

# NOTICE OF MEETING

**Meeting:** HR COMMITTEE

**Date and Time:** THURSDAY, 11 JANUARY 2024, AT 10.00 AM

**Place:** COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA

**Enquiries to:** Email: [andy.rogers@nfdc.gov.uk](mailto:andy.rogers@nfdc.gov.uk)  
Tel: 023 8028 5070

## PUBLIC PARTICIPATION:

Members of the public may watch this meeting live on the [Council's website](#).

Members of the public may speak in accordance with the Council's public participation scheme:

- (a) on items within the HR Committee's terms of reference which are not on the public agenda, when the Chairman calls the public participation item; and/or
- (b) on individual items on the public agenda, when the Chairman calls that item. Speeches may not exceed three minutes.

Anyone wishing to speak should contact the name and number shown above no later than 12.00 noon on Monday, 8 January 2024.

Kate Ryan  
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

This agenda can be viewed online (<https://democracy.newforest.gov.uk>).

It can also be made available on audio tape, in Braille and large print.

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# AGENDA

## Apologies

### 1. MINUTES

To confirm the minutes of the meeting held on 14 September 2023 as a correct record.

### 2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

**3. PUBLIC PARTICIPATION**

To receive any public participation in accordance with the Council's public participation scheme.

**4. HR UPDATE REPORT (Pages 3 - 6)**

To receive an update on the activities of the HR service since the last HR Committee meeting, including the reactive caseload, and issues relating to job evaluations, restructuring advice, grievances, disciplinaries and sickness absence matters.

**5. PAY POLICY STATEMENT 2024/25 (Pages 7 - 18)**

To consider a proposed Pay Policy Statement for 2024/25.

**6. GENDER PAY GAP REPORT (Pages 19 - 26)**

To receive the Gender Pay Gap Update.

**7. BULLYING AND HARASSMENT POLICY (Pages 27 - 56)**

To consider a proposed Bullying and Harassment Policy.

**8. QUARTERLY HEALTH AND SAFETY REPORT (Pages 57 - 82)**

To receive the Quarterly Health and Safety Report.

**9. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

To:	<b>Councillors</b>	<b>Councillors</b>
	Jill Cleary (Chairman)	Sean Cullen
	Steve Davies (Vice-Chairman)	Jeremy Heron
	Mark Clark	Colm McCarthy
	Keith Craze	Joe Reilly
	Kate Crisell	

## HR COMMITTEE – 11 JANUARY 2024

### HR UPDATE REPORT

#### 1. RECOMMENDATION

- 1.1 That the Committee note the contents of this report.

#### 2. BACKGROUND

- 2.1 This report gives an update on HR matters since the last HR Committee. These matters are in addition to the reactive caseload which includes job evaluations, restructuring advice, grievances, disciplinaries and sickness absence matters.
- 2.2 We also continue to provide Payroll and HR Advisory services to the National Park Authority.

#### 3. LEARNING MANAGEMENT SYSTEM

- 3.1 The successful bidder for the Learning Management System is a company called Learning Pool.
- 3.2 We are now working with them to ensure that all the correct processes are followed in terms of moving the data from our current systems into the new one. Extracting data from iTrent has proved to be problematic, but ICT have been working closely with iTrent, and we believe this will shortly be resolved with a suitable solution.
- 3.3 Operational areas (Housing Maintenance, Waste, Transport, Streetscene, Grounds Maintenance) have kept other (excel) records, and we are working with these areas to ensure all data is correctly held to import into the new LMS, and that nothing is missed in the transfer.
- 3.4 As well as ensuring up to date correct user and training data is transferred, we are also busy building new eLearning content with 'module owners, taught course files and then assigning 'audiences' to each course. This will enable us to run effective reports of where all employees are at with their essential required training.
- 3.5 We are creating a dashboard with both employee and manager views, with rag ratings and other reports.
- 3.6 Once the system is live with base data we will be able to develop the system, and the eLearning course offering further.

#### 4. RECRUITMENT UPDATE

- 4.1 We have now attended 7 recruitment events since April 2023, at schools, colleges and job centres. It is great to get out and engage directly with those looking for future job opportunities and to promote our diverse range of roles – many people are really surprised by the range of roles we cover. There is genuine interest in apprenticeship opportunities from the students. Our branded goodies are always well received. We're just about to add some 'revision post-its' to this too.

- 4.2 We are currently finalising our revised application form, which will be streamlined to ask some basic 'tick box' questions, followed by the ability to upload CV and covering letter, or any other document. The aim is to make the process really user friendly, quick and easy to apply, and to allow those who would maybe struggle to complete the full form an effective route to apply.
- 4.3 We have been working with Graphics to produce a 'Candidate pack' with all relevant council information in one engaging format. We hope to use this for all jobs by February 2024.
- 4.4 We've updated our 'Long Service' process. Previously upon reaching 20/30/40 years' service a standard letter was sent to the Service Manager to give to their employee, congratulating the employee and informing them that their monetary award would be paid to their bank. Now, the letter is personalised, and includes a section for line manager, manager, Chief Exec and Leader comments. This is now supplemented by an annual get together with the Leader, Chairman and EMT to celebrate these milestones, and our Business Support colleagues facilitate this session. The first took place in December and was well attended and valued by those employees. We also had an employee retire, after 46 years' service – Kate and Jill met with him in November for tea and one of Jill's brilliant cakes, to thank him for this very long and valuable service to the Council.

## **5. HR PEER REVIEW**

- 5.1 The HR team have taken part in a peer review conducted by the LGA.
- 5.2 Findings from the review have been shared with EMT and Assistant Directors.
- 5.3 Ways forward will now be considered by EMT in a report in January looking at the Future of the HR service, especially in relation to the focus of the transformation programme and the successful delivery of the corporate plan.

## **6. LEADERSHIP DEVELOPMENT PROGRAMME**

- 6.1 All those on the Leadership Development Programme have now completed their 360 feedback sessions with the Programme Lead, Averil Price.
- 6.2 A Programme launch was held on 5<sup>th</sup> December in the afternoon with all attendees and EMT present for the first part of the session.
- 6.3 The first modules for each of the cohorts will be held in January.

## **7. WELLBEING UPDATE**

- 7.1 As a council we supported World Mental Health Day on 10 October 2023. Updated guidance with links to external websites was promoted including asking all staff to share what helps them manage their mental wellbeing. From the information collated we publicised these to staff.
- 7.2 Wellbeing walks were launched last year with the aim of encouraging staff to get out of the office at lunchtime, meet others and experience the benefits of a walk (from ATC) in the fresh air with colleagues. Aim of clearing the mind and meeting others. A member of the Wellbeing Champions group is present on each walk and walks are organised via this group.

- 7.3 The wellbeing walks continue to happen each month starting from Appletree Court at 12.30pm. A cross section of staff have joined the walks, some on a regular basis, others if the date/time suits. New friendships have been formed and a Teams group chat established for those who like to walk outside of the set dates. The Wellbeing Walks have happened in all weathers although we did postpone on the day of the recent storm on 2 November.
- 7.4 Our Employee Support Line continues to provide 24/7 emotional and practical support to all colleagues. In March 2023 the provider launched a Digital Platform containing a selection of modular programmes which can be completed on a weekly basis to help with a healthier mind. Topics include Sleep, Stress, Body Image, Mindfulness, Alcohol and money worries – to name just a few. Feedback from those who have shared their experiences have been positive. This is free to staff.
- 7.5 To provide guidance to staff on the ever-increasing cost of living, we provided information online with links to support from our employee support line provider and links with information available from our benefits and housing teams. Information focused around: Money and debt advice, Housing, Utility and Energy bills and childcare.
- 7.6 Updates on our initiatives have been communicated via the HR Service Newsletter. In January 2024 a dedicated newsletter focusing on mental health is scheduled to be sent to staff.

**For further information contact:**

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**Background Papers:**

None

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HR COMMITTEE: 11 JANUARY 2024

## PAY POLICY STATEMENT

### 1. RECOMMENDATION

- 1.1 That the committee support the Pay Policy Statement 2024/25 and recommend it's approval by the Council.

### 2. INTRODUCTION

- 2.1 The Localism Act 2011 requires the Council to prepare a pay policy statement for each financial year. The statement must be prepared and approved by the end of March each year. A recommended statement for 2024/25 is included at **Appendix 1**. The statement details the policies in place from 1 April 2024.
- 2.2 Appendix 1 reflects the nationally agreed Pay Award for 2023/4 for Chief Executives, Chief Officers and those covered by the Green book (which covers NFDC employees).

### 3. BACKGROUND

- 3.1 A pay policy statement must set out the authority's policies for the financial year relating to:
- (a) The remuneration of its chief officers,
  - (b) The remuneration of its lowest-paid employees, and
  - (c) The relationship between –
    - (i) the remuneration of its chief officers, and
    - (ii) the remuneration of its employees who are not chief officers.
- 3.2 The statement must state –
- (a) The definition of "lowest paid employees" adopted by the authority for the purposes of the statement, and
  - (b) The authority's reasons for adopting that definition
- 3.3 The pay policy for 2024/25 has been set up on the basis of the new organisational structure (the Strategic Director and Assistant Director model).

### 4. NATIONAL PAY AWARD FOR 2023/24

- 4.1 The Pay Award for 2023/24 has now been agreed for Chief Executives, Chief Officers and Local Government Services (green Book) employees. As a result, all Spinal Column Points up to 47 have been increased by £1,925. Those above scp 47 had an increase of 3.88%. Chief Officer and Chief Executive pay increased by 3.5%.
- 4.2 As a result of the national pay award and the changes made to the Council's pay spine in October 2022, the lowest pay point on the council's pay structure is now £11.70. The updated pay structure is shown in **Appendix 2**.

## **5. HR COMMITTEE COMMENTS**

- 5.1 The HR Committee will consider the matter on 11 January 2024. The Committee's comments will be reported to the Council in due course.

### **For further information contact:**

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### **Background Papers:**

Appendix 1 – Pay Policy Statement  
Appendix 2 – Pay scales April 23



# New Forest District Council

## Pay Policy Statement Financial year 2024-25

### Background

1. The purpose of this Pay Policy Statement (“Pay Statement”) is to set out New Forest District Council’s pay policies relating to its workforce for the financial year 2024-25, including the remuneration of its Chief Officers and that of its lowest paid employees. Once the Pay Award for 2024-25 has been agreed the Pay levels in this document will be amended accordingly.
2. The functions of appointment, dismissal and related matters for all employees below Chief Officer Level shall be dealt with by the Chief Executive and Strategic Directors, or such other employees as may be authorised. Standing Orders for General Procedures deal with procedures for appointing and dismissing employees at Chief Officer Level.
3. With the exception of apprentices on the National Minimum Wage, pay for all staff, including Chief Officers, is formally discussed and consulted upon at the Employee Side Liaison Panel before recommendations are taken forward to the HR Committee who will make recommendations to Council.
4. For the purposes of this Pay Statement and in accordance with the Localism Act 2011 (“Localism Act”), staff employed by the Council have been separated into two groups:
  - (a) Chief Officers as defined by the Localism Act
  - (b) Employees who are not Chief Officers as defined by the Localism Act
5. An “employee who is not a Chief Officer” refers to all staff that are not covered within the “Chief Officer” group as outlined below. This includes the “lowest paid employees”. In the context of the Council, the “lowest paid employees” are those employed at Band 1 on the District Council’s pay structure (this is appended as Appendix 2 to the report).
6. Section 43(2) of the Localism Act defines Chief Officers for the purposes of the Localism Act. The following roles within the Council fall within the definition “Chief Officers”: -
  - (a) Head of Paid Service (Chief Executive)
  - (b) Monitoring Officer
  - (c) Section 151 (Chief Finance) Officer
  - (d) Non-Statutory Chief Officers (Strategic Directors)
  - (e) Officers reporting directly to those officers falling within (a), (b), (c) and (d) above (Deputy Monitoring Officer and Deputy S151 Chief Finance Officer)

### Chief Officers as defined by the Localism Act 2011

7. The Chief Executive’s pay is set in comparison with other district councils. The Chief Officers below the Chief Executive are paid on Band 13 of the Council’s pay structure (the Band for each role is determined by a consistent job evaluation process), Chief Officer current salaries are outlined as follows:

8. The Head of Paid Service salary range is detailed below;

Spinal points	Salary
CX1	£121,961
CX2	£125,672
CX3	£129,496
<b>CX4</b>	<b>£133,002</b>
<b>CX5</b>	<b>£137,504</b>

**CX4 and CX5 are available for exceptional performance.**

9. The Council has a duty to appoint a Returning Officer responsible for local government elections and has decided that this role be carried out by the Chief Executive. The Returning Officer fees are regarded as a special responsibility payment in relation to independent duties carried out.
10. The fees and charges for European, UK Parliamentary and Police Commissioner elections and National Referendums are set by external bodies. The scale of fees and expenses for County, District, Parish and Town Council elections will be set in partnership with the County Council and other Hampshire local authorities to ensure uniformity and will be submitted to General Purposes and Licensing Committee.
11. The Strategic Directors<sup>1</sup> salary range (Band 13) is detailed below:

Spinal points	Salary
74	£94,331
75	£97,049
76	£99,887
<b>77</b>	<b>£102,840</b>
<b>78</b>	<b>£105,863</b>

**77 and 78 are available for exceptional performance.**

12. The Assistant Directors salary range (Band 12) is detailed below:

Spinal points	Salary
66	£75,968
67	£78,041
68	£80,208
<b>69</b>	<b>£82,452</b>
<b>70</b>	<b>£84,575</b>

**69 and 70 are available for exceptional performance.**

<sup>1</sup> This band currently contains the Section 151 Officer and Monitoring Officer. The Council retains the right to amend the placement of these posts in line with structural changes, as required from time to time.

