

The Arc  
High Street  
Clowne  
S43 4JY

To: Chair & Members of the Union /  
Employee Consultation Committee

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Friday, 21<sup>st</sup> February 2025

Dear Councillor,

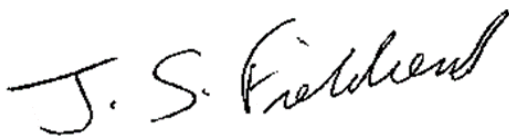
**UNION / EMPLOYEE CONSULTATION COMMITTEE**

You are hereby summoned to attend a meeting of the Union / Employee Consultation Committee of the Bolsover District Council to be held in Committee Room 1, The Arc, Clowne on Wednesday, 12<sup>th</sup> March, 2025 at 10:00 hours.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 3 onwards.

Yours faithfully,



Solicitor to the Council & Monitoring Officer

## **Equalities Statement**

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

### **Access for All statement**

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone:** [01246 242424](tel:01246242424)
- **Email:** [enquiries@bolsover.gov.uk](mailto:enquiries@bolsover.gov.uk)
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need WiFi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

**UNION / EMPLOYEE CONSULTATION COMMITTEE  
AGENDA**

**Wednesday, 12<sup>th</sup> March, 2025 at 10:00 hours taking place in Committee Room 1, The Arc,  
Clowne**

<b>Item No.</b>		<b>Page No.(s)</b>
<b>1.</b>	<b>Apologies For Absence</b>	
<b>2.</b>	<b>Urgent Items of Business</b>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
<b>3.</b>	<b>Declarations of Interest</b>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda;	
	b) any urgent additional items to be considered;	
	c) any matters arising out of those items;	
	and if appropriate, withdraw from the meeting at the relevant time.	
<b>4.</b>	<b>Minutes</b>	4 - 6
	To consider the minutes of the last meeting held on 11 <sup>th</sup> December 2024.	
<b>5.</b>	<b>Sickness Absence - Quarter 3 (October - December 2024)</b>	7 - 18
<b>6.</b>	<b>Updating the Council's Pay Agreement</b>	19 - 59
<b>7.</b>	<b>Gender Identity Policy</b>	60 - 76
<b>8.</b>	<b>Sexual Harassment Policy</b>	77 - 95

# Agenda Item 4

## UNION / EMPLOYEE CONSULTATION COMMITTEE

Minutes of a meeting of the Union / Employee Consultation Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday, 11<sup>th</sup> December 2024 at 10:01 hours.

### **PRESENT:-**

Members:-

Liz Robinson (UNISON Convenor) in the Chair

Councillors Rowan Clarke, Mary Dooley, Duncan Haywood, Sandra Peake and Vicky Waplington.

UNISON:- Chris McKinney.

Officers:- Steve Brunt (Strategic Director of Services), Mark Giles (Assistant Director Streetscene, Community Safety and Enforcement), Peter Wilmot (HR Business Partner) and Matthew Kerry (Governance and Civic Officer).

### **UECC15-24/25 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **UECC16-24/25 URGENT ITEMS OF BUSINESS**

There were no urgent items of business to be considered.

### **UECC17-24/25 DECLARATIONS OF INTEREST**

There were no declarations made at the meeting.

### **UECC18-24/25 MINUTES**

Moved by Councillor Sandra Peake and seconded by Councillor Duncan Haywood

**RESOLVED** that the minutes of a meeting of the Union / Employee Consultation Committee held on 23<sup>rd</sup> September 2024 be approved as a true and correct record.

### **UECC19-24/25 SICKNESS ABSENCE - QUARTER 2 (JULY - SEPTEMBER 2024)**

The HR Business Partner presented the report to the Committee.

The average number of days lost per employee was 2.35 for Quarter 2 2024/25. The 2024/25 projected outturn for the average number of days lost was 9.22 days. This would likely change once Quarter 3 2024/25 was reviewed and Quarter 4 2024/25 data was finalised.

## UNION / EMPLOYEE CONSULTATION COMMITTEE

Attached at Appendix 1 were Tables 1, 2 and 3, which detailed the key patterns and trends being experienced corporately in relation to sickness absence.

Key trends included:

- The overall average days lost due to sickness in Quarter 2 2024/25 was 2.35 days – higher than Quarter 1 2024/25 but lower than Quarter 2 2023/24;
- 6 Services experienced zero sickness in Quarter 2 and a further 3 Services experienced less than 1 day per Full Time Equivalent (FTE) employee;
- Stress/Depression had remained in the top three reasons for absence since Quarter 2 of 2019/20;
- There were 6 cases of absence due to Stress/Depression during Quarter 2 2024/25 (2 were work related, 3 none work related, and 1 a combination of home and work-related issues);
- COVID-19 accounted for 15 days lost due to sickness in Quarter 2 2024/25 – an increase from 12 days lost in Quarter 1 2024/25; and,
- There were 16 long-term cases in Quarter 2 2024/25.

Steps the Council had taken to support employees in their health and wellbeing included:

- Mental Health awareness sessions were now available 'on demand';
- Mental Health awareness initiatives and possible support were published every week and included:
  - Suicide Prevention Day;
  - Mental Health Awareness Day;
  - Mental Health First Aider Training;
  - High-Quality Conversations Training;
  - Alcohol Awareness Week; and,
  - Vivup Rewards & Benefits;
- The number of Employees subscribing to the Gym for Quarter 2 2024/25 was 57;
- Managers and Employees had accessed Occupational Health, Counselling, Physiotherapy, the Council's Employee Assistance Programme and other support;
- Employees were signposted to incentives which were available via Leisure i.e.:
  - To encourage health and wellbeing staff could take up membership for Go!Active for £15 per month;
  - There was a Health Referral Programme (Physical Activity & Lifestyle Support) available.

The Council had arranged free NHS health check referrals and body MOTs (feedback from staff had been positive).

Menopause and Pension Awareness Sessions had also taken place (support like the Pension Awareness Sessions would help provide financial wellbeing).

Work with the Leisure Team had taken place to promote wellbeing walk challenges outside of work (team based and independent challenges).

A Member shared amazement at what the Council was doing to support its staff – far removed from what many Members would have experienced in their careers. The HR Team and those organising this support were greatly appreciated.

## UNION / EMPLOYEE CONSULTATION COMMITTEE

A Member agreed, adding it was good the take up of support provided was high. It was also stated the helpline for staff to use if required was excellent.

The HR Business Partner stated many staff had also downloaded the accompanying Vivup Rewards & Benefits app and were making use of vouchers for grocery shopping and discounted car parking. The 24/7 helpline would also provide support and advice, financial or otherwise, if required.

Due to the recent increase of toxicity in politics, and in relation to the high levels of Stress/Depression experienced by staff, it was asked if similar support could be offered to Members. The HR Business Partner answered some support on offer was also open to Members and could be accessed on Eric (the Council's internal website) via the "Learning and development" link on the "My Skills" tab. Items listed included Counter Terrorism Training and Mental Health Awareness.

Several Members expressed they did not often have time to utilise Eric due to their casework. While there were some banners promoting these services/training across The Arc, the Strategic Director of Services added this disconnect has also been discussed in the recent Safety Committee.

If Members could not access Pdf documents or Eric via iPads, they could contact the Service Desk for assistance. The Strategic Director of Services would contact the Communications Team to request an all Member email be sent to inform how to access Eric and the Vivup staff benefit scheme.

It was also recognised that Members no longer received a weekly bulletin on what was happening at the Council and what training/support was available.

The UNISON representative wanted to express thanks for what the Council did for its employees.

To a question on the Cycle to Work scheme, the HR Business Partner explained it was a UK National Government scheme to promote greener and healthier transport to work. Up to half the cost of a new bicycle would be covered, and the other paid for by the employee from their wages over time (with no financial interest/penalty). This would then promote healthy physical activity, greener travel, and reduce congestion on roads and parking at offices.

A Member stated COVID-19 was still a concern, explaining in their Ward it was currently a pressing concern. A Member remarked Tuberculosis had also seen a concerning increase of late.

The Chair welcomed the new Assistant Director Streetscene, Community Safety and Enforcement to the Council and the Committee. Everyone was wished a Merry Christmas and Happy New Year.

Moved by Chris McKinney (UNISON) and seconded by Councillor Mary Dooley  
**RESOLVED** that the report be noted.

The meeting concluded at 10:24 hours.



**Bolsover District Council**

**Employee Consultation Committee on 12 March 2025**

**Sickness Absence - Quarter 3 (October - December 2024)**

**Report of the Portfolio Holder for Resources**

<b>Classification</b>	This report is Public
<b>Report By</b>	Oliver Fishburn HR and Payroll Manager

**PURPOSE/SUMMARY OF REPORT**

To report the sickness absence figures throughout the Council for Quarter 3 (October - December 2024).

**REPORT DETAILS**

**1. Background**

- 1.1 Figure 1 shows a summary of sickness absence levels within Bolsover District Council for the months October - December 2024.
- 1.2 Absence for the Senior Managers Group is shown as 50% of the total absence for Joint Senior Managers as this is split with Bolsover/NE Derbyshire District Councils. For other employees the absences included are for the employing authority only.
- 1.3 **The average number of days lost per employee for Quarter 3 was 2.09 days.**
- 1.4 **The 2024/25 projected outturn figure for the average number of days lost per employee is 8.93 days.**
- 1.5 The annual target for the Local Performance Indicator to the end of March 2025 is 8.5 days.
- 1.6 For the purposes of sickness reporting, Senior Management is accounted for as follows:
  - 1 Joint Assistant Director Post (0.5 FTE). 0 days sickness experienced during Quarter 3.

## 2. Details of Proposal or Information

2.1 Tables 1, 2 and 3 in Appendix 1 detail the key patterns and trends being experienced corporately in relation to sickness absence.

### 2.2 Key Trends

- The overall average days lost due to sickness in Quarter 3 was 2.09 days, this is lowest Quarter in terms of average days lost during 2024/5 to date.
- 6 Services experienced zero sickness in Quarter 3 and a further 5 Services experienced less than 1 day per FTE employee.
- Stress/Depression has remained in the top three reasons for absence since Quarter 2 of 2019/20.
- There were 3 cases of absence due to Stress/Depression during Quarter 3, 1 of which was work related, 1 was none work related and 1 was a combination of home and work-related issues.
- There is a direct correlation between employees undertaking physically demanding work and high levels of sickness. This is reinforced by Muscular/Skeletal absences regularly being in the top three reasons for sickness absence.
- Covid19 accounted for 2 days lost due to sickness in Quarter 3 this is lowest Quarter in terms of average days lost during 2024/5 to date.
- There are 12 long term cases in this quarter. 9 are due to physical health ailments and 3 cases are related to stress/depression (1 of which was work related. 1 was non work related and 1 case was a combination of home/work stressors.). Appropriate support and assistance are being provided to facilitate support for those who have returned to work and those planning to do so. 5 Employees have now returned to work, 5 remain absent, 2 have left the Council's employ (1 resigned and 1 was retired on the grounds of Ill Health).

### Actions

2.3 Managers have support from the HR Advisor and are issued monthly sickness absence information. Managers are also able to access sickness information for their teams daily via HR21 Self Service.

2.4 Steps the Council has taken to support employees include:

### Health & Wellbeing initiatives to support employees.

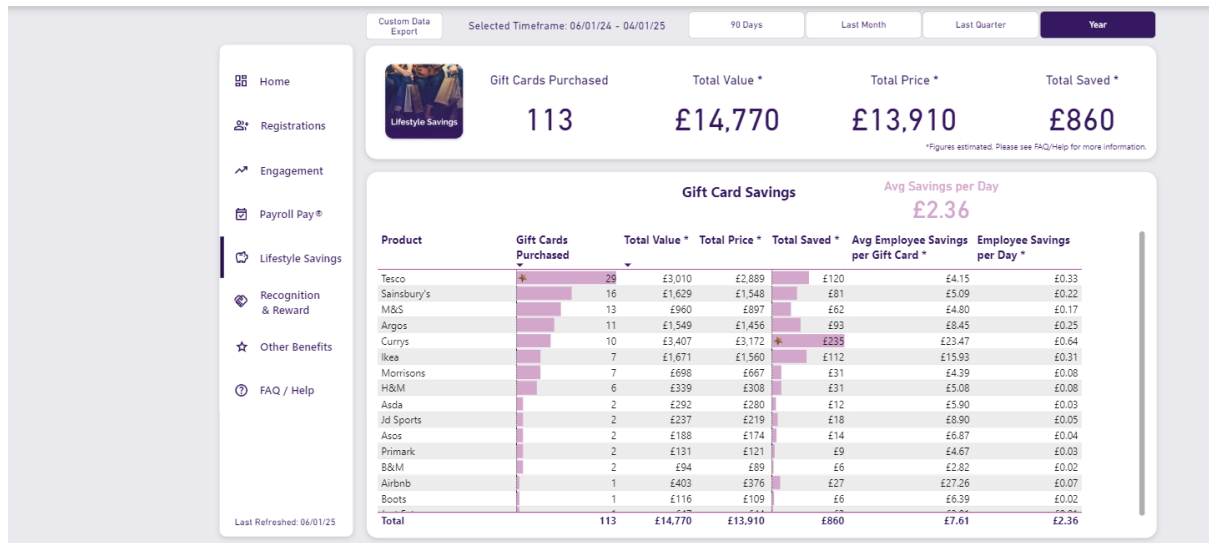
- Health & Wellbeing awareness initiatives and possible support is continually publicised via Eric and the weekly bulletin. Recent examples of which include:
  - **Christmas energy saving tips:** With energy bills still high, we provided employees with 12 energy saving tips to try and save some money over Christmas, as well as providing [Energy Saving Trust website](#) as a source for further support.
  - **Mental Health First Aider Trainers:** Our Mental Health First Aiders were advertised as part of World Mental Health Day 2024 (10<sup>th</sup> October). We currently have 10 members of staff who are qualified Mental Health First Aiders and are available to



support colleagues. We continue to advertise free Mental Health First Aider training as and when sessions become available via DCC.

- **Safeguarding Adults Webinars:** National Safeguarding Adults Week 2024 took place from 18 - 22 November and throughout the week Derbyshire and Derby Safeguarding Adults Boards hosted a number of webinars that were FREE to professionals working for Derbyshire and Derby agencies.
  
  - **Are you a carer? :** An event organised by Chesterfield Equality and Diversity Forum took place between 10am-2pm on Tuesday, 12th November at Grace Chapel in New Square, Chesterfield. This was an ideal opportunity for carers to meet useful, local groups who were be able to provide an abundance of support where required.
  
  - **Support When You Need It:** A Guide to Vivup's Confidential Employee Assistance Programme (EAP) was advertised on Eric & the Weekly Bulletin in October, providing a reminder to employees that this service is available and how to access it if required.
- **Vivup Rewards & Benefits:** platform provides tools and solutions to support mental, financial and physical wellbeing all under one online platform. Below are the key features of Vivup:
    - ✓ **EAP (Employee Assistance Programme)**
    - ✓ **Your Care**
    - ✓ **Cycle to Work Scheme**
    - ✓ **Lifestyle Savings**
    - ✓ **Home & Electronics**

Since the launch in September 2024, the Lifestyle Savings feature of Vivup has helped our employees save a combined total of £860.



