



NOTICE OF MEETING

EMPLOYMENT COMMITTEE

TUESDAY, 12 SEPTEMBER 2017 AT 12.15 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Vicki Plytas 02392 834058

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If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Membership

Councillor Donna Jones (Chair)
Councillor Luke Stubbs (Vice-Chair)
Councillor John Ferrett
Councillor Jim Fleming
Councillor Darren Sanders
Councillor Gerald Vernon-Jackson CBE

Standing Deputies

Councillor Simon Boshier
Councillor Ryan Brent
Councillor Leo Madden
Councillor Lynne Stagg
Councillor Linda Symes
Councillor Matthew Winnington

(NB This agenda should be retained for future reference with the Minutes of this meeting.)
Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendation/s). Email requests are accepted.

AGENDA

- 1 Apologies for Absence

2 **Declarations of Members' Interests**

3 **Minutes of the Meetings held on 28 February and 28 March 2017 (Pages 5 - 16)**

RECOMMENDED that the minutes of the meetings held on 28 February and 28 March 2017 be confirmed and signed by the chair as a correct record.

4 **Appointment to Hampshire Pension Fund Panel and Board**

The purpose of this item is to make an appointment to the Hampshire Pension Fund Panel and Board to serve as substitute for the period up to the end of the 2017 - 18 Municipal Year. (Currently the Southampton appointee is the full member and the Portsmouth appointee is the substitute. This alternates at the end of each Municipal Year)

Councillor Hugh Mason has indicated his willingness to continue to be the Council's representative subject to formal appointment by the Employment Committee and his remaining an elected member. There is no remuneration for this role.

RECOMMENDED that Councillor Hugh Mason be appointed to serve on the Hampshire Pension Fund Panel and Board for the rest of the Municipal Year (subject to his remaining an elected member).

5 **Pay Policy Statement (Pages 17 - 26)**

Purpose of the report

The Council is required by section 38(1) of the Localism Act 2011 (openness and accountability in local pay) to prepare a Pay Policy Statement.

The Local Government Transparency Code 2014 further clarifies and describes the information and data local authorities are required to publish to increase democratic accountability.

A Pay Policy Statement must articulate the Council's policies towards a range of issues relating to the pay of its workforce, particularly its senior staff, Chief Officers and its lowest paid employees.

A Pay Policy Statement must be prepared for each financial year, approved by Full Council no later than 31st March of each financial year and published on the council's website. Following the presentation of the Pay Policy Statement in March 2016, the Employment Committee requested that, in order to increase transparency and public accountability, a draft Pay Policy Statement be presented at an earlier stage of the financial year forecasting the pay policy for that year.

This statement relates to the financial year 2017/18 and is therefore current, rather than retrospective.

**RECOMMENDED that Employment Committee
(1) Approves the draft Pay Policy Statement attached as Appendix 1,**

and notes that it will be made available to the public, in draft form, on the Council's website

- (2) Requests the Director of HR Legal and Performance to report to Members any changes to the statement that become necessary during the coming year, and pass the final statement forward for approval by the Full Council by 31st March 2018.

6 H&S Annual Report (1 April 2016 - 31 March 2017) (Pages 27 - 44)

The purpose of the report is to update the Employment Committee on Portsmouth City Council's (PCC) health and safety (H&S) performance for the period 1 April 2016 - 31 March 2017.

RECOMMENDED that the 2017/18 H&S action plan is endorsed by the Employment Committee.

7 Sickness Absence (Pages 45 - 54)

The purpose of this report is to update Employment Committee about levels of sickness absence across the council and actions being taken to manage absence.

RECOMMENDED that Members

- **Continue to monitor sickness absence, and ensure appropriate management action is taken to address absenteeism.**

8 Substance Misuse - Drug and Alcohol Testing Policy - Port (Pages 55 - 82)

The purpose of the report is to recommend the introduction of a drug and alcohol testing policy for employees and third parties working at Portsmouth International Port (the Port).

RECOMMENDED that Members approve the policy to:

- Introduce drug and alcohol testing for all roles at the Port with both "random" and "with cause" testing.**
- Adopt the Substance Misuse - Drug and Alcohol Testing Policy at Appendix 1, to implement the testing process fairly and consistently, in accordance with the Authority's approach to substance misuse.**
- Delegate authority to the Director responsible for HR and the Port Director, to review the Substance Misuse - Drug and Alcohol Testing Policy after an initial 1 year period and thereafter in line with all policy reviews.**

9 Disability Confident Scheme (Pages 83 - 96)

The purpose of this report is to advise Employment Committee about the Disability Confident standard, and seek members' approval to request accreditation under the scheme.

RECOMMENDED that Members

- (1) Seek immediate accreditation to be a Disability Confident *Committed* Employer as described in the sections below**
- (2) Upon completing the required self-assessment, seek accreditation to be a Disability Confident Employer within the next 12 months**

10 Gender Pay Gap reporting (Pages 97 - 116)

The purpose of the report is to present the outcomes of the Gender Pay Gap 2017, ensuring the Council can fulfil its statutory obligations in respect of the Gender Pay Gap Information Regulations, and note the recommended action plan to build on the council's inclusive working practices, to continue to reduce the gap.

RECOMMENDED that the Employment Committee

- (1) Note the key findings of the Gender Pay Gap Report 2017 (see section 5).**
- (2) Agree the action plan as set out in Appendix 1 of the Gender Pay Gap report**

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Agenda Item 3

EMPLOYMENT COMMITTEE

MINUTES OF THE MEETING of the Employment Committee held on Tuesday, 28 February 2017 at 12.15 pm at the The Executive Meeting Room - Third Floor, The Guildhall

Present

Councillor Donna Jones (in the chair)
Councillor Luke Stubbs (Vice-Chair)
Councillor Darren Sanders
Councillor Gerald Vernon-Jackson CBE

Officers Present

Michael Lawther, Deputy Chief Executive
Jon Bell, Director HR Legal and Procurement
Roland Bryant, HR Business Partner
Dave Adams, Lead Interventionist, Systems Development Service

1. **Apologies for Absence (AI 1)**

Apologies for absence were received on behalf of Councillor Jim Fleming and Councillor John Ferrett.

Councillor Simon Boshier deputised for Councillor Fleming.

Apologies were also received on behalf of David Williams, Chief Executive and Chris Ward, S151 Officer.

2. **Declarations of Members' Interests (AI 2)**

There were no declarations of Members' interests.

3. **Minutes of the Meeting held on 29 November 2016 (AI 3)**

RESOLVED that the minutes of the meeting held on 29 November 2016 be confirmed and signed by the Chair as a correct record.

4. **Pay Policy Statement (AI 4)**

(TAKE IN REPORT)

Jon Bell introduced the report and advised the Committee that a Pay Policy Statement must be prepared for each financial year, approved by Full Council no later than 31st March of each financial year and published on the council's

website. The attached Pay Policy Statement was presented as a draft statement in June 2016 and now is confirmed as the final Pay Policy Statement for the financial year 2016/17.

There followed a discussion about whether it was permissible to amend the Pay Policy Statement as some members of Employment Committee wanted to propose that the City Council pays the Living Wage as defined by the Living Wage Foundation and not the lower National Living Wage as Employment Committee had previously resolved and which was included in the Pay Policy Statement.

At the request of the Committee, the City Solicitor ruled on this matter stating that an amendment to the amount of pay could not be made in this way. If the Committee wished to consider doing this, it would have to be at the meeting where the next Pay Policy Statement for the 2017/18 year was brought. He did however say that a small amendment for clarity could be made to section 2.1 so that it referred to "the Portsmouth City Council Living Wage" rather than to "the Portsmouth Living Wage".

Upon the recommendation in the report being put to the vote (including the amendment for clarity) this was CARRIED.

RESOLVED that the Committee agreed the draft Pay Policy Statement attached as Appendix 1 to go forward for approval by the Full Council by 31 March 2017, subject to changing the words in section 2.1 of the Policy from "Portsmouth Living Wage" to "Portsmouth City Council Living Wage".

5. Sickness Absence (AI 5)

(TAKE IN REPORT)

Jon Bell introduced the report which is to update the Committee about the levels of sickness absence across the council and actions being taken to manage absence. He explained that there had been a slight increase in sickness absence since the last update in November. He explained that the principal cause of this increase is an increase in the amount of absence in Adult Social Care and there were particular reasons for this as outlined in paragraph 3.7. Mr Bell also explained that paragraph 3.8.4 of the report lists the briefings to service management teams to ensure that managers are properly supported in managing absence. He also emphasised the importance of back to work interviews as outlined in paragraph 3.8.1.

In response to queries,

- Information about the split between the absence in Adult Social Care that was caused by incorrect information being entered into the Oracle system and that caused by outbreaks of norovirus was not known.
- It was confirmed that although appropriate action has been taken to address the absence field being recorded as "blank", this will take time to disappear from the reports

Jon Bell also drew members' attention to positive movement in the sickness absence levels of several Directorates and particularly at the Port and also in

Children's Social Care which had both been high in the past. In view of the Director of Children's Services having been asked to attend the last meeting about high levels of sickness absence in her area, the Committee wanted to add a recommendation that a letter be sent to her welcoming the progress that has been made in reducing sickness absence levels.

It was proposed by Councillor Donna Jones

Seconded by Councillor Luke Stubbs

That the recommendations in the report with the addition of an extra recommendation to send a letter to the Director of Children's Services in the terms mentioned above be approved.

Upon being put to the vote this was CARRIED.

RESOLVED that Members of the Committee:

(1) Continue to monitor sickness absence, and ensure appropriate management action is taken to address absenteeism

(2) Note the actions detailed in section 3 of the report.

(3) Agreed that the Chair would write to the Director of Children's Services welcoming the progress made in reducing sickness absence levels in her directorate and hoping that the improvement will continue.

6. Employee Assistance Programme (AI 6)

(TAKE IN REPORT)

Jon Bell introduced the report which was brought at the request of the Committee to provide additional information about the Employee Assistance Programme (EAP). He said that he considered it useful to provide advice and support for employees but that the take-up in Portsmouth was below average. He explained that measures to promote and encourage usage were being undertaken as set out in paragraph 4.9 of the report. Mr Bell also advised that the contract had recently been re tendered as detailed in the report and that this was an important part of the Council's employment package to staff and also its traded services offer.

During discussion

- It was confirmed that the new contract was cheaper than the previous contract
- It was acknowledged that paragraph 4.5 set out a useful breakdown of the usage of the online service but there were no statistics on the breakdown of telephone usage. Members asked for a similar table to be drawn up to show telephone usage as mentioned in paragraph 4.6. It was agreed that this would be compiled and circulated to members outside the meeting.
- Members were advised that it was not possible to sell EAP services on - it is only available to those for whom PCC is providing HR services.
- It was confirmed that the fixed price per employee was £2.34. This was not just for the telephone service but also covered web content and self-help access
- It was confirmed that as EAP was a relatively low value contract, it had been awarded by the Director of HR Legal and Performance under delegated authority

Members were concerned that EAP may not be providing good value for money and wanted to monitor usage. The Committee asked for this to be a standing agenda item going forward.

RESOLVED that Members

- (1) noted the information regarding the Employee Assistance Programme**
- (2) requested that an update report is brought to the next meeting of the Committee to enable members to monitor whether the programme is providing value for money**

7. Performance Development Reviews - Verbal Update (AI 7)

The Chair explained that this item had been included on the agenda as there had been a staff suggestion that the Performance Development Review (PDR) system as currently prescribed is inconsistent with the council's move towards a 'systems thinking approach, and that as such, it should be reviewed. At present, there are in effect two different approaches to performance management within the Council.

Dave Adams (Lead Interventionist, Systems Development Service) explained that "Systems Thinking" was being rolled out in many directorates across the Council and this contradicted the Performance Development Review (PDR) approach. PDRs tended to be an annual appraisal based on a standardised model, and there was also an attempt to use the PDRs to feed the training cycle. Systems Thinking was more of a continuous appraisal system - it was not geared to one appraisal meeting each year and it allowed a more flexible approach to be adopted. It had also been found to be less time-consuming. Mr Adams said that an annual appraisal did not really represent a good management model, as issues should be addressed as they arise, throughout the year. He said that he was not suggesting that PDRs should be abolished, but that in light of the Systems Thinking approach, that greater flexibility should be given to managers.

During discussion, the following matters were clarified:-

- Currently more directorates use the Systems Thinking approach to performance management than use the PDR system.
- Systems Thinking is more than simply an alternative to PDRs - the approach to performance management was just one aspect of Systems Thinking.
- Given that there are two approaches to performance management systems in use across the Council, Members agreed that a more flexible approach to PDRs should be looked at.
- Some of the aspects of Systems Thinking fall within the remit of Employment Committee, but others fall within the remit of Governance & Audit & Standards (G&A&S) Committee.
- Although PDRs are not enshrined in a Policy, they form part of the G&A&S Annual Governance Statement.
- Members wanted to ensure that some kind of assessment of performance took place for all employees and that managers could not choose to do nothing. Mr Adams said this could be covered in the corporate governance framework.

- Members said it would be useful for an informal meeting to be arranged to provide clarity on which aspects of performance management fall under Employment Committee and which fall under Governance & Audit & Standards Committee. Employment Committee asked for a report to be brought to the first meeting in the new Municipal Year to provide possible options and to look at overcoming barriers going forward.

RESOLVED that the Committee

- (1) Thanked officers for bringing this forward**
- (2) Requested a review of the ongoing use of Performance Development Reviews (PDRs) - as referred to in the Annual Governance Statement - in conjunction with the Governance & Audit & Standards Committee to take account of relevant governance considerations and consider possible changes to accommodate a more flexible approach**
- (3) Requested a report to be brought to the next scheduled meeting of the new Municipal Year providing possible options and to look at overcoming barriers going forward**

8. Apprenticeship Levy project plan (AI 8)

(TAKE IN REPORT)

Jon Bell and Roland Bryant introduced the report which detailed the city council's plan for using its apprenticeship levy allocation. The apprenticeships report presented to the Committee on 29 November 2016 contained further detail on the levy, how it will work and the implications for the council. The Committee was advised that If an approximate average cost of £2,500 per apprenticeship per year is applied, the council would need to recruit around 305 apprentices each year in order to spend its current levy allocation. Mr Bell said that Appendix 2 sets out a Table showing the proposed four phases of the plan officers will follow to increase the uptake of apprenticeships and develop a wider breadth of opportunities to maximise the city council's levy allocation.

Members were advised that there are strict rules on how the apprenticeships levy can be used.

During discussion

- It was confirmed that there was already a cohort of apprentices in social care and efforts were being made to generate interest in them pursuing careers in this area with a view to using apprenticeships as a pathway into permanent jobs.
- It was explained that with regard to paragraph 3.2, flexibility had been introduced by making the target an average over 3 years so if the council over achieves in year 1, that would be taken off the target for the following year.
- Members were pleased that there would be a PCC Apprenticeships award ceremony to coincide with National Apprenticeships Week.
- Managers were confident that the target of 140 apprenticeships could be found in the first year but financial modelling was important. Members were concerned about the potential cost to the Council if any

levy money had to be paid back. Mr Bryant said the money had to be used within 24 months, but each month more money would be added. It was confirmed that some corporate provision had been made in respect of the apprenticeships levy by the Director of Finance and Section 151 Officer in the budget.

- Members wanted to monitor the apprenticeship levy allocation and the number of apprenticeships and asked that regular updates are brought to Employment Committee.

RESOLVED that Members

- (1) noted and agreed the contents of the plan to maximise the use of the city council's apprenticeship levy allocation**
- (2) requested regular updates at future meetings.**

The meeting concluded at 1.42 pm.

Councillor Donna Jones
Chair

EMPLOYMENT COMMITTEE

MINUTES OF THE MEETING of the Employment Committee held on Tuesday, 28 March 2017 at 12.15 pm in The Executive Meeting Room - Third Floor, The Guildhall

Present

Councillor Donna Jones (in the chair)
Councillor Luke Stubbs (Vice-Chair)
Councillor Jim Fleming
Councillor Darren Sanders
Councillor Gerald Vernon-Jackson CBE

Officers Present

David Williams, Chief Executive
Michael Lawther, Deputy Chief Executive and City Solicitor
Shaun Tetley, Payroll and Pensions Manager
Rochelle Brown, Assistant Director of HR

9. Apologies for Absence (AI 1)

Apologies for absence were received on behalf of Councillor John Ferrett.

Mr Jon Bell also sent apologies for absence.

10. Declarations of Members' Interests (AI 2)

There were no declarations of members' interests.

11. Exclusion of Press and Public (AI 3)

The Chair explained that although there is provision to move the meeting into exempt session, the intention was to keep as much of the meeting as possible in open session. If Members wished to discuss the contents of the exempt appendix, then it would be proposed that the meeting would move into exempt session at that point.

12. Senior Management Structure (AI 4)

(TAKE IN REPORT)

A deputation was made by Mr Jerry Brown which included querying why the appendix was exempt, why Full Council did not first decide the suggested pay grade of the person they are recruiting for and then recruit, (rather than the

other way round) and also why the Director of Regulatory Services and Community Safety was not deleted in 2015.

The Chair thanked Mr Brown for his deputation and invited the Chief Executive, David Williams, to introduce the report which he then did.

The Chief Executive said that paragraph 3.4 of the report explains that a dedicated chief officer post is required in order to drive the continued development and delivery of the council's regeneration agenda. He went on to explain that the new role requires specialist skills that are in demand by many cities and that it is envisaged that the recruitment process may take up to six months. The Chief Executive said that paragraph 3.7 sets out the process for the appointment which is to seek the approval of the Full Council once the member panel had selected a preferred candidate. He explained that it was not particularly unusual for posts where the likely grade pays in excess of £100k to be appointed in this way - all Chief Executive posts followed this pattern. The process would be made clear to candidates.

With regard to exempt Appendix A, this contained the Director of Finance's costs and savings. The appendix was exempt in order to protect personal information from being divulged. It would not be possible to calculate this just by using information already in the public domain as the calculation was influenced by many factors such as whether the person had taken any breaks in service or had not been a member of the pension scheme etc. The details contained in the exempt appendix could be discussed by Members in exempt session if they wished to do so. The Chief Executive said that the Director of Transport Environment and Business Support was willing to remain in post whilst the new position is filled.

The Chair thanked the Chief Executive for introducing the report and said that she intended that the meeting should remain in open session until members wished to discuss the exempt appendix.

During discussion the following matters were clarified

- It was confirmed that confidentiality agreements had not been made with both directors
- With regard to the new post, it was confirmed that a Special Council meeting could be convened to approve the appointment relatively easily if there was no suitable scheduled Council meeting.
- A query was raised about why no request for Voluntary Redundancy approval had been brought to the committee in respect of the Director of Regulatory Services and Community Safety. It was confirmed that redundancies could be agreed outside the Employment Committee - the Executive are able to do that and this is what happened in the case of the Director of Regulatory Services and Community Safety
- In respect of the Director of Transport Environment and Business Support, the money from that post was ring-fenced for the new post. The creation of the new post had to be brought to Employment Committee for approval. There is no requirement under the City Council's processes to take the decision concerning the redundancy of

Directors to a public decision meeting. The report is about finding money for the new post, not about directors leaving.