13. The Service Managers<sup>2</sup> salary range (Band 11) is detailed below;

Spinal points	Salary
58	£62,799
59	£64,075
60	£65,354
61	£66,727
<b>62</b>	<b>£68,460</b>
<b>63</b>	<b>£70,217</b>

**62 and 63 are available for exceptional performance.**

14. The salary range for officers in Band 10 is detailed below;

Spinal points	Salary
52	£56,277
53	£57,341
54	£58,383
55	£59,434
<b>56</b>	<b>£60,494</b>
<b>57</b>	<b>£61,532</b>

**56 and 57 are available for exceptional performance.**

15. The salary range for officers in Band 9 is detailed below;

Spinal points	Salary
46	£50,240
47	£51,316
48	£52,388
49	£53,457
<b>50</b>	<b>£54,500</b>
<b>51</b>	<b>£55,538</b>

**50 and 51 are available for exceptional performance.**

16. The salary range for officers on Band 8 is detailed below;

Spinal points	Salary
39	£42,800
40	£44,854
41	£44,876
42	£45,930
<b>43</b>	<b>£46,925</b>

**43 is available for exceptional performance**

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<sup>2</sup> This band currently contains the Deputy Section 151 Officer and Deputy Monitoring Officer. The Council retains the right to amend the placement of these posts in line with structural changes, as required from time to time.

17. Not all employees placed in bands 8 and 9 meet the definition of a 'Chief Officer' as defined by the Localism Act 2011, but a small number of officers in these bands do report directly to a Chief Officer according to definitions a, b, c and d in paragraph 6, hence these bands being included above.
18. The Council reviews its terms and conditions and pay levels regularly. The Strategic Director pay was reviewed in 2022.
19. Other changes to pay were implemented in October 2022. This included the raised adjustment of Band 1 pay, the removal of bottom points from bands 2,5, 6, 7 and 8 and the increase by one Spinal Column points to Band 4 and 5. Band 12 was also repositioned within the salary structure. Performance points were introduced into Bands 7 and 8 for exceptional performance.
20. Pay awards are considered annually for all staff including Chief Officers. At the Council, Chief Officers for the purpose of pay award implementation are regarded as the Strategic Directors. The outcome of the national consultations by the Local Government Employers in negotiation with the Trade Unions is applied unless this distorts the councils local pay structure.
21. The Chief Executive, Chief Officers' and Service Managers' performance and pay progression is reviewed annually on the achievement of clear organisational objectives. Incremental progression does not apply to these roles. The Chief Executives' annual review is undertaken by a member panel (comprising of the Leader of the Council, plus three other Portfolio Holders to be determined by the Leader).
22. The Council recognises that Chief Officers sometimes incur necessary expenditure in carrying out their responsibilities e.g. travel costs. Chief Officers will be reimbursed for reasonable expenses incurred on council business in accordance with local Terms and Conditions.
23. Chief Officers as a result of their employment are eligible to join the Local Government Pension Scheme in the same way as other employees. The pension's policy statement is appended as item 2 to this statement applies to all employees including chief officers.
24. All employees including Chief Officers with more than 2 years continuous service will be entitled to a redundancy payment. If employees are aged at least 55 they are also automatically entitled to the immediate payment of pension benefits if they are retired on the grounds of redundancy. The redundancy payments are based on actual weekly pay. The number of weeks individuals are entitled to is based on the statutory redundancy grid which provides for a maximum of 30 weeks. A multiplier of 1.5 is used to support efficient organisational change. The Council scheme therefore provides for an entitlement of up to a maximum of 45 weeks based on length of service and age. The Council operates one redundancy scheme for both voluntary and compulsory redundancies. All redundancies are subject to a full Business case which requires a maximum financial payback of 3 years.
25. The Council practice is not to re-employ Chief Officers who have received a redundancy or severance package on leaving the council. any request to do so would require specific approval from the Chief Executive and Leader of the Council. If it relates to the appointment of a Chief Executive then this needs to have approval through full council.

26. In accordance with the Code of Recommended Practice for Local Authorities on Data Transparency, pay and benefits information for staff paid over £58,200 are published. This information is contained on 'Transparency and Open Government' pages on the Council's external website.

### **Employees who are not Chief Officers as defined by the Localism Act**

27. These employees are all paid on the Council's pay structure on Bands 1-9. Each employee will be on one of the 9 Bands based on the job evaluation of their role. Each Band consists of between 1 and 6 spinal points. Pay progression within the Band is subject always to good performance.
28. Each "lowest paid employee" is paid within the salary range for Band 1. All other employees are paid within the salary range for the Band of their role i.e. (2-9). In very exceptional cases individuals are paid a pay supplement. Bands 7 to 9 include Performance Points which can be used for exceptional performance.
29. Employees new to the Council will normally be appointed to the first spinal point of the salary range for their Band. Where the candidate's current employment package would make the first spinal point of the salary range unattractive (and this can be demonstrated by the applicant in relation to current earnings) or where the employee already operates at a level commensurate with a higher salary, a different spinal point in starting salary may be considered by the recruiting manager. This will be within the salary range for the Band. The candidate's level of skill and experience should be consistent with that of other employees in a similar position on the salary range.
30. Employees' performance during the year is reviewed within the Council's performance management arrangements and pay progression within the Band is subject always to good performance.
31. Pay awards are considered annually for staff. For all staff up to and including the Chief Executive the outcome of the national consultations by the Local Government Employers in negotiation with the Trades Unions is applied.
32. The Council believes in rewarding outstanding performance. It operates this through a system of bonus payments which are designed to reward outstanding performance at the time it occurs. The size of the award paid to an employee will be commensurate with the work being rewarded. All bonuses are subject to approval of the relevant Executive Head.
33. The Council recognises that employees sometimes incur necessary expenditure in carrying out their responsibilities, for example travel costs. Employees will be reimbursed for reasonable expenses incurred on Council business in accordance with the Council's local Terms and Conditions.
34. The Essential User allowance only applies to jobs that are visiting officers or jobs that manage across more than one site (average of 2,500 miles per annum) and agreed by the Service Manager. This should be reviewed regularly to ensure the criteria is still met.

35. All employees as a result of their employment are eligible to join the Local Government Pension Scheme. Details of the Council's pension policy are appended as item 2 of this Pay Statement.
36. The Council's redundancy scheme is detailed in paragraphs 21 and this applies to all employees.
37. The Council practice is not to re-employ staff who have received a redundancy or severance package on leaving the Council; any request to do so would require specific approval from the appropriate Executive Head.
38. In accordance with The Local Government Association guidance on the Government's requirement for reporting remuneration relationships (the ratio between the highest paid employee and the median average earnings across the organisation as a multiple). Based on current salaries for 1<sup>st</sup> April 2023 this has been calculated as follows:

Chief Executive Remuneration	£129,496
Employees Median average remuneration	£28,140
Ratio	4.6

**Pension Policy Statement**

Under the Local Government Pension Scheme, the Council is required to publish a written statement of policy in relation to pensions.

Any decision that has a financial impact will be subject to a Business Case, where a payback period of no more than three years, is achievable.

The statutory provisions governing exit payments to local government workers are in the process of reform including the Local Government Pension Scheme Regulations.

**1. Regulation 16 (2e)(4d) Shared cost additional pension contributions**

Discretion not exercised. (Decision at Council July 2014)

**2. Regulation 30(6) Power to allow flexible retirement**

Discretion exercised in line with Policy agreed from 1 May 2015 (Decision at Council April 2015)

**3. Regulation 30 (8) Waiving of actuarial reductions on compassionate grounds**

Discretion exercised provided there is no cost to the Council (Decision at Council July 2014)

**4. Regulation 31 Power to award additional pension**

Discretion not exercised. (Decision at Council July 2014)

**5. (LGPS Regulations 2014 (Transitional provisions, savings and amendments – paragraph 2 (2) of schedule 2)) – Switching on the 85 year rule**

Discretion not exercised (Decision at Council July 2014)

**6. Regulation B30(2)(5)B30A(3)(5) Post – 31 March 2008 /pre – 1 April 2014 leavers early payment of pension**

Discretion not exercised (Decision at Council July 2014)

**7. Membership aggregation Regulation 22 (7)(b), (8)(b)**

Discretion not exercised (Decision at Council July 2014)

**8. Transfers of Pension Rights (Administration Regulation 100 (6))**

Discretion not exercised (Decision at Council July 2014)

**9. Pension Contribution Bands (Regulations 9 and 10 of LGPS Regulations 2013)**

Discretion is exercised (Decision at Council July 2014) - The Council's policy is to review an employee's contributions band when there is a contractual change to the member's salary or hours at some point during the year, when the change is permanent. Any changes in variable pay (i.e. overtime) will only be reviewed once on 1<sup>st</sup> April each year.

**10. Assumed Pensionable Pay and 'regular lump sum' (regulations 21(4)(a), 21(4)(b) and 21(5) of the LGPS Regulations 2013)**

Discretion not exercised (Decision at Council July 2014)

**11. Election of Early Payment of Benefits**

The Council's Early Retirement Policy came into effect from 1 July 2009 and applies to all employees at least 55 and over. Early Retirement can only occur in the following circumstances:

**REDUNDANCY** – for employees where employment is terminated for reasons of redundancy.

**EFFICIENCY** - for employees where early retirement is in the interests of the efficiency of the service.





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**HR COMMITTEE– 11 JANUARY 2024**

## **GENDER PAY GAP REPORT**

### **1. RECOMMENDATION**

1.1 That HR Committee note the contents of the report.

### **2. PURPOSE OF REPORT**

2.1 To provide data on our Gender Pay Gap data for the period ending 31 March 2023.

### **3. BACKGROUND**

3.1 Employers with 250 or more employees are required to publish gender pay gap information on a yearly basis. Data must be published on the Government Equalities website and on an individual organisations' website.

3.2 As yet there is no formal requirement to publish ethnicity data, as our subgroup for reporting on is less than 50, we have taken account of the advice on [www.gov.uk](http://www.gov.uk) and not sought to break the data down further.

### **4. WHAT DATA DO WE REPORT ON**

4.1 For the Gender Pay Gap there are six categories that need to be measured. These are:

- The percentage of men and women in each hourly pay quarter
- The difference in mean (average) hourly pay for men and women, expressed as a percentage
- The difference in the median hourly pay for men and women, expressed as a percentage
- The percentage of men and women who received bonus pay
- The difference in mean bonus pay of men and women, expressed as a percentage
- The difference in median bonus pay of men and women expressed as a percentage

4.2 The methodology used can be seen in **Appendix 1**.

### **5. OUR DATA FOR YEAR ENDED 31/3/2023**

5.1 As at 31.03.2023 there were 789 employees. 12 employees had two posts and 2 employees had three posts, making a total of 805 posts. 22 posts were excluded for the pay information as they were not on full pay, (information should only be based on full pay relevant employees).

5.2 A positive gender pay gap percentage shows that women have lower pay or bonuses than men in our organisation. A negative percentage shows that men have lower pay or bonuses than women in our organisation.

5.2.1 The percentage of men and women in each hourly pay quartile:

Quartile	Men	Women
Upper Hourly Quartile	125 (64.1%)	70 (35.9%)
Upper Middle Hourly Quartile	99 (50.5%)	97 (49.5%)
Lower Middle Hourly Quartile	76 (38.8%)	120 (61.2%)
Lower Hourly Quartile	146 (74.5%)	50 (25.5%)

5.2.2

- A standard mean male hourly rate of £16.63
- A standard mean female hourly rate of £16.32

A difference of 31p – 1.9%

5.2.3

- A standard median male hourly rate of £14.84
- A standard median female hourly rate of £14.40

A difference of 44p – 3.0%

5.2.4 The percentage of men that received a bonus is 2.63% and the percentage of women that received a bonus is 3.72%

5.2.5 The mean gender pay gap using bonus pay is 19.47%

5.2.6 The median gender pay gap using bonus pay is 9.1%

5.2.7 Our Ethnicity Data is as follows;

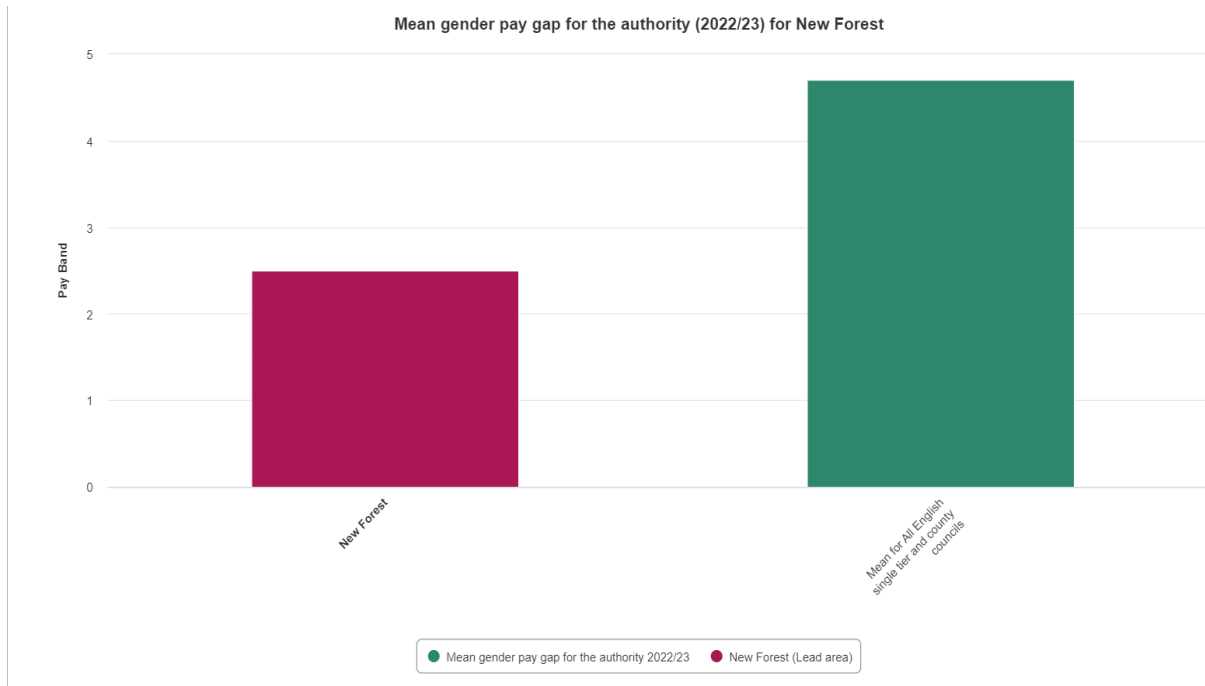
Ethnicity	Number
Asian (Inc Chinese)	5
Black	6
Mixed	2
White	610
Other	4
Not Known	162

This information is drawn from the ITrent HR Hub system and is input by employees on a voluntary basis. Employees are encouraged on a regular basis to update their personal information.