- Flu Vaccinations:** Flu vaccinations were made available to all employees this quarter. Employees could claim reimbursement for the cost of the vaccination, up to a maximum of £18.
- Menopause Support Group:** The authority is in the early stages of establishing a dedicated Menopause Support Group for employees. This initiative aims to:
  - Provide a safe and supportive environment for employees to share their experiences and challenges related to menopause.
  - Foster open discussions to reduce stigma and promote understanding in the workplace.
  - Offer access to resources and guidance.
  - Raise awareness among all staff and managers to create a more inclusive and empathetic work culture.
- Wellbeing and first aid rooms now available:** Two wellbeing and first aid rooms are available for employees to use at The Arc (GF20) and Riverside Depot (U12). The facilities provided include:
  - A rest area with a fan providing additional air circulation for menopausal people
  - A place for praying – with direction to Qibla shown
  - A couch for pregnant employees to lie down if feeling tired
  - A private place for breastfeeding and nursing mothers
  - A location close to the main entrance, toilets and running water which will support anyone with first aid needs

To ensure privacy, both rooms have been fitted with roller blinds at each door and a vacant/occupied sign on the outside of the door.

- **Mental Health Awareness Sessions:** are now available 'on demand' for all employees via Eric and have previously been delivered across the Council as part of the Council's quarterly corporate training programme. Awareness training explains that colleagues and managers are not specialists in mental health and their role is to listen to employees and signpost them to appropriate support.
- **Neurodiversity Awareness Training:** In November and December, two sessions of Neurodiversity Awareness training were delivered by NeuroInclusive Solutions. These sessions were made available to Senior Managers, Councillors, and other employees who would benefit from the training. A further session is scheduled to take place in March.
- **Go-Active @ the Arc**
  - The number of Employees subscribing to the Gym for Quarter 3 2024/25 are 62.
  - Managers and Employees have accessed Occupational Health, Counselling, Physiotherapy, the Council's Employee Assistance Programme and other support.
  - Employees are signposted to incentives which are available via Leisure i.e.:
    - To encourage health and wellbeing staff can take up membership for Go! Active which includes gym, swim and classes for only £15 per month.
    - There is a Health Referral Programme (Physical Activity & Lifestyle Support) which is available, all employees can access the Bolsover Wellness Programme if they meet the criteria. This is a programme aimed at changing behaviours and finding solutions to assist people facing daily challenges resulting in a concentrated approach regarding service users health and wellbeing.

2.5 Operational concerns about the management of sickness absence cases that exist are being raised with the respective managers and dealt with as per standard practice and policy.

### **3. Reasons for Recommendation**

3.1 The report contains data relating to employees' absence levels.

### **4 Alternative Options and Reasons for Rejection**

4.1 Not applicable – this report is for information.

## **RECOMMENDATION(S)**

1. That the report be noted.

Approved by Councillor Clive Moesby Portfolio Holder for Resources

**IMPLICATIONS:**

**Finance and Risk:**            Yes             No

**Details:** High absence levels can contribute to poor service levels, low morale and higher costs for the Council.

On behalf of the Section 151 Officer

**Legal (including Data Protection):**            Yes             No

**Details:**

On behalf of the Solicitor to the Council

**Environment:**            Yes  No

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

**Details:**

**Staffing:**            Yes             No

**Details:** The report's topic relates to employees and their absence levels.

On behalf of the Head of Paid Service

**DECISION INFORMATION**

<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i>	No

<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/></b> <b>SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/></b> <b>Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></b>	Details:

<b>Links to Council Ambition: Customers, Economy and Environment.</b>
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N/A
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**DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	Figures for the Quarter by Directorate

<b>Background Papers</b>
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<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i>
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None
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**Table One: Organisational Outturn Average Number of Days Absence**

*(Average sickness days per fte employee)*

	<b>2021/22</b>	<b>2021/22 Costs</b>	<b>2022/23</b>	<b>2022/23 Costs</b>	<b>2023/24</b>	<b>2023/24 Costs</b>	<b>2024/25</b>	<b>2024/25 Costs</b>
<b>Quarter One</b>	1.91	£81,917.94	2.29	£84,309.63	2.26	£74,265.11	2.26	£88,097.39
<b>Quarter Two</b>	2.31	£91,025.58	2.02	£84,144.83	2.39	£86,396.88	2.35	£97,373.93
<b>Quarter Three</b>	2.29	£85,306.37	2.27	£93,954.00	1.89	£73,327.02	2.09	£96,052.51
<b>Quarter Four</b>	2.19	£84,857.65	2.82	£118,763.85	2.44	£99,520.51		
<b>Overall Outturn</b>	<b>8.7</b>	<b>£343,107.54</b>	<b>9.4</b>	<b>£381,172.31</b>	<b>8.98</b>	<b>£333,509.52</b>		

Table Two: Organisational Long Term/Short Term Split Days Percentage

	<b>2021/22</b>		<b>2022/23</b>		<b>2023/24</b>		<b>2024/25</b>	
	Short Term	Long Term	Short Term	Long Term	Short Term	Long Term	Short Term	Long Term
<b>Quarter One</b>	40%	60%	48%	52%	23%	77%	28%	72%
<b>Quarter Two</b>	67%	33%	46%	54%	37%	63%	35%	65%
<b>Quarter Three</b>	48%	52%	46%	54%	41%	59%	45%	55%
<b>Quarter Four</b>	69%	31%	43%	57%	41%	59%		
<b>Overall Outturn</b>	<b>57%</b>	<b>43%</b>	<b>46%</b>	<b>54%</b>	<b>36%</b>	<b>64%</b>		

Table Three: Top Three Reasons for Absence

*(Top 3 reasons based on sickness days lost)*

	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>Current Year 2024/25</b>
<b>Quarter One</b>	1.Stress/Depression 2. Other Musc Skeletal 3.Operations/Hospital	1. COVID Symptoms 2. Other Musc. Skeletal 3.Stress/Depression	1. Operations/Hospital 2.Stress/Depression 3. Other Musc. Skeletal	1.Other Musc. Skeletal 2.Operations/Hospital 3.Stress/Depression

<b>Quarter Two</b>	1. COVID 19 Symptoms 2. Other Musc. Skeletal 3. Stress/Depression	1. Stress/Depression 2. COVID 19 Symptoms 3. Other Musc. Skeletal	1 Operations/Hospital 2. Stress/Depression 3. Other Musc. Skeletal	1. Other Musc. Skeletal 2. Stress/Depression 3. Other
<b>Quarter Three</b>	1. Stress/Depression 2. COVID19 Symptoms 3. Other Musc. Skeletal	1. Stress/Depression 2. COVID 19 Symptoms 3. Other Musc. Skeletal	1. Stress/Depression 2. Other 3. Other Musc. Skeletal	1, Operations/Hospital 2. Stress/Depression 3. Other Musc. Skeletal
<b>Quarter Four</b>	1. COVID19 Symptoms 2. Other Musc. Skeletal 3. Stress/Depression	1. Stress/Depression 2. Operations/Hospital 3. Other Musc. Skeletal	1. Stress/Depression 2. Other Musc. Skel 3. Operations/Hospital	1. 2. 3.
<b>Overall Outturn</b>	<b>1. COVID19 Symptoms</b> <b>2. Stress/Depression</b> <b>3. Other Musc. Skeletal</b>	<b>1. Other Musc. Skeletal</b> <b>2. Stress/Depression</b> <b>3. COVID19 Symptoms</b>	<b>1. Stress/Depression</b> <b>2. Other Musc. Skeletal</b> <b>3. Operations/Hospital</b>	<b>1.</b> <b>2.</b> <b>3.</b>



**Summary Figures for the Quarter by Directorate/Service**

**Figure One – Service Breakdown Short/Long Term Split**

<b>Service</b>	<b>Short term days</b>	<b>No. of Employees absent</b>	<b>Long term days</b>	<b>No. of Employees Absent</b>	<b>Total Days lost</b>	<b>FTE No. in Section</b>	<b>Average days lost per FTE</b>
Directors and Assistant Directors	0	0	0	0	0	9.5	0
Governance	0	0	0	0	0	3.6	0
Elections	0	0	0	0	0	2.5	0
Health & Safety	4	2	0	0	4	5	0.8
Human Resources & Payroll	0	0	0	0	0	7.4	0
Legal	0	0	87	2	87	6	14.5
Communications	2	1	24	1	26	6	4.33
Procurement	0	0	0	0	0	0.5	0
Performance	0	0	0	0	0	3	0
Finance	2	1	0	0	2	9	0.22
Revenues & Benefits	12	8	0	0	12	26.1	0.46
Customer Services	15	9	0	0	15	24.4	0.61
Leisure	42	6	107	3	149	48.5	3.07

Leaders/Executive Team	4	1	0	0	4	9.6	0.42
Streetscene	168	39	88	3	256	102.1	2.51
Housing Management (including CS)	85	20	54	2	139	73	1.9
Planning	3	2	54	1	57	22.4	2.54

**FOR INFORMATION ONLY – EMPLOYEES HOSTED BY NEDDC**

Service	Short term days	No. of Employees absent	Long term days	No. of Employees Absent	Total Days lost	FTE No. in Section	Average days lost per FTE
Environmental Health	17	7	59	3	76	50.7	1.50
ICT	34.5	7	20	1	54.5	35.1	1.55

**Figure Two: Stress Cases During Quarter Three**

Work Related	Outside of Work Related	Total
*2	1	3

\*Please note one of these cases was a combination of home and work related stress.



**BOLSOVER DISTRICT COUNCIL**

**Meeting of the Union Employee Consultation Committee on 12<sup>th</sup> March 2025**

**Updating the Council’s Pay Agreement**

**Report of the Portfolio Holder for Resources**

**Report of the HR Business Partner**

<b>Classification</b>	This report is Public
<b>Contact Officer</b>	Peter Wilmot

**PURPOSE/SUMMARY OF REPORT**

The purpose of this report is to outline and summarise the revisions to the Council's Pay Agreement, which has not been updated for several years. Additionally, efforts have been made to ensure that the document is where possible less time-specific, reducing the need for frequent updates.

**REPORT DETAILS**

**1. Background**

- 1.1 The Council's Pay Agreement had remained unchanged for several years, resulting in outdated provisions that no longer align with current organisational structures and workforce practices.
- 1.2 The decision to revise the pay agreement follows feedback from staff and management who had identified that the document was out of date and there was a need to update it and increase the enhanced overtime limits to ensure the prospect of enhanced overtime is desirable for employees. This change was agreed by the Chief Executive and SLT and all the changes included in the agreement have also been the subject of consultation with the Council’s Monitoring Officer.

**2. Details of Proposal or Information**

The revised pay agreement included at Appendix 1, introduces several key changes to the existing document:

- 2.1 One significant update is the lifting of the grade limit on enhanced overtime from the top of grade 6 to the top of grade 7. This change aims to provide greater equity and flexibility for employees to one grade higher, allowing them to access enhanced overtime pay that was previously unavailable to them under the previous agreement. This adjustment aligns with evolving pay levels, job responsibilities and workloads across various departments.
- 2.2 In addition to the change in overtime pay, the agreement includes updates to terminology and post titles.

Furthermore, efforts have been made to make the document less time-specific. The updated track changed agreement removes many specific rates, which will reduce the frequency of required updates and make the document more sustainable in the long term. This approach will ensure that the pay agreement remains relevant and where possible adaptable to future changes without the need for constant revisions.

**3. Reasons for Recommendation**

- 3.1 To update the Council's Pay Agreement and reduce the level of time specific figures included.

**4. Alternative Options and Reasons for Rejection**

- 4.1 An alternative option would be to continue to use the existing outdated pay agreement.

**RECOMMENDATION(S)**

- 1. To approve the Council's revised Pay Agreement.

Approved by Councillor Moesby, Portfolio Holder for Resources

**IMPLICATIONS:**

<b><u>Finance and Risk</u></b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Details:</b>		
There will be a small increase to staffing costs as the Overtime limit is lifted from Grade 6 to Grade 7.		
On behalf of the Section 151 Officer		

<u><b>Legal (including Data Protection)</b></u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Details:		
On behalf of the Solicitor to the Council		
<u><b>Staffing</b></u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Details: The Pay Agreement sets out pay conditions for BDC staff.		
On behalf of the Head of Paid Service		
<u><b>Equality and Diversity, and Consultation</b></u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Details:		
<u><b>Environment</b></u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.		
Details:		

**DECISION INFORMATION:**

<input checked="" type="checkbox"/> <b><i>Please indicate which threshold applies:</i></b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Revenue (a)</b> Results in the Council making Revenue Savings of £75,000 or more or <b>(b)</b> Results in the Council incurring Revenue Expenditure of £75,000 or more.	(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/>
<b>Capital (a)</b> Results in the Council making Capital Income of £150,000 or more or <b>(b)</b> Results in the Council incurring Capital Expenditure of £150,000 or more.	(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/>
<b>District Wards Significantly Affected:</b> <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state below which wards are affected or tick <b>All</b> if all wards are affected:	All <input type="checkbox"/>

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<p><b>Is the decision subject to Call-In?</b>  <i>(Only Key Decisions are subject to Call-In)</i></p> <p>If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i></p> <p><b>Consultation carried out:</b>  <i>(this is any consultation carried out prior to the report being presented for approval)</i></p> <p>Leader <input type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input checked="" type="checkbox"/>  Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/>  Other <input type="checkbox"/></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
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<b>Links to Council Ambition: Customers, Economy, Environment, Housing</b>

**DOCUMENT INFORMATION:**

Appendix No	Title
1.	Revised Pay Agreement document

<b>Background Papers</b>
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).</i>

DECEMBER 2024



Bolsover District Council Pay Agreement

Pay and Conditions of Service

April 202546



SOCIAL INCLUSION



STRATEGIC ORGANISATIONAL  
DEVELOPMENT

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## 1. Implementing Equal Pay

- 1.1 In 1997 the National Joint Council (NJC) introduced a new National Agreement for Local Government Services (The Green Book). This agreement replaced the terms and conditions of service in the old Purple Book (former officers) and White Book (former manual workers). The new agreement was generally called The Single Status Agreement since its intention was to introduce equal pay and eliminate the old blue/white collar divides.
- 1.2 The first affect of this new agreement was to introduce the 37-hour week. The agreement allows for certain conditions of service to be agreed locally once there has been an audit of the equal pay issues and full consultation with the Unions (UNISON and UNITE). The agreement also recommended a job evaluation scheme to ensure that equal pay would be part of any review. As you are aware Bolsover District Council have complied with all of these terms and implemented from 1 April 2009 for the majority of employees. Red Book employees (Craft Workers) were job evaluated during 2009 and agreed to move to Green Book terms and conditions from 1 May 2010.
- 1.3 We've tried to make this package of proposals as easy to understand as possible. But it does cover a number of aspects of your terms and conditions of service, and so a detailed explanation of how it works has to include some technical expressions and phrases that may be new to you. We've included a list and explanation of some of the more common words and phrases used in single status – you can find this on page 19. We hope this is helpful.
- 1.4 At the heart of the National Agreement is the principle of fairness and equality for all employees; equalising pay differences across the council that have existed for decades means that some jobs will be graded higher than before, some will be graded lower than before and some allowances will change or stop.
- 1.5 We recognise how difficult this will be for affected employees, so we have developed a salary protection scheme which will protect employee pay for one year.
- 1.6 The Council as part of this agreement has conducted an Equal Pay Audit to ensure that the gender pay gap has reduced. The Council will investigate the validity of any claims received and may make an offer of compensation to the individual employee(s) by using a standard procedure agreed by ACAS to settle such claims. The Council accepts that the Trade Unions will have to advise their members of their employment rights in relation to any offer made, and the Unions may support their members in taking equal pay claims.
- 1.7 Regular Equal Pay Audits will be carried out jointly between management and the trade unions and action plans produced. Interim Equal Pay Audits will be carried out when any significant changes occur.
- 1.8 An Equality Impact Assessment was carried out on this Pay Agreement to establish the gender equality impact of these changes. This will be kept under review through the regular Equal Pay Audits outlined above.
- 1.9 This booklet aims to cover the key aspects of the potential agreement and what it means to you. It includes explanations on the following:

- Pay and grading structure
- Incremental Progression
- Market Supplements
- Assimilation into the new pay structure
- Protection
- Proposed terms and conditions of service
- Reimbursement of Expenditure
- Flexible working
- Process for future changes

This documentation is also available on the Council's Intranet site (ERIC). Your manager, trade union representative and ~~human resources~~[HR & Payroll](#) team will also have copies of this booklet and will be able to answer the questions you raise.