- In response to a query about what had changed since the last senior management restructure in 2015, the Chief Executive said that the economy had changed and the focus of the Council was now more on income generation. The new post holder would report to the Chief Executive.
- In response to a comment that the post itself was very broad - being based on infrastructure but absorbing transport within it - the Chief Executive said that he recognised the post represented a shift and that it was important that the city was effectively managed. The skills required would include anticipating market demand for office space, shops etc and that "soft" infrastructure - such as skills - was likely to become increasingly important. Portsmouth has particular constraints so he recognised the importance of recruiting someone who has appropriate skills.
- With regard to a query raised on the detail of how the savings mentioned in paragraph 6 could be achieved, the Chief Executive said that the detail was contained in the exempt appendix.
- The Chief Executive said that if a suitable candidate for the post could not be found, then officers and the Executive would regroup and consider what then to do. Meanwhile the Director of Transport Environment and Business Support would continue in post if he wished to do so.
- The Cabinet Member for Traffic and Transportation said that the shape and structure of transport has already been looked at with a view to ensuring a well- run and well managed service is in place.
- It was confirmed that if an appointment was to be made with a salary exceeding £100,000, then that would need to be approved at Full Council. The Chair said that she would expect the Group Leader of the Opposition to be on the interview panel. Place is very important and there were some big issues that would need to be considered in Portsmouth such as looking at rebuilding the bottom of the motorway. She also said that there was a need to provide a briefing about the new role to all members but that she considered that the briefing would be better held once the person is in post. It was envisaged that once in post the person would be able to shape the role and the teams.
- The Vice-chair of the Committee said that since the last restructure in 2015, funding from central government had been cut dramatically and the resulting reduction in staff and functions was driving management changes. It was important particularly in relation to transport that best use is made of the infrastructure we have.
- The Chief Executive confirmed that the new role was not just a strategic role but was also about delivering projects. The person being sought would have to demonstrate that they had actively been involved in the planning and implementation of major schemes..
- Members were advised that it was not anticipated that the costs outlined would be affected by the outcome of the Treasury Consultation on exit payments, but if there was a need to review, then it was anticipated that a further report would be brought back to Employment Committee.

- With regard to a query about making the post of Director of Place redundant in 2015 and then introducing this new post, the Chief Executive said that the new post was a different post requiring different skills and a different management structure was being created.
- With regard to a query about why there was only one confidentiality agreement in place, the Chief Executive said that matters concerning the Director of Transport Environment and Business Support role were being brought to this meeting and it was not correct procedurally to pre-empt any decision of the Committee.

The Chair commented that this is phase 2 of the management re-structure and that further changes may be required. Although the revenue support grant had been halved since 2015, the report today was not primarily about saving money but was about making the Council more effective and efficient. It was important to cover the "place" services (mentioned in paragraph 3.2) effectively. She said there is a need to balance the needs of the city centre with business regeneration for example. Business rates are increasingly important and therefore there is a need to lead in regeneration. Cities that have done this ensure stakeholder interest. The report is about making Portsmouth as effective and efficient as it can be and there is a need to recruit a person of sufficient standing to deliver that. The Chair wanted to place on record thanks to all those currently working on regeneration.

It was agreed that recommendation 4 should be amended to include thanks to the Director of Regulatory Services and Community Safety.

It was

proposed by Councillor Donna Jones

seconded by Councillor Luke Stubbs

That the meeting move into exempt session and this was agreed.

The Chief Executive explained the content of the exempt appendix giving details of the anticipated recruitment costs, savings from the posts and payback period. He also answered some specific queries on the figures contained in the exempt appendix.

It was

proposed by Councillor Donna Jones

seconded by Councillor Luke Stubbs

That the meeting move back into open session and this was agreed.

RESOLVED that Members

- (i) Approve the creation of the new post of Director of Regeneration, as detailed in section 3.4 of the report.**
- (ii) Note that an appointment to the above post will be subject to approval by Full Council if the salary for the post exceeds £100,000.**

- (iii) Approve the voluntary redundancy of the Director of Transport Environment and Business Support.**
- (iv) Record thanks to Ms Rachael Dalby and Mr Alan Cufley for their service to the council and to wish them both the very best for the future.**

The meeting concluded at 1.05 pm.

Councillor Donna Jones
Chair

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Agenda item:

Decision maker:	Employment Committee
Subject:	Pay Policy Statement
Date of decision:	12 th September 2017
Report by:	Jon Bell - Director of HR, Legal and Performance
Wards affected:	n/a
Key decision (over £250k):	n/a
Full Council Decision:	Yes

1. Purpose of report

The Council is required by section 38(1) of the Localism Act 2011 (openness and accountability in local pay) to prepare a Pay Policy Statement.

The Local Government Transparency Code 2014 further clarifies and describes the information and data local authorities are required to publish to increase democratic accountability.

A Pay Policy Statement must articulate the Council's policies towards a range of issues relating to the pay of its workforce, particularly its senior staff, Chief Officers and its lowest paid employees.

A Pay Policy Statement must be prepared for each financial year, approved by Full Council no later than 31st March of each financial year and published on the council's website. Following the presentation of the Pay Policy Statement in March 2016, the Employment Committee requested that, in order to increase transparency and public accountability, a draft Pay Policy Statement be presented at an earlier stage of the financial year forecasting the pay policy for that year.

This statement relates to the financial year 2017/18 and is therefore current, rather than retrospective.

2. Recommendations

The Employment Committee is recommended to:

- 2.1 Approve the draft Pay Policy Statement attached as **Appendix 1**, and note that it will be made available to the public, in draft form, on the Council's website.
- 2.2 Request the Director of HR Legal and Performance to report to Members any changes to the statement that become necessary during the coming year, and pass the final statement forward for approval by the Full Council by 31st March 2018.

3. Background

- 3.1 Increased transparency about how taxpayers' money is used, including the pay and reward of public sector staff is now a legislative requirement under section 38(1) of the Localism Act 2011. The Department for Communities and Local Government published a revised Local Government Transparency Code on 3rd October 2014. The code

enshrines the principles of transparency and asks relevant authorities to follow these three principles when publishing the data they hold. These are as follows:

- Responding to public demand
- Releasing data in open format available for re-use; and
- Releasing data in a timely way

This includes data on senior salaries and how they relate to the rest of the workforce (pay multiple).

- 3.2 The Council must have regard to the Secretary of State guidance "Openness and accountability in local pay: Draft guidance under section 40 of the Localism Act". It is now essential that an authority's approach to pay, as set out in a Pay Policy Statement, is accessible for citizens and enables taxpayers to take an informed view of whether local decisions on all aspects of remuneration are fair and make the best use of public funds.

Approved statements must be published on the authority's website and in any other manner that the authority thinks appropriate, as soon as reasonably practical after they have been approved by Full Council.

- 3.3 The Act also requires that authorities include in their pay policy statement, their approach to the publication of and access to information relating to the remuneration of chief officers. Remuneration includes salary, expenses, bonuses, performance related pay as well as severance payments.
- 3.4 The definition of a chief officer as set out in the Act is not limited to Heads of Paid Service or statutory chief officers. It also includes those who report directly to them.
- 3.5 The draft Portsmouth Pay Policy statement is attached as **Appendix 1**.
- 3.6 Whilst the Pay Policy Statement relates to the year 2017/18, Members' attention is drawn to the changing shape of the council and the environment in which it operates, and the impact this may have in future on its pay structure. In particular:
- The need for officers to operate across organisational boundaries, e.g. with the health sector and other local authorities
 - The increased commercialisation of the council and the need to recruit and retain suitably skilled staff (who may expect alternative reward packages)
 - The council's role as accountable body for commercial or quasi-commercial bodies
 - The increased specialisation of skills in some employment markets, driving pay inflation that the council's pay structure is not well suited to meet

Members approval will be sought for any significant changes to the Council's pay structure resulting from these, or other factors.

4. Conclusions

The Council is required by the Localism Act 2011, section 38(1) to publish a Pay Policy Statement on a yearly basis which is approved by Full Council.

5. Equality Impact Assessment (EIA)

An equality impact assessment is not required as the recommendation doesn't have a negative impact on any of the protected characteristics as described in the Equality Act 2010.

6. Legal Comments

6.1 The Director of HR, Legal and Performance is satisfied the Pay Policy Statement at Appendix 1 meets the legislative requirements under Section 38 Pay Accountability, of the Localism Act 2011 and is in line with the Local Government Transparency Code 2014.

6.2 The Council is required to prepare a Pay Policy Statement for the financial year 2017/18 and each subsequent year, which sets out the policies, remuneration and other benefits of its chief officers and lowest paid employees and the relationship between its chief officers and every other officer.

6.3 The Pay Policy Statement must be approved by Full Council before 31st March 2018 and can only be amended thereafter by resolution to Full Council.

7. Finance Comments

There are no financial implications arising from the recommendations contained within this report.

.....
Signed by: Jon Bell - Director of HR, Legal & Performance

20th June 2017

Appendices: Pay Policy Statement 2017/18

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

DRAFT: PAY POLICY STATEMENT FOR THE FINANCIAL YEAR 2017/18

INTRODUCTION

This policy statement has been produced in accordance with Sections 38 to 43 of the Localism Act 2011 (the Act), and is compliant with the Local Government Transparency Code 2014.

The pay policy statement will be reviewed on an annual basis, and a new version of the policy will be approved before the start of each subsequent financial year, which will need to be complied with during that year.

SECTION 1: REMUNERATION OF STATUTORY AND NON-STATUTORY CHIEF OFFICERS, DEPUTY CHIEF OFFICERS, AND MONITORING OFFICER

1.1 REMUNERATION COVERED IN THIS SECTION OF THE POLICY

This section covers the Council's policies in relation to the remuneration of its senior employees, including:

- Its Chief Executive (who is its Head of Paid Service);
- Its Deputy Chief Executive (and Monitoring Officer);
- The Directors, who report to and are directly accountable to the Chief Executive or Deputy Chief Executive. These Directors fulfil the roles of statutory Chief Officers, Section 151 Officer, and non-statutory Chief Officers;
- The Port Director;
- The managers who report to and are directly accountable to the Port Director.

1.2 OVERALL POLICY ON REMUNERATION FOR SENIOR ROLES

The Council's remuneration policy complies with all equal pay, discrimination and other relevant legislation.

The Council's Job Evaluation Support Scheme (JESS) is used when setting pay levels for all posts within the Council. This system is a factor-based analytical job evaluation scheme designed to measure the relative responsibilities of all jobs fairly and accurately.

1.3 THE REMUNERATION OFFERED TO SENIOR EMPLOYEES

At Chief Executive, Deputy Chief Executive and Director level (and for the Port Director and his direct reports), the Council offers only an annual salary, access to the Local Government Pension Scheme, and the payment of a small number of allowances, details of which are set out below. No other cash benefits or benefits in kind are offered. The Council does not offer performance related payments or bonuses to its senior employees.

All are employed on PAYE taxation arrangements. However in exceptional circumstances e.g. interim appointments, an alternative form of engagement/employment may if appropriate be used.

Annual salaries

Annual salary levels for senior employees are set in accordance with the overall principles set out in section 1.3, above. At Chief Executive and Director level, they consist of a grade range which is determined locally by the Council. This grade range consists of a number of incremental salary points, through which employees may progress until the top of the grade is reached.

The current pay ranges are:

Chief Executive	£137,413 to £155,936
Deputy Chief Executive	£103,017 to £111,629
Port Manager	£103,017 to £111,629
Director (upper band)	£103,017 to £111,629
Director (mid band)	£88,300 to £97,598
Director (lower band)	£75,686 to £83,654
Senior Managers	£68,787 to £75,521

The Council has entered into shared working arrangements with Gosport Borough and Isle of Wight Councils to share senior management and their related statutory functions. All Councils have retained their clear identities as individual councils under this arrangement. Gosport Borough and Isle of Wight Council pay a contribution under this arrangement to Portsmouth City Council. Additional payments are made to these Chief Officers for carrying out the statutory functions under this shared working arrangement. These payments are separate to the level of pay received for performing their duties within Portsmouth City Council - see Section 4 - Honoraria payments.

Remuneration of senior employees on recruitment

The Council's policy is that any newly appointed senior employee will commence employment at the lowest pay point in the pay range for their job, other than in circumstances where it is necessary to pay at a higher point within the range in order to match the salary of their previous post with another organisation. Any decision to appoint a senior employee on a higher pay point within the relevant pay range would be made by the Members Appointment Committee.

Pay progression

Pay progression is by annual increment, payable from 1st April. Pay progression is based on the period of time the employee has served in that grade.

There is no scope for accelerated progression beyond one increment per annum, or for progression beyond the top of the grade's pay range.

Pay awards

The salaries of Directors will be increased in line with any pay increase agreed nationally in line with the Joint National Councils (JNCs) for Chief Executives and Chief Officers. Senior Managers pay will be increased with any pay increase agreed nationally in line with the National Joint Council (NJC).

Bonuses

The Council does not pay bonuses to any of its employees.

Other Allowances and Payments

Other payments and allowances that the Chief Officers may be eligible for are detailed in Section 4 – **POLICIES COMMON TO ALL EMPLOYEES**. This includes Market Supplements, Local Government Pension Scheme (LGPS), Payments on Termination of Employment, Allowances.

Election fees

Returning Officer fees will be paid where there is a statutory entitlement available. This is usually available for General and European Elections, but not local elections. Where a Director acts as the Deputy Returning Officer the appropriate fee at that time is paid.

SECTION 2: REMUNERATION OF LOWEST PAID EMPLOYEES

2.1 DEFINITION OF LOWEST PAID EMPLOYEES

The definition of the “lowest-paid employees” adopted by the Council for the purposes of this statement is as follows:

The lowest paid employees within the Council are those employees who are paid on the minimum salary point of the Council’s substantive pay structure, i.e. spinal column point 1, within Band 1 of its salary scales.

However, with effect from 1st November 2014, the Employment Committee made the commitment to Portsmouth City Council Employees (subject to agreement by governing bodies of schools) to pay the Portsmouth City Council Living Wage rate as a supplement to base pay. Therefore, all employees* from SCP1 to SCP7 will receive a minimum hourly rate of £7.85 per hour.

The current annual full-time equivalent value of this pay level, based on a 37-hour standard working week at £7.85 per hour, for the financial year 2017/18 is £15,144.

(*This excludes Apprentices and temporary staff employed via Portsmouth City Council's temporary staff agency).

SECTION 3: PAY RELATIONSHIPS

Under the provisions of the Code of Recommended Practice for Local Authorities on Data Transparency, issued by the Department for Communities and Local Government under Section 2 of the Local Government Planning and Land Act 1980, the Council is expected to publish its “pay multiple”, i.e. the ratio between the highest paid salary and the median salary of the whole of the local authority’s workforce. This multiple, for the financial year ending 01 April 2017 is 8.1 with a median salary of £23,298.

(The median salary figure is the salary value at which 50% of the salaries which apply to the whole of the local authority’s workforce are below that value and 50% are above it. The lowest pay point in the overall salary range which has been used by the Council in calculating the median salary is that which applies to its lowest paid employees, as defined in section 2 of this pay policy statement.)

The Council considers that the current pay multiple, as identified above, represents an appropriate, fair and equitable internal pay relationship between the highest salary and the pay levels which apply to the rest of the workforce. It will therefore seek to ensure that, as far as possible, the multiple remains at its current level.

The Council also considers that the relationship between the base salaries of its highest and lowest paid employees, which is currently a ratio of 12.7, represents an appropriate, fair and equitable internal pay relationship.

SECTION 4: POLICIES COMMON TO ALL EMPLOYEES

The following elements of remuneration are determined by corporate policies or arrangements which apply to all permanent employees of the Council (including its Chief Executive, Deputy Chief Executive, Directors and the lowest paid employees as defined above), regardless of their pay level, status or grading within the Council:

Market Supplements

A Market Supplement payment may be made if there is a clear business need, supported by effective market data, where a post is difficult to recruit to or to retain key members of staff, in addition to the normal reward package.

The supplement payment will be made in strict accordance with the Recruitment and Retention Policy and will be reviewed biennially. The full Recruitment and Retention Policy will be provided on request.

Payments on Termination of Employment

Other than payments made under the LGPS, the Council's payments to any employee whose employment is terminated on grounds of redundancy or in the interests of the efficiency of the service will be in accordance with the policy the Council has adopted for all its employees in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006. This policy (Early Termination of Employment Payments) has been published in accordance with the requirements of Regulation 7 of these regulations and is available on request.

Reimbursement of removal/relocation costs on appointment

The Council's relocation scheme is to enable financial assistance (within pre-defined limits) to be given to any employee who is required to relocate to the Portsmouth area to take up an appointment in a post deemed 'hard to fill' by the appropriate Director. Full details of the policy can be provided on request.

Honoraria

The Council pays honoraria to any employee only in accordance with its corporate scheme for such payments. This scheme provides that honoraria payments may be made to any employee who undertakes exceptional additional duties unrelated to those of a higher post, for example a special project. Such payments must be approved by the Director for HR where payments will exceed £1,000 per annum.

Acting-up/additional responsibility payments

Where employees are required to "act-up" into a higher-graded post and take on additional responsibilities beyond those of their substantive post, for a temporary/time-limited period (which must exceed 4 weeks), they may receive an additional payment in accordance with the terms of the Council's policy. The payment will be based on the percentage of the higher duties and responsibilities undertaken and on the salary that would apply were the employee promoted to the higher post. (i.e. the lowest spinal column point of the higher grade).

Standby and call out allowances

Any employee who is required to undertake standby and call-out duties will be paid at the appropriate rate and in accordance with the policy. A full copy of the policy can be provided on request.

Mileage rates

The Council compensates employees who are authorised to use their own car, motorcycle or bicycle on Council business, in accordance with the mileage rates set out by HMRC.

Subsistence allowance

The Council reimburses expenditure on meals and accommodation and any other expenses necessarily incurred by employees who have to be away from home on Council business on the basis of actual expenditure incurred. These allowance rates are set out by HMRC.

Child care (salary sacrifice scheme)

Childcare is available to all employees via the HMRC-approved salary sacrifice scheme. There is no direct subsidy towards childcare costs by the Council.

SECTION 5: DECISION MAKING ON PAY

The provisions of this pay policy statement will apply to any determination made by the Council in the relevant financial year in relation to the remuneration, or other terms and conditions, of a Chief Officer of the Authority and of its lowest paid employees, as defined in

this statement, The Council will ensure that the provisions of this pay policy statement are properly applied and fully complied with in making any such determination.

Any proposal to offer a new chief officer appointment on terms and conditions which include a total remuneration package of £100,000 or more, which would routinely be payable to the appointee and any benefits in kind to which the officer would be entitled as a result of their employment (but excluding employer's pension contributions), will be referred to the Full Council for approval before any such offer is made to a particular candidate.

Additionally, any severance payments over £100,000 are referred to Full Council for approval.

SECTION 6: AMENDMENTS TO THIS PAY POLICY STATEMENT

This pay policy statement is a prediction for the financial year 2017/18.

The Council may agree any amendments to this pay policy statement after it has been approved, but only by a resolution of the full Council.

The finalised Pay Policy Statement will be agreed by the Council in March 2018 for the financial year 2017/18.

SECTION 7: PUBLICATION OF AND ACCESS TO INFORMATION

The Council will publish this pay policy statement on its website as soon as is reasonably practicable after it has been approved by the Council. Any subsequent amendments to this pay policy statement made during the financial year to which it relates will also be similarly published.

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Agenda Item 6

Title of meeting:	Employment Committee
Date of meeting:	12 September 2017
Subject:	H&S Annual Report (1 April 2016 - 31 March 2017)
Report by:	James Hill – Interim Director of Property & Housing Service
Wards affected:	All
Key decision:	No
Full council decision:	No

1. Purpose of report

To update the Employment Committee on Portsmouth City Council's (PCC) health and safety (H&S) performance for the period 1 April 2016 - 31 March 2017.

2. Recommendations

It is recommended that the 2017/18 H&S action plan is endorsed by the Employment Committee.

3. Background

3.1 Introduction:

3.1.1 The corporate health and safety (H&S) management system is maintained and monitored by the H&S manager, who is accountable to the Chief Executive via the Director of Property & Housing Service. The H&S Unit team comprises of 3 directly employed staff (1 x manager/ specialist advisor, 1 x specialist advisor/trainer and 1 x part time administrator). The H&S Unit's role is to provide advice, guidance, training and support to members, managers and employees to enable them to fulfil their legal H&S responsibilities and comply with UK H&S legislation.

