary Period procedure.

7 Serious Concerns

- 7.1 If at any time during the probationary period, there are serious concerns about the employee's suitability and capability to undertake the role e.g. where the employee demonstrates serious incapability or is found to have committed gross misconduct or there are other serious reservations, the Probationary Hearing may be brought forward (see Section 11). HR must be consulted at the earliest opportunity.
- 7.2 If, during an employee's probation, it is suspected or established that the employee does not have the qualifications, experience or knowledge that they claimed to have at the time of recruitment, the matter will be discussed with the employee to establish the facts. If the evidence suggests that the employee misrepresented their abilities in any way the Probationary Hearing will be brought forward.

8 Procedure

8.1 Week One meeting:

The line manager should meet with the new member of staff on their first day and during the first week of employment to:

- Work through the induction,
- Discuss their job description,
- Clarify responsibilities and establish priorities,
- Set out the performance standards and assessment criteria that will be used to evaluate the new employee's performance during their probationary period,
- Set SMART (Specific, Measurable, Achievable, Realistic, Time-bound) objectives and targets,
- Explain the process that will be followed during the probationary period, including a programme of regular meetings with the line manager and key review dates,
- Identify any initial training that the employee will need in order to carry out their duties and to make arrangements for such training to take place. Time must be allocated to undertake mandatory e-learning and e-induction.

8.2 Review Meetings:

Supervision meetings should continue regularly throughout the probationary period and the frequency will depend on the role and performance of the employee. Managers should seek HR advice at an early stage if they have concerns about the employee's conduct or capability to perform the job. If the employee is progressing to a satisfactory standard, monthly meetings should be sufficient. If there are concerns, weekly or fortnightly meetings should take place.

The aim of each review meeting is to:

- Review the employee's conduct,
- Review the employee's performance,
- Review the employee's attendance record or health concerns affecting performance,

- Identifying training or developmental needs,
- Provide feedback and discuss any work plans/requirements for the job,
- Identify how the manager can assist the employee to meet their objectives, including any reasonable adjustments,
- Discuss any concerns or issues which could be affecting the employee or impacting on their work.

8.3 If at any stage during the probationary period, an employee appears to be having difficulties in achieving the required standard of performance, attendance or conduct, the line manager must meet with the employee to explain their concerns and offer practical support through an action plan (Appendix 4) to help the employee achieve the necessary standards, as well as referring them to other support mechanisms e.g. The Listening Centre, Occupational Health (if under-performance is linked to a health issue). The line manager must explain to the employee that if they do not achieve the required standard they will not be confirmed in post and that their employment may be terminated. Managers must document any concerns and confirm these to the employee in writing at all stages of the process.

8.4 First Probationary Assessment Report (8 weeks in post):

After 8 weeks in post a formal review will take place between the employee and their manager, it is not anticipated that a HR representative will attend this meeting but guidance is available from HR if required.

The manager will meet with the employee to discuss performance and prepare an initial assessment, which will either indicate that the employee is making satisfactory progress or will identify areas of concern that need to be addressed with more support. If the report identifies that the employee is not reaching the required standard, they will be given written confirmation of:

- The performance gaps,
- What they need to do to demonstrate their suitability for confirmation of appointment,
- Timescales for improvement,
- Any support to assist them in achieving the required standard of performance will be identified, and
- Formal notification that if they fail to achieve the required standard by the date of their Final Probationary Assessment Report, their employment may be terminated.

The 8 week review report (Appendix 2) must be completed in a timely manner and forwarded to Human Resources.

8.5 Second Probationary Assessment Report (16 weeks in post):

After 16 weeks in post, a second formal review must take place. If, at this stage performance is satisfactory, the employee should be advised by his/her manager.

If despite the steps taken in the first formal review, or issues come to light between the first and second review, the employee has not met the required standard, the manager will give written confirmation of:

- The performance gaps,
- What they need to do to demonstrate their suitability for confirmation of appointment,
- Timescales for improvement,
- Any support to assist them in achieving the required standard of performance will be identified, and
- Formal notification that if they fail to achieve the required standard by the date of their Final Probationary Assessment Report, their employment may be terminated.

The 16 week review report (Appendix 2) must be completed and forwarded to Human Resources.

8.6 Final Probationary Assessment Report (24 weeks):

At the end of 24 weeks in post, it is critical that the manager meets with the employee and make a final assessment on whether the employee has satisfactorily completed the probationary period. If the decision is to confirm the employee in post, this will be communicated to the employee and the Final Probationary Assessment Report (Appendix 3) completed and sent to Human Resources, recommending confirmation in post. Human Resources will write to the employee confirming their appointment in post and eligibility for Health Shield membership.

If the employee is failing to reach the necessary standard, HR should be invited to attend the meeting. The employee has a right to representation by a Trade Union Representative or work colleague.

9 Failure to meet the required standard:

- 9.1 If the employee's progress during the probationary period is unsatisfactory the manager should contact HR at the earliest possible opportunity to discuss their concerns and agree a suitable course of action.

