



Please ask for Charlotte Kearsey
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The Chair and Members of
Employment and General Committee

23 February 2018

Dear Councillor,

Please attend a meeting of the EMPLOYMENT AND GENERAL COMMITTEE to be held on MONDAY, 5 MARCH 2018 at 10.00 am in Committee Room 1, Town Hall, Rose Hill, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to Items on the Agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 8)
4. Staff Vetting Policy (Pages 9 - 44)
5. Code of Conduct Policy (Pages 45 - 62)
6. Domestic Abuse Policy (Pages 63 - 80)
7. Local Government Act 1972 - Exclusion of Public

To move "That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business

on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act".

8. Minutes of Employer/Trade Union Committee (Pages 81 - 86)
9. Minutes of the Council Health and Safety Committee (Pages 87 - 92)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', written in a cursive style.

Local Government and Regulatory Law Manager and Monitoring Officer

EMPLOYMENT AND GENERAL COMMITTEE

Monday, 22nd January, 2018

Present:-

Councillor Burrows (Chair)

Councillors Simmons
J Innes

Councillors Wall

*Matters dealt with under the Delegation Scheme

35 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations of interest were received.

36 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Blank and Davenport.

37 MINUTES

RESOLVED –

That the Minutes of the Meeting of the Committee held on 4 December, 2017 be approved as a correct record and signed by the Chair.

38 RESTRUCTURING, REDEPLOYMENT AND REDUNDANCY POLICY

The HR Officer presented a new policy which combined the existing policies on restructuring, redeployment, redundancy and protection of earnings into one policy document.

The protection of earnings was reviewed through the recent pay and reward project and agreement was reached on the reduction of pay protection from 3 years to 18 months which brought it in line with other neighbouring authorities. The restructuring and redeployment policies had

been revised and the trade unions had been consulted during the process.

The new policy had been submitted and endorsed by the Employer/Trade Union Committee. A full equality impact assessment had been completed and was attached as an appendix to the officer's report.

***RESOLVED –**

1. That the new restructuring, redeployment and redundancy policy be approved.
2. That the paragraph 10 of the policy be amended to “Manager, in consultation with the portfolio holder(s), drafts report for Joint Cabinet and Employment and General Committee.

39 CALCULATION OF TAX BASE 'COLLECTION FUND' 2018/19

The Director of Finance and Resources submitted a report seeking approval of the Tax Base calculation for 2018/19.

The Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended) required the Borough Council as Billing Authority to calculate the tax base for the Borough and the Parishes and to notify the Major Precepting Authorities (Derbyshire County Council and Derbyshire Policy Authority), and those Parishes requesting it, by 31 January each year.

The report gave details of how the tax base was calculated and the legal implications.

***RESOLVED –**

1. That the report for the calculation of the Council's Tax Base for the whole and parts of the area for 2018/19 be approved.
2. That pursuant to the report and in accordance with Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended), the amount calculated by Chesterfield Borough Council as its Tax Base for the year 2018/19 shall be:

Table – 2018/19 TAX BASE (Equivalent Number of Band ‘D’ Dwellings)

	2017/18	2018/19	Increase / (Decrease)	
			No.	%
Chesterfield (whole area)	28,507.92	28,769.10	261.18	0.9
Staveley Town Council	4,087.94	4,101.13	13.19	0.3
Brimington Parish Council	2,276.05	2,329.75	53.70	2.4

REASON FOR DECISIONS

To fulfil a statutory requirement to enable the Council Tax to be set later in the financial year.

40 NON DOMESTIC RATES ESTIMATES 2018/19

The Director of Finance and Resources submitted a report seeking approval for the National Non-Domestic Rates (NNDR) estimates and NNDR1 Return for 2018/19.

The Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended) required the Borough Council as Billing authority to calculate the Tax Base for the Borough and the Parishes and to notify the Major Precepting Authorities (Derbyshire County Council and Derbyshire Authority), and those Parishes which requested it, by 31st January each year.

The Local Government Finance Act introduced the part-retention of income from Business Rates from April 2013. The income generated is to be shared between the Government (50%), the County Council (9%), the Fire Authority (1%) and the Borough Council (40%). A bid was submitted to the Government in October 2017 for the current members of the Derbyshire Pool to become a 100% Business Rates Retention Pilot for 2018/19; the bid was successful. The terms of the pilot included a ‘no detriment’ clause, meaning that the Council would be no worse off financially than under the Derbyshire Pool arrangements. As a result the income generated in 2018/19 will be shared between the Government (0%), the County Council (49%), the Fire Authority (1%) and the Borough Council (50%).

The Council was required to complete and approve the NNDR1 Return, showing how the estimated income had been calculated and how it was to be shared.

The report gave details of how the tax base was calculated and also how the estimated net yield would be shared, together with the legal implications.

***RESOLVED –**

1. That the estimated National Non Domestic Rates estimates as recorded on the NNDR1 Return (Appendix A to the report) be approved.
2. That the Director of Finance and Resources be given delegated authority to make any subsequent changes to the NNDR1 return that are identified before the final submission date of the 31 January, 2018.

REASON FOR DECISIONS

To fulfil the statutory requirements to approve the estimated Business Rates income. The information is required by the Government and by the Council and the other precepting authorities to enable them to set their Council Taxes.

