



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Appointments and Conditions of Service Committee

Date: **Wednesday 3 April 2019**

Time: **10.00 am**

Place: **Committee Room**

For any further information please contact:

Alec Dubberley

Service Manager, Democratic Services

0115 9013906

Appointments and Conditions of Service Committee

Membership

Chair Councillor John Clarke

Vice-Chair Councillor Michael Payne

Councillor Michael Adams
Councillor Chris Barnfather
Councillor Bob Collis
Councillor Kevin Doyle
Councillor Marje Paling

AGENDA

Page

- 1 Apologies for Absence and Substitutions.**
- 2 To approve, as a correct record, the minutes of the meeting held on 19 December 2018.** 5 - 6
- 3 Declaration of Interests.**
- 4 Menopause in the Workplace Policy** 7 - 13
Report of the Service Manager- Organisational Development.
- 5 Minor changes to the Code of Practice for Gifts and Hospitality** 15 - 19
Report of the Director of Organisational Development and Democratic Services.
- 6 Any other item which the Chair considers urgent.**

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MINUTES APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

Wednesday 19 December 2018

Councillor John Clarke (Chair)

Councillor Michael Payne
Councillor Chris Barnfather
Councillor Bob Collis

Councillor Kevin Doyle
Councillor Marje Paling

Apologies for absence: Councillor Michael Adams

Officers in Attendance: K Bradford, D Archer and A Dubberley

15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Adams.

16 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 10 OCTOBER 2018.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

17 DECLARATION OF INTERESTS.

None.

18 PAY POLICY STATEMENT

The Service Manager Organisational Development presented the Pay Policy Statement and method of implementation for referral to Council.

RESOLVED to:

- 1) Approve the proposed Pay Policy Statement and method of implementation and;
- 2) Recommend the referral of the Pay Policy Statement to Council for adoption and for subsequent publication on the Council's website.

19 PAY POLICY- DISCUSSION DOCUMENT

The Service Manager Organisational Development introduced a report, which had been circulated prior to them meeting, giving comparator data to identify any risk relating to pay and reward.

RESOLVED:

To note the report.

20 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

21 EXCLUSION OF PRESS AND PUBLIC

22 APPLICATION OF NATIONAL PAY POINT CHANGES TO LOCAL PAY

The Service Manager Organisational Development introduced a report, which had been circulated in advance of the meeting, informing members of comments received from the Joint Consultative and Safety Committee and a way forward for the implementation of national pay point changes to local pay.

RESOLVED to:

- 1) Adopt the revised local pay scales as shown at Document 3 in the report including the payment of a supplement for one year to any employee currently paid at old SCP25 or 26 to ensure that a 2% pay award is applied.
- 2) Agree the revised method of transitioning employees from old to new spinal column pay points as detailed in Document 2 in the report; and
- 3) Confirm the application of the timetable for implementation.

The meeting finished at 2.25 pm

Signed by Chair:
Date:



Report to: Appointments and Conditions of Service Committee

Subject: Menopause in the Workplace- policy proposal

Date: 3 April 2019

Author: Service Manager- Organisational Development

1. Purpose of the Report

To seek authority to implement the proposed Menopause in the Workplace Policy into the terms and conditions of the Council's employees.

2. Recommendation

THAT the Menopause in the Workplace Policy set out at Appendix 1 to this report be agreed and implemented through formal policy change.

3. Background

Following a suggestion made through the Suggestion Scheme and from interest raised by UNISON, Senior Leadership Team asked that a draft Menopause in the Workplace Policy be brought forward for consideration. This is that policy draft. The draft, shown within Appendix 1, is supported by Senior Leadership Team.

The policy, if approved would form part of the Council's employees' terms and conditions of employment and as such the policy requires formal adoption through policy change authorised by this committee following consultation with recognised trade unions and consideration by the Joint Consultative and Safety Committee.

Prior to its progression to the Joint Consultative and Safety Committee the draft policy was the subject of extensive consultation with UNISON and GMB. No adverse comments or requests for amendments were received. UNISON confirmed its support in principle for the policy and is supportive of the proposal to publicise the policy within the workforce through the Communications Team should the policy be approved by this committee for adoption.

The Joint Consultative and Safety Committee at its meeting of 26 February supported the proposed policy with no recommendation for amendment.