**6. COMPARISON DATA FOR MARCH 2022**

6.1 Comparison data for March 2023 is unavailable as the deadline for organisations to submit is not until 30<sup>th</sup> March 2024. The comparison data below is based on March 2022 reports and is provided by the LGA.

### 6.1.1 Mean Gender Pay Gap

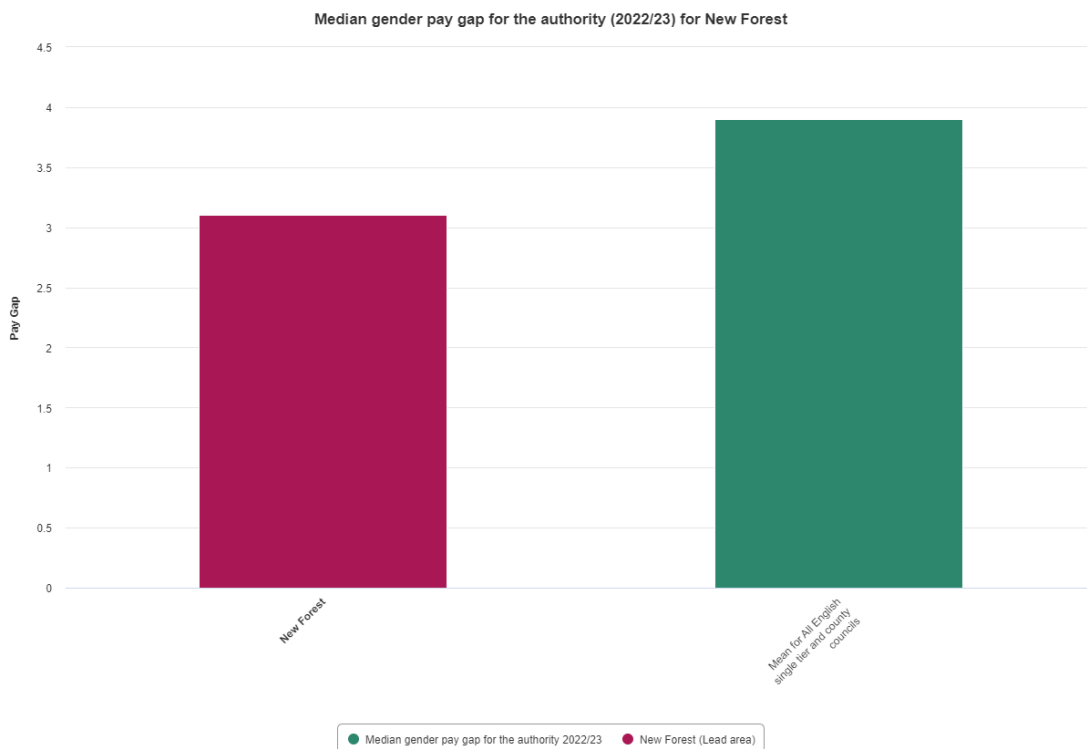


New Forest – 2.5%

Mean for All English single tier and county councils – 4.7%

Sample size - 148

### 6.1.2 Median Gender Pay Gap



New Forest – 3.1%

Mean for All English single tier and county councils – 3.9%

### 6.1.3 Lower Quartile



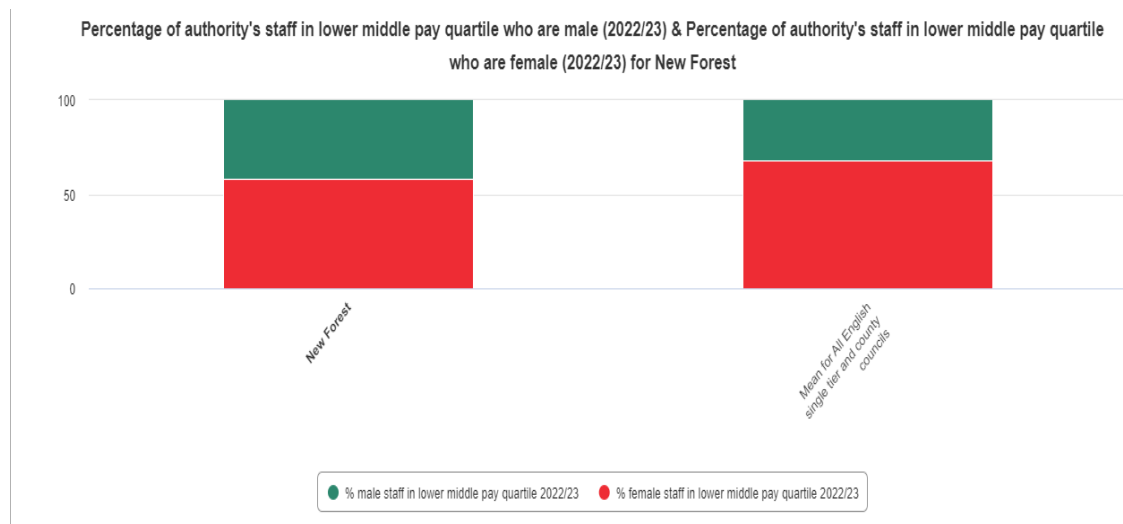
#### New Forest

Males in lower quartile - 71.3%      Females in lower quartile – 28.7%

#### Mean for All English single tier and county councils

Males in lower quartile – 31.4%      Females in lower quartile – 68.7%

### 6.1.4 Lower Middle Quartile



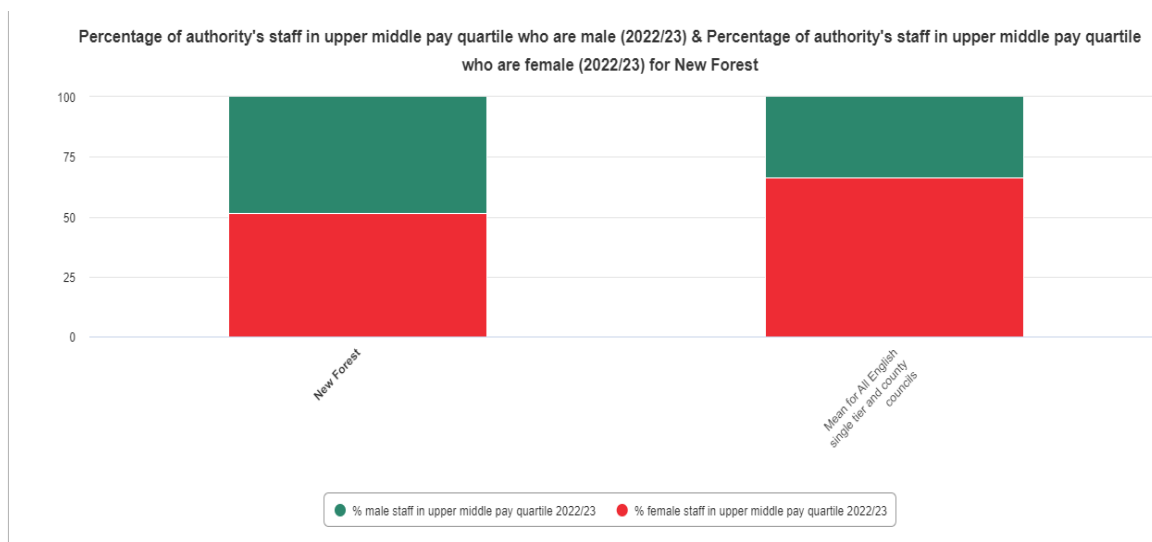
#### New Forest

Males in lower middle quartile – 41.6%      Females in lower middle quartile – 58.4%

#### Mean for All English single tier and county councils

Males in lower middle quartile – 32%      Females in lower middle quartile – 68%

### 6.1.5 Upper Middle Quartile



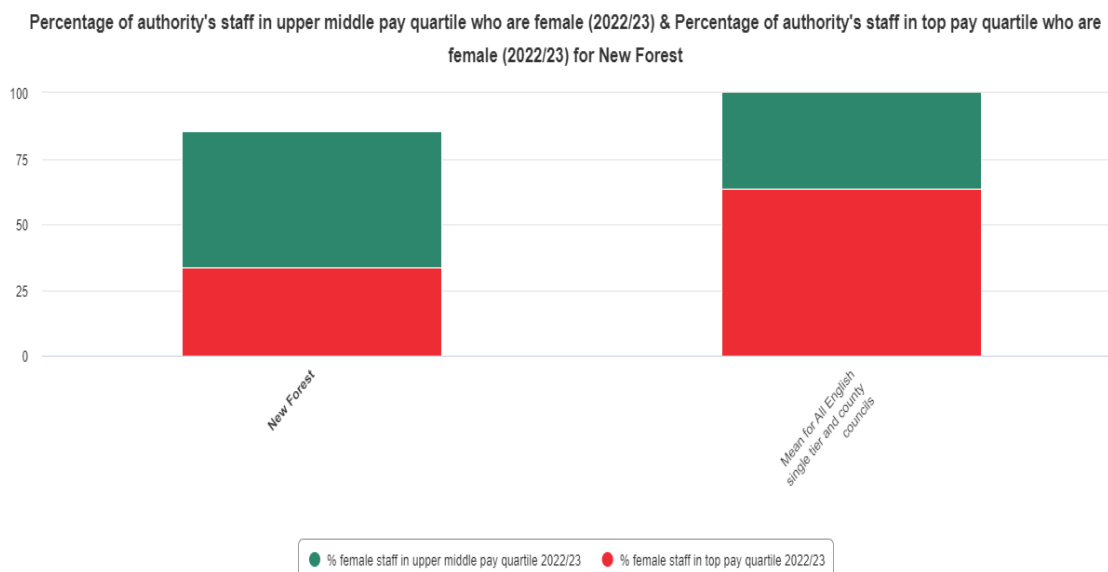
#### New Forest

Males in upper middle quartile – 48.4%      Females in upper middle quartile – 51.6%

#### Mean for All English single tier and county councils

Males in upper middle quartile – 33.7%      Females in upper middle quartile – 66.3%

### 6.1.6 Female Staff in Upper Quartiles



#### New Forest

Females in upper middle quartile – 51.6%      Females in upper quartile – 33.7%

#### Mean for All English single tier and county councils

Females in upper middle quartile – 66.3%      Females in upper quartile – 63.4%

## **7. CONCLUSIONS OF 2022 COMPARISON DATA**

- 7.1 From the data available it is clear that the Median and Mean percentages of our gender pay gap are lower than the comparators.
- 7.2 The percentage of males in the lower quartile is higher than those of the comparators. One explanation could be that not all comparators deliver an in house refuse service.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 There are no direct financial implications arising from this report.

## **9. ENVIRONMENTAL IMPLICATIONS**

- 9.1 There are no direct environmental implications arising from this report.

## **10. CRIME & DISORDER IMPLICATIONS**

- 10.1 None.

## **11. EQUALITY & DIVERSITY IMPLICATIONS**

- 11.1 The council will continue to keep under review its position in relation to gender pay.
- 11.2 As pointed out in 5.2.7, our dataset for ethnic minorities is less than 50, therefore we have not sought to break this down further. However, we will continue to encourage those who have no ethnicity recorded on the HR Hub to update their details.

### **For further information contact:**

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### **Background Papers:**



## Gender Pay Gap METHODOLOGY

### 1. Percentage of Men and Women in each pay quarter

- 1.1 To calculate the four quarters, firstly employees are sorted by hourly pay from highest to lowest
- 1.2 Next the list is divided into four quarters, if the total number of employees is not divisible by 4 then the following distribution applies.
  - if there is one employee left over, add them to the lower hourly pay quarter
  - if there are 2 employees left over, add one to the lower hourly pay quarter and one to the upper middle hourly pay quarter
  - if there are 3 left over, distribute them between lower, lower middle and upper middle pay quarters
- 1.3 If employees with the same hourly rate end up in different quarters ensure the distribution between men and women in the two quarters is as fair as possible.
- 1.4 Lastly work out the percentage of men and women in each quarter by dividing the number of men in each quarter by the total number of employees in that quarter and multiplying by 100 to give a percentage. Repeat for the number of women in each quarter.

### 2. Mean Gender Pay Gap

- 2.1 To calculate this all the hourly rates of men are added up and divided by the number of male employees. The process is then repeated for female employees.
- 2.2 We then subtract the female hourly rate from the male hourly rate, divide the total by the male hourly rate and multiply that figure by 100.
- 2.3 Expressed as a percentage, this is the organisations mean gender pay gap.

### 3 Median Gender Pay Gap

- 3.1 Firstly all the male hourly rates are put into numerical order with the highest at the top and the lowest at the bottom. The median hourly rate is the man at the mid-point of all the men in the spreadsheet. The median female hourly rate is the hourly rate for the woman at the mid-point of all the females. If there is an even number of men or women, then take an average of the two middle point hourly rates.
- 3.2 To calculate the median gender pay gap we then subtract the median female hourly rate from the median male hourly rate. Divide the total by the median male hourly rate and then multiply the resulting figure by 100.
- 3.3 Expressed as a percentage this is the organisations median gender pay gap.

### 4 Percentage of Men and Women receiving a bonus

- 4.1 To calculate the proportion of male employees who received a bonus, the number of those that received a bonus needs to be divided by the number of male employees and the resulting figure multiplied by 100. This gives you the percentage of men who received bonus pay.
- 4.2 To calculate the proportion of female employees who received a bonus, the number of those that received a bonus needs to be divided by the number of female employees and the resulting figure multiplied by 100. This gives you the percentage of women who received bonus pay.

## **5 Mean Gender Pay Gap for bonus pay**

- 5.1 To calculate this we need to add together all the bonus payments made to male employees and divide this figure by the number of men who received bonus pay. This gives the mean gender pay gap of bonus pay for men.
- 5.2 Repeat for all the women who have received bonus pay. This gives the mean gender pay gap of bonus pay for women.
- 5.3 We then subtract the women's bonus pay from the men's bonus pay, divide the total by the men's bonus pay and multiply that figure by 100.
- 5.4 Expressed as a percentage this is the organisations mean gender pay gap of bonus pay.