3.1.2 Summarising the council's performance in this 2016/17 reporting period, specific to corporate and service-specific H&S management:

- No members of staff or the public were killed or seriously injured as a result of council work activities or infrastructure and RIDDOR reportable incidents are at an all-time low
- No statutory enforcement notices, 'fee for intervention' charges or litigation claims were served on the council by an enforcement authority
- No legionella outbreaks occurred that were attributable to Council managed water systems and no adverse legionella incidents or exposures were reported to the H&S Unit or the Health and Safety Executive (HSE)
- No significant asbestos management failings or adverse 'asbestos related' incidents (accidents) were reported to the H&S Unit or the HSE
- Employee engagement in corporate H&S training is at an all-time high, with engagement by school management teams also being at an all-time high

In conclusion, this annual report reflected another pro-active year of H&S management within the council, Local Authority schools, academy schools and other external services signed up to the H&S Units traded service agreement (NHS Portsmouth Clinical Commissioning Group).

3.1.3 Information relating to specific aspects of the Council's health and safety management systems and performance during this reporting period is detailed in the remainder of this report. The proposed 2017/18 H&S Unit action plan is attached as Appendix 1, a review of the 2016/17 action plan is at Appendix 2 and detailed incident statistics are at Appendix 3.

3.2 H&S report for 2016/17:

3.2.1 Legionella management:

(i) No legionella outbreaks (incidents or exposures) were reported to the HSE or the H&S Unit and legionella management throughout the PCC property portfolio continued to be pro-active. As a result no statutory enforcement notices, 'fee for intervention' charges or litigation claims were served on the council by an enforcement authority.

(ii) The ongoing project agreed with the HSE in 2013/14 to reduce legionella risks associated with operating three council owned cooling towers was successfully finalised in this reporting year i.e. the last remaining wet cooling tower was taken off line and is being refitted with a dry system, totally eliminating legionella risks associated with operating the council's only remaining cooling tower (2 x towers were decommissioned and removed off-site in March 2014).

(iii) The Councils Internal Audit team carried out a 'Property and Housing Service-specific' legionella audit in this reporting year to verify compliance with legislation/corporate legionella management policy and identify 'management gaps' where improvements were required. The audit result was positive and recommendations identified by the Internal Audit team have been incorporated into the corporate legionella action plan managed by the Director of Property and Housing Service.

3.2.2 Asbestos management:

(i) No statutory enforcement notices, 'fee for intervention' charges or litigation claims were served on the council by an enforcement authority and no asbestos incidents relating to council work activities (including schools) were reported to the HSE or the H&S Unit. Asbestos management continues pro-actively throughout all council services, local authority schools, academy schools and other external services that have purchased 'traded services' from Property and Housing Service. The corporate asbestos management policy was also reviewed and republished to aid continual improvement council-wide.

3.2.3 Accident and Violent Incident reporting:

(i) Corporate incident reporting continues to be pro-active throughout all council services, local authority schools, academy schools and other external services signed up to the H&S Unit traded service. The policy facilitates compliance with law, supports the council's 'zero tolerance' approach to violence against employees and allows the H&S Unit to assist management teams in collating factual evidence in lieu of any post incident intervention by external authorities or future litigation claims brought against the council.

(ii) The purpose built corporate incident database (now in its 4th year of operation) provides meaningful data to key stakeholders and has proved a useful tool for evidencing positive incident trends and verifying a positive safety culture throughout the council.

(iii) No fatalities or serious workplace accidents involving council/school employees were reported to the H&S Unit or the HSE. 'Overall' incidents reported were 11% fewer than in the previous year, with RIDDOR reports being comparable. No negative trends were highlighted by the H&S Unit and statistics reflect the expected industry norm, taking into account the type of work activities undertaken by council and school employees.

Note: RIDDOR is the 'Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013'

(iv) The total number of incidents reported to the H&S Unit in 2016/17 was **534** (198 PCC services + 336 schools), compared with 597 in 2015/16 (316 PCC services + 281 schools).

(v) Accidents only account for 147 of the **534** incidents reported (98 x PCC/49 x schools), of which 30 % resulted from 'slips, trips and falls' (121 accidents reported in 2015/16).

(vi) Violent incidents account for the other 387 of the 534 incidents reported (100 PCC/287 schools), significantly fewer than the previous year's total of 476 (228 PCC/248 schools). Violent incidents reported can be further broken down as follows:

- 52 non-physical incidents (49 PCC/3 schools) + 335 physical (51 PCC/284 schools)
- Incident outcomes - 155 x no injury, 179 x minor injury and 1 x serious injury (RIDDOR reportable)
- PCC incidents significantly reduced (H&S manager worked with social care to reduce 'over reporting')
- Schools incidents increased by 12% (increase in awareness of reporting requirements)

Violent Incidents in Schools

- 234 of the 287 incidents reported by schools were carried out by pupils aged 4-10 years old
- 131 of the 287 incidents reported by schools were carried out by pupils aged 4-6 years old

The above statistic verify that the high number of violent incident reports is a result of school management teams adopting strict reporting procedures - as the majority of incidents reported are carried out by very young children (pupils) rebelling/lashing out (as opposed to teenage pupils or members of the public committing pre-meditated acts of violence targeting school staff).

(vii) RIDDOR reports accounted for 16 of the total incidents reported (12 PCC services + 4 schools), compared with 15 in the previous year (11 PCC services + 4 schools). The RIDDOR incidents were reported to the HSE as the following categories:

- 14 x 'over 7 day absence' (12 x PCC/2 x schools)
- 1 x 'specified injury' (school teacher tripped and broke wrist)
- 1 x 'member of public to hospital for treatment' (school pupil doing science experiment)

(viii) RIDDOR reportable incidents remained low, attributable to safe working practices throughout the council/schools and a better understanding of the legal reporting requirements (see figure 1 below for comparable years).

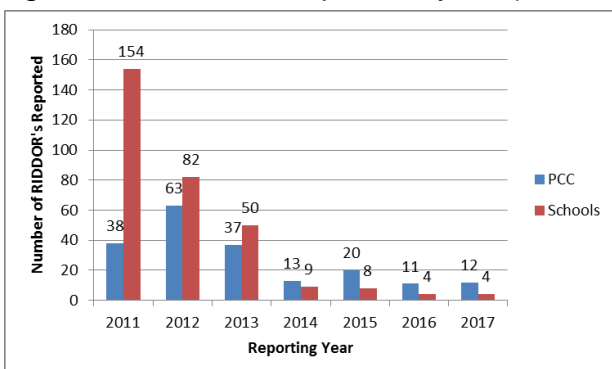


Figure 1:
RIDDOR incidents reported to the HSE: 2010-2017

(ix) Further analysis of all incidents reported to the H&S Unit is attached at Appendices 3 and 4.

3.2.4 Health and safety training:

(i) A total of **5573** H&S training places (facilitated by the H&S Unit and the 'People Handling and Back Care Advisor') were undertaken by council members, council employees and school staff in this reporting year (highest annual uptake since records began - see figures 2 and 3).

(ii) The H&S Unit 'stand-alone' portable training kit continues to prove an effective tool where e-learning is not suitable for particular employee groups - with 681 of this year's uptake being delivered by managers using the kit to facilitate group training sessions (popular with schools).

(iii) In addition to maintaining the 8 x corporate e-learning courses, the H&S Unit routinely delivered two 'classroom based' training courses, scheduled in the H&S Unit annual training programme ('work activity risk assessment' and 'practical load handling'). These ½ day courses were administered through the council's 'managed learning environment' system and delivered in the civic offices. Additional bespoke sessions were facilitated at various locations throughout the city, where managers requested group training specific to their employee work activities.

(iv) People handling training sessions continued to be delivered to council employees by the corporate 'People Handling and Back Care Advisor'.

(v) Demand for fire warden training (delivered by an external trainer) is being reviewed and this course is not expected to run post 2017 - to be substituted with additional elements being included in the mandatory fire safety e-learning course (a more beneficial and cost-effective option).

H&S e-learning courses (via MLE):	
H&S Induction for employees	1147
H&S Induction for Members	18
Using computers and DSE safely	645
Manual handling	282
Incident reporting and Investigation for managers	113
Legionella awareness	78
Asbestos awareness	107
Fire safety awareness	1775
subtotal:	4165 (3750)
Management e-learning briefs using stand-alone kit:	
H&S induction	264
Fire safety awareness	371
Manual handling	46
subtotal:	681 (612)
Classroom based courses:	
Work activity risk assessment	29
Practical load handling	28
Various 'people handling' courses (by PHBCA)	607
Fire warden training	63
subtotal:	727 (951)
Overall total	5573 (5313)

Figure 2: A breakdown of training facilitated in financial year 2016/17 (totals for 2015/16 in brackets)

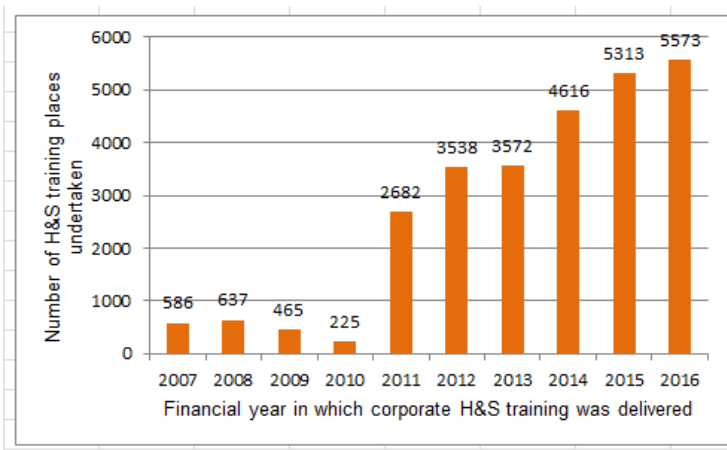


Figure 3:
Corporate H&S training statistics since financial year 2007/2008

3.2.5 Corporate Communication channels:

(i) The Joint Health Safety and Wellbeing (JHSW) forum continued as the corporate meeting for reviewing and addressing H&S management issues and communicating H&S related policy and procedural changes council-wide. The forums membership remains constant with quarterly meetings being well attended and representation for schools has vastly improved since Teachers Liaison Panel representatives have taken a more pro-active role.

(ii) The quarterly H&S Unit e-newsletter (making your workplace safer) continues to prove a popular and effective means of disseminating important corporate H&S information to all council and school employees through their management representatives or via the staff intranet and schools google-based website managed by the H&S Unit (issue 24 of the e-newsletter was cascaded in March 2017).

(iii) In addition to maintaining the corporate H&S information on policy hub and the council's staff Intranet, the H&S Unit maintains a separate google-based webpage to facilitate access for school employees to the same corporate H&S documentation via the world wide web.

(iv) The fourteen corporate H&S policies (and their associated forms) developed by the H&S Unit continue to be maintained up to date and readily accessible to all council and school employees via the corporate channels detailed above. All new policies are subject to council-wide consultation, to include key stakeholders and trade union representatives, prior to going live and revisions to policies are subject to selective consultation (key stakeholders as a minimum), where no change in policy is required.

(v) The corporate H&S Audit and inspection programme designed and implemented by the H&S Unit since April 2015, has proven to be an effective communication tool (in addition to monitoring compliance) and the results are proving significant i.e. engagement between the H&S Unit and service management teams (particularly schools) has vastly improved and is reflected in corporate outputs including H&S training and incident reporting statistics. Audit recommendations and further assistance from the H&S Unit continues to address any management gaps identified. In this reporting year:

- 50 x self-assessment audits submitted to the H&S Unit (29 x Council sites/21 x schools)
- 23 x H&S management audits conducted by the H&S Unit (11 x Council sites/12 x schools)

Note: Audit results confirm management teams can evidence compliance with corporate H&S policies and where improvements are required in undertaking mandatory H&S training courses (particularly in schools), this need is being highlighted and addressed as part of the audit process

(vi) The H&S Unit continues to nurture good working relationships with other corporate specialists and service management teams, to improve internal H&S management systems and

procedures as well as addressing specific H&S related issues/incidents within the city of Portsmouth. This has proved beneficial to all concerned, particularly where external enforcement bodies (HSE, Environment Agency, Hampshire Fire and Rescue Service, etc.) have requested information, assistance or intervened.

3.2.6 Corporate H&S management reviews:

(i) Pro-active H&S management reviews: In addition to the H&S Unit H&S audit programme, H&S management audits continue to be facilitated by the Councils 'Internal Audit' team and H&S related audits carried out in this reporting year included asbestos management and legionella management. The H&S manager is working with Internal Audit team representatives to review future H&S-specific audit criteria, to ensure all relevant council directorates/services are included in the scope of future internal audits, to verify council-wide management compliance with UK legislation and corporate H&S policies.

(ii) Reactive management reviews: The H&S Unit continues to re-actively review corporate, departmental and service-specific H&S management issues by various means including, but not limited to, the following:

- Reviewing all accident and incident reports submitted to the H&S Unit (carrying out follow-up investigations/advice, as and when required)
- Liaising with enforcement authorities, whether following a query, a formal intervention or enforcement action (working with the enforcing authority and/or council representative, as and when required)
- Providing advice/information re: litigation claims served on the council by members of public or employees (working with the relevant management team and the council's senior litigation executive, as and when required)
- Investigating complaints re: H&S management failings, whether from members of the public, customers, service-users, contractors, external authorities, internal departments/services, etc., (as and when required)

3.2.7 H&S Engagement with LA Schools and Academies:

(i) The H&S Unit continues to work positively with schools within the city. In this reporting year, in addition to 100% buy-in from all local authority schools offered the service, 7 x academy schools also opted-in to purchasing the H&S Unit traded service (52 schools in total).

3.2.8 Corporate H&S Unit Action Plans:

(i) The 2016/17 H&S Unit action plan, submitted for approval, is attached at Appendix 1 and the 2015/16 H&S Unit action plan was reviewed and is attached as Appendix 2.

4. **Reasons for recommendations**

These recommendations are put forward for approval to assist the council in complying with UK H&S legislation, PCC H&S policies and to strive for continual improvement of the corporate H&S management system

5. **Equality impact assessment (EIA)**

An equality impact assessment is not required for this report.

Signed

Date

(James Hill, Interim Director of PHS)

6. Legal Implications

There are no legal implications in this report and it ensures that the council meets its statutory duties and also supports the council’s policies on H&S.

7. Director of Finance’s comments

There are no additional financial costs arising from the recommendations in this report.

Appendices:

- Appendix 1: H&S Unit corporate action plan for 2017/18
- Appendix 2: Update of H&S Unit corporate action plan 2016/17
- Appendix 3: Portsmouth City Council incident statistics
- Appendix 4: School incident statistics

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected

by on Signed by:

Portsmouth City Council:**H&S Unit Corporate Action Plan 2017/18**

Action	Objective	Target date	Lead person	Update/ outcome
1. Annual review of the corporate H&S policy and statement of intent	To ensure compliance with H&S legislation and council policies and strategies	31/08/17	H&S Manager	
2. Produce the annual report for employment committee	For compliance with corporate H&S policy	31/05/17	H&S Manager	
3. Deliver traded services with schools and other partners, as agreed in TSA contracts.	To ensure compliance with H&S policy/legislation and generate income to support the H&S Unit staffing levels	31/03/18	H&S Manager	
4. Manage and facilitate the corporate H&S management audit and inspection program	To provide corporate assurance by verifying service/workplace-specific compliance with corporate H&S policies and UK H&S legislation	31/03/18	H&S Manager	
5. Facilitate 4 x JHSW forums and distribute minutes and associated e-newsletter	For compliance with corporate H&S policy and UK legislation	31/03/18	H&S Manager	
6. Produce, facilitate and deliver the H&S Unit's 2017/18 H&S 'classroom-based' training program	Programming, advertising and delivering corporate 'risk assessment' and 'load handling' training courses to assist managers and staff in complying with corporate H&S training requirements and UK legislation	31/03/18	H&S Manager	
7. Maintaining the corporate incident reporting database and reviewing accident and incident reports submitted to the H&S unit	To assist managers and staff in complying with corporate 'post-incident' management requirements and UK legislation. To assist service managers in documenting evidence for future reference, in case of legal/civil litigation claims	31/03/18	H&S Manager	
8. Review and re-launch 2 x corporate e-learning courses on MLE and the H&S Unit's stand-alone training kits.	To ensure up to date H&S advice and training is available to all council employees and 'others' signed up to the H&S Unit's TSA.	31/12/17	H&S Manager	
9. Review 4 x corporate H&S policies to maintain up to date (3-year review date).	For compliance with corporate H&S policy	31/03/18	H&S Manager	
10. Maintain corporate records of all H&S training facilitated by the H&S team	For compliance with corporate H&S policy	31/03/18	H&S Manager	
11. Seek opportunities to income generate from external clients	For compliance with corporate 'best practice' and ensure H&S Unit service can be maintained in-house	31/03/18	H&S Manager	
End of action plan				