4. Proposals

It is proposed that the Menopause in the Workplace Policy set out within Appendix 1 now be agreed and implemented through formal approval of the Appointments and Conditions of Service Committee.

Should the policy be implemented through committee decision then the policy will be communicated to service managers for cascade briefing within their teams and will be more widely communicated direct to the workforce by the Communications Team.

5. Resources Implications

None.

6. Appendices

Appendix 1 – Report to Senior Leadership Team in which the proposed Menopause in the Workplace Policy is contained.

7. Background papers

None identified.



Report to: Senior Leadership Team

Subject: Menopause in the Workplace- policy draft

Date: 8 January 2019

Author: Service Manager- Organisational Development

1. PURPOSE OF REPORT

To seek authority to begin consultation with trade unions on a “Menopause in the Workplace” policy and to progress the adoption of the policy through the relevant committees of the Council.

2. BACKGROUND

Following a suggestion made through the Suggestion Scheme and from interest raised by Unison, Senior Leadership Team asked that a draft “Menopause in the Workplace” policy be brought forward for consideration.

This is that policy draft.

3. PROPOSALS

It is proposed that Senior Leadership Team, subject to any required amendment authorises the Service Manager, Organisational Development to progress this policy for implementation as follows:

- Consultation with trade unions following SLT support
- Minor amendments to be agreed by the Service Manager, Organisational Development before progression to committee; more substantial changes or objections raised during consultation to be brought back to SLT.
- Progression to Joint Consultative and Safety Committee of 26/2/19 to close consultation
- Progression to the Appointments and Conditions of Service Committee of 3/4/19 for final policy adoption.
- Direct communication to service managers (by HR) and general communication within the workforce (by Comms).

4. RECOMMENDATIONS

SLT is recommended to accept the draft report and endorse the commencement of the consultation and implementation process as described.

MENOPAUSE IN THE WORKPLACE POLICY

1. Purpose and Background

To provide managers and team members with information about what menopause is and identify how the organisation can respond in practical and positive ways to ensure women experiencing symptoms of menopause can be supported within the workplace.

2. Objectives

- To inform of causes and symptoms of menopause
- To identify specific roles of a manager to effectively support employees within their team who are experiencing the symptoms of menopause in order to foster an environment in which employees can openly and comfortably engage in discussions about menopause and to ensure that women suffering with menopause symptoms feel confident to ask for support and reasonable adjustments
- To identify links to other relevant local policies and organisational support that exist to help support women who are experiencing the menopause
- To identify channels of support

2.1 Causes and symptoms of menopause

- The menopause is a natural stage in a woman's life, usually happening between the ages of 45-55, marked by changes in hormones and the ending of menstruation. It can last from four to eight years, however there are exceptions. The years during which the oestrogen levels decline before a woman has her last period is called the perimenopause.
- An early menopause can also be triggered by women who are experiencing ill health or medical treatment. This can occur at a much younger age than normal menopause and may bring additional problems of ill-health including mental health issues.
- Peri-menopause is the period that leads to the menopause when many women may experience symptoms that begin the transition to the menopause. A woman can usually tell if she is experiencing symptoms characteristic of the peri-menopause because her menstrual periods start changing and they can become heavy and prolonged. The changes of the menopause transition (peri-menopause) typically begin several years before the natural menopause. This is a time when the levels of hormones produced by the ovaries fluctuate, leading to irregular menstrual patterns (irregularity in the length of the period, the time between periods and the level of flow) and hot flushes (a sudden warm feeling with blushing). Other changes associated with the peri-menopause and menopause include night sweats, mood swings, vaginal dryness, and fluctuation in sexual desire, forgetfulness, trouble sleeping, tearfulness and fatigue.
- Surgical and medical treatments, such as hysterectomy, fertility treatment, endometriosis and hormone therapy as part of someone's transition to a true gender can bring about menopause symptoms.
- Women can experience both physical and psychological effects of the menopause. Some experience few or no symptoms whilst others can have symptoms that can debilitate them. Some women can suffer such debilitating symptoms that it affects their work and the role that they do.