## 2. Pay and Grading Structure

### 2.1 Grading Structure Explanation

2.1.1 ~~The chart (Appendix 1) illustrates the grading structure.~~ The grading structure has 12 grades. The first two grades have fixed salary points. ( see point 2.1.1.1.) The remaining grades allow progression by steps (known as increments) within each grade. The grades are numbered from 1 (the lowest) to 12 (the highest). Down the left hand side of the chart are the figures showing the minimum and maximum points for each grade. For instance, grade 1 show up to 300 points. This means if you have a job evaluation score up to and including 300 points you will be placed within this grade for your basic salary.

2.1.1.1 The Council has adopted the Living Wage with effect from 1<sup>st</sup> December 2013. ~~The Council's hourly rates for Grade 1 and 2 respectively fell below the Living Wage.~~ In line with other Councils that had adopted Living Wage, the Council agreed to adopt the Living Wage by inserting and maintaining an additional spinal point at the level of the Living Wage for all employees whose evaluated grade fell below this level.

2.1.2 Heads of Service, who have, 741 points or more, ~~will have been~~ placed ~~o~~n grade 12 and will be subject to the JNC for Chief Officers National Agreement (Blue Book). Other Heads of Service with less than 741 points will be subject to the NJC for Local Government Employees (Green Book). ~~Further details of senior managers pay is provided in Appendix Two.~~

~~2.1.3 There will be no multi-graded posts. Movement to another grade means a move into a higher evaluated job.~~

2.1.4 Funding for the new pay structure has been made assuming that employees will progress through increments, and budgets will be adjusted to reflect this. **Any changes to jobs will need to be agreed with the relevant Assistant Director Head of Service and re-evaluated prior to implementation of any changes. Any changes which result in a change in grade will need to be agreed by the Chief Executive Officer and Council where necessary. For full details see the Grading Review Procedure**

2.1.5 You can determine your hourly/weekly rate of pay as follows:

#### Hourly rate

Annual Salary ÷ ~~365 x 752.143~~ ÷ 37

#### Weekly rate

Take your hourly rate and multiply by the number of hours you are contracted to work each week (see table below for examples)

Hourly Rate (£)	Hours Per Week	Weekly Rate (£)
10.00	20	200.00
10.00	37	£370.00

2.1.6 If you are a part time employee you can determine your annual salary by dividing the full time annual salary by 37 and multiplying by your part time hours.

## 2.2 Incremental Progression

- 2.2.1 With the exception of the first 2 grades, incremental progression will happen automatically. If you are assimilated into the new grading structure below the top point of your new grade, incremental progression will continue every 12 months, and is effective on the first of the following month following a years service at said grade, and annually thereafter from the implementation date/effective date of grade change until the top of the grade is reached.
- 2.2.2 Recruitment will normally be to the first point of the grade, or **in exceptional circumstances** (as agreed with ~~the Head of Human Resources~~HR & Payroll Team/Payroll) will reflect a level commensurate with candidates existing skills and experience in the job.
- 2.2.3 New recruits or existing employees who apply for and are appointed to a new post (including secondments). In both cases, increments will only become due from 1st of the month following completion of 12 month's service with the Council from appointment to post. Following this future increments will be awarded automatically on the anniversary of the first increment until the top of the grade is reached.

## 2.3 Market Supplements

- 2.3.1 ~~Local government pay levels have failed to keep up with inflation, particularly in recent years. Posts are~~You have been placed in the ~~new~~ grading structure based on the evaluated score for ~~theyour~~ job. At certain times some types of jobs are very scarce either because of national shortages or high demand for certain skills. The consequence of this is recruitment and retention problems in the service. ~~Therefore in exceptional~~In these circumstances market supplements can be paid in order to attract good candidates and retain excellent staff. This will be subject to the approval of the Council's Head of Paid Service in consultation with the HR & Payroll lead.
- 2.3.2 Market supplements will be shown separately in the Contract of Employment and be subject to an annual review by ~~Governance Management Senior Leadership~~ Team. Market supplements will be increased by the percentage increase agreed through the national pay award.
- 2.3.3 ~~The full criteria for payment of market supplements are set out in the Recruitment and Retention (Market Supplement) Procedure, which can be found on the Intranet (ERIC).~~

## 2.4 Repairs and Maintenance Apprentices

- ~~2.4.1 Repairs and Maintenance Apprentices undertaking a qualification to NVQ Level 3 will be paid the following percentage of the bottom of the qualified grade for their specialist trade:~~

A g e at E	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year

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nt ry				
1 6	55%	70%	90%	95%
1 7	55%	80%	90%	95%
1 8 +	80%	85%	90%	95%

Multi-skilled apprentices under the Public Sector Apprenticeship Scheme are paid on separate training contract arrangements.

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### 3. Terms and Conditions

#### 3.1 Changes to Allowances

- 3.1.1 A small number of allowances have been stopped or changed because either:  
(a) employees were getting different allowances; or  
(b) the reason for the payment is now included in the job evaluation points score.
- 3.1.2 Where allowances were paid these will not be part of the protection of earnings.
- 3.1.3 Allowances that **will not** continue to be paid and are not part of protection of earnings (see p27) are:

- Meal Allowance (Subsistence)
- Relocation Payment – Change of Workplace
- Footwear Allowance
- Overall Allowance
- Split Shift Payment
- Home Telephone Allowance
- Night Work Allowance
- Leisure Training Rate\*
- Leisure Unpaid Overtime Bank of 220 hours
- Team Leader Allowances
- Priced Works Payments
- Standby
- Profit Share
- Bonus Payments
- Intercom Allowance
- Tool Allowance (with the exception of Mechanics, see 3.2.11)

\*Training will be accommodated in normal working hours. Where this is not practicable time off in lieu will be granted.

- 3.1.4 Allowances which have been changed and are not part of protection of earnings (see p27) are:
- Shift Allowance
  - Saturday and Sunday Working
  - Overtime Payments
  - First Aid Allowance
- 3.1.5 For the avoidance of doubt any allowance not listed in 3.2 of this agreement will be considered and dealt with as part of a separate negotiation.

## 3.2 New Allowances and Allowances which are continuing:

### 3.2.1 Who is Eligible

The new allowances which are listed below will be applied to all eligible employees across the Council, except where specifically stated. If you are unsure whether or not you qualify – ask a member of the HR Team.

### 3.2.2 Shift Allowance

To qualify for a shift allowance you have to be working on a rota covering 24 hours. The allowance will be:

**Rotating shift (full 24 hours) – 17% of basic pay**

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**This allowance is not payable to those employees on SCP17 or above.**

### 3.2.3 Saturday and Sunday Working

If weekend working is part of the normal working week (that is regular rostered weekend working) then no additional allowance will be paid.

For all other employees on SCP16 or below, where required by their [Assistant Director/Head of Service](#) to work on a Saturday/Sunday (excluding home working), you will receive payment for all hours worked in accordance with paragraph 3.2.5 (Overtime).

This allowance is not payable to employees on SCP17 or over.

### 3.2.4 Bank Holiday Working

Any employee rostered to work on a bank holiday will be paid, in addition to their normal pay for that day, payment at plain time rate for all hours worked. For the purposes of this agreement the following are designated bank holidays:

New Years Day  
Good Friday  
Easter Monday  
May Day  
Spring Bank Holiday Monday  
August Bank Holiday Monday  
Christmas Day  
Boxing Day

Additional annual leave will be granted as follows:

Less than half normal hours worked – half day  
More than half normal hours worked – full day

This allowance is not payable to those employees on JNC Chief Officer terms and conditions.

Detailed guidance in respect of payments/holidays due under these provisions is available from the [HR & Payroll](#) Team.

### 3.2.5 Overtime

When requested by your manager, and once the full time hours have been completed, i.e. 37 hours, employees may receive overtime payments. Part time employees will receive basic pay up to 37 hours per week. **Overtime is not guaranteed.**

For employees conditioned to the Council's Flexitime Scheme the following conditions will apply:

- It must be pre-programmed and pre-authorized by their Manager
- A budget must exist to pay for the overtime
- 37 hours must have been worked in each week that overtime is payable
- When 37 hours have been worked and an employee's flexi balance is in credit, there will be an opportunity to earn overtime, at basic pay, for hours worked between Monday to Friday 7 a.m. ~~to 8 a.m. and 6 p.m.~~ to 7 p.m. Alternatively this time could be credited to their flexi balance as per the Council's Flexi Time Scheme
- Any other credit hours between Monday to Friday 8 a.m. and 6 p.m. must be added to the flexi balance up to and including 15 hours credit
- Where an employee's flexi balance is above 15 hours then overtime will be paid at time and half of basic pay on all additional hours worked regardless of the time of day
- For overtime worked outside these hours the following rates will apply:

Monday to Saturday Time and half of basic pay  
Sunday Double time

For employees on or above SCP~~2147~~ enhanced rates will not be paid. In normal circumstances these employees are expected to accrue and bank approved additional hours as time off in lieu. Managers have a responsibility under health and safety legislation to ensure that excessive hours are not worked and that accumulated TOIL is taken on a regular basis.

***In exceptional circumstances the Chief Executive or Senior Leadership Strategic Alliance Management Team may agree that overtime at plain time rates may be paid, to employees on SCP 2147-36, in order to clear backlogs, catch up on projects, or specialised business requirements, subject to the expenditure being contained within existing budgets.***

Overtime payments are full settlement and are not enhanced by any other allowance.

This allowance is not payable to those employees on JNC Chief Officer terms and conditions.

### 3.2.6 First Aid Allowance

If you occupy a post for which a first aid qualification is a requirement of the post you will not qualify for this allowance as this will have been included in your job evaluation score. At present this applies to employees in Leisure Services and Housing Wardens. If in doubt please ask a member of the HR Team.



Voluntary first aiders will receive a monthly payment as set for the year of £8.69\* per month, with pro rata payments to part timers.

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Payments will be suspended following three months of continuous sickness absence or maternity/paternity leave and will recommence upon an employee's return to work.

\* From 1<sup>st</sup> April 2022 based on 2022/2023 pay rates From January 2015 based on 2014/2016 pay rates

### 3.2.7 Standby

Mobile Wardens in the Housing Department are contractually required to carry out standby duties in terms of vulnerable adults. This payment is necessary to satisfy the requirements of the Working Time Regulations due to the restrictions applied to these individuals whilst undertaking standby duties.

They will continue to receive the following annually reviewed payments for overnight sessions and Saturday, Sunday and Bank Holidays 12 hour sessions:

- Monday - Friday - £20.3423.58 per overnight session\*
- Sat, Sun & B Hol - £30.5035.37 per 12 hour session\*

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\* From January 2015 based on 2014/2016 pay rates 1st April 2022 based on 2022/2023 pay rates

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No other employees currently have a contractual requirement to undertake standby duties and will not, therefore, qualify for a standby payment.

### 3.2.8 Call Out/Disturbance Allowance

All employees on SCP1-36, called out to deal with emergency situations 'out of hours', will be paid a plain time hourly rate based on SCP16 for time taken to deal with the emergency, including travelling time to/from the location.

Employees required to deal with an emergency over the telephone will receive the above payment where they have spent a considerable time on the telephone and carrying out the necessary action(s). A considerable time is defined as a minimum of one hour.

This allowance is not payable to those employees on JNC Chief Officer terms and conditions.

### 3.2.9 Reimbursement of Expenditure for Business Travel

~~Currently employees are conditioned to the NJC national car allowances scheme, and some employees have chosen to sign up to a locally agreed lease car scheme. Details of the car user scheme are contained within the Green Book. Details of the lease car scheme are available from Financial Services.~~

~~Since December 2010, the lease car scheme has been closed to new entrants and renewals have only been allowed to take place up to a final end date of 31 March 2013.~~

From 1 April 2013 the Council will pay reimbursement for business mileage in accordance with the HMRC national mileage rates for cars/vans, ~~which is currently 45p per mile. Contribution rates for the remaining lease car users will be amended from 1 April 2013 to reflect this change. The lease car scheme will cease completely from 1 April 2014.~~

Following spiralling fuel costs, from 1st July 2022 the council introduced a new temporary higher rate of 60p per mile, which remains in place and monitored.

### 3.2.10 Enhancements in lieu of annual leave (amended)

Casual workers are entitled to the equivalent of 28 days annual leave during each holiday year (including all bank holiday entitlements), calculated on a pro rata basis depending on the number of hours that actually worked.

Annual leave must be taken in line with the operational needs of the Council and agreed in advance with a supervisor. If any public holidays and/or 'fixed closure days' fall during the period of this engagement the casual worker may take annual leave on such days, with the agreement of their supervisor, from their accrued statutory leave entitlement. When the arrangement for casual work is terminated the casual worker will be paid for holidays accrued but not taken on a pro rata basis.

Part time employees who work additional hours over and above their contractual hours may accrue additional annual leave on a pro rata basis based on the Council's annual leave entitlement and the additional hours.

### 3.2.11 Tool Allowance (Mechanics)

A tool allowance will be paid to Mechanics based on the Craft JNC National Agreement ('Red Book' rate of £6.81\*8.20 per week. This will be increased in line with national tool allowance increases.

~~\*Amount based on 2010/11 pay rates~~ 2022/2023 pay rates

### 3.2.12 Central Control Operators

This group of employees have unique features of their job as follows:-

- 24 hour three shift rota
- Working 8 hour shifts with no opportunity to leave the workplace
- Annual leave and sick leave subject to 'partner' covering shift
- Handover period at end of shift
- Exempt from Working Time Regulations based on need for continuity of service
- Exempt from taking strike action based on being a critical life and limb service
- Other organisations as customers
- Contractual requirements with Derbyshire County Council Supporting People

No other group of employees have all of these unique features.

With effect from 1<sup>st</sup> October 2009 these employees will be paid an all inclusive salary on Grade 7 and none of the allowances outlined in paragraphs 3.2.2-3.2.11 will apply. ~~No backdating of this all inclusive salary will apply.~~

Part time Central Control Operators will receive a 34% enhancement on all hours worked in recognition of regular unsocial hours shifts worked on a Saturday/Sunday/Bank Holiday. This allowance will be removed following three months continuous absence. When covering for full time central control operators absence, the 34% enhancement will not apply.

### 3.2.13 Protective Clothing

New employees will be issued with a standard set of protective clothing, including safety boots, which will be replaced as and when required with the old clothing being returned before new clothing can be issued.