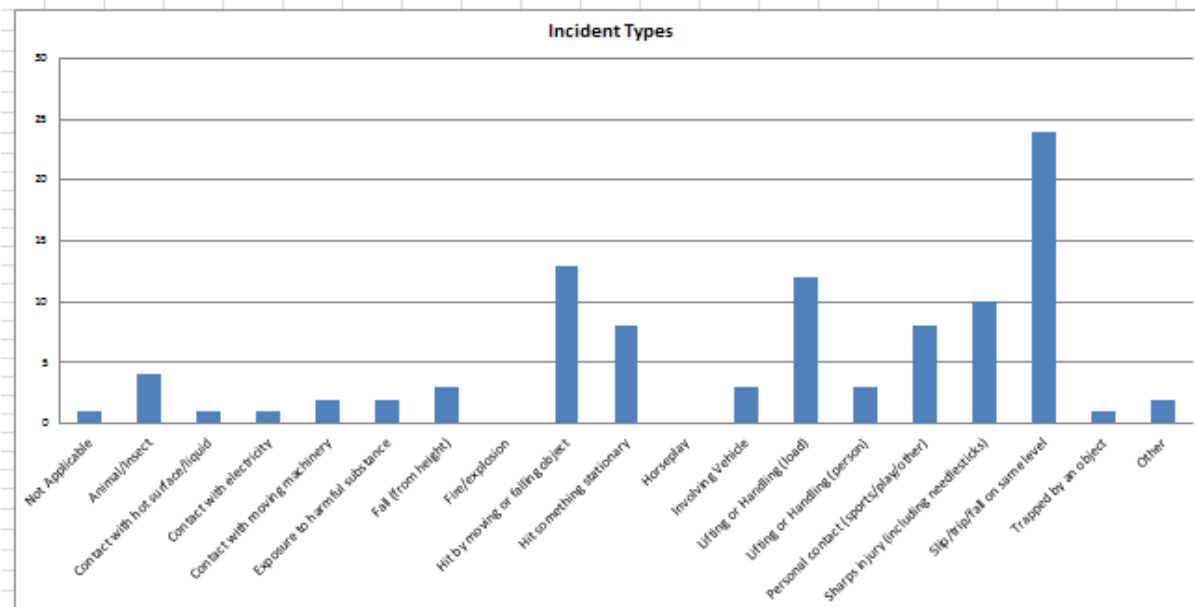
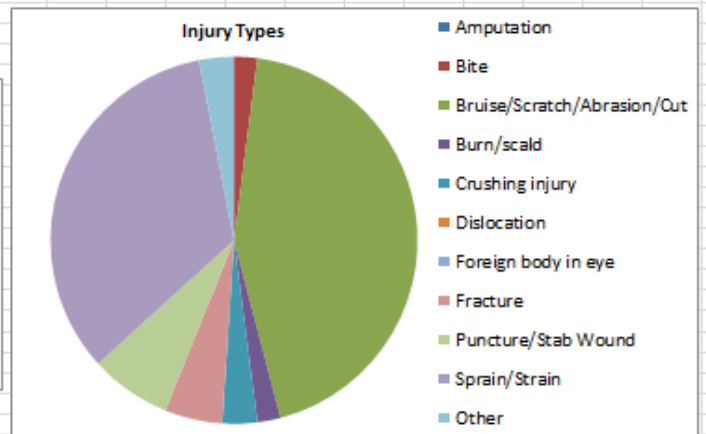
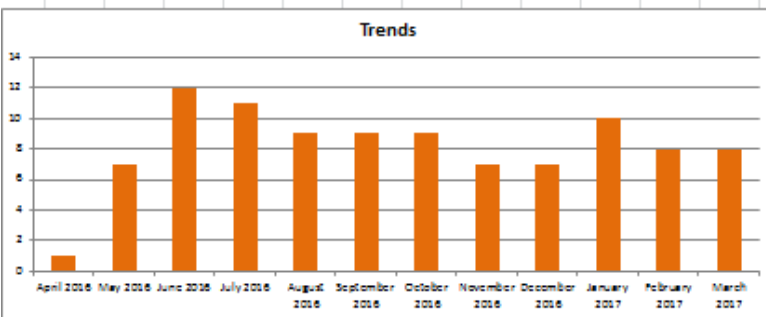
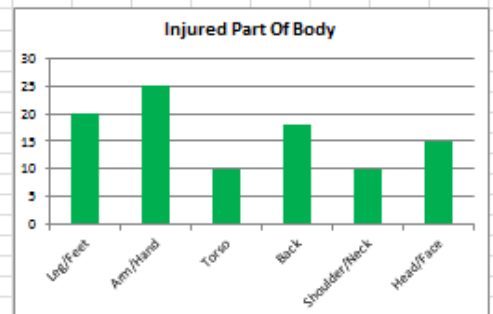
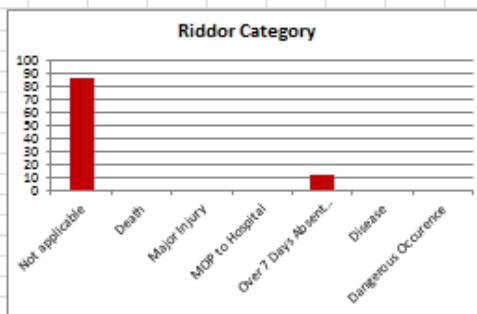
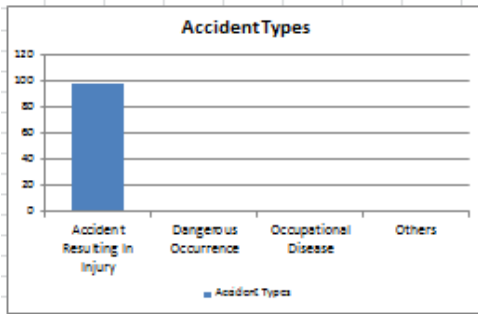
Review of 2016/17 H&S Unit Corporate Action Plan

Action	Objective	Target date	Lead person	Update/outcome
1. Annual review of the corporate H&S policy and statement of intent	To ensure compliance with H&S legislation and council policies and strategies	31/08/16	H&S Manager	Action complete
2. Produce the annual report for employment committee	For compliance with corporate H&S policy	31/05/16	H&S Manager	Action complete
3. Deliver traded services with schools and other partners, as agreed in TSA contracts.	To ensure compliance with H&S policy/legislation and generate income to support the H&S Unit staffing levels	31/03/17	H&S Manager	Action complete
4. Manage and facilitate the corporate H&S management audit and inspection program	To provide corporate assurance by verifying service/workplace-specific compliance with corporate H&S policies and UK H&S legislation	31/03/17	H&S Manager	Action complete
5. Facilitate 4 x JHSW forums and distribute minutes and associated e-newsletter	For compliance with corporate H&S policy and UK legislation	31/03/17	H&S Manager	Action complete
6. Produce, facilitate and deliver the H&S Unit's 2016/17 H&S 'classroom-based' training program	Programming, advertising and delivering corporate 'risk assessment' and 'load handling' training courses to assist managers and staff in complying with corporate H&S training requirements and UK legislation	31/03/17	H&S Manager	Action complete
7. Maintaining the corporate incident reporting database and reviewing accident and incident reports submitted to the H&S unit	To assist managers and staff in complying with corporate 'post-incident' management requirements and UK legislation. To assist service managers in documenting evidence for future reference, in case of legal/civil litigation claims	31/03/17	H&S Manager	Action complete
8. Review and re-launch the 8 x corporate e-learning courses on MLE and the H&S Unit's stand-alone training kits.	To ensure up to date H&S advice and training is available to all council employees and 'others' signed up to the H&S Unit's TSA.	31/03/17	H&S Manager	Action not complete 6 x completed + 2 x outstanding (included in 2017/18 action plan)
9. Review the 16 x corporate H&S policies and associated guidance documents/forms.	For compliance with corporate H&S policy <i>Note: Action amended as only 15 x corporate H&S policies existed at time of writing action plan - of which only 10 needed revision</i>	31/03/17	H&S Manager	Action complete 9 x policies reviewed + 1 x policy repealed (only 14 corporate H&S policies - all now in date)
10. Maintain corporate records of all H&S training facilitated by the H&S team	For compliance with corporate H&S policy	31/03/17	H&S Manager	Action complete
End of action plan				

Portsmouth City Council Accident' Reports (table format):
01/04/2016 - 31/03/2017

Number Of Accidents Reported	98		Number of RIDDORs	11
Accident Types			RIDDOR Category	
Accident Resulting In Injury	98		Not applicable	87
Dangerous Occurrence	0		Death	0
Occupational Disease	0		Major Injury	0
Others	0		MOP to Hospital	0
			Over 7 Days Absent Injury	11
Injury Types			Disease	0
Amputation	0		Dangerous Occurrence	0
Bite	2			
Bruise/Scratch/Abrasion/Cut	43		Incident Type	
Burn/scald	2		Not Applicable	1
Crushing injury	3		Animal/Insect	4
Dislocation	0		Contact with hot surface/liquid	1
Foreign body in eye	0		Contact with electricity	1
Fracture	5		Contact with moving machinery	2
Puncture/Stab Wound	7		Exposure to harmful substance	2
Sprain/Strain	33		Fall (from height)	3
Other	3		Fire/explosion	0
			Hit by moving or falling object	13
Injured Part of Body			Hit something stationary	8
Leg/Feet	20		Horseplay	0
Arm/Hand	25		Involving Vehicle	3
Torso	10		Lifting or Handling (load)	12
Back	18		Lifting or Handling (person)	3
Shoulder/Neck	10		Personal contact (sports/play/other)	8
Head/Face	15		Sharps injury (including needle sticks)	10
			Slip/trip/fall on same level	24
Trends (Number of incidents per month)			Trapped by an object	1
April 2016	1		Other	2
May 2016	7			
June 2016	12			
July 2016	11			
August 2016	9			
September 2016	9			
October 2016	9			
November 2016	7			
December 2016	7			
January 2017	10			
February 2017	8			
March 2017	8			

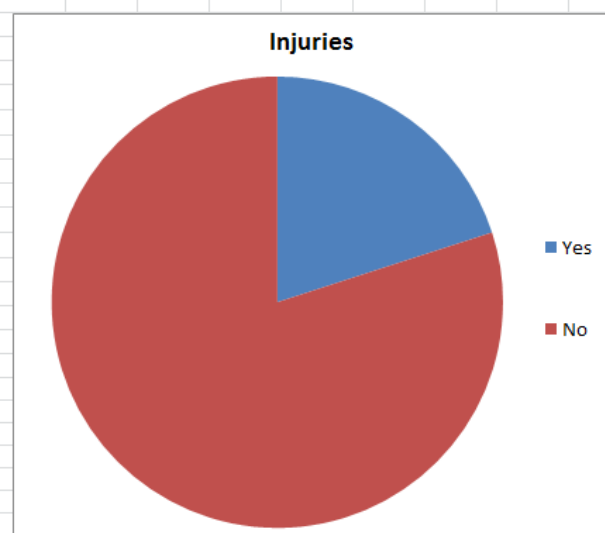
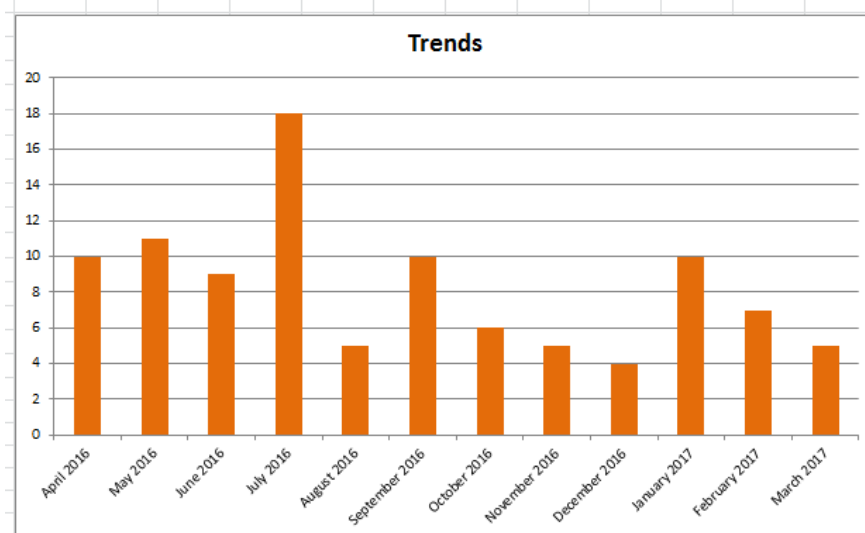
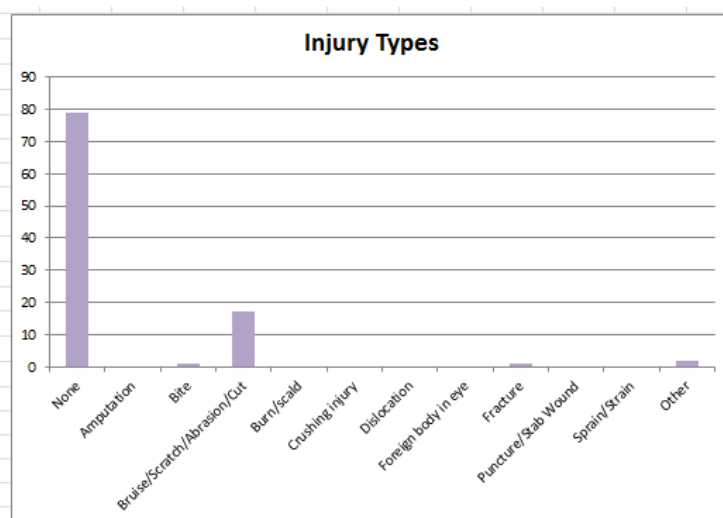
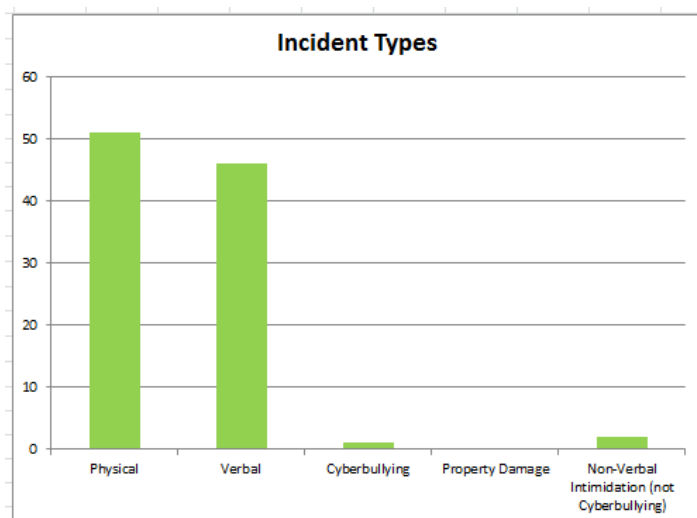
**Portsmouth City Council 'Accident' Reports (graphic format)
01/04/2016 - 31/03/2017**



Portsmouth City Council: Violent Incident Reports (table format):
01/04/2016 - 31/03/2017

Number Of Incidents Reported	100
Total Number of RIDDOR	1
Incident Types	
Physical	51
Verbal	46
Cyberbullying	1
Property Damage	0
Non-Verbal Intimidation (not Cyberbullying)	2
Injuries	
Yes	20
No	80
Injury types	
None	79
Amputation	0
Bite	1
Bruise/Scratch/Abrasion/Cut	17
Burn/scald	0
Crushing injury	0
Dislocation	0
Foreign body in eye	0
Fracture	1
Puncture/Stab Wound	0
Sprain/Strain	0
Other	2
Trends (Number of incidents per month)	
April 2016	10
May 2016	11
June 2016	9
July 2016	18
August 2016	5
September 2016	10
October 2016	6
November 2016	5
December 2016	4
January 2017	10
February 2017	7
March 2017	5

Portsmouth City Council 'Violent Incident' Reports (Graphic format):
01/04/2016 - 31/03/2017



Additional analysis of PCC violent incidents reported to the H&S Unit:

Of the 100 violent incidents reported:

- 51 were physical - 49 were non-physical incidents
- 80 resulted in no injury - 20 resulted in minor injury
- 57 incidents were by service users (includes residents) - 43 were by members of public
- 1 x RIDDOR reportable incident

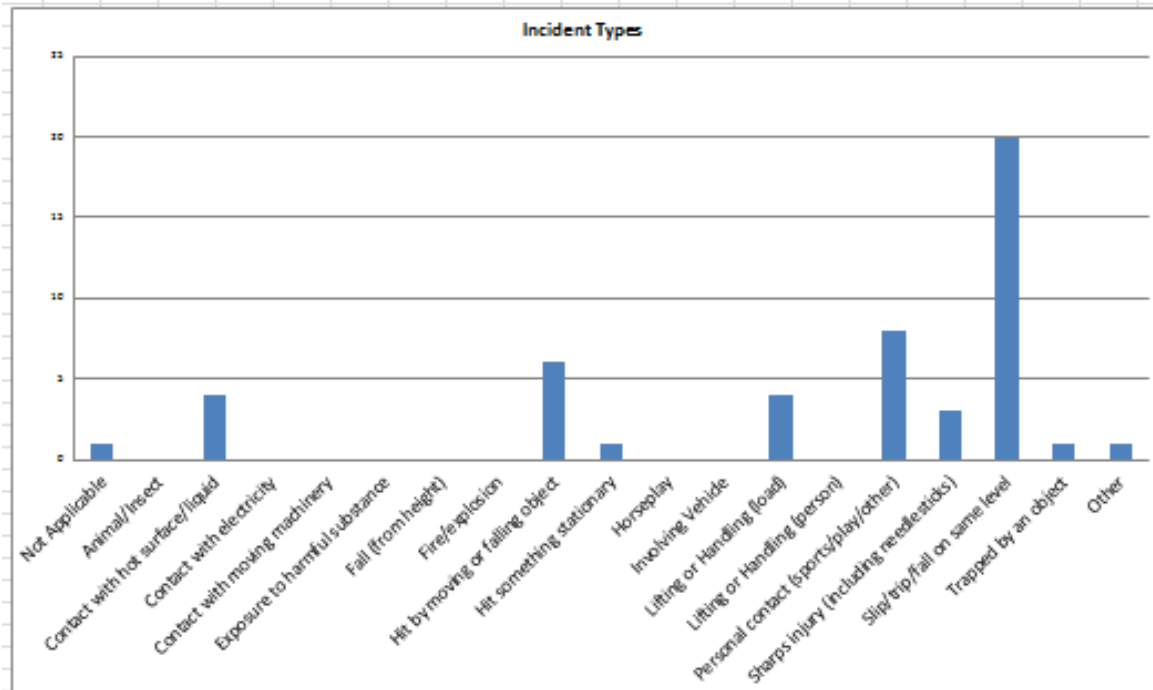
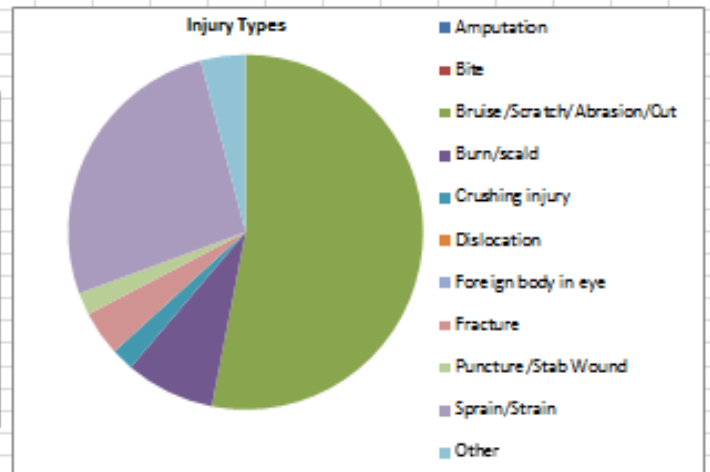
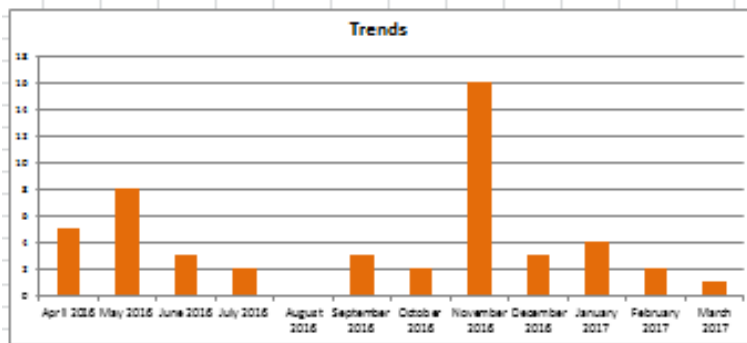
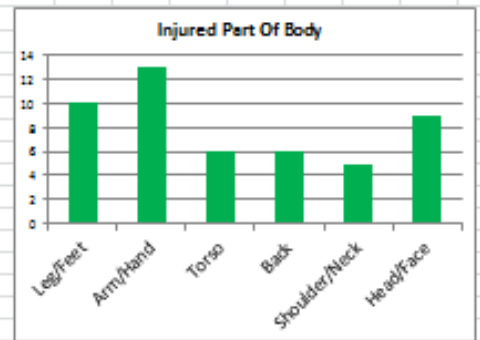
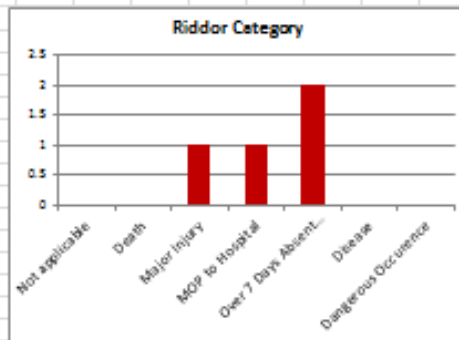
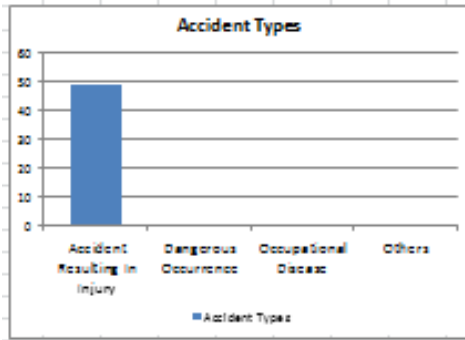
Member of public incidents:

- 8 were physical - 35 were non-physical incidents (43 in total)
- 40 resulted in no injury - 3 resulted in minor injury
- 31 of these incidents targeted civil enforcement officers (2 x minor injuries)
- 0 x RIDDOR reportable incidents