- Symptoms associated with the menopause include hot flushes, palpitations, night sweats and sleep disturbance, fatigue, poor concentration, irritability, mood disturbance, skin irritation and dryness. Women can also experience urinary problems with recurrent infections or a need to pass urine more often and heavy, irregular periods for a time.
- There is information available from a wide variety of sources such as the simple guide offered by the Faculty of Occupational Medicine;
<http://www.fom.ac.uk/wp-content/uploads/Guidance-on-menopause-and-the-workplace-v6.pdf>

2.2 Managers' support for women experiencing menopause

As general guidance regular, informal conversations between manager and employee may enable discussion about changes in health, including issues relating to the menopause. It may be valuable simply to acknowledge this is a normal stage of life and to be able to confirm that adjustments to working practices can be properly discussed and accommodated where possible.

As some women will not want to have discussions about their experience of the menopause with their direct line manager, other ways to assist with communication should be explored; this might include a work colleague speaking on a team member's behalf, asking for help from someone from HR or using our occupational health service.

In addition to any regular formal or informal conversations that take place between a line manager and team members, it is good practice at least once a year to have a formal discussion about workplace matters through the Performance and Development review meeting. If a conversation isn't already in train, this is the ideal opportunity to discuss general health and any adaptations that might be appropriate for each team member. Managers will need to maintain confidentiality in handling health information relating to the menopause as with any other health condition.

As an organisation we expect line managers to:

- Be supportive of needs that might arise through menopausal symptoms so that women do not feel embarrassed to approach them and discuss how the menopause is affecting their health.
- Exhibit respectful behaviours at work including those that relate to gender and age.
- Create an environment in which employees can discuss health matters or concerns including those relating to menopause.
- Implement appropriate changes to the workplace or working practices to assist employees experiencing the symptoms of menopause. Subject to limitations of the business need and recognising that each woman is different and will experience different symptom, these might include, but are not limited to:
 - Adjusting working times (flexible or agile working)
 - Providing the flexibility to take breaks during the working day to accommodate personal needs. Longer breaks in a working day could, for example, be built in with time taken as flexi leave.

- Adjusting the office environment, for example, in relation to temperature particularly through the issue of things such as personal fans that do not have a substantial impact on the comfort of others in the office.
- Flexibility in terms of work clothing standards to ensure comfort. This may be particularly relevant if a uniform is required. It may be appropriate to issue more uniforms, particularly if the uniform is made from synthetic fibres which is less comfortable than natural fibres.
- Carry out a risk assessment of all relevant tasks undertaken by a woman experiencing the menopause including a display screen equipment test review if their job requires regular or sustained use of a computer screen or similar.

2.3 Policy application and organisational support

There are a number of other local employment policies and arrangements that have a relevance to the support of those experiencing the menopause.

- The Attendance Management Policy in the Employee Handbook excludes absences relating to symptoms of the menopause from the application of normal “trigger points”. Section 2.9.3 states, “If the absence is recognised as a disability under the Equality Act, relates to a gynaecological condition, or it is pregnancy or maternity-related, then it will not be taken account of for the purposes of determining whether a trigger point has been reached or not.
- The flexitime scheme is constructed in a way that, subject to the business need being met, hours and times of work can be varied easily. In certain jobs methods of agile or home working can also be successfully applied without detriment to service delivery. The idea of flexible working more generally is supported by the council where the job allows it and requests can be made to service managers.
- Toilets and changing facilities; these are available at all of the civic centre campus sites including the depot and at leisure centres. Employees working at locations where good facilities are not available should be allowed the flexibility to return to these sites or other suitable location if necessary. In these circumstances reasonable time would be allowed.
- The council offers access to an Employee Assistance Programme through the Gedling Lifestyle platform. This is open to all employees for advice about health matters.
- Rest rooms and spaces are available at most sites. Although not provided or designed for recuperation, the spaces are made available to all employees and can be used at any times during a working day. Drinking water is available at all sites; at the Civic Centre chilled water is supplied.
- The council has access to an occupational health service that can give advice to managers to help make informed decisions about suitable adaptations in the workplace. This service may be of particular use where an employee feels uncomfortable about discussing health matters with a manager.

2.4. Channels of support

There are many channels of information and support for managers and employees experiencing the menopause. The list below is not exhaustive.

- Line manager or other senior manager in your team
- HR
- Trade union (local Rep or Regional Office)
- Work colleagues or friends
- Employee Assistance Programme (Gedling Lifestyle)
- Occupational Health Service (through referral made by HR)
- G.P.; medical advice and signposting to other services
- On-line advice. Many sources of advice and guidance are available targeted towards both employee and employer/ manager.