### 3.2.14 NVQ Level 2 in Multi-Skilling

~~As a result of mobile working in the Repairs and Maintenance Service the Council needs to ensure that all employees are working to the same standard in terms of other trades. This change will also require employees to use new technology, e.g. PDA's.~~

~~If you are employed as a Plumber, Bricklayer, Joiner or Painter, which is currently evaluated at Grade 5, you will be provided with an opportunity to obtain a NVQ Level 2 in Multi-Skilling. Upon attainment of this qualification you will move to the bottom of Grade 6 with effect from the 1<sup>st</sup> of the month following notification of attainment.~~

~~New employees recruited with this qualification will be appointed to the bottom of Grade 6.~~

## **4. Reimbursement of Expenditure**

### **4.1 Meal Allowances**

- 4.1.1 Reimbursement of expenditure for meals (subsistence) will no longer be paid.
- 4.1.2 Exceptionally, where attendance at a seminar or similar does not include the provision of meals, reimbursement of reasonable expenses, subject to submission of receipts, may be made subject to the prior approval of the appropriate Head of Service/Director.
- 4.1.3 No reimbursement of expenditure is payable for employees attending qualification training courses.

### **4.2 Overnight Accommodation**

- 4.2.1 For employees, overnight accommodation is currently booked through HR as part of the training and seminar booking procedure. There is no current limit on overnight accommodation, but the Manager who signs the booking form must ensure that the expenditure is reasonable.
- 4.2.2 Overnight accommodation connected with a seminar/training event must be booked through HR as part of the Learning & Development Procedure.
- 4.2.3 In exceptional circumstances, where the Council is not being invoiced directly by the hotel, payment of expenditure will be in arrears, subject to the prior approval of the appropriate Head of Service/Director and subject to submission of receipts. The expenses should be deemed to be reasonable in the circumstances.

### **4.3 Car Parking**

- 4.3.1 Fees will be paid at actual costs but they must be supported by receipts.

### **4.4 Travel Fares**

- 4.4.1 In determining the mode of transport to be used for business journeys, employees must take into account economic and environmental issues.
- 4.4.2 The rate for public transport should not exceed the ordinary fare, or in the case of rail travel, the second class fare rate. In exceptional circumstances, first class rail fare may be permitted with the prior approval of the appropriate Director. Receipts and/or tickets must support all retrospective claims for travel fares.
- 4.4.3 Claims for car mileage should be made in accordance with the nationally agreed scheme.
- 4.4.4 Reimbursement of expenditure will not be paid in relation to mileage incurred in relation to qualification training courses.

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#### **4.5 Special Licences**

- 4.5.1 The cost of renewing an LGV, PSV or other licence which is required as part of the employee's duties can be reclaimed.

#### **4.6 Medical Expenses**

- 4.6.1 Medical expenses incurred in connection with employment will be made in accordance with the relevant Council Policy, e.g. Safety Glasses, Eye Tests.

#### **4.7 Change in Place of Work**

- 4.7.1 Whilst employees may be based at one place of work, they can be required to work at any location within the District. Where an employee is required to relocate to a different location within the District **no payment** will be made in terms of additional costs relating to travel or additional travel time.

## 5. Other Terms and Conditions

### 5.1 Introduction

5.1.1 As well as a new pay structure, this agreement also covers other important parts of your working life. These aim to make sure that all employees are treated fairly across the organisation.

### 5.2 Acting up arrangements

5.2.1 The Council recognises its responsibility in providing employee learning and development opportunities and our approach is set out in the Council's Learning and Development Policy, which is available on the Intranet (ERIC).

5.2.2 Part of this development is acting up to cover the absence of higher graded employees for periods of up to one month. For acting up for a period of one month or over (e.g. maternity leave) the first point of the relevant grade will normally be paid, (a minimum of two increments above the employees current rate), and this will be retrospectively backdated to the date the acting up commenced. Please note that some former manual workers also now receive incremental rates so will not receive a change of rate for acting-up for periods less than one month.

5.2.3 Where acting up involves the sharing of duties between two/three employees, or only part of the duties of the higher graded post are being undertaken, the Head of Service can seek the approval of their Director to determine the amount of the increase based on the percentage of duties covered.

5.2.4 Where the 'acting up' payment can be contained within current budgets, approval can be given by the Director. If the additional expenditure cannot be contained within budgets, approval of the Chief Executive Officer is required.

### 5.3 Annual leave

5.3.1 Annual Leave for full time employees in the following groups is set out in the table below. Entitlements for part-timers will be pro rata. The leave year runs from 1 April to 31 March.

Negotiating Group	Below 5 years service	Above 5 years service
Chief Executive	<del>33-34</del> days + 3 concessionary days	<del>33-34</del> days + 3 concessionary days
JNC for Chief Officers	<del>31-32</del> days + 3 concessionary days	<del>31-32</del> days + 3 concessionary days
Green Book employees	* <del>22-23</del> days + 3 concessionary days	* <del>27-28</del> days + 3 concessionary days

\* For those employees who work between Christmas and New Year their total annual leave entitlement will be ~~25/26~~/~~30-31~~ days with no concessionary days.

- 5.3.2 All employees are entitled, in addition to the above, to half a day of leave on Christmas Eve or the last working day before Christmas Eve (pro rata for part timers). The half-day will only be granted to those employees who are rostered to work on this day.
- 5.3.3 If an employee is required to provide emergency cover, e.g. Central Control, a half-day will be added to their annual leave.
- 5.3.4 If you do not take your full entitlement of annual leave you cannot carry it over to the next year or get paid for the leave unless the Council has prevented you from taking the annual leave. If this is the case you can carry over up to five days ([pro rated for part time staff](#)), with the prior approval of your Head of Service. Managers will make sure that employees get proper breaks by monitoring annual leave.

## 5.5 Public holidays

- 5.5.1 The Council will still be closed on the following eight days, so these will be counted as public holidays and a day off for most employees.

Good Friday  
Easter Monday  
May Day Monday  
Spring Bank Holiday Monday  
August Bank Holiday Monday  
Christmas Day  
Boxing Day  
New Year's Day

- 5.5.2 Bank holiday enhanced payments will continue to apply to all of these days (see 3.2.4).



## 6. Future Changes

Any changes agreed at a National Level in respect of Part 2 of the Green Book will automatically amend this agreement.

### 6.1 Local Changes to Terms and Conditions

- 6.1.1 Managers and Trade Unions wishing to have new arrangements considered must submit proposals to the ~~Human Resources~~HR & Payroll Team for a full equality impact assessment to be made of the implications of any proposal for the whole workforce.

### 6.2 Grading Review Procedure

- 6.2.1 The Grading Review Procedure and associated forms are available on the Intranet (ERIC). Should additional duties and responsibilities be assigned to their job employees can use this procedure from implementation of this pay agreement. Equally where duties and responsibilities are removed from a job this procedure must be used by managers to assess the impact on any factor scores/grade.
- 6.2.2 Managers must ensure before assigning additional duties and responsibilities to a job, that any resulting increase in salary can be contained within existing budgets (subject to Financial Regulations). This excludes employees required to 'Act Up' in the absence of a higher graded employee (see paragraph 5.3).
- 6.2.3 Where duties are transferring between departments, both Assistant Directors~~Heads of Service~~ and Directors must be involved in implementing the Grading Review Procedure in the interests of fairness and transparency.
- 6.2.4 Any changes will be evaluated jointly by HR and a Trade Union Representative. If the changes potentially affect the grade this will be brought to the attention of ~~the relevant Strategic Alliance Management Senior Leadership Team member,~~ following which any agreed changes will be implemented for a trial period of six months from the change to enable the actual impact to be evaluated. ~~Where the trial period demonstrates the change has resulted in a move to a higher grade, the Chief Executive Officer will authorise the change in the establishment and extra expenditure incurred up to a limit of £3,000 basic salary per annum, per employee under his delegated powers.~~
- 6.2.5 Where the agreed changes result in a reduction in pay current earnings will be protected for 1 year from submission of the Grading Review Procedure.

## 7. Flexible Working Arrangements

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### 7.1 Work Life Balance

- 7.1.1 Subject to service requirements and fair team working, people can adapt their working patterns to suit their personal needs and that the organisation can offer the kind of service improvements that customers increasingly demand. Flexible working covers a wide range of issues. Some of these are covered by government legislation – the flexibility we offer to new parents or adult carers, for example. Others have been developed over years to help our employees develop their career and get the right work/life balance that helps create an efficient and motivated workforce.
- 7.1.2 The Work Life Balance Policy has a range of working patterns that ensure that work life balance can be addressed in a variety of ways. To make a request for some statutory aspects of flexible working you must have worked for the Council for 26 weeks continuously. (Information on these is available from the [Human ResourcesHR & Payroll](#) Team)

### 7.2 What flexible working means

- 7.2.1 The Council has in place an extensive Work Life Balance Policy which provides the right for employees to request variations to their working patterns. These are detailed below:
- 7.2.2 **Flexi-time** averages your working hours over 1 month and covers 12 hours of the day (between 7.00 am and 7.00 p.m.). There are no core times within the scheme when employees must be at work, but the needs of the service will determine staffing levels during the main part of the day, i.e. between 9 a.m. and 5 p.m. An employee who accrues excess hours can take time off up to 2 days per month. The full flexitime scheme is available on the Intranet (ERIC).
- 7.2.3 **Annualised hours** will see your hours defined on an annual or seasonal basis and may be very different over a year. Annualised hours are usually applied to a whole work group and may be introduced initially on a temporary trial basis. The average of annualised hours will be 37 hours per week (pro rata for part timer employees). The evaluated annual salary will be paid as 12 equal monthly payments and not vary with changing hours. Annualised working agreements are reached at service level in consultation with the recognised trade unions.
- 7.2.4 **Voluntarily reduced hours working** means you can work reduced or variable hours on an agreed short term and temporary basis. Salary will be pro-rated for the agreed period.
- 7.2.5 **Team/self-determined rotas** give teams the opportunity to propose the patterns they want to work outside of formal shift arrangements. Any arrangements (including mutually agreed shift swaps) will only be approved if service needs are met or improved.
- 7.2.6 **Working compressed weeks/fortnights** are where the same weekly basic hours are worked over, for example, four and half days or nine days out of ten. This is useful for services where there are longer working days and for

employees who get the opportunity to take a longer weekend. This allows the possibility of an evening or Saturday morning service to be offered to customers.

- 7.2.7 **Home working/hot desking.** If you work partly from home or in different places you may not have a permanent office base. This way of working can be introduced on a trial basis for groups of employees or individuals.
- 7.2.8 **Job share.** If you share a full time post with another employee you will usually work half the week each, but other proportional arrangements may apply. You may also be required to provide cover in the absence of your job share partner.
- 7.2.9 **Unpaid Career breaks.** You can take a career break for up to five years. This gives you the opportunity of returning to the Council without having to apply for a new job instead you will be offered suitable jobs (as they become available) on the grade you were on when you took the break for a period of up to 12 months. If you are on a career break you will not have a contract of employment except during periods of training or work experience, at least two paid weeks per year to update your knowledge and provide holiday cover for some teams.
- 7.2.10 Any requests from an employee to vary their working pattern must be made on the Flexible Working Requests form in the Work-Life Balance Toolkit – Guidance for Managers and Employees on the Intranet (ERIC). Copies of this form are available from the [Human Resources HR & Payroll](#) Team.

### 7.3 Legislation covering flexible working

- 7.3.1 The [Flexible Working Employment Act 2023](#) gives qualifying employees the right to request flexible working to care for a child, or vulnerable adult, although employers can refuse this request on business grounds.
- 7.3.2 If flexible working arrangements are agreed between yourself and your Head of Service it normally means a permanent change to your substantive terms and conditions of employment. You do not have a contractual right to revert back to former work patterns if your circumstances change, although you may be able to mutually agree to return to former work patterns. If flexible working arrangements reduce your normal working hours, this will affect your local government pension entitlements.

### ~~7.4—Compassionate Leave (leave for other dependants)~~

- ~~7.4.1—The Council has a compassionate leave scheme to support employees facing personal or family problems. Further details are available on the Intranet (ERIC) under Leave Guidelines or from the Human Resources Team~~

## 8. Glossary of useful terms

### **Acting-Up**

- When an employee formally covers the job, or part of the job, of a higher graded employee

### **Assimilation**

- The means by which a job holder moves from the old pay structure to the new pay structure when their current earnings are rounded up to meet the nearest spinal column point in the new grade

### **Annual salary**

- The total earnings for the year made up of basic pay (excluding any allowances received). This is usually divided by 12 to arrive at the monthly salary

### **Grade**

- A grade may contain one fixed point or a range of spinal column points which define the maximum and minimum of the grade

### **Grading structure**

- The relationship of pay grades to job evaluation scores which define the spinal column points for each grade

### **Green Book**

- The NJC National Agreement on Pay and Conditions of service. This incorporates key national provisions and guidance on the Job Evaluation Scheme

### **Increment**

- The step in earnings between one spinal column point and the next

### **Job**

- A range of tasks, activities and responsibilities defined in the job evaluation scheme, which is undertaken by one or more jobholders

### **Job evaluation**

- The process by which the different requirements within a job are given a points value according to a set of common factors

### **Job evaluation scheme**

- The description of the factors and levels, which determine the job evaluation score. The National Job Evaluation scheme is described in the green book

### **Job holder**

- An employee or number of employees occupying a job evaluated as the same job

### **Job Description Questionnaire (JDQ)**

- The form (designed nationally) on which the jobholder describes the duties of their job under the different factor headings

### **LGPS (Local Government Pension Scheme)**

- This is the body which manages the pension scheme for all local authority workers (excluding teachers)

**Market supplements**

- An additional level of earnings usually paid for a particular job in the Council in order to recruit and retain certain skills. Market Supplements will be reviewed annually by Governance Management Team. They are not consolidated into basic pay, and are shown separately in the contract of employment

**Multi-Graded Posts**

- Under the old grading structure some posts had the opportunity to progress, by annual increments, through more than one grade, e.g. Scale 6/SO1. Multi-Graded posts will not exist in the new grading structure

**National Joint Council (NJC)**

- The National Joint Council for Local Government Services is the body, which decides the pay and conditions of service for many people in local government. These decisions and rules are written into the 'Green Book'

**Normal pay**

- The combination of annual salary and regular allowances which are paid through periods of holidays, sickness and other forms of leave

**Pay spine**

- The list of annual salaries which make up the grades for the pay structure, there are 39 spinal column points on the pay spine each of which represents one increment

**Plain time rate**

- Plain time rate is the basic hourly rate for the job

**Post**

- Each job holder occupies a post within the same job

**Pro-rata**

- A proportion of the full time salary or working hours

**Recruitment and retention**

- The purpose of any pay scheme is for an employer to be able to recruit and retain the people able to do the jobs required by the organisation

**Roster/rota**

- The plan for how working hours over a period of time (day/week/month) are to be covered by employees.

**Spinal Column Point (SCP)**

- The pay spine is divided up into money values, each of which is called a spinal column point. There are 39 spinal column points on the new pay spine

**Shifts**

- Are the periods of time, over 24 hours, during which the service must be provided

**Single Status**

- This the common name given to the agreement reached in 1997 by the National Joint Council for Local Government Services (Green Book)

**Skills**

- Techniques gained from knowledge, learning and experience, which enable the jobholder to meet the requirements of the job in the most efficient and effective way

### **Working Time Regulations**

- These are the rules, which the Government sets, which limit the amount of work people, can do, with minimum levels for holidays and rest breaks for the health and safety of employees. Information is available from the [Human ResourcesHR & Payroll](#) Team

## 9. Useful contact numbers

You may have ~~a number of~~ queries or concerns about the ~~details~~ ~~changes outlined~~ in this agreement. There are a number of ways you can talk to someone who will be able to give you help and advice on a variety of ~~pay issues~~ ~~single status issues~~.