Schools 'Accident' Reports (tabular format):
01/04/2016 - 31/03/2017

Number Of Accidents Reported	49		Number of RIDDORs	4
Accident Types			RIDDOR Category	
Accident Resulting In Injury	49		Not applicable	0
Dangerous Occurrence	0		Death	0
Occupational Disease	0		Major Injury	1
Others	0		MOP to Hospital	1
			Over 7 Days Absent Injury	2
Injury Types			Disease	0
Amputation	0		Dangerous Occurrence	0
Bite	0			
Bruise/Scratch/Abrasion/Cut	26		Incident Type	
Burn/scald	4		Not Applicable	1
Crushing injury	1		Animal/Insect	0
Dislocation	0		Contact with hot surface/liquid	4
Foreign body in eye	0		Contact with electricity	0
Fracture	2		Contact with moving machinery	0
Puncture/Stab Wound	1		Exposure to harmful substance	0
Sprain/Strain	13		Fall (from height)	0
Other	2		Fire/explosion	0
			Hit by moving or falling object	6
Injured Part of Body			Hit something stationary	1
Leg/Feet	10		Horseplay	0
Arm/Hand	13		Involving Vehicle	0
Torso	6		Lifting or Handling (load)	4
Back	6		Lifting or Handling (person)	0
Shoulder/Neck	5		Personal contact (sports/play/other)	8
Head/Face	9		Sharps injury (including needle sticks)	3
			Slip/trip/fall on same level	20
Trends (Number of incidents per month)			Trapped by an object	1
April 2016	5		Other	1
May 2016	8			
June 2016	3			
July 2016	2			
August 2016	0			
September 2016	3			
October 2016	2			
November 2016	16			
December 2016	3			
January 2017	4			
February 2017	2			
March 2017	1			

**Schools 'Accident' Reports (graphic format):
01/04/2016 - 31/03/2017**



Schools 'Violent Incident' Reports (tabular format):
01/04/2016 - 31/03/2017

Number Of Incidents Reported	287
Total Number of RIDDOR	0
Incident Types	
Physical	284
Verbal	3
Cyberbullying	0
Property Damage	0
Non-Verbal Intimidation (not Cyberbullying)	0
Injuries	
Yes	160
No	127
Injury types	
None	127
Amputation	0
Bite	19
Bruise/Scratch/Abrasion/Cut	128
Burn/scald	0
Crushing injury	1
Dislocation	0
Foreign body in eye	0
Fracture	0
Puncture/Stab Wound	2
Sprain/Strain	10
Other	0
Trends (Number of incidents per month)	
April 2016	10
May 2016	30
June 2016	22
July 2016	7
August 2016	0
September 2016	25
October 2016	23
November 2016	49
December 2016	17
January 2017	44
February 2017	28
March 2017	32

Schools 'Violent Incident' Reports (graphic format):
01/04/2016 - 31/03/2017



Additional analysis of schools' violent incidents reported to the H&S Unit:

Of the 287 violent incidents reported:

- 284 were physical - 3 were non-physical incidents
- 127 resulted in no injury - 160 resulted in minor injury
- 287 incidents were carried out by pupils
- 0 x RIDDOR reportable incidents

Pupil incidents:

- 287 incidents were reported from 26 individual schools (167 from 4 schools)
- 26 schools under the H&S Unit traded service agreement recorded **zero** violent incidents
- 234 incidents were carried out by children between 4 - 10 years old (81%)
- 131 incidents were carried out by children between 4 - 6 years old (45%)
- Only 53 of the 287 incidents were carried out pupils aged 11+

SCHOOLS - ANNUAL VIOLENT INCIDENT REPORTING DATA(1st April 2016 - 31st March 2017)

Name of school	Number of VIR's reported	Number of 'No injury' incidents	Number resulting in injury	Number resulting in RIDDOR report
Arundel Court Primary	3	2	1	0
Copnor Primary	1	1	0	0
Court Lane Infant School	1	0	1	0
Court Lane Junior School	6	4	2	0
Fernhurst Junior	6	3	3	0
Goldsmith Infant (+Bramble Nursery)	13	4	9	0
Harbour - Cosham	7	6	1	0
Harbour - Fratton	12	5	7	0
Harbour - Milton	2	2	0	0
Harbour - Stamshaw	1	0	1	0
Harbour - Tipner	49	22	27	0
Langstone Infant School	1	0	1	0
Manor Infant School	5	1	4	0
Medina Primary School	5	1	4	0
Meon Junior School	3	2	1	0
Meredith Infant School	2	1	1	0
Milton Park Primary School	42	28	14	0
Moorings Way Infant School	5	4	1	0
Newbridge Junior School	3	2	1	0
Portsdown Primary + Early Years	38	17	21	0
Solent Infant	18	7	11	0
Southsea Infant	2	0	2	0
St George's Beneficial School	2	0	2	0
St Pauls RC Primary	38	11	27	0
Stamshaw Infant	6	0	6	0
Wimborne Infant	16	9	7	0
	287	132	155	0

Note: Of the 52 schools signed up to the H&S Unit traded service, only 26 submitted VIR reports (26 schools had zero incidents to report)

Agenda Item 7



Portsmouth
CITY COUNCIL

Agenda item:

Title of meeting: Employment Committee
Date of meeting: 12 September 2017
Subject: Sickness Absence - Quarterly Report
Report by: Jon Bell - Director of HR, Legal and Performance
Wards affected: N/A
Key decision: No
Full Council decision: No

1. Purpose of report

The purpose of this report is to update Employment Committee about levels of sickness absence across the council and actions being taken to manage absence.

2. Recommendations

Members are recommended to:

- **Continue to monitor sickness absence, and ensure appropriate management action is taken to address absenteeism.**

3. Background

- 3.1 In the period since the last update in February 2016 the level of sickness absence has decreased from 8.75 to 8.69 average days per person per year. This is against the corporate target of an average 7 days per person per year.
- 3.2 Analysis of data indicates that since the last report long term absence is stable at 4.90 average days per person per year. Short term absence has decreased from 2.51 to 2.46 average days per person per year over the same period.
- 3.3 Absence levels by Directorates for the period from 01 August 2016 to 31 July 2017 are attached in Appendix 1.
- 3.4 Of the 12 Directorates, eight (excluding schools) are over the corporate target of an average 7 days per person per year. There are three Directorates that are over an average 10 days per person per year.
- 3.5 The main reasons for absence have remained the same, with musculoskeletal, anxiety/stress/psychological and colds/flu/viruses accounting for 53.41% of absences in the last 12 months.

- 3.6 Adult Services has decreased from 15.21 to 13.82 average days per person per year. This is as a result of improvements in the level of long-term absence from 10.38 to 8.93 average days per person per year. This is particularly noticeable in the Residential Units.
- 3.7 Executive has increased from 6.39 to 11.99 average days per person per year. This is a result of one long-term case from the 18 employees within the services that make up this directorate. The sickness absence days associated with this case will start to be lost from the statistics during the period November 2017 to July 2018.
- 3.8 The Port's average days per person per year has decreased from 8.86 to 5.47. This is in the context of a stable headcount and 11 of the last 13 months show a reduction in the number of sickness absence days in the directorate. In particular, Long-term absence has reduced from 7.12 to 2.06 average days per person due to no significant long-term sickness cases.
- 3.9 Public Health has seen an increase from 8.23 to 10.87 average days per person per year. This is due in part to a reduction in headcount resulting from the transfer of services to other directorates. Although the majority of staff in the service have no recorded absence over the past year, there is a small number of longer term absences, some of which have now been resolved by the staff members' departures.

4. Flu vaccinations

The Director of Public Health has written to other directors during August 2017, outlining last year's uptake, the benefits of providing flu vaccinations, as well as the potential cost to their budget. The provision of clinics and vouchers will be available from the end of October 2017.

The provision of a flu vaccination will continue to demonstrate the council's role as a responsible employer and provider and its commitment to staff and client health and wellbeing.

5. Reasons for recommendations

The continued monitoring of sickness absence and the identification of good management practices is an important part of maximising attendance, which will in turn increase productivity, improve engagement and build resilience.

6. Equality impact assessment (EIA)

A preliminary Equality Impact Assessment has been completed.

7. Legal implications

There are no immediate legal implications arising from this report.

8. Finance comments

There is no significant cashable saving resulting from the reduction in sickness absence. However there will be an improvement in productivity in terms of total days worked.

.....
Signed by:

Appendices:

Appendix 1: Sickness Absence by Directorate 31 July 2017

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:

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Appendix 1: Sickness Absence by Directorate 12 September 2017

Sickness Absence by Directorates - 01 August 2016 to 31 July 2017

Page 49

Sickness - Working Days Lost															
Directorate	HeadCount			Total				Long Term		Medium Term		Short Term		Total Average Per Person Per Year (Previously Reported)	
	Head Count at End of July 2017	Head Count at End of July 2016	Average HeadCount	Working Days Lost To Sickness	% Working Time Lost	Average Per Person Per Year	Trend	Working Days Lost To Sickness	Average Per Person Per Year	Working Days Lost To Sickness	Average Per Person Per Year	Working Days Lost To Sickness	Average Per Person Per Year		
Agency Workers	136	144	140	0		0.00	↔	0	0.00	0	0.00	0	0.00	0.00	
Adult Services	649	690	669.5	9253	7.01%	13.82	↓	5977	8.93	1257	1.88	2019	3.02	15.21	
Children's Services and Education	196	228	259	1681	3.03%	6.49	↑	678	2.62	348	1.34	655	2.53	5.45	
Children's Social Care	409	384	396.5	2878	4.03%	7.26	↓	1544	3.89	399	1.01	935	2.36	10.53	
Community and Communication	186	198	192	1386	3.19%	7.22	↑	555	2.89	316	1.65	515	2.68	6.56	
Culture and City Development	392	346	369	1674	2.12%	4.54	↑	750	2.03	294	0.80	630	1.71	3.86	
Executive	18	19	18.5	222	4.78%	11.99	↑	156	8.43	28	1.51	38	2.05	6.39	
Finance and Information Services	228	303	265.5	1956	3.68%	7.37	↑	751	2.83	414	1.56	790	2.98	7.08	
Human Resources, Legal and Performance	118	123	120.5	422	1.56%	3.50	↑	167	1.39	61	0.51	194	1.61	2.93	
PCC Schools	2491	2528	2509.5	17038	5.05%	6.79	↓	7711	3.07	2349	0.94	6978	2.78	7.26	
Portsmouth International Port	79	80	79.5	435	2.14%	5.47	↓	131	1.65	114	1.43	190	2.39	8.86	
Property and Housing	829	844	836.5	8311	4.27%	9.94	↑	4930	5.89	1144	1.37	2237	2.67	8.99	
Public Health	54	78	66	718	5.52%	10.87	↑	481	7.28	102	1.54	135	2.05	8.23	
Transport, Environment and Business Support	314	310	312	3011	5.66%	9.65	↑	1906	6.11	406	1.30	699	2.24	9.25	
Total (Including PCC Schools)	5963	6131	6047	48986		8.10	↓	25738	4.26	7232	1.20	16017	2.65	8.26	
Total (Excluding PCC Schools)	3472	3603	3537.5	31948		9.03	↑	18027	5.10	4883	1.38	9038	2.55	9.02	
Total (Excluding PCC Schools but including Agency Workers)	3608	3747	3677.5	31948		8.69	↓	18027	4.90	4883	1.33	9038	2.46	8.75	

Definition of periods of absence: Long-term absence: 21 days or more, Medium Term absence: 8 to 20 days, Short Term absence: 7 days or less

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Equality Impact Assessment

Preliminary assessment form v5 / 2013

www.portsmouth.gov.uk

The preliminary impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies which require a full EIA by looking at:
 - negative, positive or no impact on any of the equality groups
 - opportunity to promote equality for the equality groups
 - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Directorate:

Director of HR, legal and performance

**Function e.g. HR,
IS, carers:**

Human Resources

Title of policy, service, function, project or strategy (new or old) :

Sickness Absence

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

Q1 - What is the aim of your policy, service, function, project or strategy?

To update members on the current levels of sickness absence across the council and the actions being taken to manage absence.

Q2 - Who is this policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?

All employees

Q3 - Thinking about each group below, does, or could the policy, service, function, project or strategy have a negative impact on members of the equality groups below?

Group	Negative	Positive / no impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "negative" or "unclear" consider doing a full EIA

Q4 - Does, or could the policy, service, function, project or strategy help to promote equality for members of the equality groups?

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy or maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "no" or "unclear" consider doing a full EIA

Q5 - Do you have any feedback data from the equality groups that influences, affects or shapes this policy, service, function, project or strategy?

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Pregnancy and maternity

Other excluded groups

If the answer is "no" or "unclear" consider doing a full EIA

Q6 - Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, service, function or strategy?

yes

No

Q7 - How have you come to this decision?

There are no changes to the current absence management policy and therefore no detrimental affect on any groups.

If you have to complete a full EIA please contact the Equalities and diversity team if you require help
Tel: 023 9283 4789 or email:equalities@portsmouthcc.gov.uk

Q8 - Who was involved in the EIA?

Human Resources

This EIA has been approved by: Jon Bell

Contact number:

023 9268 8782

Date:

14/08/17

Please email a copy of your completed EIA to the Equality and diversity team. We will contact you with any comments or queries about your preliminary EIA.

Telephone: 023 9283 4789

Email: equalities@portsmouthcc.gov.uk

Agenda Item 8



Portsmouth
CITY COUNCIL

Agenda item:

Title of meeting: Employment Committee

Date of meeting: 12 September 2017

Subject: Substance Misuse - Drug and Alcohol Testing Policy - Port

Report by: Jon Bell, Director of HR, Legal and Performance

Wards affected: N/A

Key decision: No

Full Council decision: No

1. Purpose of report

The purpose of the report is to recommend the introduction of a drug and alcohol testing policy for employees and third parties working at Portsmouth International Port (the Port).

2. Recommendations

2.1. It is recommended that Members approve the policy to:

- i. Introduce drug and alcohol testing for all roles at the Port with both "random" and "with cause" testing.
- ii. Adopt the Substance Misuse - Drug and Alcohol Testing Policy at Appendix 1, to implement the testing process fairly and consistently, in accordance with the Authority's approach to substance misuse.
- iii. Delegate authority to the Director responsible for HR and the Port Director, to review the Substance Misuse - Drug and Alcohol Testing Policy after an initial 1 year period and thereafter in line with all policy reviews.

3. Background

3.1. The City Council recommends that a drug and alcohol testing policy is introduced at the Port for all employees and third parties working on the Port premises due to the safety critical nature of the work undertaken at the Port. When requested, employees and third parties in all roles will be required to undertake a breath test for alcohol and/or an oral fluid (mouth swab) test for drugs.

3.2. The new policy will stipulate the following conditions:

Employees and third parties (as defined in the policy) at the Port:

- Must not consume alcohol or have the smell of alcohol on their breath while on duty.
- Must not present themselves for duty under the influence of alcohol.

A positive test for the purpose of alcohol testing is defined as a test exceeding the UK driving limit of 35 micrograms (μg) of alcohol per 100 millilitres of breath. In addition, a range of action may be taken for a reading of between 0 and 35 micrograms (μg) of alcohol per 100 millilitres of breath.

- Must comply with the Port's zero tolerance approach to illegal drugs. Any use, possession or trafficking of illegal drugs and the misuse, whether intentional or not, of prescription or over the counter medication, new psychoactive substances, glue and solvent abuse is prohibited while on duty. All civil and criminal legislations apply to City Council policy.
- Must undertake a breath test for alcohol and/or an oral fluid (mouth swab) test for drugs when requested.

- 3.3. Any breach of these rules will result in the application of the City Councils Formal Action Policy which may lead to summary dismissal. Due consideration will be given to each test result as it comes to the notice of the Port Director or Officer with delegated authority.
- 3.4. The policy contains a voluntary disclosure section. Where an employee volunteers to disclose to the line manager that they have drug or alcohol dependency, and the employee will readily accept help and rehabilitation, the employee will be referred to Occupational Health (where appropriate) and informed about the Employee Assistance Programme.
- 3.5. The policy details how employees and third parties who are taking prescribed or over the counter medication that impairs performance, conduct or attendance and/or affects their capacity to safely and effectively undertake the duties of their post will be managed.
- 3.6. Consultation has taken place with the recognised trade unions.

The trade unions have provided comments on the draft policy during the consultation period which has resulted in some of their views being incorporated into the policy.

The main trade union comments raised and employer responses have been summarised in Appendix 4.

4. Implementation

- 4.1. In order to effectively implement this policy, the City Council will contract an external testing company (appointed from the 3 companies the City Council has received quotations from) to perform the tests under appropriately controlled conditions and in accordance with industry standards.

- 4.2. Implementation of the policy is proposed as of 1 January 2018, however, an amnesty period where an employee can disclose information will start 30 days prior to this date.
- 4.3. In accordance with the policy, the Port will conduct random (unannounced) alcohol and/or drug testing on a regular basis. Four random visits will be made each year and 8 people working on the Port premises will be selected for testing on each occasion, which is approximately 10% of the workforce in the Port on each occasion. A random testing selection of more than 10% of the workforce may be authorised if supported by a business case.

The selection will be made at random by the testing company representative using an anonymised list of all people working on the day of the random testing (using employee payroll number/third party reference number or similar). All new employees will be selected for testing as soon as is reasonably possible after recruitment.

- 4.4. With cause testing will be carried out in accordance with the policy. This may be as a result of an incident or near miss, e.g. a collision, resulting in or having potential to result in serious damage/injury and/or invoking suspicion of the influence of alcohol or drugs; or dysfunctional behaviour invoking suspicion of the influence of alcohol or drugs.

5. **Contractual implications**

Implementing this Drug and Alcohol Testing policy will impact on new staff and existing staff working at the Port. This will be enforced by implementation of the policy and will not impact on the contractual terms and conditions of employment.

6. **Cost**

Appendix 2 provides a breakdown of costs for random and with cause testing.

7. **Legitimate business aim**

A requirement for employees to undergo drug and alcohol testing could be challenged by individuals asserting their right to a private life under Article 8 of the European Convention on Human Rights. Legal expertise suggests that in the situation of drug and alcohol testing, safety at work is a legitimate business aim which is legally defensible, but that employers must still take care that any measures introduced to test employees for drugs and alcohol are appropriate and necessary with a view to achieving that aim and that they are not excessive in scope or content.

Testing of employees for out-of-work consumption of drugs and alcohol when the employee's work appears unaffected may not be justified if workplace safety is not at risk. Under the Data Protection Act 1998, information about an individual's physical or mental health (which includes drug and alcohol testing) is regarded as "sensitive data".

8. Examples from other Ports

Appendix 3 summarises information received from other Ports regarding drug and alcohol testing.

9. Reasons for recommendations

- 9.1. The nature of the business for those working at the Port means that much of the day to day operation takes place in a safety critical environment where any issues of substance misuse can have a serious adverse effect on safety.
- 9.2. The recommendations introduce a measure that actively encourages employees to manage their lives in such a way that safety at work is not jeopardised.
- 9.3. The City Council has an overarching Substance Misuse policy for all council employees which states that where there is additional sensitivity surrounding substance misuse appropriate policy can be devised locally. As part of the implementation of the Substance Misuse - Drug and Alcohol Testing policy (Port), the overarching Substance Misuse policy will be updated to highlight that there is a separate testing policy at the Port.
- 9.4. It is recommended that the policy applies to all roles in the Port regardless of whether they are safety critical roles or not as it is deemed that all have access to areas where the individual's own safety or others may be at harm if their judgement is impaired due to substance misuse.

10. Equality impact assessment (EIA)

A preliminary EIA has been completed and a full EIA is not required.