3. Compliance with legislation

Although much of this policy is themed towards best practice and local policy; the things that make up the organisation's culture, there is also legislative compliance that needs to be observed. Legislation relevant to this policy is shown below:

- Section 2 of the Health and Safety At Work Act 1974 requires employers to ensure "the health and safety and welfare at work" of all employees;
- The Workplace (Health, Safety and Welfare) Regulations 1992 place an overriding duty on employers to make workplaces suitable for the individual who work in them;
- The Management of Health and Safety at Work Regulations 1999 require the employer to undertake a suitable and sufficient assessment of risks and take action to prevent exposure to risks; and
- The public sector equality duty places a legal obligation on all public bodies to promote gender equality and eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.

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Report to Appointments and Conditions of Service Committee

Subject: Review of Gifts and Hospitality Code of Practice for Members and Officers

Date: 3 April 2019

Author: Director of Organisational Development and Democratic Services

1. Purpose of the Report

To seek authority to implement minor amendments to the Gifts and Hospitality Code of Practice for Members and Officers.

Recommendation

THAT the minor amendments to the Gifts and Hospitality Code of Practice for Members and Officers set out at Appendix 1 to this report be agreed and implemented through formal policy change.

2. Background

- 2.1 The Council has a Gifts and Hospitality Code of Practice for Members and Officers to enable Members and Officers to decide on the circumstances and the manner in which gifts and hospitality may be accepted.
- 2.2 The Gifts and Hospitality Code of Practice for Members and Officers has been in existence for several years and is in need of review and update. At its meeting on 30 August 2018, the Standards Committee considered the current document and agreed that a light touch update should be carried out as the document has stood the test of time.
- 2.3 A light touch review was carried out and an updated version of the Code of Practice was considered and approved by the Standards Committee on 21 February 2019; this is attached at Appendix 1. For ease of reference the amendments are shown in strike out and in red.

2.4 The Code of Practice also forms part of the Council's employees' terms and conditions of employment and as such amendments require formal amendment through policy change authorised by this committee following consultation with recognised trade unions and consideration by the Joint Consultative and Safety Committee.

2.5 Following the decision of the Standards Committee to agree the minor amendments, the Code of Practice was referred to the JCSC of 26 February. The JCSC supported the proposals for change without further comment.

3. Proposal

It is proposed that the minor amendments to the Gifts and Hospitality Code of Practice for Members and Officers set out at Appendix 1 now be agreed and implemented through formal approval of the Appointments and Conditions of Service Committee.

4. Resources Implications

None.

5. Appendices

Appendix 1 – Updated Gifts and Hospitality Code of Practice for Members and Officers.

6. Background papers

None identified.

GIFTS AND HOSPITALITY CODE OF PRACTICE FOR MEMBERS AND OFFICERS

1. General

- i. The principles set out in this code apply equally to gifts and hospitality given to relatives of Members and Officer.
- ii. This code ~~is being~~ **has been** issued in order to enable Members and Officers to decide on the circumstances and the manner in which gifts and hospitality may be accepted. This code will be taken into consideration should a question arise as to whether any gift or hospitality was properly accepted. If Members and Officers are in any doubt as to whether they might accept a gift or hospitality they should decline it. ~~This code is intended to supplement the advice given in the National Code of Local Government Conduct and to replace and advice of guidance previously issued by the Council.~~
- iii. Failure by Officers to comply with this code may be subject to the Authority's disciplinary procedures.

2. Legal Position

- i. With regard to Members, ~~paragraphs 27-29 of the National Code of Local Government Conduct issued by the Secretary of State pursuant to S.31 of the Local Government and Housing Act 1989 contain advice~~ **the Council's Code of Conduct contains a number of obligations which Members and co-opted Members must comply with to ensure that their integrity cannot be brought into question by** the acceptance of gifts and hospitality. The Code is reproduced in full in the ~~Standing Orders booklet issued to all members~~ **Constitution**. Failure to comply with the Code may be taken as evidence of maladministration by the Ombudsman on complaint being made **or form the basis of a code of conduct complaint**.
- ii. With regard to Officers, Section 117(2) of the Local Government Act 1972 provides that an Officer of a Local Authority shall not, under the colour of his or her office of employment, accept any fee or reward whatsoever other than his or her proper remuneration. The expression 'any fee or reward' includes such things as unauthorised commissions, gifts or presents. Any person who contravenes this commits a criminal offence and is liable to disciplinary proceedings.
- iii. ~~The Prevention of Corruption Acts (and more specifically the Public Bodies Corrupt Practices Act 1889) make it an offence for any person "corruptly" to solicit or receive any gift, loan, fee, reward or advantage as an inducement or reward for any member, officer or servant of a Public body doing, or forbearing to do, anything with which the Public body is concerned. There is a presumption that if any money or gift is paid or given by a person holding or seeking to obtain a contract with the Council, then that payment or gift is corrupt unless the contrary is proved. It should also be noted that a person acts "corruptly" if the fee or reward is given or solicited deliberately and as part~~