A dedicated part of the Council's Intranet site includes all documentation around job evaluation and single status,

- You can contact your line manager in the usual way

- 

- You can also ring ~~the HR & Payroll Team~~ ~~the hotlines:~~

- Telephone: 01246 ~~242430, 01246 242496 and 01246 242411~~
  - ~~242525~~

~~These lines are staffed by HR Officers who will try and help you with your query.~~

You can also contact a member of the trade union on the following numbers:-

Steve Sambrooks (UNITE) ~~07788 505953~~ ~~01246 593095~~  
~~Liz Robinson~~ ~~Kevin Shillito~~ ~~Jim Wilmet~~ (UNISON) ~~01246~~  
~~2422202507/01246 242246~~

## 10. Conclusion

This booklet has been designed to give as much explanation as possible about the implications of the new pay arrangements. Inevitably it is difficult in a single communication to cover everyone's situation so please ask for help or advice from one of the contact possibilities above.

Thank you for your co-operation

~~Karen Hanson~~ ~~Wes Lumley~~  
Chief Executive  
Bolsover District Council

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**APPENDIX ONE**

**GRADING STRUCTURE**

Points From	To	Grade	Spinal Column Points	Salary points within each grade
-	Up to 300	1	1	13,550
301	344	2	2	14,165
			<b>Living Wage</b>	15,916
345	388	3	3	16,264
			4	16,503
			5	17,048
389	432	4	6	17,816
			7	18,617
			8	19,455
433	476	5	9	20,098
			10	20,760
			11	21,446
			12	22,153
477	520	6	13	22,928
			14	23,731
			15	24,562
			16	25,420
521	564	7	17	26,184
			18	26,969
			19	27,777
			20	28,611
565	608	8	21	29,870
			22	31,184
			23	32,556
			24	33,989
609	652	9	25	35,196
			26	36,446
			27	37,739
			28	39,079
653	696	10	29	39,860
			30	40,657
			31	41,471
			32	42,301
697	740	11	33	43,041
			34	43,793
			35	44,559
			36	45,339
741+	-	12	37	45,731
			38	46,659
			39	47,586



## Pay Policy

### 1. Introduction

This Pay Policy for Bolsover District Council has been prepared in accordance with regulation 38 (1) of the Localism Act 2011.

The Council's Pay Policy for Chief Officer which covers appointments, remuneration and terms and conditions of appointment are set at Full Council before they come into force and are prepared annually. The responsibility to approve the Pay Policy cannot be delegated from Council.

This Policy relates to the period from 1<sup>st</sup> April 2016 to 31 March 2017 and may be amended by Council during this time.

### 2. Scope

The Pay Policy relates to Chief Officers as defined by the Local Government and Housing Act 1989 and includes the following posts:-

- Head of Paid Service (Chief Executive Officer)
- Monitoring Officer
- Statutory Chief Officer under Section 151 of the Local Government Act 1972
- Non Statutory Chief Officers who report directly to the Head of Paid Service
- Deputy Chief Officers who report directly to a Statutory or Non Statutory Officer

### 3. Background

3.1. This Council is committed to the principle of equal pay.

#### 3.2. Whole Workforce

3.2.1. In order to secure equal pay within the organisation, job evaluation was applied to all posts (including Chief Officers). Chief Officers carrying out the role of Heads of Service were included in a new grading structure implemented for the whole workforce in April 2009. This grading structure placed Heads of Service who scored more than 741 points on Grade 12 within the Grading Structure at Appendix One. Grade 12 applies to Chief Officers who do not have joint post as described at point 3.3 below. Other Heads of Service scoring less than 741 points were placed within Grade 11 and are not conditioned to the JNC National Agreement for Chief Officers.

### ~~3.3. Shared Management Team~~

~~3.3.1. With a view to reducing expenditure and increasing efficiency, this Council has formed a Strategic Alliance with North East Derbyshire District Council~~

~~3.3.2. In respect of salaries payable for the senior managers appointed to joint posts, Full Council made the decision that payment would be based on North East Derbyshire District Council pay scales, which had been set following an independent review carried out of salaries payable to senior managers in 2008.~~

~~3.3.3. The costs of shared management posts are met on a 50/50 basis between the two Councils.~~

### ~~4. Remuneration~~

~~4.1. Regulation 43 (6) of the Localism Act defines remuneration to include salary, bonus, charges, fees and allowances, benefits in kind, increases / enhancements of pension entitlement (if resolved by the Council) and payments on ceasing to hold officer (other than those payable by any enactment.~~

~~4.1.1. The remuneration details given in this section refer to salary only, the reasons for this are:-~~

~~4.1.1.1. The Council does not pay bonuses, charges and allowances.~~

~~4.1.1.2. Fees are only related to the Returning Officer~~

~~4.1.1.3. Benefits in kind are minimal and exact details are prepared for the HMRC returns following the year end and not are available at the time of preparing the pay multiple in March each year. However the amounts for Chief Officers are published in the Statement of Accounts.~~

~~4.2. The majority of the Council's Chief Officers which include the Joint Chief Executive Officer, Joint Executive Directors and Joint Assistant Directors hold joint appointments with North East Derbyshire District Council. The post of Head of Housing relates solely to Bolsover District Council. The Grading Structure for these post are set out below:-~~

#### 4.2.1. Joint Chief Executive and Joint Executive Directors

The shared management team salary scale for the Chief Executive of the Council ranges from £106,000 to £115,000, with increments of £3,000.

The Executive Directors' salaries are based on a scale of £70,014 to £78,374 with increments of just over £2,000. The incremental scale is shown below:-

<b>Incremental points</b>	<b>Chief Executive</b>	<b>Executive Directors</b>
1	£107,060	£70,715
2	£110,090	£72,826
3	£113,120	£74,936
4	£116,150	£77,047
5	N/A	£79,158

#### 4.2.2. Joint Assistant Directors

Assistant Director level posts are characterised by their relatively high level of responsibilities, and deputise, as appropriate, in the absence of the Director. This is an important element in the Council's succession planning and leadership development processes, as well as providing valuable strategic input. At the time of the 2008 review at North East Derbyshire District Council, it was suggested that the market would support an appropriate salary scale of £46,000 to £52,000, with increments of just over £1,400, i.e. approximately 70% of the Chief Officers' salary. The incremental scale is shown below:-

<b>Incremental Points</b>	<b>Assistant Director</b>
1	£49,500
2	£50,978
3	£52,455
4	£53,933
5	£55,410

#### 4.2.3. Chief Officer without a Joint Role

The pay scale which relates to all employees of the Council includes the salary range for the Chief Officer whose duties relate solely to Bolsover

District Council. An extract which relates to the Chief Officer range is set out below:-

<i>Grade</i>	<i>Incremental Points</i>	<i>Chief Officer</i>
<i>Grade 12</i>	<i>37</i>	<i>£46,188</i>
<i>Grade 12</i>	<i>38</i>	<i>£47,126</i>
<i>Grade 12</i>	<i>39</i>	<i>£48,062</i>

#### 4.2.4. Remuneration of The Council's Lowest Paid

The Council adopted the Living Wage with effect from 1<sup>st</sup> December 2013. The annual full time equivalent value of the Living Wage from November 2015 is £15,917

4.2.4.1. With reference to point 5.4 below, during 2014/2015 and 2015/2016 the Council will operate an Apprentice Scheme. The pay under this scheme has not been used to determine the pay multiple because of the special nature of the apprentice scheme.

#### 4.3. Relationship between the Remuneration of Chief Officers and employees who are not Chief Officers:

4.3.1. The following tables show the ratio between the Officer Grades paid in 2014/2015 based on full time equivalent salary records at 12th February 2015. An asterisk signifies that this Grade relates to Joint Chief Officers who are paid by North East Derbyshire District Council and there are no Chief Officers on the same Grade at Bolsover District Council. In which case the median salary and the lowest paid salary relates to those employees paid by Bolsover District Council only.

<i>Chief Officer Grade</i>	<i>Point</i>	<i>Amount (£)</i>	<i>Median salary (£)</i>	<i>Pay Multiple</i>
<i>CEO</i>	<i>3</i>	<i>116,150</i>	<i>22,153</i>	<i>5.2:1</i>
<i>Executive Director*</i>	<i>5</i>	<i>79,158</i>	<i>22,153</i>	<i>3.6:1</i>

Chief Officer Grade	Point	Amount (£)	Median salary (£)	Pay Multiple
Assistant Director	4	49,500	22,153	2.2:1
Assistant Director*	2	50,978	22,153	2.3:1
Assistant Director	3	52,455	22,153	2.4:1
Assistant Director	5	55,410	22,153	2.5:1

Chief Officer Grade	Point	Amount (£)	Lowest Paid salary (£)	Pay Multiple
CEO	3	116,150	15,917	7.3:1
Executive Director*	5	79,158	15,917	5.0:1
Assistant Director	4	49,500	15,917	3.1:1
Assistant Director*	2	50,978	15,917	3.2:1
Assistant Director	3	52,455	15,917	3.3:1
Assistant Director	5	55,410	15,917	3.5:1

4.4. The tables in section 4 are available in a CVS file in the Transparency Section of the Council's Website.

#### 5. Definition of Lowest-paid employees

~~5.1. Following the implementation of Single Status and the NJC Job Evaluation Scheme, local grades were implemented as set out at Appendix One to the Pay Agreement. The lowest paid employee is determined by those whose job evaluation score was below 301 points. These employees were placed on Grade 1, which is a fixed point grade.~~

~~5.2. The Council adopted the Living Wage with effect from 1<sup>st</sup> December 2013. The pay rates for Grades 1 or 2 of the local grades are lower than the Living Wage therefore employees who are evaluated on Grades 1 and Grade 2 are paid the Living Wage.~~

~~5.3. The annual full time equivalent value of the Living Wage from December 2015 is £15,917. This will be updated when the Living Wage is reviewed in November 2016.~~

~~5.4. With funding from the residual Working Neighbourhoods Fund, the Council will be engaged in an Apprentice scheme during 2016/2017 for a number of eligible 16 to 18 year olds. To reflect the nature and duration of their employment, this group of employees will not be paid in accordance with the local grades pay scale and will be paid the minimum wage rate for their age and not the national minimum wage for apprentices. The annual full time equivalent values of the minimum wage for these age groups are £7,466 and £10,225.~~

~~6. This section sets out the Council's Policies relating to the requirements under Regulation 38(4) of the Localism Act.~~

~~6.1. The level and elements of remuneration of each Chief Officer~~

~~6.1.1. This is set out in section 4.2.~~

~~6.2. Remuneration of Chief Officers on recruitment~~

~~6.2.1. Decisions on the appropriate appointment within the grade for Chief Officer with a joint appointment are recommended to Full Council by an Appointments Panel.~~

~~6.3. For Chief Officers without a joint role, recruitment will normally be to the first point of the grade, or in exceptional circumstances (as agreed with the Joint Assistant Director Head of Human Resources and Payroll) will reflect a level commensurate with candidates existing skills and existing skills and experience in the job.~~

~~6.4. Increases and additions to remuneration of each Chief Officer~~

~~6.4.1. Incremental progression for joint posts are applied at 1st April each year subject to there being at least 6 months service in post at this~~

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~~date, otherwise the increment will be applied between 2<sup>nd</sup> April and 30<sup>th</sup> September once 6 months service has been achieved~~

~~6.4.2. Incremental progression for non joint posts for new recruits or existing employees who apply for and are appointed to a new post (including secondments). In both cases, increments will only become due from 1<sup>st</sup> of the month following completion of 12 month's service with the Council from appointment to post. Following this future increments will be awarded automatically on the anniversary of the first increment until the top of the grade is reached. ( from pay agreement 2.2.3)~~

~~6.4.3. Honoraria and ex gratia payments~~

~~6.4.3.1. The Council does not make ex gratia payments.~~

~~6.4.3.1.1. A honorarium is payable in circumstances where an employee temporarily takes on duties and responsibilities which are at a higher level than those carried out within their substantive post. This is known as an 'Acting Up Allowance' and details of how this is applied to all employees, including Chief Officers is set out in Paragraph 5.2 on page 15 of the Pay Agreement.~~

~~6.5. The Council does not use performance related remuneration.~~

~~6.6. The Council does not pay any bonuses.~~

~~6.7. Payment to Chief Officers on ceasing to hold office or employment with the Council~~

~~6.7.1. In the case of redundancy, the policy of the Council is to use its discretions under (The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended) to pay compensation on the basis of actual weekly pay (Regulation 5);~~

~~6.7.2. However as the Senior Management of the Council work on a shared basis with North East Derbyshire District Council, whose policy on redundancy uses a multiplier on the national redundancy~~

~~table, compensation is calculated on the basis of a combination of both schemes as follows:~~

~~6.7.2.1.1. — Service up to date of joint appointment: based on original Council's scheme.~~

~~6.7.2.1.2. — Service after date of joint appointment: based on 50% per each Council's scheme.~~

~~6.8. The publication of and access to information relating to remuneration of Chief Officers:~~

~~6.8.1. — The Council will publish this pay policy statement within the transparency section on its website.~~

~~6.8.2. — The tables in section 4 are available in a CVS file in the Transparency Section of the Council's Website.~~

~~6.8.3. — For further information about this pay policy statement please contact the Councils on 01246 242424 and ask for the HR and Payroll Section.~~

## ~~7. Other Terms and Conditions~~

### ~~7.1. Place of Work~~

~~7.1.1. — The principal place employment shall be the main offices of both Councils. If required to work at a different location no relocation payment is made. Travel expenses for journeys between the main Council offices will not attract expense payment unless the purpose of the journey is to attend a meeting.~~

### ~~7.2. Hours of Work~~

~~7.2.1. — The hours of work are a minimum of 37 hours per week, for joint posts this is across both Councils. Due to the nature of the post the precise cannot be specified, generally it is expected that a reasonable amount of hours is worked necessary to carry out duties of the post and will include evening and weekend meetings as appropriate and bank holiday working in an emergency.~~

### ~~7.3. Secondary Employment~~

~~7.3.1. — Notification of any additional employment must be given to the Council or Councils for joint post. This is to ensure that there is no conflict of interest and to meet the Council obligations under the working time regulations.~~

### ~~7.4. Holiday Entitlement~~



~~7.4.1. For joint posts the annual leave entitlement across both Councils is 36 days per year plus 3 days per annum to cover the Christmas closedown period. The leave year runs from 1<sup>st</sup> April to 31 March annually.~~

~~7.4.2. For non joint post the annual leave entitlement is 31 days plus 3 days per annum to cover the Christmas closedown.~~

~~7.4.3. All Chief Officers are entitled to 8 bank holidays plus any additional bank holidays agreed at national level.~~

#### ~~7.5. Pensions~~

~~7.5.1. Chief Officers are contractually enrolled into the Local Government Pension Scheme. The contribution rates for employees are set nationally and viewed each year. The employer's contribution rate is determined by an actuary at the tri-annual fund valuation.~~

~~7.5.2. Employees may opt out of the Pension Scheme and if this happens the Council has to comply with the obligations of the Auto Enrolment.~~

~~7.5.3. Full details of the types of early retirement/flexible retirement are available in the Council's Re-deployment/Early Retirement Policy available on our website at [www.bolsover.gov.uk](http://www.bolsover.gov.uk).~~

#### ~~7.5.4. Local Government Pension Scheme Employer Discretions~~

~~There are a number of discretions available under the Local Government Pension Scheme applicable to all employees. These are set out as follows:-~~

~~7.5.4.1. The Council as a general policy not exercise these discretion as they represents a significant cost to the Council:-~~

- ~~• Whether to augment membership of an active member (by up to 10 years)~~
- ~~• Whether to grant additional pensions to a member (by up to £5,000 per annum)~~
- ~~• Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement~~
- ~~• Whether to grant application for early payment of benefits on or after age 55 and before age 60~~

- Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early
- Whether to contribute to a shared cost Additional Voluntary Contribution (AVC) arrangement
- Whether to increase the number of weeks redundancy pay (up to 104 weeks)

7.5.4.2 In respect of the following discretion, the Council has a general policy that any flexible retirement must normally be at no cost to the Council.

- Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement).

7.5.4.3 The Council has a policy to apply the following discretion:-

- Whether to base redundancy payments on the employee's actual weeks pay rather than limit a weeks pay to the statutory maximum.

#### 7.5.5. Re-employment of employees in receipt of a pension

Under the terms of the Local Government Pension scheme, an employee who has retired from local government service and is in receipt of a pension may reapply for local government employment. However where this happens the pension is subject to abatement, i.e. if the pension added to the new salary is higher than the original salary then the amount of pension will be reduced accordingly. There are currently no re-employed pensioners in senior management positions.

#### 7.6. Car Allowances

7.6.1. North East Derbyshire Chief Officers are entitled to claim the lowest band of the national car allowances in the National Car Allowance Scheme for Chief Officers. Currently a lump sum of £846 per annum and 36.9p per mile to 8,500 miles and 13.7p thereafter for business journeys.

7.6.2. Bolsover District Council pay the HMRC rates for business journeys (currently 45p per mile and 5p per mile for passengers)

7.6.3. Chief Officers with joint post may choose which car allowance scheme to be paid under.

## ~~8. Terms and Conditions of Service~~

~~The Chief Executive is employed under the terms and conditions of service of the Joint Negotiating Committee for Chief Executives of Local Authorities, and Directors under the terms and conditions of service of the Joint Negotiating Committee for Chief Officers of Local Authorities. There are currently no additional local agreements relating to the employment of Chief Officers that represent a charge on the public purse, with the exception of election duties (see following paragraph).~~

### ~~8.1. Election Duties~~

~~The fee for Returning Officer duties at the District and Parish Elections in May 2011 was based on calculations included within the Local Elections Fees scales determined by Derbyshire County Council so that they are implemented on a county wide basis. In 2011 the fee paid for the designated Counting Officer was prescribed by central government by means of a Fees and Charges Order.~~

## ~~9. Other financial benefits~~

~~The Chief Executive and the Council's Directors and Assistant Directors are not in receipt of any financial benefits that are not also available to other employees.~~

~~Chief Officers are exempt from receiving the following benefits which other employees receive:~~

- ~~• Shift Allowance~~
- ~~• Weekend Working~~
- ~~• Bank Holiday Working~~
- ~~• Overtime Payments~~
- ~~• Standby/Call Out Payments~~
- ~~• Flexible Working~~

**Bolsover District Council**

**Meeting of the Union Employee Consultation Committee  
on 12<sup>th</sup> March 2025**

**Gender Identity Policy**

**Report of the Portfolio Holder for Resources**

<b>Classification</b>	This report is Public
<b>Report By</b>	Peter Wilmot, HR Business Partner, Tel 01246 242421, peter.wilmot@bolsover.gov.uk
<b>Contact Officer</b>	Peter Wilmot, HR Business Partner, Tel 01246 242421, peter.wilmot@bolsover.gov.uk

**PURPOSE/SUMMARY OF REPORT**

The purpose of this report is to propose the adoption of a Gender Identity Policy for the Council. This policy aims to foster an inclusive and supportive work environment for all employees, ensuring equal opportunities, protection against discrimination and the promotion of diversity and respect.

**REPORT DETAILS**

**1. Background**

1.1 In recent years, there has been a growing recognition of the rights and dignity of transgender people in society. However, despite advancements in awareness and legal protections, transgender people still face significant challenges, including discrimination, harassment, and barriers to employment. Research indicates that transgender people are disproportionately affected by unemployment, underemployment and workplace discrimination, leading to adverse effects on their well-being and economic security.

**2. Details of Proposal or Information**

2.1 The proposed Gender identity Policy seeks to address these challenges by:

1. Establishing clear guidelines and procedures for supporting transgender employees throughout all stages of employment, including recruitment, hiring, training, promotion, and termination.

2. Prohibiting discrimination and harassment based on gender identity or expression and providing mechanisms for reporting and addressing any incidents of such behaviour.
3. Ensuring equitable access to workplace facilities, including restrooms and locker rooms, in accordance with individuals' gender identity.
4. Providing resources and awareness training to managers and staff members to increase awareness and understanding of gender identity issues and create a more inclusive workplace culture.
5. Offering support and accommodations, where necessary, to gender identity employees to ensure their safety, well-being, and full participation in the workplace.

**Benefits of the Policy:**

The adoption of a Gender identity Policy will yield numerous benefits for the Council, including:

1. Enhanced recruitment and retention of diverse talent, leading to a more innovative and productive workforce.
2. Improved employee morale and satisfaction, to ensure all employees feel valued, respected, and supported in the workplace.
3. Compliance with legal requirements and best practices related to diversity and inclusion, reducing the risk of litigation and reputational harm.
4. Alignment with our organisational values of fairness, equality and respect for all individuals, regardless of gender identity or expression.

**Conclusion:**

In conclusion, the adoption of a Gender identity Policy represents a significant step forward in promoting diversity, equity, and inclusion within the Council. We urge all stakeholders to support this important initiative and work together to ensure its successful implementation.

**3. Reasons for Recommendation**

- 3.1 Based on the compelling rationale and potential benefits outlined above, it is recommended that the approval and implementation of the proposed Gender identity Policy.

**4 Alternative Options and Reasons for Rejection**

- 4.1 The Council relies on existing policies to manage equality and diversity.

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**RECOMMENDATION(S)**

1. That the Gender Identity policy is approved and implemented.

Approved by Councillor Portfolio Holder for Resources

**IMPLICATIONS:**

**Finance and Risk:**            Yes             No

**Details:**

On behalf of the Section 151 Officer

**Legal (including Data Protection):**            Yes             No

**Details:**

On behalf of the Solicitor to the Council

**Environment:**

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

**Details:**

**Staffing:**            Yes             No

**Details:**

On behalf of the Head of Paid Service

**DECISION INFORMATION**

<p><b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>Revenue - £75,000</b>   <input type="checkbox"/>   <b>Capital - £150,000</b>   <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i></p>	No

<b>District Wards Significantly Affected</b>	(please state which wards or state All if all wards are affected)  N/A
<b>Consultation:</b> Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Details:

<b>Links to Council Ambition: Customers, Economy and Environment.</b>

<b>DOCUMENT INFORMATION</b>	
<b>Appendix No</b>	<b>Title</b>
1	Gender Identity Policy

<b>Background Papers</b>
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i>

Rpttemplate/BDC/021122



**Bolsover District Council**

# **Gender Identity Policy**

**January 2025**



## **Equalities Statement**

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

### **Access for All statement**

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone:** [01246 242424](tel:01246242424)
- **Email:** [enquiries@bolsover.gov.uk](mailto:enquiries@bolsover.gov.uk)
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need WiFi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

## CONTROL SHEET FOR GENDER IDENTITY POLICY

<b>Policy Details</b>	<b>Comments / Confirmation (To be updated as the document progresses)</b>
Policy title	Gender Identity Policy
Current status – i.e. first draft, version 2 or final version	
Policy author (post title only)	HR Business Partner
Location of policy (whilst in development)	
Relevant Cabinet Member (if applicable)	Councillor C Moesby
Equality Impact Assessment approval date	TBA
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council	
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Performance & Communications teams (to include on ERIC, and website if applicable to the public)	

# Gender Identity Policy

## Commitment to Gender Identity Equality

Bolsover District Council is committed to promoting equality, diversity and good relations in everything it does – as a community leader, as a provider and commissioner of services, and as an employer.

Bolsover District Council is committed to equality of opportunity for trans people throughout recruitment and employment, including supporting trans employees through any transitioning process. The Council will not tolerate discrimination, victimisation or harassment on the basis of a person's gender identity, gender expression or trans status. The Council seeks to provide a supportive environment for trans staff and to create a culture and environment where trans staff are able to thrive and are well supported during any process of transition.

The purpose of this guidance is to assist managers and trans employees in Bolsover District Council with practical information on workplace support.

## Definitions

'Trans' or 'transgender' describes people whose gender identity differs from their sex assigned at birth. They are umbrella terms covering people who:

- are intending to undergo, are undergoing, or have undergone gender reassignment at any stage;
- identify as having a gender different from that which they were assigned at birth and are planning or have had medical interventions such as hormones or surgery;
- identify as having a gender different from that which they were assigned at birth, but who are not planning any medical intervention; and/or,
- are non-binary – that is, they are not solely male or female. They may define themselves as both, neither or something entirely different. They may or not have medical interventions to align their body with their non-binary gender identity.

These are not mutually exclusive alternatives.

'Transitioning' is the process undertaken by a trans person in order to bring their gender presentation into alignment with their gender identity. This often involves dressing differently, using a different name and pronoun (e.g. she, he or they) and changing official documentation. It may involve various types of medical or surgical

treatment, although this is not the case for all trans people.

Bolsover District Council recognises there is no right or wrong way to transition and is committed to supporting each individual in their decisions.

Please see the glossary (appendix 1) for further information.

### **Employees who are transitioning at work**

If an employee states that they are intending to transition at work, their line manager, in conjunction with other appropriate colleagues, should aim to make this process as smooth as possible. Managers should be aware that it can be an extremely difficult step for someone to approach their manager about transitioning. They are likely to worry about the response.

It is important to reassure all staff that any transitioning employee will be supported and respected. The transition process will be led by the individual concerned.

### **Telling colleagues**

The manager and employee will discuss the individual's preferences in relation to informing others, including other managers, colleagues, service users and other relevant contacts. Agreement whether the employee will do this or whether they would prefer the manager or a work colleague to do this, or a mixture of these options. They will also get express written agreement from the employee about when and how this will happen, including the details of the message and who it will be shared with. Levels of disclosure may vary in detail for different types of contacts and will be agreed in advance.

### **Uniforms and dress codes**

If a uniform is in place for the role, managers will ensure that the trans employee has access to the uniform that is most appropriate at all times. Some trans employees may need access to both the male and female uniforms. Managers will be flexible, and will support the preferences of the trans person wherever possible. Trans staff have the right to comply with any dress codes in a way that reflects their gender identity and gender expression.

### **Changing facilities, toilets and other single sex facilities**

Trans people are entitled to use single sex facilities in accordance with their gender identity. For non-binary people, this might mean using gender-neutral or accessible facilities or using a combination of different facilities. Trans people will never be required to use gender neutral toilets unless they wish to do so. There may be occasions where due to specific circumstances, adjustments with facilities and

practices may need to take place to accommodate particular scenarios. There is however a commitment to make these adjustments where possible.

### **Updating records**

Electronic records will be updated in a timely manner, to coincide with the date on which the workplace transition begins. Care will be taken to ensure that records do not link back to the former name – this may entail creating a whole new email address rather than simply changing the name on the existing one, for instance. The manager and employee will work together to ensure that nothing is missed.

New security passes with the updated name and photograph will be issued, without any replacement cost to the trans employee.

Paper records will be updated where possible. Those which cannot be updated – for instance, paper copies of references relating to the employee’s recruitment – will be stored in a secure place, and clearly marked as only to be looked at by named persons.

### **Customer facing roles**

There is no reason why an employee who is transitioning should not continue in a customer facing role. However, some people might prefer a period of redeployment during transition, or as a permanent change. Managers and HR will work with the trans person to find a solution that meets the needs of both the employee and the service.

### **Attendance at appointments and time needed for treatment and surgery**

Paid special leave will be given in order for employees to attend transition-related appointments and treatment. These absences will not be counted in relation to absence monitoring, included in absences for references, taken into consideration for performance monitoring or, for instance, during redundancy procedures.

In addition, trans staff are entitled to the same sickness absence and pay as other staff.

Many people have to travel a long distance for appointments, and these may be given at short notice. People may need reduced hours or duties, or other changes to usual working arrangements, for a temporary period following some treatments. Managers will be as flexible as possible to accommodate this.

### **Action plan or check list**

The trans employee and their manager might find it helpful to put in place an action plan, or to agree a check list to clarify the actions that will be taken over the course of the employee’s transition, dates by which these will be done, and the person who will

take responsibility. Please see appendix 2 for an example, which can be modified to suit the individual's needs.

### **Discrimination and abuse**

The Council has a zero-tolerance approach towards discrimination and harassment based on gender identity, gender expression or gender history. Inappropriate behaviour or language may constitute discrimination, harassment, bullying or victimisation. Discrimination including harassment, third party harassment and victimisation are covered by the Equality Act 2010. Managers are responsible for taking timely action where misconduct occurs on the grounds of an employee's gender identity, in line with the harassment policy. This will be monitored and followed up.

### **Support Available**

- Access to the Council's Employee Assistance Programme and its 24/7 Helpline
- Potential access to Counselling services
- Access to the Council's Occupational Health services

## **Legal Protection for Gender Identity**

### **Gender Recognition Act 2004**

The UK Gender Recognition Act (GRA) enables people aged over eighteen to gain full legal recognition for the gender in which they live. Applications are considered by the Gender Recognition Panel. Once a person receives a Gender Recognition Certificate (GRC), they are legally of that gender for every purpose and have all the rights and responsibilities associated with that gender. Although the current GRA is UK-wide, it's important to note that the GRA is a devolved matter and that devolved governments have committed to reforming the process of gender recognition.

Employment rights do not depend on whether a person has a Gender Recognition Certificate. Employers should not ask for a person's GRC and it should never be a pre-condition for transitioning at work. To make an application for a GRC, a person needs to show they have been living and working in that gender for at least two years. So being asked to show a GRC as a condition of changing employment details is like being asked to show a full driving licence before you can apply for a provisional one.

The Gender Recognition Act gives anyone applying for or holding a Gender Recognition Certificate particular privacy rights. It is a criminal offence to pass on information acquired 'in the course of official duties' about someone's gender recognition, without the consent of the individual affected. 'Official duties' include employment, trade union representation or supply of business or professional

services.

## **Equality Act 2010**

The Equality Act 2010 (England, Scotland and Wales) protects against discrimination because of gender reassignment in employment and service delivery. It bans direct and indirect discrimination and victimisation. There is similar protection in Northern Ireland under the Sex Discrimination (Gender Reassignment) Regulations (NI) 1999.

The Act makes clear that it is not necessary for people to have any medical diagnosis or treatment to gain this protection; it is a personal process of moving away from the gender assigned at birth to the correct gender.

People discriminated against because they are wrongly perceived to be trans, or who are discriminated against because of their association with trans people or issues, are also protected.

## **Recruitment**

People who have already transitioned have no obligation to disclose their gender history. Job applicants and interviewees will not be asked their gender during the recruitment process – it is not a relevant criterion in selection. There is also no obligation for a transgender person to disclose that they are trans as a condition of employment. If they choose to disclose, this is not in itself a reason for not offering employment, and non-disclosure or subsequent disclosure is not grounds for dismissal. Appointing officers who become aware that an applicant is trans will maintain full confidentiality in relation to this.