11. Legal implications

The basis for the policy is sound and consistent with the appropriate Portsmouth City Council policy. It would be justifiable to seek to test within a structured way and is consistent with balancing the rights of the individual as against the need to promote collective employee safety within a high risk commercial environment.

12. Finance comments

Any financial implications arising from the recommendations in this report will be met from the Port revenue budget.

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Signed by:

Appendices:

- Appendix 1 - Draft Substance Misuse - Drug and Alcohol Testing Policy
- Appendix 2 - Costs for random and with cause testing
- Appendix 3 - Summary of information from other Ports
- Appendix 4 - Trade union consultation

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

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Contents:

Introduction
 Scope
 Policy Statement
 Substance Misuse
 Enforcement of the Policy
 Procedure
 Voluntary Disclosure
 Employee Assistance Programme

ID	HR 044b
Last Review Date	Draft 1 September 2017
Next Review Date	September 2018
Approval	Director responsible for HR/Port Director
Policy Owner	Director responsible for HR
Policy Author	Anna Buxcey
Advice & Guidance	Please contact HR
Location	Policyhub
Related Documents	HR Policy - Substance Misuse Policy
Applicability	This policy applies to all Portsmouth City Council employees working at the Port. It also applies to third parties working on the Port premises, namely, contractors, consultants, agency staff and individuals participating in a secondment, internship, or work experience placement

1. INTRODUCTION

- 1.1. The inappropriate use of substances, such as alcohol and drugs (including those legally prescribed) can have a damaging effect not only on the employee concerned but also on those they make contact with at work, socially and at home.
- 1.2. The nature of the business for those working at Portsmouth International Port (the Port) means that much of the day to day operation takes place in a safety critical environment where any issues of substance misuse (drug and/or alcohol misuse) can have a serious adverse effect on safety.

The policy applies to all roles in the Port regardless of whether they are safety critical roles or not as it is deemed that all have access to areas where the individual's own safety or others may be at harm if their judgement is impaired due to substance misuse.

- 1.3. The City Council has a general duty under the Health and Safety at Work Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare of its employees and of other third parties on the premises.

Should the City Council knowingly allow an individual under the influence of substances (drug and/or alcohol) to continue working where this places the individual or others at risk, it may be prosecuted. Similarly, the individual also has a duty to take reasonable care of themselves and others who could be affected by what they do.

- 1.4. For these reasons the City Council has introduced measures that actively encourage employees to manage their lives in such a way that safety at work is not jeopardised.
- 1.5. The policy will be reviewed after 1 year and every 2 years thereafter.

2. SCOPE

This policy applies to all Portsmouth City Council employees working at the Port. It also applies to third parties working on the Port premises, namely, contractors, consultants, agency staff and individuals participating in a secondment, internship, or work experience placement. Herein known in the policy as "Employees and third parties"

The term "While on duty" is defined as during working time, including when visiting potential or existing customers.

3. POLICY STATEMENT

- 3.1. The City Council reserves the right under this policy to undertake drug and/or alcohol testing. When requested, individuals will be required to undertake a breath test for alcohol and/or an oral fluid (mouth swab) test for drugs.

An external company undertakes the testing procedures on behalf of the City Council in accordance with the Data Protection Act.

- 3.2. In order to comply with the policy, employees and third parties working on the Ports premises:
- Must not consume alcohol or have the smell of alcohol on their breath while on duty.
 - Must not present themselves for duty under the influence of alcohol. A positive test for the purpose of alcohol testing is defined as a test exceeding the UK driving limit of 35 micrograms (μg) of alcohol per 100 millilitres of breath. In addition, a range of action may be taken for a reading of between 0 and 35 micrograms (μg) of alcohol per 100 millilitres of breath (Full details are provided at section 5.7.2).
 - Must comply with the Port's zero tolerance approach to illegal drugs. Any use, possession or trafficking of illegal drugs and the misuse, whether intentional or not, of prescription or over the counter medication, new psychoactive substances, glue and solvent abuse is prohibited while on duty. All civil and criminal legislations apply to City Council policy.
 - Must undertake a breath test for alcohol and/or an oral fluid (mouth swab) test for drugs when requested.
- 3.3. Any breach of these rules will result in the application of the City Councils Formal Action Policy which may lead to summary dismissal (subject to 5.7.2 below).
- Due consideration will be given to each test result as it comes to the notice of the Port Director or Officer with delegated authority.
- 3.4. For third parties (e.g. agency workers), any breach of these rules will result in the Port no longer using the individual and the employer/individual being informed as appropriate.
- 3.5. If an employee has or suspects they may have a substance misuse problem they are encouraged to speak to their line manager. Whether or not an employee or third party has or declares that they have an alcohol or drug addiction problem, this will never be accepted as an excuse or reason for committing any form of misconduct, negligent act or omission.
- 3.6. Anyone taking prescribed or over the counter medication must check with their medical practitioner or pharmacist whether the medication will impair performance, conduct or attendance (e.g. cause severe drowsiness, impair reflexes or judgment) and/or affect their capacity to safely and effectively undertake the duties of their post. They must inform their line manager and always follow the prescribed dose carefully.
- 3.7. For all employees, any time lost through suspension will be with pay. Suspension is a neutral act.

- 3.8. Where reference is made to suspension throughout this policy, the line manager may consider a period of refraining from work or period of work in an alternative non-safety critical role within the City Council if this is deemed suitable by the employer.

4. **SUBSTANCE MISUSE**

The following defines what the City Council considers to be substance misuse:

- Drug/alcohol dependency/addiction and intoxication/excessive consumption.
 - Substance dependency/addiction is defined as a condition where an individual's consumption of substances occurs frequently or repeatedly and it interferes with his/her health, attitude to safety, attendance or general work performance.
 - Substance intoxication is defined as excessive consumption which may result in irresponsible behaviour or impaired judgment but which is not necessarily related to a physical or psychological dependence.
- Solvent misuse, e.g. inhalation of gases, glues or other substances which impair judgment and safety of the individual and his/her work colleagues.
- Using, possession or trafficking of illegal drugs.
- The use of other substances identified as psychoactive substances.
- Misuse of legal substances such as prescribed or over the counter medication (Refer to section 3.6 regarding informing the line manager).

5. **ENFORCEMENT OF THE POLICY**

- 5.1. The City Council must exercise due diligence and a key part of the policy is the enforcement of the limits set.

The testing will be undertaken by trained representatives of the testing company, using the approved testing devices and methods agreed by the City Council.

- 5.2. The Port may choose to conduct testing in the following situations (this list is not exhaustive):

- New employee
- Random
- With cause / Post incident/ Under the influence
- Rehabilitation
- Return to work

5.3. Random testing

The Port reserves the right to conduct random (unannounced) alcohol and/or drug testing on a regular basis. Four random visits will be made each year and 8 people working on the Port premises will be selected for testing on each occasion (approximately 10% of the workforce in the Port on each occasion). A random testing selection of more than 10% of the workforce may be authorised if supported by a business case.

The selection will be made at random by the testing company representative using an anonymised list of all people working on the day of the random testing (using employee payroll number/third party reference number or similar). All new employees will be selected for testing as soon as is reasonably possible after recruitment.

An individual may be randomly selected for testing on more than one occasion per year.

Please note: If a new employee has started working since the previous random testing session this employee will be selected for testing and the number of people randomly chosen for testing on that occasion will be reduced as a result.

5.4. With cause testing

The Port reserves the right to carry out with cause testing. This may be as a result of an incident or near miss, e.g. a collision, resulting in or having potential to result in serious damage/injury and/or invoking suspicion of the influence of alcohol or drugs; or dysfunctional behaviour invoking suspicion of the influence of alcohol or drugs. This list is not exhaustive.

5.5. Testing procedure time period

Where an employee or third party is selected for random testing or with cause testing near the end of their working period and the testing procedure time period will exceed their working hours, the line manager may authorise additional paid working time so that the testing procedure can be completed. If exceeding the working hours causes difficulties, the individual should raise the issue with their line manager. Where an individual is unable to stay beyond their working hours or is incapacitated after an incident to such an extent that testing is not possible; they may be tested at a future date to be decided by the City Council.

5.6. Awareness

All employees and third parties must;

- Comply with the policy.
- Be aware of their own tolerance to alcohol.
- Be aware of current drinking guidelines. An employee or third party may wish to seek advice from their GP on sensible limits of alcohol consumption.

- Be aware of their own shift patterns and regulate their alcohol intake accordingly.

5.7. Action

5.7.1. An employee will be subject to the City Councils Formal Action Policy which may lead to summary dismissal if they:

- Consume illegal drugs or alcohol while on duty or misuse prescription or over the counter medication, new psychoactive substances, glue or solvents.
- Provide a confirmed positive (above 35ug) alcohol breath sample on an approved device or a confirmed positive drug sample (above 0) following laboratory testing.
- Do not engage in an appropriate substance misuse treatment programme where it has been identified that their use of substances is impacting upon their ability to perform that role safely.
- Are found to be trafficking or in possession of illegal drugs.
- Fail to provide a valid sample for testing.
- Refuse to be screened/Refuse to provide a sample for testing.

This list is not exhaustive

5.7.2. An employee may also face action if they provide an alcohol breath sample of between 0 and 35 micrograms (μg) of alcohol per 100 millilitres of breath. With a result of this level, the manager will undertake a risk assessment to determine the action to be taken. The action taken and appropriate support given will be dependent on the circumstances of the case.

5.7.3. Advice on action to take is available from HR.

6. PROCEDURE

6.1. Alcohol Testing Procedure

- The employee or third party is informed that they have been selected to be tested for alcohol.
- The individual should not have had anything to eat or drink, or smoked for at least 20 minutes prior to the test.
- The employee or third party attends a suitable location, where the breath test is to be administered using the approved testing device (electronic breath-alcohol testing device).
- The employee or third party may be accompanied by a trade union representative or work colleague if immediately available. The procedure will not be delayed or rearranged due to the unavailability of a representative.
- The testing procedure is explained and the individual is required to sign a consent form regarding the impending test.
- If the employee or third party refuses to give a breath specimen when requested, the employee is informed that such a refusal or obstruction is

a failure to comply with this Policy. For an employee this will invoke the City Councils Formal Action Policy which may lead to summary dismissal for gross misconduct.

- The breath test is administered according to the equipment's procedure.
- If the first test is negative (a 0µg reading), a second test is not required.
- If the breath test shows a reading greater than 0µg (using the electronic testing device), then the individual is asked to wait 20 minutes when a second breath test is administered.
- The results of the second breath test are taken to be definitive.
- The results will be reported confidentially to the Port Director or Officer with delegated authority.
 - If the second test reading is higher than the first, this indicates the individual may have been drinking recently as it appears the breath alcohol level is rising. If the second test reading is lower than the first, the breath alcohol level is falling; this indicates that the individual may have been drinking some time prior to the test.
 - If the second test is positive (above 35 µg), the individual will be asked to refrain from work/suspended awaiting a hearing in accordance with the Formal Action Policy. The individual will be escorted off the premises and advised that they should not drive their own vehicle if they are above the drink driving limit and that alternative travel arrangements should be made. If they choose to drive a vehicle, then the Police will be informed immediately.

6.2. Drugs Testing Procedure

- 6.2.1. There are different methods of testing for drugs in the body. Testing for drug misuse depends on the collection of samples for analysis, which can be achieved by the use of a portable testing kit for preliminary screening or the sample can be sent to a toxicology laboratory for analysis.
- 6.2.2. To dispel any doubts over the validity of the testing methods, the City Council uses methods of testing that are currently recognised throughout the industry. Disposable drug testing kits will be used for preliminary screening. A UKAS accredited analytical laboratory is used for detailed analysis and confirmation of samples. The City Council recognises that these methods are the current best practices and best available technology with which to implement the policy.
- 6.2.3. Drug testing procedures involve up to five stages depending on whether a non-negative result is obtained; all are strictly controlled by a process referred to as "Chain of Custody". The stages involved are summarised here:
1. Sample Collection.
 2. Preliminary Screening.
 3. Confirmatory Analysis.
 4. Medical Review (MRO), if required.
 5. Reporting of Results.

6.2.4. Sample Collection and Preliminary Screening

The individual will be asked to provide an oral fluid sample (mouth swab) for screening using the procedures for sample collection provided by the manufacturer and/or the analytical laboratory.

The individual will witness the sample collection and also the record keeping and identification procedure for the sample.

Chain of Custody is the name given to the procedures that are employed to ensure that the integrity of a sample is maintained from providing the sample up to and including the reporting of the laboratory results and possible medical review.

6.2.5. Confirmatory Analysis

If the sample proves to be non-negative (above 0), then the two samples (in the sealed containers) obtained at collection will be sent to the analytical laboratory for confirmatory analysis. The laboratory will firstly ensure that the samples have not been tampered with to confirm the Chain of Custody. One of the sample containers is then opened for laboratory analysis to exclude adulteration (e.g. tampering/substitution) and then the sample is subject to extensive analysis to confirm the drug or drugs identified as non-negative in the preliminary screening. The second sample will be retained in storage by the laboratory for reference purposes.

6.2.6. Medical Review and Reporting of Results

All stages are carefully monitored by analytical laboratory toxicologists.

The results will subsequently be reported confidentially to the Port Director or Officer with delegated authority.

Once the process is completed and reported to the employer, the employee or third party is entitled to a copy of their results via a written request.

6.2.7. Drug Testing Collection Procedure

- The employee or third party is informed that they have been selected to be tested for drugs.
- The employee or third party attends a suitable location where the samples are to be collected.
- The employee or third party may be accompanied by a trade union representative or work colleague if immediately available. The procedure will not be delayed or rearranged due to unavailability of a representative.
- The testing procedure is explained and the individual is required to sign a consent form regarding the impending test.
- If it is ascertained that adulteration (e.g. Tampering/substitution) has occurred, then this will constitute an invalid sample and application of the City Councils Formal Action Policy up to and including dismissal.

- If an employee or third party refuses to provide an oral fluid sample when requested, they will be informed that refusal or obstruction is a failure to comply with this policy. For an employee this will invoke the City Councils Formal Action Policy which may lead to summary dismissal for gross misconduct.
- If the screening is non-negative (above 0) the individual will be informed of the result and will be required to provide information of any drug(s) and prescription or over the counter medication taken (including dosage and frequency). The Port Director or Officer with delegated authority will be informed of the result and the sample will be sent to a UKAS accredited analytical laboratory for confirmatory analysis. During this time the employee or third party will either be asked to return to work or be asked to refrain from work/suspended on full pay, dependent on the circumstances (i.e. if test is consistent with declared prescription or over the counter medication). A risk assessment will be undertaken in order to make this decision.
- If the analytical laboratory result is positive the employee will be suspended/continue to be suspended with pay while awaiting investigation in accordance with the Formal Action Policy. A copy of the sample result must be given to the employee.

7. VOLUNTARY DISCLOSURE

- 7.1. Where an employee volunteers to disclose to the line manager that they have a drug/alcohol dependency, and the employee will readily accept help and rehabilitation, the employee will be referred to Occupational Health (where appropriate) and informed about the Employee Assistance Programme.
- 7.2. Where substance misuse is identified as a cause of deteriorating performance/conduct/attendance and the employee accepts and takes appropriate action to remedy the problem, the City Council will offer as much support and assistance as is reasonably possible. Action under the City Councils other procedures (i.e. Formal Action Policy, Managing Absence Policy) may be taken where for example;
- Performance/conduct/attendance is of an unacceptable standard and the employee fails to accept the reason for the problem.
 - Performance/conduct/attendance is of an unacceptable standard and the employee accepts the reason for the problem but refuses or fails to take appropriate remedial action.
 - The problem is recognised by both parties and remedial action is or has been taken but little or no improvement in performance/conduct/attendance has been achieved after a period of time.
- 7.3. Where an employee is unfit for work normal sickness rules apply in accordance with the Managing Absence Policy apply.
- 7.4. The line manager is expected to discuss any instances of possible substance misuse with the individual concerned in a sensitive and

confidential manner. However they should not be involved in counselling or therapy. If this is deemed appropriate, the employee should be referred to the Employee Assistance Programme who can signpost services available.

- 7.5. The line manager (with advice from Occupational Health) will discuss and agree with the individual a strategy for dealing with the problem so that performance can be brought up to the required standard. Wherever reasonable and practical, support and assistance will be offered by the City Council. The strategy will usually include timescales and review periods during which time performance/conduct/ attendance will be monitored.
- 7.6. Any attempts to disclose “voluntarily” that they have a dependency problem after being selected for random testing or with cause testing in anticipation of a positive result, will not be accepted by the City Council.

8. EMPLOYEE ASSISTANCE PROGRAMME (EAP)

All employees have access to the Employee Assistance Programme. Information is available on the intranet.

The City Council strongly encourages employees to seek assistance from the EAP for any substance misuse problem before reaching a point where their judgment, performance, conduct, attendance or positive drug or alcohol test has led to disciplinary action under the Formal Action Policy.

APPENDIX 2

COSTS FOR RANDOM AND WITH CAUSE TESTING

Annual retainer (Allows unlimited call out)	£495 plus VAT
Random testing (Within standard hours of 9.00am to 5.30pm Monday to Friday)	£140.00 plus VAT for the first test £40.00 plus VAT for each additional test
Random testing (Outside of standard hours of 9.00am to 5.30pm Monday to Friday)	£240.00 plus VAT for the first test £40.00 plus VAT for each additional test
With cause testing Rapid response service - call out within a 2 hour window.	£240.00 plus VAT for the first test £40.00 plus VAT for each additional test
Confirmatory analysis for a non-negative drug test result	Additional charge depending on the turnaround time £299.00 plus VAT for same working day confirmation £199.00 plus VAT for next working day confirmation £49.00 plus VAT for 3-5 working day confirmation
Manager/Supervisor Training	Up to 3 sessions required £695 per session(10 people per session)

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APPENDIX 3

SUMMARY OF INFORMATION FROM OTHER PORTS

Information regarding substance misuse policies has been collated from 8 Ports for comparison purposes. The feedback received shows that all Ports examined have a drug and alcohol testing policy in place.

The feedback and policies received show a variation of rules ranging from defining a positive alcohol test as "zero tolerance" (i.e. 0 micrograms (μg) of alcohol per 100 millilitres of breath) to defining a test as positive if it exceeds the UK driving limit of 35 micrograms (μg) of alcohol per 100 millilitres of breath. Alternatively, two categories of alcohol readings are stated with different levels of formal action proposed depending on the category the reading falls into. Most policies from other Ports state that they use random testing and with cause/post incident testing.

For drug testing, employers are choosing between oral fluid (mouth swab) or urine testing. Those that undertake urine testing have procedures in place to ensure privacy of the individual but also to ensure chain of custody requirements are upheld.

In relation to drug testing, the majority of policies state a zero tolerance, however, they have procedures in place for the individual to notify the manager if prescribed or over the counter medication can affect their capacity to safely and effectively undertake the duties of the post.

The majority are basing their figures on a 10% of workforce selected annually and apply their policy in the same way for both operational and non-operational roles. One Port splits the operational and non-operational roles for testing purposes and applies a higher percentage of testing to the operational roles.

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APPENDIX 4

TRADE UNION CONSULTATION

The trade unions have provided comments on the draft policy during the consultation period which has resulted in some of their views being incorporated into the policy.