## **6 Median Gender Pay Gap for bonus pay**

- 6.1 To calculate this we need to sort all the male employees who received a bonus into order of highest to lowest bonus pay amounts. Identify the male in the middle of the list, this figure is the median bonus pay for men.
- 6.2 Repeat this for women. This figure is the median bonus pay for women
- 6.3 We then subtract the women's bonus pay from the men's bonus pay, divide the total by the men's bonus pay and multiply that figure by 100.
- 6.4 Expressed as a percentage this is the organisations median gender pay gap of bonus pay.

HR COMMITTEE – 11 JANUARY 2024

## **BULLYING AND HARASSMENT POLICY**

### **1. RECOMMENDATIONS**

- 1.1 HR Committee support the implementation of the proposed bullying and harassment policy as set out in the report and appendices.

### **2. INTRODUCTION**

- 2.1 The bullying and harassment policy was historically within the grievance procedure.
- 2.2 The aim of the updated policy is to improve clarity on the Councils continued support, prevention, and procedure for managing these issues.

### **3. WORKER PROTECTION (AMENDMENT OF THE EQUALITY ACT 2010) BILL**

- 3.1 The Equality Act 2010 already makes employers liable for discrimination, harassment or victimisation committed by an employee during their employment. Employers are required to take reasonable steps to prevent discriminatory actions.
- 3.2 The Worker Protection (Amendment of Equality Act 2010) Bill provides a positive duty on employers to take reasonable steps to prevent sexual harassment of their employees in the course of their employment.
- 3.3 Following amendments to the bill, it will no longer introduce employer liability for third party harassment of employees.
- 3.4 The Private Members Bill was passed on 20 October 2023 and received Royal Assent on 26<sup>th</sup> October 2023. The implementation date is to be confirmed, but it will likely come into the force in the following 12 months.
- 3.5 The Private Members Bill made it a sensible time to review the Councils current policy to ensure continued compliance.

### **4. BULLYING AND HARASSMENT POLICY**

- 4.1 The updated policy (**Appendix 1**) clarifies:
- i. The councils continued commitment to a zero tolerance approach to instances of bullying and harassment.
  - ii. Employee and management behaviour expectations, including expected actions should poor behaviour be witnessed.
  - iii. Definitions of bullying and harassment and examples, including sexual harassment.
  - iv. Sets out a clear informal and formal procedure to resolve issues.
  - v. Sets out support for all involved.
- 4.2 The policy does set out how third-party complaints would be dealt with, including Elected Members. It was felt this was important for our Organisation.

4.3 It is proposed this policy is approved by EMT on 14 November and shared with Employee Side Liaison Panel (7 December 2023) and HR Committee (11 January 2024) for their endorsement.

## **5. IMPLEMENTATION**

5.1 It is important the Council continues to take reasonable steps to support thorough implementation of the updated policy across our workforce. It is proposed this is actioned by:

- i. Mandatory Dignity and Respect at Work training to be completed every two years. Our Learning Management System has an employee and line manager version to make the training role relevant.
- ii. All employees will be prompted to read the bullying and harassment policy after completing the Dignity and Respect at Work e-learning. The LMS will record their e-signing of reading and understanding the policy.
- iii. Senior Managers who are asked to investigate formal complaints under the policy will continue to be supported by the HR Team throughout the investigation.
- iv. The policy will be reviewed by the HR Team every two years, including outcomes of formal and informal complaints to ensure they are dealt with effectively and consistently.

5.2 The Learning Management System provides a series of 'core' and 'in practice' modules through the Equality, Diversity and Inclusion collection. The aim of the core modules are to explore the wider topics and in practice lessons address specific topics from the core module.

5.3 There is a 'Sexual Harassment' and a 'Bullying and Harassment' in practice lesson. We could ask the workforce to complete all three eLearning, which would ensure full learning around each area. However, there will be significant cross over across all three modules. The Council needs to consider if this is proportionate and therefore it is recommended at initial implementation the in-practice lessons remain voluntary. This can be reviewed as the LMS becomes embedded across the workforce.

5.4 It's recognised these are sensitive and emotive issues for employees. The policy needs to balance support and guidance with a clear line on expectations, therefore the Communications Team will provide valuable support as it is published. The aim of communications will be to convey our people focussed organisation, the aims of the policy and where to find it in a modern, accessible way that is less formal than the policy itself.

5.5 As part of the launch, the HR Advisory Team will compose and deliver a HR 'brief bite' training session to managers on the policy. The HR Advisory Team will also host drop-in sessions in the Workplace Café and at Marsh Lane Depot to answer questions and give guidance on the policy and its aims. These will be aimed at both employees and managers.

## **6. CONCLUSIONS**

6.1 The updated policy will meet the Worker Protection Bill and continue to support our workforce culture and zero tolerance approach to bullying and harassment.

## 7. FINANCIAL IMPLICATIONS

7.1 None.

## 8. CRIME & DISORDER IMPLICATIONS

8.1 None.

## 9. ENVIRONMENTAL IMPLICATIONS

9.1 None.

## 10. EQUALITY & DIVERSITY IMPLICATIONS

10.1 The nature of this policy ensures continued compliance with the Equality Act 2010. The implementation has been carefully considered to ensure the entire workforce is aware of the support available through the policy.

## 11. DATA PROTECTION IMPLICATIONS

11.1 All complaints will be dealt with confidentially and set out in the policy.

## 12. EMT COMMENTS

12.1 EMT support the adoption of the policy in consultation with Employee Side Liaison Panel. The policy will also be shared with the Councils Equality, Diversity, and Inclusion staff group for their comments.

## 13. EMPLOYEE SIDE COMMENTS

13.1 The following comments were received from Unison:

3. Maternity missing from the list of protected characteristics – although it is mentioned in sentence below – is this deliberate? Marriage/civil partnership is listed, but maternity is not?

Not sure it is helpful to leave it out of the list of protected characteristics, even if it is outside of the legal description. The policy then goes on to give an example that is linked to maternity, so this may be somewhat confusing for managers using the policy?

**We have added pregnancy and maternity to the list of protected characteristics.**

4.1 – 3 months less one day is the legal deadline for ET claims. Suggest that the policy states *'as soon as possible, and ideally within 3 months'*.

Hypothetically, whilst any later than this would be out of time for a legal claim, UNISON's view is that the employer should still hear such complaints after 3 months. Can this be addressed in this section?

**This wording has been added and to ensure all parties understand the rationale:**

**“This timescale supports all parties involved to recall and resolve issues as soon as is practical”.**

4.3: A member of the HR Advisory Team will meet with you.

*Add You have the right to be accompanied by a trade union rep or colleague.*

**The purpose of this initial meeting with the HR Team is informal and aims to clarify the nature of the complaint. The purpose is not to decide on any action or resolve the complaint. There is no right to formal representation at this meeting under our current policy.**

5. Support available

*Add If you are a member of a trade union, you can also contact them for support and advice.*

**This wording has been added to the policy.**

## **14. EQUALITY, DIVERSITY AND INCLUSION STAFF GROUP COMMENTS**

14.1 The following comments were received from members of the staff group:

2.2 – is ‘our people’ a statement that is used in other policies? Would ‘our employees’ be better? Should the Whistleblowing policy be mentioned?

**We note your suggestion, our people will remain in the policy wording because the policy also covers recruitment candidates and third parties.**

**The Whistleblowing policy is available to employees on the intranet and its aim is to prevent, deter, detect and investigate all forms of fraud, corruption, malpractice and unethical conduct. The Bullying and Harassment policy is dedicated to preventing and resolving these specific issues, and therefore it is felt not required to signpost to the Whistleblowing policy because this could confuse employees.**

2.3 What we Expect from line managers – suggest constructive feedback vs constructive criticism.

**The policy has been updated to this effect.**

4.2 – refers to a recommended facilitated discussion between ‘both of you’. May be more than one person doing the bullying - could say all parties involved

**The policy has been updated to this effect.**

4.3 - would it be worthwhile to suggest an example of who the investigator might be? Is this the senior manager band 10 or above as detailed later in the document?

**The policy has been updated to this effect.**

5. Support – should we detail the contact numbers for the helpline?

**The policy has been updated to this effect.**

6.1 Consequences of breaching this policy

What if you falsely claim that someone is bullying you – should that person face disciplinary action

**Complaints will be investigated and taken seriously. Any false claims will be dealt with appropriately.**

“How to conduct formal investigations”, in the list, I think it should be stated that the witness’ statement can be included within a formal report to be read by the alleged

bully/harasser. I know this is detailed further elsewhere, but I'm just thinking if someone uses that list as a quick summary before conducting meetings, that detail should be made clear to any witness.

**This has been updated to signpost readers to how witness statements are used:**

**Please refer to section 6 to explain how witness statements are used in the investigation process.**

**For further information contact:**

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or

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**Background Papers:**

None

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# Bullying and harassment policy

Human Resources

November 2023

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## Document history

Name of Policy	Bullying and harassment
Purpose of policy	To prevent bullying and harassment in the workplace and provide a framework for resolving these issues should they happen.
Policy applies to	All employees and anyone working for us. It also includes job applicants
Latest Update	November 2023
Update Overview	November 2023: separate from grievance policy to provide a clearer and more supportive framework to employees and managers.

## Policy

### 1.0 Introduction

#### 1.1 Introduction

We believe that having a culture that is diverse, equitable and inclusive is core to everything that we strive to achieve and to the organisational environment we wish to protect.

One key to protecting our culture and our people is seeking to eradicate bullying or harassment at work. This policy supports this aim by setting out the steps we will take to investigate and deal with complaints of bullying or harassment, and how we support those affected.

The policy accompanies our Equal Opportunities Policies.

This policy does not form part of your contract of employment and we reserve the right to amend or withdraw it at any time.

#### 1.2 Scope

This policy applies to anyone working for us. This includes employees, workers, contractors,

volunteers, interns and apprentices. The policy also relates to job applicants, and is relevant to all stages of the employment relationship. The policy also applies to bullying or harassment by third parties.

## 2. Commitment

### 2.1 Our Commitment to you

We believe that a culture of equality, diversity and inclusion not only benefits our organisation but supports wellbeing and enables our people to work better because they can be themselves and feel that they belong.

We are committed to promoting a working environment based on dignity, trust and respect, and one that is free from discrimination, harassment, bullying or victimisation.

A toxic workplace culture, where bullying or harassment is tolerated, is harmful to the health and wellbeing of the workforce and can negatively impact performance, productivity, and corporate reputation.

We therefore adopt a zero-tolerance approach to instances of bullying or harassment.

### 2.2 What we expect from you

We expect you, and every one of our people, to take personal responsibility for observing, upholding, promoting and applying this policy. Whatever your job is, this is part of your role.

Any dealings you have with third parties, including customers, suppliers, contractors, agency staff and consultants, must be free from discrimination, harassment, victimisation or bullying.

We expect employees to treat one another with respect, empathy and compassion. To recognise and champion our differences and therefore support an open and inclusive workplace culture.

If any of our people is found to have committed, authorised or condoned an act of bullying or harassment, we will take action against them (for those to whom it applies) under our Disciplinary Procedure, up to and including dismissal.

There is no justifiable reason to bully or harass someone else. For example, if you observe a particular religion, that does not give you a legitimate reason for bullying or harassing a colleague because of their sexual orientation. Even if you do not intend to bully or harass someone else, this does not legitimise your behaviour as it is the impact on the recipient that is important.

You should be aware that you can be personally liable for harassment.

If you experience bullying or harassment, we encourage you to speak up without delay and to ask for appropriate support (see *What to do if you are being bullied or harassed* page 7).

Employees who witness bullying or harassment behaviour are expected to report it immediately to their line manager. This supports our action led culture and enables the Council to deal with issues as they happen. If an employee is found to have witnessed bullying or harassment and not reported it, the circumstances of this will be investigated and the Council may act against them under the Disciplinary Procedure.

## **2.3 What we expect from Line Managers**

Line Managers are responsible for leading their teams with respect, dignity and compassion. This means leading by example, treating all employees with respect, dignity and care that is supportive of individual needs. Line managers are responsible for promoting and nurturing a positive workplace culture, focused on open communication that can celebrate success simultaneously with constructive feedback.

If a line manager witnesses any form of bullying or harassing behaviour, it is their responsibility to immediately respond. Depending on the circumstances, this would be immediately raising the issue with the individual and making it clear why their behaviour was unacceptable. They should set future behaviour expectations and warn the employee that further issues would result in the instigation of the formal process detailed in this procedure. Any conversation will be followed up in writing to the employee. A line manager who witnesses bullying or harassing behaviour may feel it is appropriate to immediately instigate the formal procedure, this decision would be in conjunction with HR and the impacted employee.

Any line manager who witnesses any form of bullying or harassing behaviour and does not act is likely to have action taken against them under our Disciplinary Procedure.

Line managers will be expected to work with affected employees, supported by the HR Team and this policy, to resolve issues effectively and compassionately.

## **3. Definitions of bullying and harassment**

### **3.1 Who is protected from harassment**

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- disability;

- sex;
- gender reassignment;
- marital or civil partnership status;
- pregnancy and maternity
- race;
- religion or belief;
- sexual orientation; and
- age.

Although pregnancy and maternity and marriage and civil partnership are not specifically protected under the legal provisions on harassment, we consider harassment on any ground to be unacceptable.

### **3.2 Meaning of harassment**

Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of:

- violating someone else's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

Harassment can occur where someone perceives another person to have a protected characteristic, for example a perception that someone is transgender even if they are not.

Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic, for example having a family member of a particular religion.

### **3.3 Examples of harassment**

Harassment can occur in many forms, and can take place either at work or outside work.

While this is not an exhaustive list, examples include:

- "banter", jokes, taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic;
- unwanted physical behaviour, for example, pushing or grabbing;
- excluding someone from a conversation or a social event or marginalising them from

the group;

- derogatory comments about pregnancy, maternity leave or IVF treatment;
- mimicking or making fun of someone's disability;
- derogatory or offensive comments about religion;
- unwelcome comments about someone's appearance or the way they dress that is related to a protected characteristic;
- "outing" (ie revealing their sexual orientation against their wishes), or threatening to "out", someone;
- consistently using the wrong names and pronouns following the transition of a person's gender identity;
- displaying images that are racially offensive; and
- excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

### **3.4 Meaning of sexual harassment**

Harassment may be sexual in nature. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

### **3.5 Examples of sexual harassment**

Sexual harassment can occur in many forms. While this is not an exhaustive list, examples include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation;
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions;
- showing or sending offensive or pornographic material by any means (eg by text, video clip, email or by posting on the internet or social media);



- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults;
- offensive comments about appearance or dress, innuendo or lewd comments;
- leering, whistling or making sexually suggestive gestures; and
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

### **3.6 Bullying**

There is no legal definition of bullying. However, we regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful (see Harassment).