~~of a bargain for a favour (including past favours).~~ The Bribery Act 2010 makes it an offence to seek, accept or agree to accept a financial or other advantage as an inducement or reward to perform a function improperly. In simple terms, it is a criminal offence for employees to seek or accept a financial or other advantage in return for making a decision, granting an award or performing any other public function, regardless of what decision is made. The maximum sentence for a bribery offence is 10 years imprisonment. The Bribery Act 2010 also makes it an offence for the Council to offer or pay bribes and both the individual and the organisation may be prosecuted. Members and officers should bear this in mind in applying the Code of Practice on Gifts and Hospitality and recording their reasons for acceptance of any hospitality.

3. Gifts

- i. The acceptance of gifts is a dangerous practice. As a general rule any offers of gifts, especially from organisations or persons who do work for, or might provide goods or services to the Council, or who need some decision from the Council (eg on planning application) should be tactfully refused.
- ii. Exceptions to this general rule would include modest gifts of a promotional character, including such things as calendars, diaries, articles for use in the office, etc, or a small gift of low value on the conclusion of a courtesy visit to a factory or firm.
- iii. Gifts outside of this description must be politely and firmly refused. If you find refusal difficult you should draw attention to the Council's policy by way of explanation for your refusal. Where such gifts are sent or simply left, they should, if the sender can be identified, be returned. Otherwise the gifts should be recorded and made secure. Arrangements will then be made for them to be officially appropriated to the benefit of the Council or charity. Officers should always advise the appropriate Head of Service **Manager** or Director if a 'larger' gift is offered at any time. Each Department should make arrangements to record such offers **in the central Register of Gifts and Hospitality maintained by the Monitoring Officer**.
- iv. It is important that the Council is entitled to be the beneficiary of 'preferential' trading terms NOT individuals. Where possible any such inducement should be translated into cash discounts available at the Authority.

4. Hospitality

- i. When to accept hospitality is very much a matter of judgement given the particular circumstances.
- ii. These guidelines are directed at any hospitality offered by firms or contractors and not hospitality offered when a Member or Officer is attending a function organised by a local authority or professional body.
- iii. You must exercise the utmost discretion in accepting 'outside' hospitality of any kind.

- iv. In general terms it will usually be more acceptable to join in hospitality offered to a group than to accept something unique to yourself. Contact established at a social level can often be helpful in pursuing the Council's interest. What is important is to avoid any suggestion of improper influence and to avoid giving others the opportunity reasonably to impute improper influence.
- v. Meals provided to allow parties to discuss business, or following, or prior to, such a discussion are usually acceptable. A useful test will often be whether you would provide refreshments if the venue were reversed. Examples of hospitality which is likely to be unacceptable would be paid holidays, complimentary tickets to sporting events, use of company flats or hotel suites, or special concessionary rates which are not openly, and as a matter of practice, available equally to other organisations.
- vi. Any hospitality offered should be notified to the Chief Executive in the case of Members and Directors, to the appropriate Director in the case of ~~Heads of Service~~ **Manager** and staff reporting direct to Directors, and to the appropriate ~~Head of Service~~ **Manager** in the case of other staff and recorded in the registers kept by them for that purpose. In the case of Officers, the acceptance of any hospitality should (wherever possible) first be authorised by the appropriate Director or ~~Head of Service~~ **Manager** or (in the case of a Director) by the Chief Executive. If an offer of hospitality is accepted, the reason why it is appropriate to accept should be recorded in the register.
- vii. The hospitality registers will be made available to the public for scrutiny on request. The registers will be inspected annually on behalf of the Monitoring Officer and ~~may~~ **will** be reported to the Standards Committee.

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