The main trade union comments and employer responses have been summarised in the table below:

Trade union comments	Response
The policy should apply equally across all areas of the City Council and should not just apply to the Port.	The Port policy is in response to the issues raised and the specific requirements of the Port. Further consideration of other areas could be made once the policy for the Port has been implemented and reviewed if the City Council deems this necessary.
The policy should only apply to safety critical roles at the Port.	The policy applies to all roles because it is deemed that all roles have access to areas where the individual's own safety or others may be at harm if their judgement is impaired due to substance misuse. As a result of trade union consultation, the policy has been changed to provide clarification by including a statement at paragraph 1.2 of the policy.
If a manager can take a range of action for a reading of between 0 and 35 micrograms (μg) of alcohol per 100 millilitres of breath, the policy has scope for ambiguity which could result in an inconsistent management approach. The trade union has suggested that a value of 25 micrograms (μg) should be imposed and the policy should state that no action will be taken if the test is at or below 25 micrograms (μg) of alcohol per 100 millilitres of breath.	This request is not included in the policy as when the policy states "a range of action", this refers to all types of action including appropriate support depending on the circumstances of the case. This is already stated in the policy.
Once an individual has been selected for random testing they should be excluded from the random selection process on the next occasion as being selected more than once may lead to an individual feeling that they are being specifically targeted.	This viewpoint is not included within the policy as this would not capture changes to an individual's lifestyle and would also impact on the random nature of the selection as the pool of workers would constantly reduce in size.

Trade union comments	Response
<p>Questions raised regarding how managers will differentiate between behaviour relating to substance misuse and behaviour due to a medical condition.</p>	<p>The external testing company will be providing training at the Port. It has been agreed that union representatives will be able to attend the initial training run by the external testing company during the implementation period.</p>
<p>A request for clarification in the policy in order to show that additional hours will be paid if an individual is expected to attend a test once their working hours have finished.</p>	<p>It has been agreed that the line manager may authorise additional paid working time so that the testing procedure can be completed in these circumstances and a statement has been added to the policy to reflect this.</p>
<p>Dismissal in the situation of misuse of prescribed drugs would be unfair and formal action should only occur if there is a proven detrimental effect on the person to do the job.</p>	<p>The proposed policy states a zero tolerance approach, however, the policy allows for voluntary disclosure and also includes a 30 day amnesty period for employees to declare these types of issues. This enables individuals to disclose issues they may have with prescription drugs.</p>
<p>The following statement requires rewording as it implies that giving a colleague a paracetamol could be in breach of the policy.</p> <p>"Misuse of and/or distribution of legal substances such as prescribed or over the counter medication"</p>	<p>This is not the intention of the policy, however, the misuse of these drugs needs to be highlighted and therefore the word "distribution" has been removed to provide clarification.</p>

Equality Impact Assessment

Preliminary assessment form v5 / 2013

www.portsmouth.gov.uk

The preliminary impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies which require a full EIA by looking at:
 - negative, positive or no impact on any of the equality groups
 - opportunity to promote equality for the equality groups
 - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Directorate:

Director of HR, legal and performance

**Function e.g. HR,
IS, carers:**

HR

Title of policy, service, function, project or strategy (new or old) :

Substance Misuse - Drug and Alcohol Testing Policy (Port)

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

Q1 - What is the aim of your policy, service, function, project or strategy?

The aim is to introduce a drug and alcohol testing policy at Portsmouth International Port for all employees and third parties in all roles working on the Port premises due to the safety critical nature of the work undertaken at the Port. The policy provides information regarding the rules and the procedure for testing.

Employees and third parties (as defined in the policy) at the Port:

- Must not consume alcohol or have the smell of alcohol on their breath while on duty.
- Must not present themselves for duty under the influence of alcohol.
- Must comply with the Port's zero tolerance approach to illegal drugs. Any use, possession or trafficking of illegal drugs and the misuse, whether intentional or not, of prescription or over the counter medication, new psychoactive substances, glue and solvent abuse is prohibited while on duty. All civil and criminal legislations apply to City Council policy.
- Must undertake a breath test for alcohol and/or an oral fluid (mouth swab) for drugs when requested.

Any breach of these rules will result in the application of the City Councils Formal Action Policy which could lead to summary dismissal.

Q2 - Who is this policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?

The policy applies to all Portsmouth City Council (PCC) employees working at the Port. It also applies to third parties working on the Port premises, namely, contractors, consultants, agency staff and individuals participating in a secondment, internship, or work experience placement.

The implementation of this policy will benefit all employees and third parties at the Port by making the workplace safer. The new measures actively encourage individuals to manage their lives in such a way that safety at work is not jeopardised.

In order to effectively implement this policy, the City Council will contract an external testing company to perform the tests under appropriately controlled conditions and in accordance with industry standards.

Privacy and confidentiality

No practical difficulties have been identified as the chosen types of testing procedure are less invasive than other types of testing available. The policy states that a "suitable location" will be chosen for testing - this will ensure privacy for staff and confidentiality.

No data protection issues have been raised from the use of an external company for testing. The selection will be made at random by the testing company representative using an anonymised list of employees and third parties.

Dependency/addiction/medical issues

Those with a drug or alcohol dependency are provided with the opportunity to voluntarily disclose this information.

Anyone taking prescribed or over the counter medication are requested via the policy to check with their medical practitioner or pharmacist whether the medication will impair performance, conduct or attendance (e.g. cause severe drowsiness, impair reflexes or judgment) and/or affect their capacity to safely and effectively undertake the duties of their post. The policy states that they must inform their line manager and always follow the prescribed dose carefully.

This part of the policy helps ensure that anyone taking medication are given the opportunity to raise it with they line manager.

The implementation period will contain a 30 day amnesty where an employee can disclose information prior to any testing being introduced.

Q3 - Thinking about each group below, does, or could the policy, service, function, project or strategy have a negative impact on members of the equality groups below?

Group	Negative	Positive / no impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "negative" or "unclear" consider doing a full EIA

Q4 - Does, or could the policy, service, function, project or strategy help to promote equality for members of the equality groups?

Group	Yes	No	Unclear
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Transgender	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sexual orientation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Religion or belief	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pregnancy or maternity	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other excluded groups	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

If the answer is "no" or "unclear" consider doing a full EIA

Q5 - Do you have any feedback data from the equality groups that influences, affects or shapes this policy, service, function, project or strategy?

Group	Yes	No	Unclear
Age	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Disability	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Race	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Gender	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Transgender	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Sexual orientation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Religion or belief	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Pregnancy and maternity	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other excluded groups	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

If the answer is "no" or "unclear" consider doing a full EIA

Q6 - Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, service, function or strategy?

yes No

Q7 - How have you come to this decision? Page 80

Initial consultation took place in July with union representatives at the Port. The issue was discussed at

the HR/TU meeting in July 2017. Full consultation took place during August 2017 and included representatives from all recognised unions across the council.

Feedback has been received and changes to the policy implemented where necessary. During the consultation the trade unions have raised a number of points, including requesting how supervisors/managers will be trained to differentiate between behaviour attributed to substance/alcohol misuse or behaviour attributed to the many other possible causes illness/disability.

To resolve this issues it has been agreed that trade unions may attend initial training with the chosen testing company.

The trade unions have raised that the employer is not qualified to dictate what course of treatment an employee may choose. The trade unions have been informed that the policy is not suggested that the employer dictates to the employee on their course of medical action/support/advice as this would not be appropriate action by the employer. However, it is stating that formal action may be considered if an employer is aware that a set course of action or contact with relevant agencies is not undertaken where conduct continues at an unsatisfactory level.

If you have to complete a full EIA please contact the Equalities and diversity team if you require help
Tel: 023 9283 4789 or email:equalities@portsmouthcc.gov.uk

Q8 - Who was involved in the EIA?

Anna Buxcey
Karen Everitt

This EIA has been approved by: Jon Bell

Contact number: 02392841962

Date: 01/09/17

Please email a copy of your completed EIA to the Equality and diversity team. We will contact you with any comments or queries about your preliminary EIA.

Telephone: 023 9283 4789

Email: equalities@portsmouthcc.gov.uk

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Agenda Item 9



Portsmouth
CITY COUNCIL

Agenda item:

Title of meeting: Employment Committee
Date of meeting: 12 September 2017
Subject: Disability Confident
Report by: Jon Bell - Director of HR, Legal and Performance
Wards affected: N/A
Key decision: No
Full Council decision: No

1. Purpose of report

The purpose of this report is to advise Employment Committee about the Disability Confident standard, and seek members' approval to request accreditation under the scheme.

2. Recommendations

Members are recommended to:

- **Seek immediate accreditation to be a Disability Confident *Committed* Employer as described in the sections below**
- **Upon completing the required self-assessment, seek accreditation to be a Disability Confident Employer within the next 12 months**

3. Background

The Department of Work and Pensions (DWP) relaunched "Disability Confident" in summer 2016, an initiative originally launched in 2013 as a replacement for the previous "Two Ticks" positive action scheme.

Over 7 million people (17.5%) of working age in the UK are disabled or have a health condition. Disability Confident encompasses a number of voluntary commitments to encourage employers to recruit, retain and develop disabled staff and those with a health condition, such as offering work experience opportunities and implementing flexible recruitment processes. The scheme is intended to address the shortcomings of the previous Two Ticks initiative, which was criticised for not setting sufficiently rigorous standards for employers wishing to display the Two Ticks logo.



3.1 Aims and Objectives of Disability Confident

Through Disability Confident, the government is working with employers to:

- challenge attitudes towards disability
- increase understanding of disability
- remove barriers to work
- ensure that disabled people have the opportunities to fulfil their potential and realise their aspirations

It is not the government's intention to mandate the employment of individuals with a disability.

The potential benefits to the council from becoming a Disability Confident employer (as advocated by the promoters of the scheme) are:

- drawing from the widest possible pool of talent
- securing high quality staff who are skilled, loyal and hard working
- saving time and money on the costs of recruitment and training by reducing staff turnover
- keeping valuable skills and experience
- reducing the levels and costs of sickness absences
- improving employee morale and commitment by demonstrating that all employees are treated fairly

More significantly, by building a reputation as a Disability Confident employer that actively seeks out and hires skilled disabled people, the Council will be helping to positively change attitudes, behaviours and cultures, not just in the immediate organisation but in its networks, supply chains and communities.

Signing up to the Disability Confident scheme has no direct cost.

3.2 How to become a Disability Confident employer

The scheme has 3 levels that have been designed to support interested organisations in becoming Disability Confident. Employers must complete each level before moving on to the next.

3.2.1 Level 1: Disability Confident Committed Employer

To achieve this level, the council must:

- register its contact details

- sign up to the Disability Confident commitments
- identify at least one new thing that the council will do to make a difference for disabled people. This could include, for example, offering work placements or supporting disabled people into apprenticeships.

The Disability Confident commitments are:

- Ensure our recruitment process is inclusive and accessible
- Communicate and promote vacancies openly
- Encourage applications from disabled people
- Support any existing employee who acquires a disability or long term health condition, enabling them to stay in work

Upon signing up, the council will be sent:

- a certificate in recognition of the achievement
- a badge to use on the council's website and other materials for 12 months
- a self-assessment to assist becoming a Disability Confident Employer

3.2.2 Level 2: Disability Confident Employer

To become a Disability Confident employer, the council must self-assess against a set of statements grouped into 2 themes:

- getting the right people for the business
- keeping and developing the people

The council will be able to get support with completing the self-assessment from existing Disability Confident Leaders, local disability organisations, Work Choice providers or network groups before submitting.

On submitting a satisfactory self-assessment, the council will be sent:

- a certificate in recognition of the achievement
- a badge to use on the website and other materials for 2 years
- information to help becoming a Disability Confident Leader

3.2.3 Level 3: Disability Confident Leader

The final level, Disability Confident Leader, aims to encourage employers to take the commitment further by championing the agenda amongst partners, suppliers and other organisations.

The amount of additional work associated with becoming a Disability Confident Leader is mainly activities related to externally promoting the scheme. Within the current and ongoing financial climate it is not felt appropriate to pursue this level at the present time.

4. Recruitment Issues

- 4.1 Members' should note that, whilst Disability Confident encourages employers to go beyond their legal requirements, there is not a strict requirement to positively discriminate in favour of disabled people (which in any case is generally unlawful) or to guarantee an interview to disabled applicants (although many organisations do elect to do the latter where applicants meet the minimum requirements for a role).
- 4.2 The council recognises its duty to ensure that all recruitment and selection procedures are open, transparent and fair. All appointments are based on merit and in accordance with the Equal Opportunities in Employment Policy Statement.
- 4.3 Guidance from the DWP and existing Disability Confident Leader organisations indicates that the council should make applicants aware that it is a member of this scheme (e.g. by using the logo on recruitment materials). It should also be clear to candidates what additional help, support or adjustments are available to potential candidates with disabilities. It will also be important to continually review recruitment processes and policies to ensure that any barriers that disabled people may experience when applying for jobs are identified and, as far as possible, removed.

5. Other considerations

- 5.1 Members should note that the Council's Employment, Learning and Skills Service (at PCMI) will be required to demonstrate the Disability Confident accreditation as it will soon become a contractual expectation within the Welfare to Work industry. Should members not be minded to support the recommendations of this report, it will be necessary for the service to apply for accreditation independently of the rest of the council.
- 5.2 For reference, a sample list of local organisations in the region who have committed to Disability Confident is included in Appendix 1.

6. Equality Impact Assessment (EIA)

A preliminary Equality Impact Assessment has been completed. A full equality impact assessment is not required as the recommendation has a positive impact for Disability groups, and does not have a negative impact on any of the remaining protected characteristics described in the Equality Act 2010.

7. Legal implications

Positive discrimination is generally unlawful in the UK. For example, an employer recruiting a person because he or she has a relevant protected characteristic rather than because he or she is the best candidate would be committing discrimination under the Equality Act 2010.

Otherwise there are no immediate legal implications arising from this report.

8. Finance comments

There is no significant cashable saving resulting from introduction of Disability Confident. It can be expected that there will be additional employment costs associated with reasonable adjustments to the work station and equipment as well as the general workplace. Some of these may be subject to Access to Work funding.

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Signed by:

Appendices:

Appendix 1 - Organisations in region with Disability Confident

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:

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Appendix 1 - Organisations in region with Disability Confident

Business name	Location	Disability Confident level (committed, employer or leader)
Basingstoke & Deane Borough Council	Basingstoke	Employer
Basingstoke College of Technology	Basingstoke	Employer
Hampshire Hospitals NHS Foundation Trust	Basingstoke	Employer
The Automobile Association	Basingstoke	Employer
Bournemouth Borough Council	Bournemouth	Employer
The Royal Bournemouth & Christchurch Hospitals Trust	Bournemouth	Employer
Fareham Borough Council	Fareham	Employer
Havant Borough and East Hampshire District Councils	Havant	Employer
Havant Housing Association	Havant	Committed
Havant Sixth Form College	Havant	Employer
Premier Inn Havant South	Havant	Committed
Isle of Wight College	Isle of Wight	Employer
Isle of Wight Council	Isle of Wight	Employer
Isle of Wight NHS Trust	Isle of Wight	Employer
AV Dazzle	Portsmouth	Committed
First Wessex	Portsmouth	Employer
Highbury College	Portsmouth	Employer
Lily and Lime	Portsmouth	Committed
Orolia Ltd	Portsmouth	Committed
Premier Inn Portsmouth City Centre	Portsmouth	Committed
STR Limited	Portsmouth	Committed
The Recycled Assets Company	Portsmouth	Committed
The You Trust	Portsmouth	Committed
Mountjoy Ltd	Portsmouth	Employer
Portsmouth Disability Forum (PDF)	Portsmouth	Employer
Capita	Southampton	Employer
Martitime and Coastguard Agency	Southampton	Employer
Southampton City Council	Southampton	Employer
Southampton Solent University	Southampton	Employer
Southern Health NHS Foundation Trust	Southampton	Employer
University of Southampton	Southampton	Employer
Hampshire County Council	Winchester	Committed
Peter Symonds College	Winchester	Employer
Winchester City Council	Winchester	Employer

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Equality Impact Assessment

Preliminary assessment form v5 / 2013

www.portsmouth.gov.uk

The preliminary impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies which require a full EIA by looking at:
 - negative, positive or no impact on any of the equality groups
 - opportunity to promote equality for the equality groups
 - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Directorate:

Council Wide

**Function e.g. HR,
IS, carers:**

All areas of the council

Title of policy, service, function, project or strategy (new or old) :

A voluntary commitment to Disability Confident that encourages employers to recruit, retain and develop disabled staff and those with health conditions.

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

Q1 - What is the aim of your policy, service, function, project or strategy?

Through Disability Confident, the government is working with employers to:

- challenge attitudes towards disability
- increase understanding of disability
- remove barriers
- ensure that disabled people have the opportunities to fulfill their potential and realise their aspirations

The potential benefits to the council from becoming a Disability Confident employer (as espoused by the promoters of the scheme) are:

- drawing from the widest possible pool of talent
- securing high quality staff who are skilled, loyal and hard working
- saving time and money on the costs of recruitment and training by reducing staff turnover
- keeping valuable skills and experience
- reducing the levels and costs of sickness absences
- improving employee morale and commitment by demonstrating that all employees are treated fairly

Q2 - Who is this policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?

There should be no detriment on any of the protected characteristics especially people with a disability. The Disability Confident scheme encompasses flexible recruitment process and offering work experience opportunities.

Signing up to the Disability Confident scheme would allow people with disabilities to be able to apply for job vacancies in a flexible way that would allow them to gain employment where other wise using the standard process would not be successful.

There are only 50% of disabled people that have employment against non disabled people of 80%, many disabled people have skills and experience and joining this scheme would allow us to tap in this resource. It would give disabled people the confidence to apply for our vacancies as they would see PCC as a fair employer and feel they would not be put at a disadvantage.

Becoming a Disability Confident employer hopefully would ensure our workforce represents the community we serve. People with disabilities are one of the most disadvantaged groups out of all the 9 protected characteristics under the Equality Act 2010. There are over 6.9 million disabled people of working age which represents 19% of the working population. In Portsmouth approximately 16% of residents have a long-term health problem or disability that limits their day-to-day activities.

Q3 - Thinking about each group below, does, or could the policy, service, function, project or strategy have a negative impact on members of the equality groups below?

Group	Negative	Positive / no impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "negative" or "unclear" consider doing a full EIA

Q4 - Does, or could the policy, service, function, project or strategy help to promote equality for members of the equality groups?

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy or maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "no" or "unclear" consider doing a full EIA

Q5 - Do you have any feedback data from the equality groups that influences, affects or shapes this policy, service, function, project or strategy?

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "no" or "unclear" consider doing a full EIA

Q6 - Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, service, function or strategy?

yes No

Q7 - How have you come to this decision?

It is a commitment should not disadvantage or have any detriment to any group. Any implementations or improvements to the councils compliant and lawful recruitment policies should have positive not negative effects.

A full equality impact assessment is not required as becoming a Disability Confident employer would not negatively impact on disabled people, under positive action and the Equality Act 2010 we can treat disabled people more favourably than other protected characteristics and this not classed as unlawful.

By joining the scheme and using more flexible employment practices we should be able to employ more disabled people and our workforce profile would be more representative of the community.

If you have to complete a full EIA please contact the Equalities and diversity team if you require help
Tel: 023 9283 4789 or email:equalities@portsmouthcc.gov.uk

Q8 - Who was involved in the EIA?

Guidance taken from Access & Equality Advisor

This EIA has been approved by: Jon Bell

Contact number: 023 9268 8782

Date: 01/09/17

Please email a copy of your completed EIA to the Equality and diversity team. We will contact you with any comments or queries about your preliminary EIA.

Telephone: 023 9283 4789

Email: equalities@portsmouthcc.gov.uk

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Agenda Item 10



Portsmouth
CITY COUNCIL

Agenda item:

Title of meeting: Employment Committee
Date of meeting: Tuesday 12th September 2017
Subject: Gender Pay Gap Report
Report by: Director of HR, Legal and Performance
Wards affected: None
Key decision: No
Full Council decision: No

1. Purpose

To present the outcomes of the Gender Pay Gap 2017, ensuring the Council can fulfil its statutory obligations in respect of the Gender Pay Gap Information Regulations, and note the recommended action plan to build on the council's inclusive working practices, to continue to reduce the gap.