### **3.7 Examples of bullying**

While this is not an exhaustive list, bullying may include:

- physical, verbal or psychological threats;
- excessive levels of supervision; and
- inappropriate and derogatory remarks about a person's performance.

It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not of themselves amount to bullying.

### **3.8 Microaggressions**

Microaggressions - sometimes called micro-incivilities - are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority. They are sometimes referred to as "death by a thousand cuts". Microaggressions generally take one of three forms:

- Micro-assaults: Conscious and obvious insults made verbally or non-verbally to a

marginalised individual or group, for example demeaning remarks said to others related to religion or sexuality, such as mocking a group's dress or cultural norms.

- Micro-insults: Unintentionally insensitive remarks or assumptions based on stereotypes, for example saying to a person with a disability "You don't look disabled to me".
- Micro-invalidations: Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group, for example a white person saying "I don't think the UK has a problem with racism - some people are just too sensitive".

Serious microaggressions can amount to unlawful harassment, bullying or discrimination but even less serious microaggressions can negatively impact the health and wellbeing of the person experiencing them.

## 4. What to do if you are being bullied or harassed

### 4.1 Timescale

Issues should be raised as soon as possible, and ideally within three months of the circumstances the employee wishes to complain of, or if the complaint is about a series or pattern of incidents, the latest incident. If an employee wishes to complain outside of this period, they will need to show that within this timescale they have made reasonable attempts outside of this procedure to resolve the matter informally or they could not reasonably have known about the act and have raised a complaint within three months of first becoming aware of it.

This timescale supports all parties involved to recall and resolve issues as soon as is practical.

### 4.2 Informal route

If you feel able to, you may decide to raise the issue with the individual themselves, to make clear that their behaviour is not welcome and to ask them to stop. They may not be aware that their behaviour is offending you.

Alternatively, if you do not feel up to speaking directly to the individual, you may consider asking your manager, a colleague, or HR for support.

You may or may not want them to talk to the individual on your behalf and, where possible, we will respect your wishes. However, if the welfare or safety of you or others is at risk or where your allegations are particularly serious, we may have to approach the individual and

instigate a formal investigation. In such a case we will, where possible, discuss this with you first.

Your line manager or HR is likely to recommend a facilitated discussion between all parties. The aim is to allow you to explain how you feel and how it has impacted you. We are likely to work together on outcomes to stop future occurrences, this could be a working agreement that supports how you will work together in the future. Your line manager or HR will support and guide you through this process, aiming to resolve your issue promptly and in a way that provides a positive environment moving forward. Where appropriate further training could be recommended. Informal resolutions supported by your line manager or the HR Team will be documented.

If it is about your line manager, you should raise this with your line manager's manager or the HR Team. They will explore ways to informally resolve this in a supportive way based on the circumstances.

If you would prefer not to discuss the issue with anyone at work, help and support is also available through our employee assistance programme (EAP). You can use our EAP to speak to an independent adviser on a confidential basis about any issue that is troubling you. See section 5. Support for those affected or involved for details of how to access our Employee Assistance Programme.

### **4.3 Formal Route**

If you are not happy with the outcome of an informal process, or if you feel it is not appropriate to approach the issue informally, you may decide to raise it formally.

To make a formal complaint, you should discuss this first with your line manager. If your complaint is about your line manager, you should raise this with their line manager or contact the HR Team. All formal complaints will be forwarded to the HR Team.

Formal complaints regarding Bullying and Harassment should be raised under this procedure because it is specifically aimed at dealing with such issues. Any complaint raised under the grievance procedure related to Bullying and Harassment will be dealt with under this policy.

Under the formal procedure within this policy:

- A member of the HR Advisory Team will meet with you. The aims of this meeting will be:
  - To establish your welfare and agree support mechanisms for you (see section support for those affected or involved).

- To set out your complaint in writing and include as much detail as possible: the alleged bully/harasser's name, the nature of the bullying/harassment, the dates of the alleged acts of bullying/harassment, names of any witnesses, and details of any action taken to address the matter so far.
- Explore informal resolutions with you. Where possible and if right for the circumstances the formal procedure will be stopped, the HR Advisor will work with you to resolve. This may be supporting you with explaining how you feel to the alleged bully/harasser and agreeing future ways of working. Any informal resolution would be well documented with all parties, future actions recorded and training agreed where appropriate.
- If this isn't possible, your complaint will be assigned to an independent Senior Manager (band 10 or above) to investigate who will be supported by a HR Advisor.
- The details of your complaint will be passed to the alleged bully/harasser, this will likely be the notes from the meeting (excluding any agreed wellbeing support).
- Support mechanisms during the investigation process (see section support for those affected or involved) will be agreed separately for the alleged bully/harasser.
- The Investigator (in conjunction with HR Support) will:
  - hold a meeting with the alleged bully/harasser to ascertain their response to the allegations and they will have the right to be accompanied by a colleague or trade union representative;
  - carry out further investigations where necessary, including interviewing potential witnesses who we will instruct to keep the matter confidential;
  - invite you to a meeting to discuss your complaint in full (you will have the right to be accompanied by a colleague or trade union representative). This meeting will enable us to ask you further questions in light of any information we have gathered from the alleged bully/harasser and/or witnesses;
- The investigator will complete their investigation, consider all the evidence in full and produce a written report with their decision. This will include recommended resolutions to the complaint.
- The report will be shared with you and the alleged bully/harasser and you will both be informed of the investigators decision. The investigator will meet with you to discuss the outcome of the report and any next steps. This meeting may be supported by the

HR Advisory Team and will be followed up with a covering letter and/or email.

- If the complaint is upheld and disciplinary proceedings recommended, HR will arrange a disciplinary hearing to be chaired by an independent manager of at least equivalent level to the investigator. The investigator will attend, and their report will form the management papers. The alleged bully/harasser will be guided through the disciplinary procedure by the HR Team and have a full opportunity to put forward their own case. Refer to sensitivity and confidentiality section (page 10) relating to inclusion of witness statements at this meeting.
- In cases where the complaint is not upheld or the evidence clearly shows unintentional bullying/harassment has occurred, mediation may be recommended to resolve a relationship breakdown. See 4.13 Mediation Policy
- Any resolution will be well documented with all parties, future actions recorded and training agreed where appropriate.

We will investigate fully every formal complaint in an objective and confidential way, while also ensuring that we respect your rights as well as the rights of the alleged bully/harasser.

We will use every effort to complete an investigation into bullying or harassment as quickly as possible.

Where the alleged bully/harasser is a third party, we may need to adjust the procedure under this policy to ensure we conduct appropriate investigations and we will discuss this with you.

#### **4.4 Appeals – Complainant**

If you have raised a complaint of alleged bullying/harassment under this policy and you are not satisfied with the outcome of the formal investigation, you have the right to appeal the investigators decision.

Should you wish to appeal, you should write to the HR Service Manager setting out what aspects of the decision you are unhappy with and the reasons why. Appeals should be submitted without unreasonable delay and no longer than five working days after we inform you of the investigation decision. A HR Advisor may arrange a meeting with you to confirm the content of your appeal and discuss any final, different options for resolution that have not been previously explored.

An Appeal Meeting will be arranged with you to discuss your appeal in full and to try and reach a satisfactory solution. You will be given no less than five working days notice of this meeting. The investigator and you will attend, an independent manager (Band 10 or above) will chair this meeting who will be supported by an independent HR Advisor. Copies of your

complaint, the investigators report, the reasons for your appeal and any other relevant documentation will be shared to all parties ahead of the meeting. Should you wish to add any further documentation this will be discussed with HR on submitting your appeal and deadlines agreed for submitting additional papers. You must take all reasonable steps to attend this meeting and you may be accompanied by a colleague or trade union representative. The Appeals Manager may want to speak to the alleged bully/harasser and/or witnesses themselves. If this is the case this will be arranged as part of the appeal process.

The Appeals Manager will write to you to confirm the outcome of the appeal within 5 working days, which will be final. If it is not possible to decide within 5 working days, the delay will be explained and you will be told when a decision is possible. For example, where the Appeal Manager is unable to decide without further investigation, they will make the necessary enquiries as soon as they are able to. A written response would be provided as soon as possible, normally within 10 working days.

The alleged bully/harasser will be informed of the details of your appeal (given a copy of your appeal form and any further details provided by you relating to your appeal) and they will be informed of the outcome of the meeting. This may be a verbal update, or depending on the case the written appeal outcome may be provided to them.

#### **4.5 Bully/harasser is a third party**

If you are experiencing bullying or harassment by a third party, this may be a client or supplier, we encourage you to report this to your manager or the HR team without delay so that they can advise and support you on the best course of action. This will aim to resolve matters informally and promptly.

If informal resolution does not resolve the matter or is considered by you to not be appropriate, the procedure, potential investigation and resolution of these complaints will be agreed on a case-by-case basis.

Where Elected Members have concern over an officers conduct, or an employee has concern about an Elected Members conduct, this will be resolved as set out in the [Code of Conduct for Member Officer Relations](#).

## **5. Support for those affected or involved**

We understand that anyone affected by, or involved with, a complaint of bullying or harassment may feel anxious or upset and we will do what we can to support you.

If you feel you cannot continue to work in close contact with the alleged bully/harasser, we will consider seriously any requested changes to your working arrangements during our investigation into the matter.

Emotional support is available. You can access free, confidential counselling from our EAP. To access the EAP website, go to [Employee Support Line](#) for all the details. The Employee Support Line is available on 0800 1116 387 or online on [www.my-eap.com](http://www.my-eap.com) Login: newforestwell.

The Council has a number of Wellbeing Champions who are available to you. They have a good understanding of how issues can impact wellbeing and are able to listen non-judgementally and confidentially. Find out who they are: [Wellbeing Champions](#)

You may find these specialist organisations could help:

- [National Bullying Helpline](#)
- [Equality Advisory and Support Service](#) – for advice on dealing with discrimination
- [Samaritans](#) – if someone is struggling to cope

If you are a member of a trade union, you can also contact them for support and advice.

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If you feel you have suffered such victimisation, please inform the HR team as soon as possible.

Regardless of the outcome of your complaint, we will consider carefully how to best approach any ongoing working relationship between you and the individual concerned. For example, depending on the specific circumstances, we may consider amending the job duties, location or reporting lines of either you or the other person. Alternatively, we may decide workplace mediation or counselling is appropriate. Refer to 4.13 Mediation Policy. This will be discussed with you during the process and aims to resolve the current and stop future issues. These conversations and resolutions will be well documented and supported by management and the HR Team.

## 6. Sensitivity and confidentiality

Anyone involved with an informal or formal complaint about bullying or harassment, including witnesses, must keep the matter strictly confidential and act with appropriate sensitivity to all parties.

If you are found to have breached confidentiality or acted without due care or sensitivity in a case of bullying or harassment, we may take disciplinary action against you up to and

including dismissal (or other appropriate action for non-employees).

When making a witness statement you will be made aware of the following:

- In cases where an investigation finds bullying or harassment is not upheld, witness statements are likely to remain confidential. The statement may be referred to in the covering report, but it is likely the full statement will not be included in its entirety as an appendix to the report and therefore, not shared with the complainant and alleged bully/harasser.
- In cases where an investigation finds bullying or harassment is not upheld and the complainant appeals, full witness statements will be shared with the Appeal Manager and HR support. Depending on the outcome, the full statement may be made available to the complainant and alleged bully/harasser.

In cases where an investigation finds bullying or harassment is upheld and the disciplinary procedure is started, full witness statements will be included as appendices to the management report. This means that they will be shared with the alleged bully/harasser. This is to ensure the alleged bully/harasser can understand the full details of the case against them and put forward their own case.

## **6.1 Consequences of breaching this policy**

If, following a formal investigation, we find that you have committed, authorised or condoned an act of bullying or harassment, we will deal with the issue as a possible case of misconduct or gross misconduct.

We may take disciplinary action against you, up to and including dismissal (or other appropriate action for non-employees). Please refer to our Disciplinary procedure for further information.

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If we find that you have victimised anyone in this way, we will instigate disciplinary action against you up to and including dismissal (or other appropriate action for non-employees) under our Disciplinary procedure.

## **7. Training**

All new starters must complete equality, diversity and inclusion training as part of their induction programme.



Every current employee must complete regular equality, diversity and inclusion training every two years.

Line Managers will complete training on their obligations under this policy every two years.