## **References**

Where a reference request is received for an existing employee who has transitioned, the Council will respect the employee's privacy and only respond using the employee's correct name and gender in the reference.

Disclosure on sickness absence will not include time taken off for medical appointments related to transition. This information is strictly confidential and managers must be very careful of any record keeping in this.

When the Council requests a reference, we will make the request using the prospective employee's name and gender since transitioning. We will not mention previous names or gender identity, unless specifically asked to do so (in writing) by the trans person.

## **Criminal record checks/disclosure and barring**

If the appointment requires criminal record checks, there is a confidential procedure

available to trans people via the Disclosure and Barring Service's sensitive applications team. They can be contacted 24/7 on Tel: 0300 106 1452 or by email at sensitive@dbs.gov.uk

### **Qualification certificates**

The Council recognises that it can be difficult and expensive for a trans person to change their qualification certificates. If these are in a former name, the HR & Payroll team can be approached and they will discretely store the certificate securely which will only be accessed by the HR & Payroll team.

### **Professional registration**

If the employee's job involves professional registration, we will check whether the registration body has a specific, confidential process for gender transition.

### **Pensions and national insurance**

Where pensions, national insurance contributions or other benefits are dependent on legal sex, trans people will be advised of the different implications of whether they do or do not have a Gender Recognition Certificate. Roles and responsibilities.

### **Employee**

- Engaging with managers and HR around the logistics of transitioning in the workplace
- Reporting any instances of harassment, victimisation or discrimination

### **Manager**

- Ensuring that colleagues are informed about the employee's transition in a manner that best suits the employee
- Maintaining confidentiality at all times
- Thoroughly investigating any instances of harassment, victimisation or discrimination
- Supporting the employee in any way that is necessary and appropriate

### **HR**

- Ensuring that this policy is followed at all times
- Maintaining confidentiality, including securing paper documents and files



## **IT Department / Support Services**

- Changing names, titles and pronouns on email and other systems
- Issuing updated security passes and ID badges

## **Learning and development**

- Providing trans equality training as a general part of the equality and diversity training programme

## **Trade unions**

- Supporting the employee if they experience harassment, victimisation or discrimination
- Discussing and agreeing any changes to this policy.

## **Support for employees with a family member who is transitioning**

If an employee is supporting a family member who is transitioning, they may need to take time off to attend appointments and treatment or give assistance following surgical procedures. Some of these may be at short notice and may involve travelling a long distance. Managers will be as flexible as possible to accommodate this.

## **Promotion of trans equality**

As well as ensuring that trans staff are fully supported, Bolsover District Council will demonstrate our commitment to trans equality in the following ways:

- Ensuring that all training courses that are delivered are fully inclusive of trans people – this includes both face-to-face training and e-learning
- Providing the opportunity to include trans people in publicity and marketing materials
- Ensuring that when all forms and surveys are developed and reviewed they are designed to be inclusive of trans people, including non-binary people for both staff and clients.
- When the next equality plan is developed including trans equality as a core part of the organisation's equality agenda and objectives by ensuring equality for all the protected characteristics is covered.
- Investigating fully all complaints of harassment, victimisation or discrimination on the grounds of gender identity, gender history, trans status or gender expression

- Monitoring the implementation of this policy.

## Appendix 1: Glossary

**Gender identity:** a person's deeply felt internal and individual experience of gender, which may or may not correspond to the sex assigned to them at birth

**Gender expression:** a person's external gender-related behaviour and appearance, including clothing

**Transgender or trans person:** a person whose gender identity does not conform to the sex they were assigned at birth. These are inclusive, umbrella terms, including people who describe themselves as transsexual, cross dressing people, and people who have a more complex sense of their own gender than either 100% female or 100% male

**Gender binary:** the classification of sex and gender into two distinct and disconnected forms of masculine and feminine

**Gender variance:** gender expression that does not match society's norms of female and male

**Non binary person:** a person who does not identify as solely male or female. They may identify as both, neither or something entirely different

**Gender fluid:** having a gender identity which varies over time

**Transsexual person:** legal/medical term for someone who lives (or wishes to live) permanently in the 'opposite' gender to that assigned at birth

**Gender dysphoria:** medical term for deep-rooted and serious **discomfort or distress because of a mismatch between a person's biological sex and gender identity;** overwhelming desire to live in a different gender to that assigned at birth

**Gender reassignment:** the process of transitioning from the gender assigned at birth - the steps taken by a trans person to bring their gender presentation or personal data records into alignment with their gender identity.

**Legal sex:** The sex recorded on your birth certificate. Rarely relevant at work. Currently binary in the UK. Changed by applying to Gender Recognition Panel.

**Gender Recognition Certificate:** issued by the Gender Recognition Panel – signifies full legal rights in acquired gender and allows the issuing of a replacement birth certificate.

## Appendix 2 – Action Plan

Are there any temporary or permanent changes / reasonable adjustments to the role which should be considered to support the employee? Considerations should include security aspects such as lone working, night working.
Is any time off required? If so how will this be managed? Consider flexible working methods, if appropriate)
What will the employee's title and name be? What pronouns will be used? When will they start using these? Will there be any phasing?
Are there any dress codes to be considered? Are new uniforms needed?
If applicable, how will single sex working requirements be managed?
When and how should colleagues be informed of the transition?
Is there any guidance material which the employee wishes to share with managers and colleagues?
Should the employee encounter unacceptable behaviour towards them (colleagues or service users) who should this be reported to?
Are there any other actions not covered by above?
Is there an agreed date for when this action plan will be disposed of in accordance with the requirements of the Data Protection Act 1998?
Actions agreed
Date of next meeting

**Bolsover District Council**

**Meeting of the Executive Union Employee Consultation Committee  
on 12<sup>th</sup> March 2025**

**Sexual Harassment Policy**

**Report of the Portfolio Holder for Resources**

<b>Classification</b>	This report is Public
<b>Report By</b>	Peter Wilmot, HR Business Partner, Tel 01246 242421, peter.wilmot@bolsover.gov.uk
<b>Contact Officer</b>	Peter Wilmot, HR Business Partner, Tel 01246 242421, peter.wilmot@bolsover.gov.uk

**PURPOSE/SUMMARY OF REPORT**

To approve a new Sexual Harassment Policy to ensure compliance with the government’s Worker Protection (Amendment of Equality Act 2010) Act 2023.

**REPORT DETAILS**

**1. Background**

- 1.1 In response to new 2024 UK legislation aimed at combating workplace sexual harassment, the HR Business Partner has undertaken a review of the current policy in place. The legislation obligates employers to take proactive measures to prevent sexual harassment and imposes stricter penalties for non-compliance, which includes increasing compensation awards by up to 25%. The legislation also establishes clearer pathways for victims to seek redress.
- 1.2 Current policies within the Council have served well but are not fully aligned with the new legislative requirements. Therefore, the introduction of a comprehensive and updated sexual harassment policy is necessary to ensure compliance with the law and to foster a safe, respectful working environment for all employees.

**2. Details of Proposal or Information**

- 2.1 The proposed policy includes the following key components:

- 2.2 **Zero-Tolerance Stance:** The policy clearly defines what constitutes sexual harassment, including examples of inappropriate behaviour, and states that any form of harassment will not be tolerated.
- 2.3 **Prevention Measures:** As required by the new legislation, the organisation will implement specific preventive measures to reduce the risk of sexual harassment, including regular awareness training for all employees, awareness campaigns, and risk assessments of workplace culture.
- 2.4 **Clear Reporting and Investigation Procedures:** A confidential and accessible reporting mechanism will be established, ensuring victims and witnesses can come forward without fear of retaliation. Procedures for investigating complaints will also be implemented with transparent outcomes.
- 2.5 **Support for Victims:** In compliance with the legislation, the policy will ensure comprehensive support for victims, including access to counselling via the Council's Employee Assistance Programme or Occupational Health provision, adjustments to working conditions if needed, and regular follow-ups.
- 2.6 **Managerial Responsibility:** The new legislation introduces a "duty to prevent" requirement. This means managers and senior staff must take proactive steps to prevent sexual harassment, including creating an open culture where inappropriate behaviour is not tolerated. Under the proposed policy, managers will undergo enhanced training to recognise early signs of harassment and ensure proper workplace conduct.
- 2.7 **Legal Compliance and Accountability:** The updated policy reflects new legal obligations for employers, including the following:
- **Duty to Prevent Sexual Harassment:** Employers are now legally required to take all reasonable steps to prevent harassment from occurring. This extends beyond reactive measures and includes proactive training, communication, and visible commitment to addressing the issue.
  - **Vicarious Liability:** Employers will be held accountable for acts of sexual harassment perpetrated by employees unless they can prove they took all possible steps to prevent such behaviour. This amplifies the importance of prevention measures and comprehensive training.
  - **Third-Party Harassment:** Employers are now responsible for preventing harassment by third parties, such as clients or suppliers, in addition to internal employees. The policy includes mechanisms for reporting and addressing third-party incidents.
  - **Stricter Penalties:** Non-compliance with the legislation now results in heavier fines, and victims can seek compensation more easily through legal avenues. Employers will also be named in public reports for repeated non-compliance.

### 3. **Reasons for Recommendation**

- 3.1 This updated policy is recommended for several reasons:

- **Legal Compliance:** The most immediate need is to comply with the 2024 legislation. Failure to do so could result in legal action, financial penalties, and reputational damage.
- **Workplace Safety and Well-being:** A clear, robust policy sends a strong message that sexual harassment is not tolerated, fostering a safer and more supportive environment for employees.
- **Employee Morale and Retention:** Implementing proactive measures to prevent sexual harassment can increase trust between staff and management, improve morale, and reduce employee turnover.
- **Minimising Legal Risks:** A strong prevention framework will minimise legal risks for the organisation by ensuring that reasonable steps are taken to prevent harassment, thus reducing liability.

### 3.2 **Conclusion**

The introduction of a new, comprehensive sexual harassment policy is both a legal and ethical necessity for the Council. It reflects the heightened obligations imposed by the 2024 legislation and aims to foster a respectful and safe work environment for all employees.

## 4 **Alternative Options and Reasons for Rejection**

- 4.1 The current policy was not written to meet the new legislative requirements, particularly regarding the “duty to prevent” clause and third-party harassment. Failure to update the policy would leave the Council vulnerable to legal non-compliance and associated penalties.

## **RECOMMENDATION(S)**

1. That the Committee approves the adoption of this policy to ensure compliance, enhance workplace culture, and minimise legal and reputational risks.

Approved by Councillor Clive Moesby, Portfolio Holder for Resources

<b><u>IMPLICATIONS:</u></b>		
<b><u>Finance and Risk:</u></b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Details:		
On behalf of the Section 151 Officer		
<b><u>Legal (including Data Protection):</u></b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Details:		

On behalf of the Solicitor to the Council

**Environment:**

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

**Details:**

**Staffing:**    Yes             No

**Details:**

On behalf of the Head of Paid Service

**DECISION INFORMATION**

<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital - £150,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i>	No

<b>District Wards Significantly Affected</b>	(please state which wards or state All if all wards are affected)
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input checked="" type="checkbox"/> <b>Relevant Service Manager</b> <input checked="" type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Details:



**Links to Council Ambition: Customers, Economy and Environment.**

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**DOCUMENT INFORMATION**

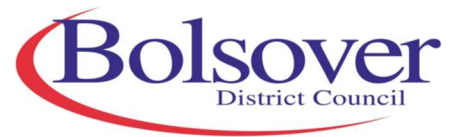
<b>Appendix No</b>	<b>Title</b>
1	Preventing Sexual Harassment Policy

**Background Papers**

*(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).*

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Rpttemplate/BDC/021122



**Preventing  
Sexual Harassment  
Policy**

January 2025

## **Equalities Statement**

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

### **Access for All statement**

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone:** [01246 242424](tel:01246242424)
- **Email:** [enquiries@bolsover.gov.uk](mailto:enquiries@bolsover.gov.uk)
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need WiFi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

## CONTROL SHEET FOR SEXUAL HARASSMENT POLICY

<b>Policy Details</b>	<b>Comments / Confirmation (To be updated as the document progresses)</b>
Policy title	Preventing Sexual Harassment Policy
Current status – i.e. first draft, version 2 or final version	Final
Policy author (post title only)	HR Business Partner
Location of policy (whilst in development)	Eric/S-Drive HR & Payroll Public Folder
Relevant Cabinet Member (if applicable)	Councillor Clive Moesby
Equality Impact Assessment approval date	TBD
Partnership involvement (if applicable)	N/A
Final policy approval route i.e. Executive/ Council	
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Performance & Communications teams (to include on ERIC, and website if applicable to the public)	

## **Preventing Sexual Harassment at Work Policy**

### Policy Statement

Bolsover District Council is committed to providing an inclusive and supportive working environment for everyone who works here. This includes a zero-tolerance approach to sexual harassment and recognises the appropriate steps that should be taken to achieve this.

The aim of the policy is to set out expectations of behaviour by the Council's staff, protect all staff from sexual harassment and foster a working environment that supports the dignity and respect of all workers and is free from any form of bullying or harassment.

The Council will take seriously and investigate any complaints of discrimination, harassment or victimisation, using the agreed procedures and respecting confidentiality.

This policy is part of the Council's commitment to ensuring the health and safety and wellbeing of all the workforce.

This policy is part of Bolsover District Council's commitment to equality and diversity. We are committed to creating a workplace that respects and values each other's differences, that promotes dignity and combats prejudice, discrimination and harassment.

This policy seeks to benefit the welfare of individual members of staff; retain valued workers; improve morale and performance and enhance the reputation of the Council as an employer of choice.

All workers will be made aware of the Council's policy forbidding the sexual harassment of any worker by another worker and will be expected to comply with this policy. Sexual harassment will be treated as a disciplinary offence. Appropriate disciplinary action, including warnings, compulsory transfers (without protection of wages or salary), and dismissal for serious offences, may be taken against any worker who violates this policy. Abuse of power over another worker will be taken into account when deciding what disciplinary action to take.

The Council also recognises that it has a responsibility to protect workers from sexual harassment at work by members of the public and contractors. All staff have the right to be treated with respect by the public they provide services to or work with. The sexual harassment of staff by members of the public and contractors will not be tolerated and workers are encouraged to report it to their line manager.

All workers have a clear role to play in helping to create a work environment in which all forms of bullying or harassing behaviour are unacceptable. In particular,

workers should be aware of their own conduct, avoid colluding with inappropriate behaviour and co-operate fully in any complaints procedure.

### Scope of Policy

This policy applies to all employees who are employed by the Council on and off the premises, including those working away from their main office or normal place of work, and those on temporary contracts.

This policy is supported by and developed with the trade unions representing the employees. It will be communicated to all staff using a variety of methods including awareness training, information and publicity, team briefings, departmental team meetings and in-house publications.

### Definition of Sexual Harassment

The definition should be unambiguous and include examples of sexual harassment that may be relevant to your particular working environment and the circumstances where it might occur.

Sexual harassment is unlawful. As defined by the Equality Act 2010, it is when a person engages in unwanted behaviour of a sexual nature, whether verbal, non verbal or physical, that creates an intimidating, hostile, offensive, degrading or humiliating working environment.

It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour. What is important is not necessarily the action, but how the recipient feels about what has been done and whether or not it is unwanted.

An individual can experience sexual harassment from someone of the same or different sex. It may be persistent or an isolated incident. Sexual harassment may be obvious or it may be subtle and more difficult to recognise. It can take place at any level and within any workplace relationship and can also be carried out by third parties, such as service users, visitors or contractors.