2. Recommendations

It is recommended that the Employment Committee:

- 2.1 Note the key findings of the Gender Pay Gap Report 2017 (see section 5).
- 2.2 Agree the action plan as set out in Appendix 1 of the Gender Pay Gap report.

3. Background

3.1 The National Context

- 3.1.1 The Gender Pay Gap Information Regulations came into force in March 2017. The regulations apply to all employers with 250 or more employees on the snapshot date of 31st March 2017 (for Public Sector employers). Therefore, the authority is required to publish its gender pay gap for each year and publish this information on its website, and on a central Government website, no later than 31st March of the following year.
- 3.1.2 Employers in the public sector are subject to a specific public sector equality duty in respect of their functions. They must have due regard to the need to eliminate discrimination and advance equality of opportunity.

3.1.3 The purpose of Gender Pay Gap reporting is to achieve greater gender equality across the UK and increase pay transparency. It has been estimated that the under-utilisation of women's skills costs the UK economy 1.3-2% of GDP annually, and that eradicating the full-time gender pay gap would contribute additional spending into the economy of £41b each year.

3.1.4 According to the Office of National Statistics (ONS), in 2016 the gender pay gap for full-time employees was 9.4% , meaning the average pay for full-time female employees was 9.4% lower than for full-time male employees. The gap was down from 17.4% in 1997.

The gap for all employees, full and part-time was 18.1%, down from 27.5% in 1997.

3.2 The Local Context

3.2.1 The Gender Pay Gap data supplied is correct for all staff, including school staff, in post with Portsmouth City Council on 31st March 2017 who earned their full-pay (relevant employees). At that time, there were 5873 relevant full pay employees, which is made up by 4377 females (75%) and 1496 (25%) males.

Out of the 5873 relevant employees, 36 are covered by TUPE regulations (21 are male and 7 are female).

4. Implementation

4.1 Methodology

4.1.1 The Regulations clearly define the methodology for the Gender Pay Gap calculations and reporting guidelines.

4.1.2 The regulations require employers to publish the following information:

- The mean gender pay gap;
- The median gender pay gap;
- The mean bonus pay gap;
- The median bonus pay gap;
- And the relative proportions of male and female employees in each quartile pay band.

4.1.3 The Regulations detail how to carry out the calculations.

4.1.4 All public sector organisations are required to publish their first reports no later than 30th March 2018.

4.1.5 The report will be based on hourly pay rates as at 31 March 2017 and bonuses* paid between 1 April 2016 and 31 March 2017.

(*PCC does not have a bonus scheme per se. In accordance with GPGIR, bonuses include long service awards of monetary payments and productivity/performance related payments, which are made as honoraria payments.)

4.2 Scope

4.2.1 The regulations create two categories of people who have to be taken into account in the gender pay gap reporting: relevant employees and relevant full-pay employees.

4.2.2. For the purposes of gender pay gap reporting, the definition of an employee is that given in the Equality Act 2010. This is an extended definition which includes:

- Employees (those with a contract of employment)
- Workers with a contract to do work or provide services for your organisation
- Some self-employed people who personally carry out the work they do for you.

4.2.3 The gender pay gap calculation is based on the number of individual employees and not the full time equivalent. This means that each part-time employee counts as one employee.

4.2.4 Apprentices, seasonal, temporary or casual employees and zero hours workers are included if they fall within the reference period created by the snapshot date.

5. Key Findings

5.1 **Mean Gender pay gap** - The difference between the mean hourly rate of pay for male full-pay relevant employees and that of female full-pay relevant employees is 11%.

5.2 **Median Gender pay gap** - The difference between the median hourly rate of pay of male full-pay relevant employees and that of female full-pay relevant employees is 15%.

5.3 **Mean bonus pay gap** - The difference between the mean bonus pay paid to male relevant employees and that paid to female relevant employees is 48%.

5.4 **Median bonus pay gap** - The difference between the median bonus pay paid to male relevant employees and that paid to female relevant employees is 63%.

5.5 **Bonus proportions** - The proportions of male and female relevant employees who were paid bonus pay during the relevant period is 64 males (4%) out of a total of 1722 males and 162 females (3%) out of a total of 5052 females.

- 5.6 **Quartile pay bands** - The proportions of male and female full-pay relevant employees in the lower, lower middle, upper middle and upper quartile pay bands are set out in a table contained within the report.

6. Conclusions

- 6.1 The gender pay gap exists within PCC as the majority (75%) of the workforce are female and predominantly a large proportion of these are employed in the lower quartile pay bands, with fewer employed at the more senior levels.

PCC's gender pay gap is lower than the national average and this is down to a number of factors that already exist within the council.

- 6.2 The Gender Pay Gap for the "mean" and "median" categories fall below that of the national average.

The Gender Pay Gap in relation to the "bonus" payments appears to be high however, as there is currently no directly comparative data for this element it is difficult to determine if this figure is above that of other similar organisations. As such once this data is published it will be interesting to see how PCC compares to the national average and other authorities. In the meantime, this needs to be considered further and to be monitored.

7. Equality Impact Assessment

- 7.1 There are no implications arising from the report itself, which is merely providing information to members. The actions within the action plan will be subject to EIA if they result in changes to policy or procedure.

8. Finance Comments

- 8.1 There are no financial implications arising directly from the recommendations contained within this report.

9. Legal Implications

- 9.1 The report is compliant with the statutory obligations to review the gender pay gap. Additionally the report seeks to establish the reasoning and causation for the pay gap existence adding comment as to mitigation and future review. The current findings do not lead to the establishment of claims that could be levelled against the Authority based upon a claim for equal pay.

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Signed by:

Appendices:

Appendix 1: Gender Pay Gap Report 2017

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

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GENDER PAY GAP REPORT

September 2017

www.portsmouth.gov.uk

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Background

The Gender Pay Gap Information Regulations require all employers with 250 or more employees to report their Gender Pay Gap annually, publishing on a national Government website as well as the organisations website. The Gender Pay Gap Information Regulations apply to employers in the Public and Private sector.

In addition to these new regulations, employers in the public sector are subject to a specific public sector equality duty in respect of their functions - The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

The regulations apply to all employers with 250 or more employees on the "snapshot" date. The "snapshot" date for the public sector is 31st March each year. Therefore, the authority is required to publish its gender pay gap for each year on the Portsmouth City Council (PCC) website and on a Government website, no later than 31st March of the following year. So for the snapshot date of March 2017, the findings must be published no later than 30th March 2018.

The purpose of Gender Pay Gap reporting is to achieve greater gender equality across the UK and increase pay transparency. It has been estimated that the under-utilisation of women's skills costs the UK economy 1.3 - 2% of GDP annually, and that eradicating the full-time gender pay gap would contribute additional spending into the economy of £41b each year.

In 2016 the national gender pay gap for full-time employees was 9.4%, meaning that average pay for full-time female employees was 9.4% lower than for full-time male employees. The gap was down from 17.4% in 1997. The gap for all employees, full and part-time was 18.1% down from 27.5% in 1997.

The Government considers that this rate of progress is too slow, and has committed to closing the gender pay gap within a generation.

PCC is committed to the principle of equal pay for all employees by ensuring that it meets the requirements of the Equality Act. To achieve this PCC uses a job evaluation system scheme (JESS) to assess the value of all jobs across the organisation, which provides evidence in support of the banding of each job within our grading structure. Salaries are paid according to band and incremental annual progression within the band occurs irrespective of employee's gender.

Sources: CIPD Gender Pay Gap Reporting Guide March 2017
ONS

Methodology

The Regulations clearly define the methodology for the Gender Pay Gap calculations and reporting guidelines.

The regulations require employers to publish the following information:

- The mean gender pay gap;
- The median gender pay gap;
- The mean bonus pay gap;
- The median bonus pay gap;
- And the relative proportions of male and female employees in each quartile pay band.

The Regulations detail how to carry out the calculations and these are based on how the ONS undertakes their calculations to allow for comparisons to be made nationally against the data.

All public sector organisations are required to publish their first reports no later than 30th March 2018.

The report will be based on hourly pay rates as at 31 March 2017 and on bonuses paid between 1 April 2016 and 31 March 2017.

Scope

The regulations create two categories of people who have to be taken into account in the gender pay gap reporting: relevant employees and relevant full-pay employees.

For the purposes of gender pay gap reporting, the definition of an employee is that which is given in the Equality Act 2010. This is an extended definition which includes:

- Employees (those with a contract of employment)
- Workers with a contract to do work or provide services for your organisation
- Some self-employed people who have to personally carry out the work they do for you.

The gender pay gap calculation is based on the number of individual employees and not the full-time equivalent. This means that each part-time employee counts as one employee.

Apprentices, seasonal, temporary or casual employees and zero hours workers are included if they fall within the reference period created by the snapshot date.

Definitions

Gender Pay Gap

The gender pay gap is a measure of labour market or workplace disadvantage, expressed in terms of a comparison between males and females average hourly rates of pay. The gap can be measured in various ways and it is important to understand how the gap is being measured. The hourly rates of pay, excluding overtime are used to take account of the fact that many more males than females work full-time. Overtime is excluded because it is recognised that male employees work more overtime than female employees due to female's caring responsibility and part-time nature of work.

Equal Pay

Equal pay means that there should be no difference in the contractual terms of a female and a male doing equal work, who both work for the same employer. For further details please refer to the Equality Act 2010.

The difference between Gender Pay Gap and Equal Pay

The most important difference between equal pay and the gender pay gap is that, equal pay requires one to scrutinise information at the level of the individual employee (to satisfy that there is equal pay for equal work). Gender pay gap reporting asks you to examine aggregate data.

Mean Gender Pay Gap

The difference between the mean hourly rate of pay of male full-pay relevant employees and that of female full-pay relevant employees.

To calculate the mean

The mean is an average of all the numbers in a dataset, that is you have to add up all the numbers and then divide the result by how many numbers you are dealing with. To find the mean hourly rate for PCC's full-pay relevant male employees, all the hourly rates will be added together and then divided by the total number of full-pay relevant male employees. This will give the "mean" hourly rate.

Median Gender Pay Gap

The difference between the median hourly rate of pay of male full-pay relevant employees and that for female full-pay relevant employees.

To calculate the median

The median is the numerical value which splits the top 50% and the bottom 50%. To find the median, all the hourly rates for all employees will be listed in numerical order; if there are an odd number of values, the median is the number in the middle. If there is an even number, the median is the mean of the two central numbers.

Bonus

Bonus pay means any remuneration that is in the form of money, vouchers, securities, securities options or interests in securities and relates to profit sharing, productivity, performance, incentive or commission. Non-consolidated bonuses are included. Long service awards with a monetary value are also included.

For PCC, this captures Long Service Awards and one-off honoraria payments. Regular honoraria payments are excluded from "bonus" calculations and included in "ordinary pay".

Mean Bonus Gap

The difference between the mean bonus pay paid to male relevant employees and that paid to female relevant employees.

Median Bonus Gap

The difference between the median bonus pay paid to male relevant employees and that paid to female relevant employees.

Bonus Proportions

The proportions of male and female relevant employees who were paid bonus pay during the relevant period.

Quartile Pay Bands

The proportions of male and female full-pay relevant employees in the lower, lower middle, upper middle and upper quartile pay bands.

Quartiles

A quartile is one of the three points that divide the population of data into 4 equal parts. In the context of gender pay gap reporting, the four quartile pay bands are created by dividing the total number of full-pay relevant employee into four equal parts. For clarification, that is not PCC Pay bands.

Measures

A positive measure, for example 18%, indicates the extent to which females earn, on average, **less** per hour than their male counterparts.

A negative measure, for example -18%, indicates the extent to which females earn, on average, **more** per hour than their male counterparts. This may happen, for example, if PCC employ a high proportion of males in low-paid part-time work, and/or the senior and higher paid employees are female.

The Workforce Profile

The Gender Pay Gap data supplied is correct for all staff, including school staff, in post with Portsmouth City Council on 31st March 2017 who earned their full-pay (relevant employees). At that time, there were 5873 relevant full pay employees, which is made up by 4377 females (75%) and 1496 (25%) males.

Out of the 5873 relevant employees, 36 are covered by TUPE regulations (21 are male and 7 are female).

Mean Gender Pay Gap

The difference between the mean hourly rate of pay for male full-pay relevant employees and that of female full-pay relevant employees is 11%.

The average mean hourly rate of pay for a male was £16.84. For a female the average mean hourly rate of pay was £14.93, which results in the 11% difference in the mean figure reported above.

Median Gender Pay Gap

The difference between the median hourly rate of pay of male full-pay relevant employees and that of female full-pay relevant employees is 15%.

The average median hourly rate for a male was £14.19. For a female the average median hourly rate was £12.00. This result is a 15% difference in the median figure reported above.

Mean and Median Pay Gap summary

PCC's median and mean gender pay gap compares with the national figure from the ONS where the average gap for all employees, part-time and full-time is 18.1% based on data from 2016.

In addition to a job evaluation scheme, PCC has a clear policy of paying employees equally for the same or equivalent work, regardless of their gender. As such, the council:

- carries out equal pay audits at regular intervals;
- provides regular job evaluation training for employees involved in undertaking job evaluation; and
- evaluates job roles and pay bands as necessary to ensure a fair structure

The council is therefore confident that its gender pay gap does not stem from paying male and female employees differently for the same or equivalent work. Rather its gender pay gap is the result of the roles in which male and females work within the council and the salaries that these roles attract.

Across the UK economy as a whole, males are more likely than females to be in senior roles (especially very senior roles at the top of organisations), while females are more likely than men to be in front-line roles at the lower end of the organisation. In addition,

men are more likely to be in technical and IT-related roles, which attract higher rates of pay than other roles at similar levels of seniority.

Female are also more likely than males to have had breaks from work that have affected their career progression, for example to bring up children. They are also more likely to work part time, and many of the jobs that are available across the UK on a part-time basis are relatively low paid.

The gender pay gap exists within PCC as the majority (75%) of the workforce is female and a large proportion of these are employed in the lower quartile pay bands, with fewer employed at the more senior levels.

PCC's gender pay gap is lower than the national average and this is down to a number of factors that already exist within the council:

- The introduction of a PCC Living Wage Rate of £7.85 per hour, in November 2014, is paid to all employees at the lower level of the pay structure, taking employees out of working poverty.
- PCC promotes and supports a number of flexible working policies for all employees within the organisation, irrespective of gender. These include job share, part time working and, term time working. In some areas there is also a flexibility to work from different locations.
- Robust equal opportunities and diversity policies ensure that all employees are treated fairly and equally and a clear escalation process if an individual feels they are being treated unfairly.
- The JESS Job evaluation scheme ensures that all jobs are evaluated to ensure equal pay for equal work across the entire authority. For example, a female support worker or female manager will be paid the same pay band as her male counterpart.

Mean Bonus Pay Gap

The difference between the mean bonus pay paid to male relevant employees and that paid to female relevant employees is 48%.

Median Bonus Pay Gap

The difference between the median bonus pay paid to male relevant employees and that paid to female relevant employees is 63%.

Bonus Proportions

The proportions of male and female relevant employees who were paid bonus pay during the relevant period in the 12 months up to 31st March was 64 males (4%) out of a total of 1,722 males and 162 females (3%) out of a total of 5,052 females. This shows that whilst there is a similar proportion of overall male and females who received a bonus payment, the amounts received by male employees is higher than that received by female employees.

Bonus pay gap summary

The mean gender bonus gap and the median gender bonus gap for the council are relatively large at 48% and 63%. However, when looked at in terms of cash amounts rather than percentage terms, the figures involved are comparatively small, the highest amount being £4,924 (paid to a female) to the smallest amount of £42 (also paid to a female). In comparison that highest amount paid to male employees was £3,766 and the smallest amount paid to male employees was £57.

Some honoraria payments made within PCC are used to reward outstanding contributions and the definition of "bonus" for this report captures these types of payments. As such this can skew the data and creates inconsistencies in reporting. Further work is needed to ensure that recording of this data is accurate in the future.

Quartile Pay Bands

The proportions of male and female full-pay relevant employees in the lower, lower middle, upper middle and upper quartile pay bands are set out in the table below.

	Number of males	Number of females	Total	Male %	Female %	Total %
Upper Quartile	480	987	1467	33%	67%	100
Upper Middle Quartile	400	1069	1469	27%	72%	100
Lower Middle Quartile	289	1179	1468	20%	80%	100
Lower Quartile	327	1142	1469	22%	78%	100

The totals differ slightly to accommodate the same hourly rate distribution across the divides.

Quartile Pay Band Summary

In order for there to be no gender pay gap, there would need to be an equal ratio of male to female in each quartile. However, within the Council, 78% of the employees in the lower quartile are female and 22% are male. The percentage of male employees increases throughout almost all the remaining quartiles, from 20% in the lower middle quartile to 33% in the upper quartile. In direct comparison the percentage of female employees decreases throughout almost all of the remaining quartiles from 80% in the lower middle quartile to 67% in the upper quartile.

Conclusions

While the Council's gender pay gap compares favourably with that across the whole UK economy, it is committed to doing everything that it can to reduce the gap. However, the Council also recognises that its scope to act is limited in some areas - it has, for example, no direct control over the subjects that individuals choose to study or the career choices that they make. Individuals make choices about their work/life balance and one of the trends identified by Gender Pay Gap analysis is that female's pay reduces at a certain age due to caring responsibilities for dependants. This is the norm for our culture. However,

Portsmouth City Council ensures that individuals are able to make these choices without suffering discrimination with its various flexible working policies and culture.

The Gender Pay Gap for the "mean" and "median" categories fall below that of the national average.

There is currently no benchmarking data in relation to bonus payments from ONS that will correlate directly with the calculation method defined by the Gender Pay Gap Information Regulations. Therefore, we do not know how the percentage for bonus payments will compare with the national average or sector trends. Once this data is published it will be interesting to see how PCC compares to the national average and other authorities. In the meantime, this needs to be considered further to ensure that accurate recording can identify payments that fall into the definition of "bonus" so that future reporting is accurate.

Action Plan/Recommendations

1. To ensure that managers are aware of, and equipped to deal with, the risk of unconscious bias during recruitment decisions.
2. Review the recruitment process and consider if it is appropriate to revise the process to anonymise the candidate's gender, age or ethnicity for the shortlisting process. This would enable a completely unbiased approach to considering candidates.
3. Increase awareness around apprenticeship schemes to encourage more employees to improve their skills and experience giving them the opportunity to progress their career.
4. Promote the benefits of flexible working practices to employees and Managers (research conducted by Hays 'What workers want', showed that many employees (65%) who were looking for new opportunities stated that flexible working was the single most important factor for them). In addition the Council will monitor the take-up of flexible working arrangements by gender and level within the organisation.
5. Promote existing career management tools and monitor progress.
6. Promote the benefits of working for PPC, such as Apprenticeship opportunities, flexible working arrangements, diversity commitments, etc.
7. Develop a greater evidence base and widen the data collection to determine trends for the proportion of men and women who return to work after maternity, paternity, adoption or shared parental leave to resume substantive posts and those that continue in post a year after returning.
8. Based on the data collected in 7 above, encourage managers to consider job redesign if there are aspects of a job that prevents or stops employees applying for them on a part-time or flexible basis.
9. Monitor exit interview data and identify any trends to understand if one gender is leaving for common reasons compared to the other.
10. Develop a process to monitor starting pay both on recruitment and promotion for men and women to assess whether there are differences on starting pay as this can be one of the most common causes of the gender pay gap. This will be particularly beneficial in areas where there are skills shortages.

11. Continue to monitor the allocation of additional payments that are made at managers' discretion to ensure that this is not contributing to the gender pay gap or unequal pay and address any anomalies as appropriate.
12. Monitor current pay systems and address any systematic issues so as to not cause any distortion of the data.

Timescales of achieving the action plan

The action plan will be implemented over the next 12 months and reviewed on an ongoing basis, and annually in comparison with the published results of the Gender Pay Gap report, each March.



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