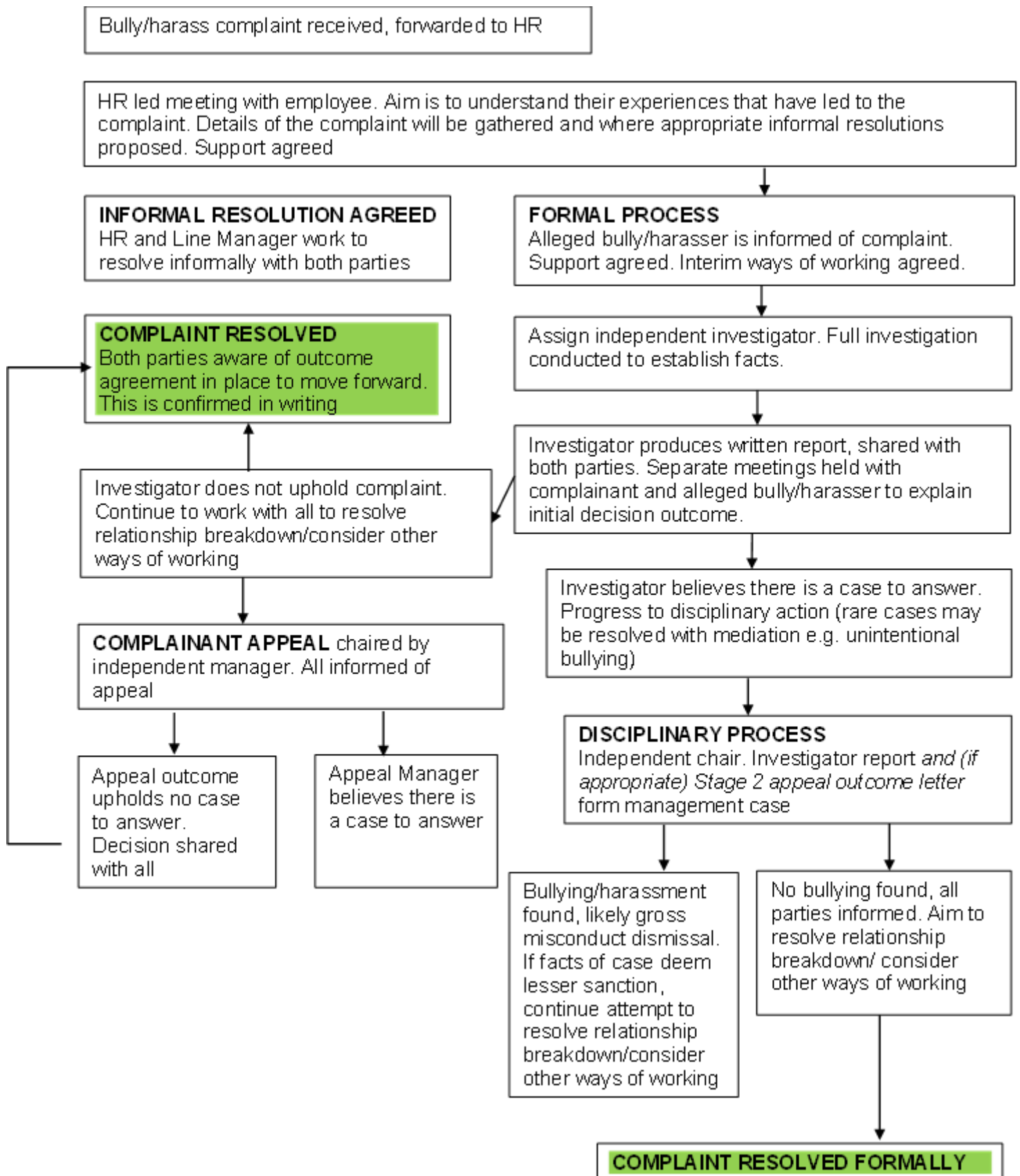
We expect all our people to proactively support our equality, diversity and inclusion initiatives by attending events and workshops organised by the Council to educate themselves on the challenges faced by others and how to help alleviate these in the workplace.

## 8. Record keeping

We process personal data collected in relation to bullying or harassment complaints in accordance with our data protection policy. In particular, data collected in relation to the investigation of bullying or harassment complaints is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints and conducting an investigation. You should immediately report any inappropriate access or disclosure of employee data as this constitutes a data protection breach. It may also constitute a disciplinary offence, which we will deal with under our disciplinary procedure.



## Process Step by Step



## Roles and Responsibilities

## Executive Management Team

- Support the implementation and ongoing development of this policy which aims to reduce and stop bullying/harassment and develop organisational capacity to address bullying/harassment.
- Champions of equality, diversity and inclusion across the Council.
- Continue to sponsor Leadership Development that supports a clear vision and culture of dignity at work.
- Lead a culture of trust, that champions difference and encourages positive working environments.

## HR Team

- Provide support to employees and line managers on this policy
- Monitor and evaluate issues relating to this policy across the workforce to ensure anti bullying/harassment measures are being achieved. This is likely to include questions relating to bullying/harassment in staff engagement surveys
- Ensure all employees and line managers understand their obligations under this policy.
- Monitor the attendance of Equalities training.

## Employees

- Treat all colleagues with respect, dignity and care.
- Shows tolerance towards each other and a calm approach when pressured.
- Tell the employee immediately if their behaviour was inappropriate for you, the impact it had on you and ask them to stop.
- Or talk to your line manager immediately if you feel unable to do this.
- Complete equalities training every two years.

## Line Managers

- Proactively creating a positive workplace environment for all employees and putting

this policy in to practice

- Leading with collaboration and communication and treating all with respect, dignity and care
- If unwanted behaviour is reported to you, follow this up immediately with the support of HR and this policy
- If you witness poor behaviour, follow it up immediately with the support of HR and this policy
- Ensure team members complete their equalities training every two years.
- Complete the Managers equalities programme every two years

## Management Support

### How to support informal resolutions

1. If an employee discloses they feel bullied or harassed, create a suitable environment to support the conversation. For example, a quiet room or a walking meeting to allow the employee to explain the circumstances and how they feel.
2. It may be appropriate to arrange an informal meeting between the alleged bully and complainant aiming for the complainant to explain the effect of the behaviour and ask the employee to stop. Alternatively, it could be appropriate to hold the meeting separately.
3. Listen to all parties and aim to understand the underlying dynamics, causes of and possible solutions to the situation.
4. Listen in an open and non-judgemental way. Do not attempt to explain the behaviour away before knowing the full facts.
5. Give the alleged bully the opportunity to explain their version of events and what may have made the complainant to feel bullied or harassed by their behaviour. This may be enough to enable them to understand the effects of their behaviour and learn how they can change it in the future to prevent further problems.
6. Feedback to both parties the results of any meetings and where appropriate bring both parties together to agree a way forward. The manager should:
  - a. Describe the unwanted behaviour to the perpetrator and explain why it was unwanted.

- b. Explain what amounts to more appropriate behaviour.
  - c. Build an agreement for future working relationships.
- 7. Further actions may be appropriate, for example: training for the perpetrator, reallocation of work or reviewing targets to ensure they are achievable.
- 8. Future meetings will be arranged between both parties and the line manager to ensure the agreement remains suitable. This aims to continue the support of improved employee relationships.
- 9. These actions will be documented and shared with all parties

## How to conduct formal investigations

1. Gather evidence relating to the incident from the complainant, alleged bully and any witnesses.
2. During investigatory meetings explain that a full, fair, and impartial hearing will be provided if disciplinary proceedings are necessary. Give the opportunity for all involved, including witnesses, to be accompanied at the meeting by a workplace colleague or trade union representative.
3. Conduct the interviews in as open and non-judgemental way as possible.
4. Explain the confidentiality of evidence gathered and the identity of witnesses will be maintained as far as possible.
5. Interviewers must think objectively and have active listening skills, be able to investigate people's stories and challenge information. The investigator must be able to separate personal values from beliefs and facts.
6. It can be difficult to ascertain whether bullying/harassment has taken place, especially if it is one person's word against another. Witness statements are an important part of the evidence. Please refer to section 6 to explain how witness statements are used in the investigation process. However, the investigating manager may need to probe deeper into the circumstances for example:
  - a. Looking into the alleged bully/harasser history for signs of previous incidences.
  - b. Where job roles, managers and/or budgets have recently changed.
  - c. If others find the behaviour unreasonable or inappropriate.
  - d. There is a pattern to the behaviour, or others have experienced similar

behaviour.

7. The investigating manager should also be alert to circumstances that might not indicate bullying/harassment for example if complaints are trivial or where the behaviour was a one-off incident.
8. The investigation should be completed as soon as is possible to reduce the risk of employees who are involved experiencing anxiety and/or stress
9. Once complete a written report will be produced that answers the following:
  - a. Is there a case to answer? The report will summarise the investigation and its findings. A report will be produced whether the investigator believes there is a case to answer or not. The report will be shared with the complainant and the alleged bully/harasser. It will include the reasons for the decision. If the investigator feels there is no case to answer the report will propose resolutions to the complaint to prevent future issues. They will work with the affected employees, the HR Team and line management to implement this. The complainant will be given a right to appeal.
  - b. If there is a case to answer, how it should be dealt with. If the complaint is upheld and disciplinary proceedings recommended, HR will arrange a disciplinary hearing to be chaired by an independent manager of at least equivalent level to the investigator. The investigator will attend, and their report will form the management papers. The alleged bully/harasser will be guided through the disciplinary procedure by the HR Team and have a full opportunity to put forward their own case. Refer to 4.8 Disciplinary Policy. Only in cases where there is clear evidence that the behaviour may have been unintentional and both sides agree, will mediation be considered. Refer to 4.1 Mediation Policy.

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HR COMMITTEE – 11 JANUARY 2024

## QUARTERLY HEALTH AND SAFETY REPORT (Q2 2023/24)

### 1. RECOMMENDATIONS

- 1.1 HR Committee is asked to note the contents of this report and the accidents and incidents recorded in quarter 2. **Appendix 2.**
- 1.2 HR Committee are asked to note the reviewed Corporate Manual Handling Policy following consultation with employees. **Appendix 1.**

### 2. INTRODUCTION

- 2.1 This report highlights the significant work undertaken in the Corporate Health and Safety team and throughout the Council from 1<sup>st</sup> July 2023 – 30<sup>th</sup> September 2023 (Q2).
- 2.2 Feedback from the Safety Panels and Corporate Working Groups are included under section 5. The quarterly accident/incident report is included under section 7, this includes key findings and details of all significant incidents.

### 3. HEALTH & SAFETY MATTERS

#### 3.1 Keyhaven Health and Safety Inspection

Following a meeting with James Carpenter (Strategic Director – Place, Operations & Sustainability), James Loring (Corporate Health and Safety Manager) and David Hurd (Environment Enforcement & Amenities Manager), it was agreed that the Corporate Health and Safety Team would undertake an inspection of the Keyhaven site within the scope of the Health and Safety at Work etc Act 1974. The inspection report will provide an overview of the risks faced by the Council, its employees and members of the public using the site. Site visits were undertaken on 18/10/2023 and 20/10/2023. The Keyhaven H&S Inspection report will be provided to relevant senior management in December 2023.

#### 3.2 Corporate Lone Working Procedures Review

A user application test (UAT) was undertaken on the Appello Lone Working App, this system will replace the previously used system for medium risk users (PNC7). Testers were from a number of different services, this includes Housing Maintenance, Housing Estates Management, Open Spaces, Streetscene and the Corporate H&S team. Feedback was very positive; a number of small issues and user interface changes were identified. This feedback has been provided to Appello to make changes to the system. Once the changes have been made the system will be available to go live. While we wait for Appello to make the relevant changes the H&S team will be working with services to build the management structure in the background. Following implementation, the Lone Working Project group will begin to review the arrangements for high-risk users.

#### 3.3 Risk Assessment & Method Statement Self-Assessment Tool

In order to review the Councils compliance with Regulation 3 of the Management of Health and Safety at Work Regulations 1999. The Corporate Health and Safety Team have created a risk assessment and method statement self-assessment tool, this tool is based on MS forms and will ask supervisors to answer and number of questions

about their service and the work they undertake. Additionally, they will be asked to provide evidence of the risk assessments and method statements. The risk assessment & method statement self-assessment tool is scheduled to be assigned to managers and supervisors in January 2024.

### **3.4 Depot Traffic Management Plans**

A review of all depot traffic management plans was identified as one of the significant findings in the Waste Services Audit 2022/2023. The Corporate Health and Safety Team have now undertaken a site inspection at all depots. A detailed report which will include specific recommendations relating the management of vehicles and pedestrian walkways will be provided to Simon Cooper (Transport and Depot Manager), Chris Dathan (Facilities Buildings Operations Manager) and Sam Wills (Civic Buildings & Facilities Manager).

### **3.5 Noise Exposure Reports**

Noise exposure reports have been completed at Claymedow Depot (CDM) and Marsh Lane Depot (MLD) for the Transport and Workshop teams. The following recommendations have been made to managers:

- Operatives using air fed tools must wear hearing protection offering protection with an SNR of 36 at all times whilst using tools.
- Any operative elsewhere in the workshop (this does not include offices or other rooms, just workshop floor) must wear hearing protection with an SNR of 22 and 30.
- Operatives using grinding tools must wear hearing protection offering protection with an SNR of 20 or less.

### **3.6 Corporate Manual Handling Policy Review**

The Corporate Manual Handling Policy has been reviewed and issued for consultation to all Safety Panels. The policy identifies the requirement for services to undertake a suitable and sufficient manual handling risk assessment when their employees undertake manual handling operations which could result in an injury. Please see **Appendix 1**.

### **3.7 Respiratory Protective Equipment**

A report was taken to EMT on 26<sup>th</sup> September 2023 which included a review of the RPE policy. EMT requested further consultation was undertaken with employees and agreed with the recommendation set out in the report for all employees to be provided suitable and sufficient face fit testing, where it has been identified, they are required to wear tight-fitting RPE as part of their role. Further consultation was undertaken with Housing Maintenance employees on Nov 3<sup>rd</sup>. Operational reps have been asked to communicate and discuss with their colleagues in relation to undertaking face fit testing. Concerns around face fit testing and the requirement to be clean shaven are to be raised to their supervisor. Consultation will be undertaken within Operational Services via team meetings and toolbox talks. The report taken to EMT also identified the need to undertake a further review and the working agreements within Transport, Workshops and Engineering Works. This will be undertaken in Q3 2023/2024.

### 3.8 Corporate Smoking Policy

This is a joint H&S and HR policy. This policy has gone for consultation at the Safety Panels. Feedback has been provided by Operational Services and Housing Services. The feedback provided is currently being considered and a revised version of the policy will be circulated at the Q4 Safety Panels (January 2024).

## 4. SAFETY PANELS & WORKING GROUPS

### 4.1 Operational Safety Panel

Waste Manual Handling Risk Assessments – waste have now undertaken manual handling risk assessments for all operations they undertake.

Asbestos Awareness Training – streetscene have booked asbestos awareness for all staff. Training will be undertaken by Allium.

Safety Panel Action Table – relevant managers and supervisors need to keep up to date with the action table which is now based on MS Lists. Dates need to be agreed for a number of actions.

Compliance Checks – a review is required to look at the best way forward and to come away from a fixed question set. Recommendation to more onto a task specific check, meeting to be booked by H&S with relevant senior supervisors.

Officer Workload – concerns raised around the amount of office-based work operational supervisors need to undertake. A new Streetscene Supervisor has been appointed in September 2023. This topic will be discussed in more detail at the next Operational Safety Panel.

### 4.2 Housing Safety Panel

Housing Employee Handbook – the H&S team have put together a H&S handbook for all new staff in Housing.