There are two options available to the manager:

- 1) The first option involves agreeing to extend the probationary period with the employee. Extensions are exceptional and only used where the employee's performance is borderline and there are sound reasons for concluding that they will be able to achieve the required standard with appropriate support within the extended period. Extensions can only be agreed with the prior approval of Human Resources.
 - 2) The second option involves the manager recommending that the contract of employment ceases. This would be appropriate where it is clear that the individual has failed to meet the requirements of the job, is not improving and has no prospects of meeting the requirements.
- 9.2 Under normal circumstances, the probationary period is adequate to assess all aspects of the employee's suitability for continuation of employment. It may however be necessary to extend this period for a further 3 months (maximum) in exceptional circumstances. For example,

- where the individual has been absent due to medically certified sickness or injury for a significant proportion of the probationary period (i.e. above 15%) but this level of absence is unlikely to recur,
- where there has been a change in job requirements or circumstances part way through the period, or
- where the individual has notified the Council of a change in the personal/domestic circumstances which may temporarily affect work performance during the probationary period.
- if a requirement of the role has not been met e.g. an apprentice not obtaining their driving licence when driving is required for the job)

If an extension is agreed, the manager will meet with the employee. The employee has the right to be accompanied by a Trade Union Representative or a work colleague. At the meeting, the manager will discuss:

- The reasons for the extension,
- Any further assistance or training required during the extension period,
- The period of the extension, the expected performance standards and how the performance will be monitored,
- That if performance still fails to meet expectations at the end of the period of extension, the employment may be terminated.

At the end of the review period, if performance has reached the required standard, the employee will be notified that the probationary period has been satisfactorily completed.

Where performance fails to meet the expected standard, the employee will be invited to attend the Probationary Hearing. They have a right to be accompanied by a Trade Union Representative or work colleague and must be informed that the outcome of the hearing could be their dismissal.

10 Probationary Hearing:

- 10.1 The employee will be invited to attend the Probationary Hearing which will be chaired by an Assistant Director or Executive Director. The employee has the right to representation by a Trade Union Representative or by a work colleague. In exceptional circumstances employees may request to be accompanied by someone external to the organisation but this request must be made in advance and under no circumstances should this include family or members of the employee's household. A reasonable adjustment may be needed for an employee with a disability, for example, the provision of a support worker or advocate with knowledge of the disability and its effects.
- 10.2 A member of Human Resources Department will be present to provide technical advice. The Chair will determine the outcome of the hearing. The manager who has been responsible for taking the employee through the procedure will present the management case at the hearing and the employee will have the right to present their case.
- 10.3 The purpose of the Probationary Hearing is to assess the continued under-performance of the employee. Therefore, it is important that full details of the performance issues which are the subject of the hearing, a copy of the Probationary Period Procedure and other documentation that will be referred to is made available to the employee at least 7 calendar days in advance of

the hearing. Any documentation which the employee intends to rely on at the hearing must be disclosed to the manager who will be presenting the management case and the Chair at least 3 calendar days before the hearing.

11 Procedure to be followed at a Probationary Hearing

- The Chair of the hearing should introduce all parties present at the hearing explaining the roles of all present.
- The Chair will explain the purpose for the hearing is to consider whether the employee should be confirmed in post and outline the format.
- The Chair will ask the line manager to present management's case regarding the employee's overall performance. This will outline all the relevant facts including; the actions taken, support given, all the options that have been considered e.g. transfer or demotion. Relevant documentation/evidence should be referred to.
- The Chair may ask for any points for clarification at this point.
- The Chair will then ask the employee or their representative to outline the employee's case.
- The Chair and their HR advisor may then ask questions to the employee and ask both parties if they have any questions for one another.
- Both parties should then be given the opportunity to summarise their case – no new information can be submitted at this point.
- The Chair will adjourn the meeting whilst they consider the information presented to them.
- Once the decision has been made, the Chair will recall the parties and inform them of the decision.

After consideration of the facts presented, the Chair will consider:

- Seriousness of mistakes/failings,
- Impact of mistakes/failings on the organisation and team,
- Employee's response,
- Support given to the employee,
- Any underlying causes,
- Special mitigating factors.

The Chair will determine:

- The employee has reached a satisfactory standard of performance and the procedure will cease.

or

- The employee has not reached a satisfactory standard of performance, and may determine,
 - A demotion/transfer,
 - A further monitoring period is set of no more than 3 months with clear guidance on what improvement is expected,
 - Dismissal with contractual notice.

However, this list is not exhaustive.

12 Equality Act

- 12.1 If any aspect of the Probationary Period procedure causes the employee difficulty on account of any disability or timings of meetings due to religious observance or caring commitments, this should be raised for appropriate arrangements to be made.

13 Right of Appeal

- 13.1 Appeals against dismissal, transfer or demotion should be addressed to the Head of Human Resources and Organisational Development within 14 calendar days of receipt of the written determination.
- 13.2 If the employee feels that the procedure has not been applied correctly, they have a right to redress via the Grievance Procedure.



Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Probationary Periods	
Date Conducted	August 2019	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input checked="" type="checkbox"/>
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>

	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>
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Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To provide a framework for monitoring and managing performance during probationary periods.

Who will be affected and how?

All employees - This policy provides guidance on the process.

Are there any other functions, policies or services linked to this impact assessment?

Yes No

If you answered 'Yes', please indicate what they are?
All employees

Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability and explicitly references reasonable adjustments
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity

Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief. It explicitly references religious observance when organising meetings.
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of those with caring responsibilities
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Disability</i>	Reasonable adjustments not in place which hinders performance or attendance	Reasonable adjustments identified and put place

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome

Date of Review (If applicable)

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