It can happen anywhere in the workplace such as out on the district, the canteen, toilets, communal areas or in the office. It can also occur away from the workplace such as at a service users home or office, at conferences, training courses, staff parties and other social events related to work. It may be face to face or in written communications, while using social media and any other form of online interaction including email communication in or outside of a work situation. It may take place in private or in public. Whatever form it takes, it is unwarranted and unwelcome to the individual.

The list below shows some examples of common forms of sexual harassment but is by no means exhaustive:

- unwelcome sexual advances, propositions and demands for sexual favours
  - unwanted or derogatory comments or nicknames about clothing or appearance
  - leering and suggestive gestures and remarks or jokes
  - intrusive questioning or suggestions about your sex life or a colleague's sex life, and discussing their own sex life
  - sexual posts or contact on social media
  - spreading sexual rumours about a person
  - sending sexually explicit emails or text messages
  - comments of a sexual nature about your or a colleague's sexual orientation
  - comments of a sexual nature about your or a colleague's gender identity
  - displaying offensive material, such as pornographic pictures or calendars, including those in electronic forms such as computer screen savers or by circulating such material in emails or via social media
  - 'upskirting' that typically involves someone taking a picture under another person's clothing without their knowledge
  - predatory behaviour
  - coercion
  - physical contact such as the invasion of personal space and unnecessary touching, hugging or kissing through to sexual assault, indecent exposure, stalking and rape (although rape is defined as a separate criminal offence).
- Prevention measures

The Council recognises that there are many organisational measures that can help prevent sexual harassment in the workplace. These include:

- good management practice, including competent, respectful people management, recognition of sexual harassment and appropriate intervention
- undertaking risk assessments that include consideration of power imbalances, job insecurity, lone working, customer-facing, service user-facing duties, lack of diversity in the workforce
- appropriate induction and awareness training on sexual harassment and about this policy for all staff, including supervisors, managers and new staff. This will include information on what constitutes harassment and, for managers and supervisors, on what their responsibilities are. The training will reference the Council's recognised Trade unions for employees to source support as required.
- ensuring workers have somewhere to go for a confidential discussion of their situation and signposting ways of taking further action
- look to improve diversity and inclusion at all levels of the organisation refer to the equality policy.

## Responsibilities of Managers and Supervisors

Managers and supervisors should ensure that all employees are aware of this policy and understand their own and the employer's responsibilities. Awareness Training on sexual harassment will be provided to all managers.

Managers and supervisors have a particular responsibility to ensure that within their area of control, everyone has the right to be treated with dignity and respect. They should:

- always challenge any unacceptable behaviour in the workplace
- respond to complaints of sexual harassment swiftly, sensitively and objectively and be aware of behaviour that would cause offence, if necessary reminding workers of expected standards
- deal explicitly with third party perpetrators (such as service users, clients, visitors or contractors) with a view to withdrawing service or ending a contract or banning from the premises if behaviour is not moderated
- ensure that this policy is followed and that there are thorough investigations if required. HR & Payroll will assist any line manager in dealing with complaints of sexual harassment. All complaints of sexual harassment must be dealt with confidentially using the agreed procedures and in accordance with the data protection policy.

Managers and supervisors have an additional responsibility to be exemplars of acceptable behaviour. They should be aware that an abuse of their positional power will send mixed messages about what is acceptable behaviour, and will only serve to condone harassment.

A line manager's failure to actively implement this policy within their area of responsibility or to fail to deal with sexual harassment when they become aware of it could constitute a breach of the policy and disciplinary action may be taken.

Sexual harassment is a workplace issue:

The Council recognises that there can be difficulties in raising the issue of sexual harassment and bullying, particularly if:

- the immediate manager is doing the harassing
- the worker is reluctant or too embarrassed to raise the matter with their manager, or feels the manager may lack the skills, knowledge or sensitivity to deal with complaints of harassment
- the worker finds the prospect of using the formal procedure intimidating.

The Council is committed to ensuring that such potential difficulties are overcome so that allegations of sexual harassment are raised and can be acted



upon. To help ensure this, the Council's HR team have members who have received specialist training to help them deal with complaints of sexual harassment and to offer advice to workers who believe that they or their colleagues have experienced sexual harassment.

The main role of the Contact Officer(s) is to:

- provide sympathetic assistance to workers with complaints of sexual harassment
- explain to them how the procedures for making a complaint operate
- establish the main details of any complaint
- channel the complaint to the appropriate manager for action if the worker decides to take the matter further.

Designated HR & Payroll Officers will discuss cases in complete confidence and will not divulge information to any other person without the agreement of the worker.

An employee who comes to HR & Payroll to talk about sexual harassment is under no obligation to take further action. HR & Payroll are there to help workers decide what they want to do. Employees who have been sexually harassed are not obliged to refer their complaints to HR & Payroll. It is entirely up to them whether they do so. However, having HR & Payroll as a neutral contact is a means of ensuring that such workers are not discouraged from bringing forward complaints.

### Responsibilities of Employees

All staff have a responsibility to contribute to a respectful and productive working environment. They have a duty to assist in the creation of a safe working environment, where unacceptable sexual behaviour is not tolerated. Every worker has a personal responsibility to:

- ensure they understand the nature of sexual harassment
- be aware of how their behaviour may affect others and to uphold the standards of behaviour set within the team
- work within the policy guidelines including co-operating fully in any investigation undertaken
- be aware of sexual harassment and challenge unacceptable behaviour where appropriate if it is safe to intervene. Possible ways of intervening include telling the harasser that their behaviour is unacceptable; distracting either the harasser or the target to defuse the situation and also checking in with the target of the behaviour after it has taken place. It is validating for them to know that another person believes what has happened is not acceptable
- reporting incidents of sexual harassment when witnessed, or supporting targets of sexual harassment in reporting it, and co-operating in an investigation into alleged sexual harassment.

Workers should report any instances of harassment, victimisation or discrimination experienced whether they are the target of the behaviour or they have witnessed it. Reporting is necessary in order to address the issue both for the worker's own well-being and that of their colleagues. However the Council recognises that there may be many reasons that someone who has experienced sexual harassment may not complain immediately.

If a worker is found to have sexually harassed, victimised or discriminated against another worker, then they will be seen as having committed a disciplinary offence.

### Trade Union Involvement

Consultation will take place with the recognised trade union on the implementation, development, monitoring and review of this policy. Because of their role in potentially representing an alleged harasser and a complainant, trade union representatives will be given training equal to that of managers and supervisors and sufficient time to carry out their duties.

Trade union representatives are able to assist their members who have been the targets of harassment, including supporting them in making complaints. The Council encourages all members who are concerned about harassment to speak to their trade union representatives.

The Council will allow trade union representatives time off to attend union provided training courses on sexual harassment at work. The Council will support the union's activities on raising awareness and tackling the issue of sexual harassment amongst their members.

The Council recognises that women are more likely to experience sexual harassment than men and gender inequality can contribute to workplace sexual harassment, and that it may also intersect with other forms of discrimination and harassment.

The Council is committed to jointly agreeing with the trade union ways of tackling all forms of discrimination including the gender pay-gap and improving equality and diversity within all aspects of the workplace.

### Procedures

An individual can deal with sexual harassment in various ways, ranging from asking the person to stop the behaviour, to informal discussions with the HR & Payroll representatives or to making a formal complaint.

You do not have to be the recipient or target to make a complaint about sexual harassment. If you see it happening or become aware of the problem you have the

right to complain about it. Tackling sexual harassment is everybody's responsibility.

Some people are unaware that their behaviour in some circumstances is sexual harassment. If it is clearly pointed out to them that their behaviour is unacceptable, the problem can sometimes be resolved. With this in mind, this policy includes informal as well as formal action to deal with complaints of sexual harassment.

#### Informal action

1. If possible, an employee who believes that they have been the subject of sexual harassment or has witnessed it should, in the first instance, ask the person to stop the behaviour and make it clear what aspect of their behaviour is offensive and unacceptable, and the effect it is having. This can be done either verbally or in writing. If the sexually harassed person or witness feels unable to approach the person responsible directly, a member of the HR & Payroll team, work colleague or trade union representative can make this initial approach.

2. If an employee is approached informally about stopping their unwelcome or upsetting behaviour, they should not consider the reaction to be over sensitive nor the incident to be too trivial but should remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. An apology and assurance that the behaviour will not be repeated may be enough to end the matter.

3. If a worker who believes that he or she has been the subject of sexual harassment or has witnessed it is unable to adopt the above approach, or the sexual harassment is of a very serious nature, they can approach a Contact Officer who will provide informal advice in confidence. No further action will be taken without the consent of the worker making the complaint. Confidential advice is also available to other workers who themselves may not be the subject of sexual harassment but are concerned about the sexual harassment of others.

4. If an employee complains of sexual harassment but does not want to take the matter any further, the Council will periodically check in with the employee to find out if the situation has improved. The employer will respect the wishes of the complainant but there may be some circumstances where the harassment is of such a serious nature that the employer will need to take action because of the high immediate risk to the safety of the complainant, their colleagues or someone else the harasser may come into contact with. In such situations, the employer will put in place appropriate safeguards to prevent further harassment, or victimisation of the complainant.

## Formal action

If informal action does not stop the sexual harassment, or a formal complaint is made from the outset, the complaints procedure should be initiated and a formal report should be made. Throughout this procedure, the complainant and the person against whom the complaint is made has the right to be accompanied by a trade union representative or by a colleague, and to seek informal advice from the HR & Payroll team.

1. A worker who believes that they have been the subject of sexual harassment should formally report the alleged act or acts to their line manager, or if the person doing the harassment is the line manager, a more senior manager. Where possible, the worker should set out details of the complaint in writing with specifics as to dates and times and an account of what the sexual harassment is alleged to consist of.

2. All complaints will be handled and investigated in a timely and confidential manner. The complainant will wherever possible be invited to a meeting to the manager within 5 working days of reporting the alleged act or acts. The worker has the right to be accompanied by a trade union representative or a work colleague at this meeting.

3. Confidentiality will be maintained at all times including by witnesses spoken to as part of the investigation, subject to any requirement to involve external agencies where a criminal offence may have been committed or where maintaining confidentiality would pose a risk to the complainant, or to others. Workers shall be guaranteed a fair and impartial hearing whether they are the harassed or the harasser. Breach of confidentiality may be a disciplinary offence.

4. As a first stage in a thorough investigation of the complaint, a senior manager will arrange to interview separately both the complainant, and the person against whom the complaint has been made, with a representative if requested. The investigator will not be the same person who hears the complaint nor any subsequent appeal, in order to help ensure independence and objectivity. Because of any particular sensitivities of the case, it is recognised that the complainant may prefer to talk to an investigator of the same sex.

5. A target timescale for completion of the investigation will be set and communicated to the complainant, along with updates on progress. Should the target timescale not be met, a clear explanation should be given to the complainant by the employer.

6. Wherever possible, the Council will try to ensure that both the complainant, and the person against whom the complaint has been made are not required to work together while the complaint is under investigation. In a serious case, the person against whom the complaint has been made may be suspended while investigation

and any subsequent disciplinary policy are undertaken as a precaution for the protection of the complainant or to prevent interference in the investigation. Such suspension will be for as short a time as possible and will be on full pay.

7. Following the investigation, the senior manager will give a detailed response in writing to the complainant including outcomes wherever appropriate or possible, including action taken to address the specific complaint if it is upheld, and any measures taken to prevent a similar event happening again in the future.

8. If the investigation reveals that the complaint is upheld, prompt action designed to stop the sexual harassment immediately and prevent its recurrence will be taken. In such circumstances, if relocation proves necessary, the alleged harasser and not the complainant will be relocated unless the person complaining requests otherwise.

9. Disciplinary action up to and including dismissal may be taken in accordance with the staff disciplinary procedure if a complaint of sexual harassment is upheld. Appropriate adjustments will be made to enable the complainant to participate in the disciplinary process without fear of victimisation.

10. If the sexual harassment is believed to be a criminal offence, such as a sexual assault, indecent exposure, stalking and offensive communications, the senior manager should advise the complainant to report the matter to the police as soon as possible and give them appropriate support. In cases where the police are involved, the Council will liaise with the police regarding the disciplinary process and take advice on how to conduct a fair process.

11. If it is believed that there is an ongoing risk of serious harm to an individual, the senior manager will contact the police themselves and inform the complainant that they have done so.

12. Workers shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliating against a worker for complaining about or assisting in an investigation of sexual harassment is a disciplinary offence.

13. Any decisions taken under this procedure do not preclude any worker from pursuing a grievance in the usual way under the staff grievance procedures and/or reporting the matter to the police should they believe that a criminal offence may have been committed.

14. The complainant has the right to appeal against the decision following the investigation within 10 working days of receiving the decision from the senior manager. Any appeal must be made in writing, stating the reasons for the appeal.

15. An appeal meeting will be arranged with a more senior manager not previously involved in the procedure who will consider the appeal. The worker will be given the opportunity to put forward their case and explain why they are not satisfied with the outcome. The meeting may be adjourned by the person hearing the appeal, if it is considered necessary to undertake further investigation. The meeting will be reconvened as soon as possible.

16. The decision of the person hearing the appeal shall be final.

### Review and Monitoring

Adequate resources will be made available to fulfil the aims of this policy. The policy will be widely promoted, and copies will be freely available and displayed in Council's offices and through the staff intranet (Eric).

This policy will be reviewed as a minimum every 3 years. The initial review of effectiveness will take place 12 months after this policy comes into effect.

The Council will also periodically monitor how successful it is in creating a workplace free of sexual harassment by other means which may include confidential staff surveys, training, raising awareness of harassment and bullying in general and undertaking risk assessments.

### Support for Workers who have Experienced Sexual Harassment

The Council recognises that sexual harassment can affect job performance and cause stress, anxiety or other mental health as well as physical health problems. Where sexual harassment causes deterioration in job performance, this will be treated as a health problem and the person will be encouraged to seek help under the terms of this policy. There will be no discrimination against individuals suffering from stress caused by sexual harassment.

Access to independent and trained counsellors will be available to all staff. This service as with all counselling will be strictly confidential between the counsellor and member of staff. No details or records will be disclosed without the written permission of the member of staff concerned. Employees who have been sexually harassed will be offered the opportunity to attend counselling sessions.

Confidential support, practical information and advice is also available for individual employees from the Council's Employee Assistance Programme (Currently via 'Viv Up'). Access is available via the Council's intranet or via the Viv Up app.

Where the workers' complaint is not upheld, or it is upheld but the disciplinary action falls short of the dismissal of the harasser, mediation and/or an offer of redeployment may be offered to the affected parties.

**Further information:**

HR and Payroll Service at the Arc

Contact your local Trade union Representative at Unison and Unite  
Equality Advisory and Support Service (EASS)

[www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

For advice on discrimination issues.

0808 800 0082

**Protect**

<https://protect-advice.org.uk/>

Confidential advice for individuals who have witnessed wrongdoing in their workplace but are unsure how to raise their concerns.

020 3117 2520

Rights of Women – Sexual harassment at work advice line

<https://rightsofwomen.org.uk>

Free employment legal advice to women in England and Wales experiencing sexual harassment at work

Call: 020 7490 0152, Mondays 6pm to 8pm, Tuesdays 5pm to 7pm,

Wednesdays 5pm to 6:30pm.

Signatories

This Policy is made in agreement between Bolsover District Council, UNISON and Unite. The Council's recognised Trade Union.