Manual Handling Risk Assessments – action complete

IOSH CDM Awareness Training – action complete

COVID-19 Updates – the H&S team have updated the guidance on respiratory illness (including COVID-19) on SharePoint and ForestNet. LFTs will not be purchased corporately going forward however the H&S team have included several links to purchase LFTs. Service Managers at the Housing Safety Panel reported that this guidance could result in inconsistencies across services.

Tetra Ladder System – leaning and roof ladder kits have been provided to 2 roofers in Housing Maintenance, both have now attended training for the use of these kits. The H&S team have provided a full list of equipment required for the rest of Housing Maintenance; this list is currently being reviewed by Ritchie Thomson.

### 4.3 Office Safety Panel

Evac Mats – Evac mats have been purchased to replace the current evac-chairs. Train the trainer training has been arranged and provided to a number of employees.

#### 4.4 CDM Working Group

Work authorisation form – IT are currently working on moving the current work authorisation form onto an e-form, this will be available for the whole Council to use. No timeframe on completion given by IT.

#### 4.5 Asbestos Working Group

Peter Whetman (Corporate Asbestos Manager) has now produced draft Corporate Control of Asbestos Standard Operating Procedures (SOPs) for the members of the working group to review. A draft version of the SOPs has been communicated to all members, a deadline of 27/11/2023 has been given for feedback.

Asbestos Awareness training has now been provided to all operatives in Streetscene, feedback from staff has been very positive. Additional asbestos awareness training should be provided to relevant employees within the Private Sector Housing team and Facilities teams.

A KPI report has been produced, all KPIs are on track to be completed by the end of the financial year. Please see the link below.

#### 4.6 Housing Operational Working Group

In order to help the service meet its legal requirements as outlined within the Health and Safety Consultation with Employees) Regulations 1996, Housing Maintenance have decided to put in place a formal working group to discuss matters relating to PPE, RPE, Tools and equipment used at work. The Housing Operational Working Group will act as a place for formal consultation on these matters under review within the Housing Department.

The first meeting was held on 3<sup>rd</sup> November. The Health and Safety team have created a dedicated SharePoint page for the working group, all agendas, minutes, and reports will be held on this page.

### 5. ACCIDENT/INCIDENT REPORT Q2

5.1 Please see Appendix 2 for the full quarter 2 accident/incident report. Below I have included the key findings from the report and the significant incidents reported in quarter 2.

Table 1 – All reported accidents/incidents.

(Table1)

	Q1	Q2	Q3	Q4
Total Reports Received	66 (79)	68 (47)	(38)	(57)
Non-reportable accidents	32 (24)	36 (21)	(22)	(29)
RIDDOR Reportable	2 (2)	2 (1)	(3)	(4)
Near Miss Reports	32 (53)	30 (25)	(13)	(24)

5.2 A total of 144 days lost this financial year due to accident-related time lost.

- 5.3 There were two incidents which required reporting under RIDDOR 2013 to the Health and Safety Executive (HSE), both incidents resulted in over a 7-day absence from work.
- 5.4 **RIDDOR 1** (reported to HSE on 17/10/2023) – waste operative was undertaking kerbside glass collection. In the process of collecting a kerbside glass box from outside of a property, the operative lifted the glass which then got caught on bushes causing the box to move and strike his knee. The operative completed the full shift following the incident. the operative called in sick the next day, upon reaching the 7-day threshold for self-certification the operative visited his GP and was signed off from work for a further 3 weeks with a knee injury (possible fracture). Following the incident toolbox talks have been provided to all staff to reinforce good manual handling technique. Relevant risk assessments and safe working procedures have been reviewed by Waste Supervisors. No further action to be taken.
- 5.5 **RIDDOR 2** (reported to HSE on 10/08/2023) – while visiting the waste transfer station, to deposit waste items collected as part of house clearance duties. The injured person (IP) was observing the load discharging from the small, caged bed while it was tipped when an item became stuck. Following initial lowering and attempting to dislodge the item, the item did not fall free. The IP did not lower the bed back to level again and attempted to dislodge the item. This led to the door (which was hooked in the open position) falling free and swinging around to impact the individual on both the head and arm. First aid was provided by Veolia operatives and IP was taken to A&E. The injury to the IP's arm required 9 stitches. The head injury was only minor according to the A&E assessment. A full accident investigation has been undertaken by the Corporate Health and Safety team; the following immediate actions have been identified:

- Review of the methods to retain vehicle doors.
- Install this method in all relevant vehicles within waste team.
- Inform all areas of NFDC who use this vehicle of issue so they can inform staff and prevent similar accident occurring.
- Inform all areas of NFDC who use this vehicle of solution that has been implemented to prevent doors swinging closed should the latching fail.
- Review of risk assessments.
- Provide toolbox talk to operators and drivers who interact with these vehicles.
- Review implementing a clear stand-off process from the body while tipping is occurring. This is recommended to be 3 metres.
- Discuss defect and repairs process with Workshops to find out why issue is not rectified, or additional measures implemented to secure doors.

The full accident investigation report can be made available upon request.

- 5.6 **Significant Incident 1** – waste operative walked out at the front of the refuse vehicle without looking to see if anything was coming before crossing the road just as a van sped past. The van made minor contact with the operative however did not result in a major injury. A full accident investigation has been undertaken by the Corporate Health and Safety team; the following immediate actions were identified:

- Retraining of individual (agency worker)
- Toolbox talks to be provided to waste crews to remind correct processes.

The full accident investigation report can be made available upon request.

5.7 Please see the vehicle accident stats below as provided by James Clarke.

Team	Q1	Q2
Waste	15 (23)	12 (13)
Housing Maintenance	1 (3)	1 (3)
Streetscene	4 (4)	2 (1)
Grounds Maintenance	0 (3)	4 (2)
Engineering Works	1 (0)	0 (0)
Transport	1 (0)	0 (0)
Parking Enforcement	1 (0)	0 (0)
Other	0 (0)	0 (0)

## 6. HEALTH AND SAFETY TRAINING

6.1 4 Conflict management & Lone Worker training sessions were provided in September.

## 7. FINANCIAL IMPLICATIONS

7.1 No implications identified as part of this report.

## 8. CRIME & DISORDER IMPLICATIONS

8.1 None.

## 9. ENVIROMENTAL IMPLICATIONS

9.1 No new requirements or issues identified.

## 10. EQUALITY & DIVERSITY IMPLICATIONS

10.1 No implications.

## 11. DATA PROTECTION IMPLICATIONS

11.1 Not identified.

## 12. EMT COMMENTS

12.1 Significant Incident 1 – EMT noted that the route cause of the incident was the pressures placed upon employees due to task and finish, EMT confirmed this will be considered when reviewing the process as part of the waste strategy review.

12.2 Accident Investigations – All members of EMT agreed that any full accident investigation report undertaken by the Corporate Health and Safety team should be sent to the relevant Strategic Director, Assistant Director, and Service Manager.

### **13. EMPLOYEE SIDE COMMENTS**

13.1 None received.

### **14. APPENDICES**

- 1 – HR Committee Draft Corporate Manual Handling Policy
- 2 – Corporate Accident Incident Quarter 2 Report 2023 - 2024

#### **For further information contact:**

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Corporate Health & Safety Manager  
023 8028 5435  
james.loring@nfdc.gov.uk

#### **Background Papers:**

None

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# Corporate Manual Handling Policy

2023



## Document history

<b>Name of policy</b>	Corporate Manual Handling Policy
<b>Purpose of policy</b>	New Forest District Council is committed to providing a healthy and safe work environment. This policy and subsequent arrangements and supporting guidance detail the Council's commitment to achieving and maintaining full compliance with its duties under the Manual Handling Operations Regulations 1992, the Health and Safety (Miscellaneous Amendments) Regulations 2002 and the Management of Health and Safety at Work Regulations 1999
<b>Policy applies to</b>	This Policy and arrangements apply to all staff employed by New Forest District Council.
<b>Update Frequency</b>	Every 2 years
<b>Latest update</b>	November 2023
<b>Update overview</b>	<ul style="list-style-type: none"> <li>Update to roles and responsibilities, guidance, and appendices</li> </ul>

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# 1. Policy

## 1.1 Introduction

The Manual Handling Operations Regulations 1992 as amended by the Health and Safety (Miscellaneous Amendments) Regulations 2002, places statutory duties on the Council with regards to manual handling of loads. These regulations cover activities such as transporting or supporting a load.

## 1.2 Scope

This policy applies to all New Forest District Council Employees and agency workers working on behalf of New Forest District Council.

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## 2. Legislative and regulatory context

### 2.1 The Health and Safety at Work etc. Act 1974

The Health and Safety at Work etc Act 1974 is the primary piece of legislation covering occupational health and safety in Great Britain. This piece of legislation sets out the general duties which employers have towards employees and members of the public, employees have to themselves and to each other and certain self-employed have towards themselves and others. New Forest District Council acknowledges and accepts its responsibilities under The Health and Safety at Work etc. Act 1974 and will ensure to control all risks to its employees, contractors and those who may be affected by its arrangements are controlled as low as is reasonably practicable.

### 2.2. Management of Health and Safety at Work Regulations 1999

The Management of Health and Safety at Work Regulations 1999 is a piece of legislation covering the management of occupational health and safety in the workplace in Great Britain. This piece of legislation sets out the general duties which employers have relating to the expectations to risk assess, implement arrangements for planning, control, monitoring, and use of preventative and protective measures, provide instruction and training and consultation. NFDC acknowledges and accepts its responsibilities under the Management of Health and Safety at Work Regulations 1999 and will ensure to implement all the necessary controls and management methods to minimise the risks to its employees.

### 2.3. Manual Handling Operations Regulations 1992 as amended by the Health and Safety (miscellaneous Amendments) Regulations 2002

The Manual Handling Operations Regulations 1992, as amended by the Health and Safety (miscellaneous Amendments) Regulations 2002, places duties on employers to reduce the risks placed upon employees undertaking manual handling operations at work. NFDC acknowledges and accepts its responsibilities under the Regulations and will so far as reasonably practicable implement all the necessary controls and management arrangements to minimise the risks to its employees.

## 3. Definitions

### 3.1 Term Definitions

Term	Definition
Responsible Person	a person who has the overall responsibility of ensuring the risk of manual handling are being managed so far as reasonably practicable.
Manual Handling	a “manual handling” operation is defined as “any transporting or supporting of a load by hand or other bodily force”
Competent Person	a person who has the correct level of skills, knowledge, experience, and training to undertake a task
Hazard	a hazard is anything which has the potential to cause harm
Risk	is the chance of that harm occurring
TILE	Task, Individual, Load and Environment
Suitable and Sufficient	Appropriate to the nature of the work

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## 4. Roles and Responsibilities

### 4.1 Service/Senior Managers Must:

- Ensure, so far as is reasonably practicable, avoid the need for employees to undertake manual handling operations at work which involves a risk of being injured.
- Ensure all employees under their control are competent to undertake manual handling operations.
- Ensure sufficient resources are made available to line managers/supervisors and employees under their control, to ensure manual handling operations can be undertaken safely.
- Ensure all manual handling operations are appropriately risk assessed by a competent person.
- Ensure staff undertake the necessary mandatory training.

### 4.2 Supervisors/Line Managers Must:

- Ensure, so far as is reasonably practicable, avoid the need for employees to undertake manual handling operations at work which involves a risk of being injured.
- Ensure all employees under their control are competent to undertake manual handling operations.
- Following the procedures set out in this policy to ensure a suitable and sufficient manual handling risk assessment is undertaken for all manual handling operations their staff will undertake.
- Ensure all risk assessments are reviewed bi-annually by a competent person.

### 4.3 Employees Must:

- Take reasonable care of themselves and others who may be affected by their actions.
- Co-operate with their employer to enable their health and safety duties.
- Follow instruction and the requirements as outlined within risk assessments, method statements, toolbox talks etc.
- Report any additional hazards identified as part of a dynamic risk assessment to their line manager.
- Undertake mandatory training, e.g., Manual Handling e-learning module.
- Use and maintain all equipment or PPE provided to them, in line with manufacturer's instructions, risk assessments and safe systems of work.

### 4.4 Corporate Health and Safety Team Must:

- Provide competent advice and guidance to all NFDC employees.
- Carryout investigations into accidents and incidents as necessary, record findings and root causes and provide recommendations for consideration by management.

## 5. Procedures

### 5.1 Risk Assessment

As identified under Regulation 4 of the Manual Handling Operations Regulation 1992, employees have a duty to so far as is reasonably practicable, avoid the need for employees to undertake manual handling operations at work which involve a risk of being injured. Where it is not possible to avoid a manual handling operation, employers must make a suitable and sufficient risk assessment of the operation and reduce the risks identified too as low as is reasonably practicable.

When undertaking a manual handling risk assessment, you must consider the TILE:

#### 5.1.2. Task

When assessing the task you must consider the whole manual handling activity, i.e., the lifting, lowering, carrying, pushing, or pulling, and look at how it may affect your/an employee's health and safety.

#### 5.1.3. Individual

When assessing the individual, you must consider the person undertaking the manual handling activity, for example, how strong, fit, or able the person is.

#### 5.1.4. Load

When assessing the load, you must consider the object or person being moved. For example, is the load heavy, bulky, hard to grasp or unstable.

#### 5.1.5. Environment

When assessing the environment, you must consider the area in which the manual handling activity is taking place. For example, are there any space constraints, is the floor slippery or uneven, is there sufficient lighting etc.



## 5.2. Steps of Manual Handling Risk Assessment

Due to the diverse tasks and risks NFDC employees undertake and face while undertaking manual handling operations, the following procedures must be followed to ensure a suitable and sufficient risk assessment is undertaken for all manual handling operations.

### 5.2.1. Manual Handling Assessment Guide for Supervisors and Managers

To assist managers in identifying the risks from a manual handling activity, the Corporate Health and Safety Team have created a guidance for supervisors and managers. This document provides a guide to managers and supervisors in order for them to ensure a suitable and sufficient risk assessment is in place for all manual handling operations. This document is not classed as a manual handling risk assessment. Supervisors and Managers must complete either the MAC or RAPP Manual Handling Risk Assessment when recording their task specific assessments.

Please contact a member of the Corporate Health and Safety team for further advice and guidance if required, [healthandsafety@NFDC.gov.uk](mailto:healthandsafety@NFDC.gov.uk). Or visit the Corporate Health and Safety Intranet site on SharePoint ([HealthandSafetyTeamSite - Templates - All Documents \(sharepoint.com\)](#)).

### 5.2.4. Hierarchy of Control

The Hierarchy of control should be used when identifying suitable and sufficient control measures to reduce the risks from a hazard to as low as is reasonably practicable. The Hierarchy of Control is broken down into 5 sections. See figure 1 below:

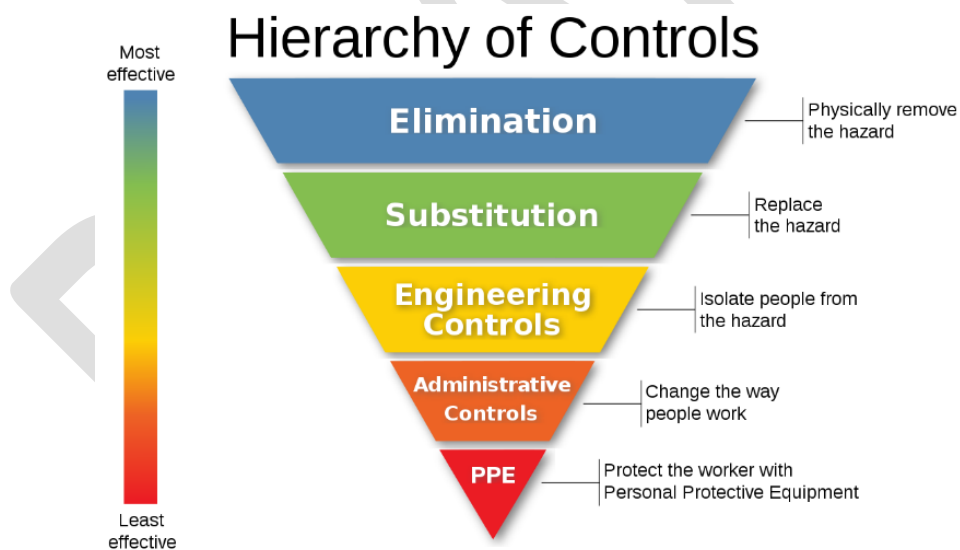


Figure 1

Managers must not rely on PPE or administrative controls in order to reduce the risk to as low as is reasonably practicable. Wherever possible the need for manual handling must be avoided.

### 5.3 Training

As part of their H&S induction, all employees are required to complete manual handling e-learning training. This training is suitable and sufficient for those employees who undertake basic low risk manual handling tasks, such as moving storage boxes within the office.

All employees who undertake manual handling operations which could result in a significant injury, such as Housing Trade Operatives and Operational staff, must undertake suitable and sufficient face to face manual handling training. All training must be provided by a competent person. The requirement for training and its frequency must be identified as part of the risk assessment process.

Regular toolbox talks should be provided to all staff who undertake manual handling operations.

The Council uses a number of training providers, please contact the Corporate Health and Safety Team via email ([healthandsafety@NFDC.gov.uk](mailto:healthandsafety@NFDC.gov.uk)).

#### 5.3.1. Handling, Carrying or Lifting People

All employees who may be required to handle, carry, or lift a person or child must be competent to do so. Specific moving and handling of people training must be provided by a competent person. Refresher training must be undertaken every 3 years, unless there has been a significant change, or it has been identified as part of an accident investigation.

This includes the use of emergency evacuation aids that may be used to assist evacuating the mobility impaired as part of a Personal Emergency Evacuation Plan (PEEP).

### 5.4 Risk Assessment Review

All risk assessments must be reviewed bi-annually by a competent person or if there has been a significant change or it has been identified within an accident investigation. When identifying if there has been a significant change. Managers should contact the Corporate Health and Safety Team for further guidance and advice on reviewing risk assessments.

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## 6. Relevant Legislation, Guidance and Links

### 6.1. Relevant Legislation

- [Health and Safety at Work etc. Act 1974](#)
- [Management of Health and Safety at Work Regulations 1999](#)
- [Manual Handling Operations Regulations 1992](#)

### 6.2 Guidance Documents & Links

- [Appendix 1 – Manual Handling Assessment Guidance](#)
- [Appendix 2 – RAPP Manual Handling Assessment Template](#)
- [Appendix 3 – MAC Manual Handling Assessment Template](#)
- [Corporate Risk Assessment Templates](#)
- [L23 Manual Handling Operations Regulations 1992 – Guidance on Regulations](#)
- [The Mac Tool](#)
- [Indg 143 – Manual Handling at Work – A Brief Guide](#)

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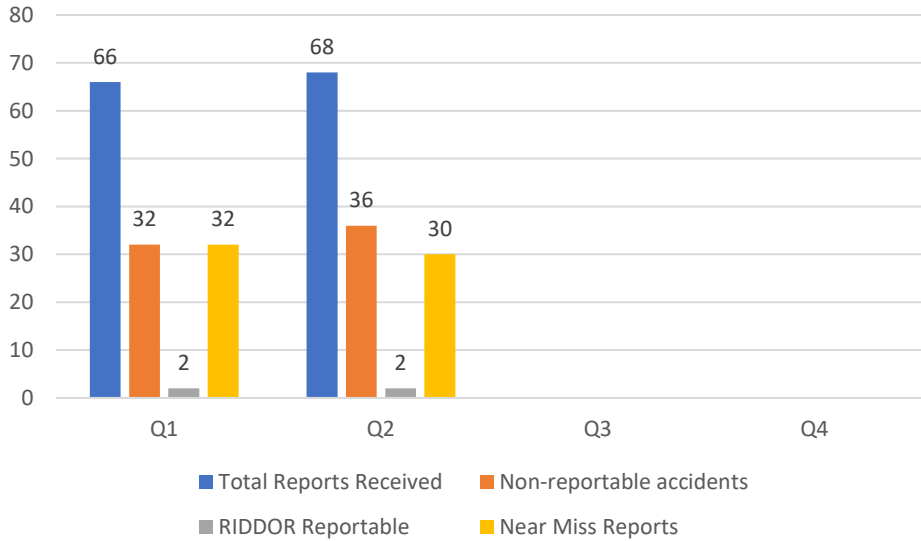
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# Corporate Accident/Incident Quarter 2 Report 2023/2024

All Reported Accident/Incidents in Q2 2023/2024

	Q1	Q2	Q3	Q4
Total Reports Received	66 (79)	68 (47)	(38)	(57)
Non-reportable accidents	32 (24)	36 (21)	(22)	(29)
RIDDOR Reportable	2 (2)	2 (1)	(3)	(4)
Near Miss Reports	32 (53)	30 (25)	(13)	(24)

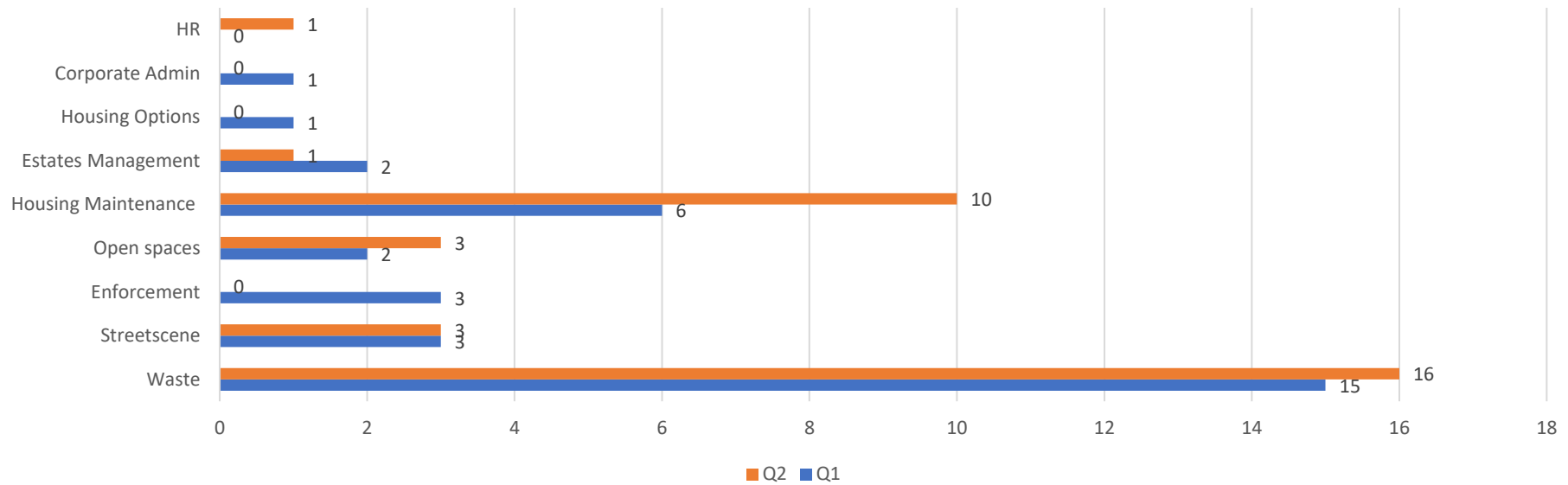
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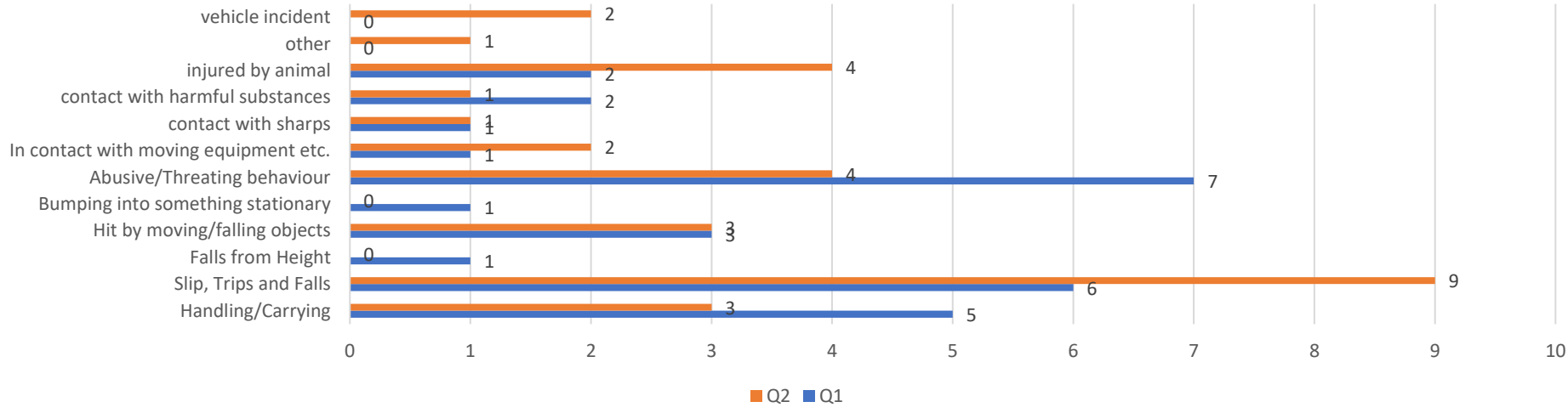
Days lost this financial year.

### Employee Accident/Incidents Reporting Teams



Teams	Q1	Q2
Waste	15	16
Streetscene	3	3
Enforcement	3	0
Open spaces	2	3
Housing Maintenance	6	10
Estates Management	2	1
Housing Options	1	0
Corporate Admin	1	0
HR	0	1

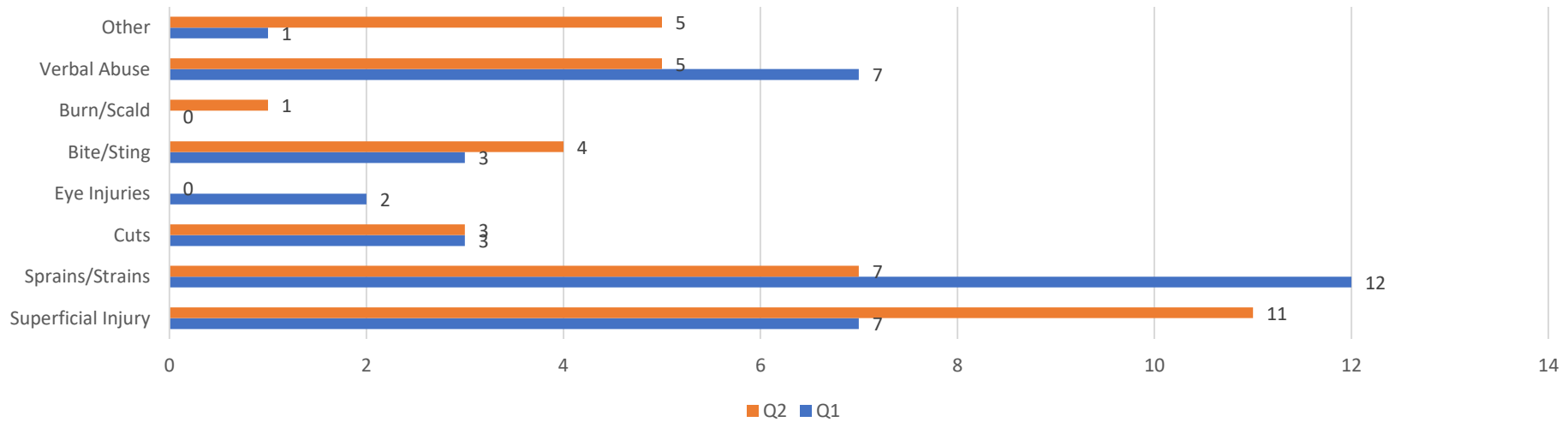
### Employee Accident/Incident Cause



Cause	Q1	Q2
Handling/Carrying	5	3
Slip, trips and falls	6	9
Falls from height	1	0
Hit by moving/falling object	3	3
Bumping into something stationary	1	0
Abusive/threatening Behaviour	7	4
In contact with moving equipment etc.	1	2
Contact with sharps	1	1
Contact with harmful substances	2	1
Injured by animals	2	4
Other	0	1
Vehicle incidents	0	2



### All Accident/Incident Injuries



Injury Type	Q1	Q2
Superficial Injury	7	11
Sprains/Strains	12	7
Cuts	3	3
Eye Injuries	2	0
Bite/Sting	3	4
Burn/Scald	0	1
Verbal Abuse	7	5
Other	1	4

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