41 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

RESOLVED –

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

42 CONTRACTING EXISTING VACANT HOURS AT BOTH SPORTS CENTRES

The Operations Manager at Queen's Park Sports Centre submitted a report seeking approval to apply permanent contracts to existing vacant hours and increase the hours of the Centre Attendant posts on annualised contracts at Queen's Park Sports Centre and the Healthy Living Centre.

Since opening the new sports centre there had been a significant increase in demand upon the operational team due to an improved activity programme and increased numbers of customers using the facilities. To ensure standards of health and safety are delivered, minimum supervision levels needed to be maintained.

At present, staff on zero hour contracts were used to cover the vacant hours which are not covered by contracted staff. By permanently contracting the hours, overtime costs would be reduced and continuity in delivering the activity programmes would be sustained.

The report contained details of the financial implications and risks associated to not permanently contracting the hours. The Operations Manager advised that consultations had taken place with the Cabinet Member, Executive Director, Director of Finance and Resources and HR Manager who supported the recommendations.

***RESOLVED –**

1. That the current vacant hours across both sports centres on the Centre Attendant rota be permanently contracted.
2. That the Centre Attendant posts on annualised hours contracts be increased by 7 hours a week.

REASONS FOR DECISIONS

1. To ensure that the centres can continue to provide the programmes that they operate.
2. To reduce the number of hours on rota currently covered by staff who are on zero hour contracts.
3. To reduce the operational costs associated with overtime.
4. To ensure continued support for activities where there is a need for health and safety, e.g. swimming pool programme.
5. To ensure that there is commitment to developing standards at the centres, particularly with regards to cleanliness.

6. To ensure that current activity programmes can be delivered ensuring that opportunities are provided for people to undertake physical exercise.
7. To enable activities to be provided that will sustain the centres current level of income and continue this further so that both centres can work towards a zero subsidy for the Council.
8. To provide greater opportunities for the centres to make a positive contribution to the Council's Plan.

43 MINUTES OF EMPLOYER/TRADE UNION COMMITTEE

The Minutes of the Employer/Trade Union Committee held on 20 November, 2017 were considered.

RESOLVED –

1. That the Minutes be received and noted.
2. That the reasons for applying for liP re-accreditation be fed back to the Committee.

For publication

Code of Conduct Policy

Meeting: Employment and General Committee

Date: 5 March 2018

Report by: Human Resources Manager

1.0 Purpose of Report

To provide information regarding the introduction of a new Staff Vetting Policy and to recommend for approval this Policy.

2.0 Background

Staff vetting helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. Staff vetting is also used to ensure staff are fit for purpose for professional roles and also for trusting them to access sensitive information.

The Disclosure and Barring Service (DBS) help to identify candidates who may be unsuitable for certain roles, especially those that involve children or vulnerable adults. Clearance from the DBS is required for certain roles as part of the pre-employment checks in accordance with Chesterfield Borough Council's Recruitment Policy.

Four levels of criminal record checks are available via the Disclosure and Barring Service, Basic, Standard, Enhanced and Enhanced with Children's and / or Adults' Barred List Checks.

Chesterfield Borough Council is a registered body with the DBS and must abide by the DBS Code of Practice. Failure to comply with Conditions of Registration can result in the suspension or cancellation of registration.

Suspension or cancellation of registration would mean that the council would no longer be able to countersign DBS application forms. Instead, the council would have to refer applications to an umbrella body for completion. This would incur additional costs due to administration charges per application and may also increase the time taken to receive information from the DBS.

As a result of a review of the council's current position in terms of compliance with the DBS Code of Practice, a need for a standalone comprehensive policy regarding the use of criminal records checks has been identified.

This policy has been drafted and clarifies the council's position. The policy aims to prevent excessive or under- checking of job roles and has been produced to provide guidance to managers regarding criminal records checks and to ensure that the correct procedures are followed when undertaking these checks for current and prospective employees.

3.0 Proposed Procedure

The new policy and appendices can be found at Appendix 1.

The council's Policy team have confirmed that a full Equality Impact Assessment is not required. The Preliminary Equality Impact Assessment is attached at Appendix 2.

4.0 Employer – Trade Union Committee

The proposed policy was submitted to the Employer trade union Committee on 14th February 2018 and was endorsed for submission to Employment and General Committee.

5.0 Recommendations

That the new Staff Vetting Policy be approved.

For further information on this report, contact Kate Harley.

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Staff Vetting Policy

Prepared by: Human Resources

Approved by Employment and General Committee: xxx 2018

For review: 2021



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Appendix B: DBS Risk Assessment Template – Employees Starting Work before an Enhanced DBS Check is Returned

Appendix C: Cause for Concern Risk Assessment Proforma

Appendix D: Statement of Good Conduct

Appendix E: List of posts which require criminal records checks

Appendix F: DBS Update Service Consent Form

1. Policy Statement on criminal records checks

The Council is committed to ensuring the wellbeing and safety of all clients. This includes developing, implementing and maintaining effective recruitment and human resources procedures to promote safeguarding of children, young people and vulnerable adults.

The council also has a commitment to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

The council will therefore consider ex-offenders for employment on their individual merits.

The council's approach towards employing ex-offenders differs depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

2. Scope

This policy will apply to those seeking paid work or volunteering opportunities with the council. In addition, voluntary or seasonal work, student placements, preferred contractors and other regulated positions will also come under the provisions of the policy.

3. TYPES OF DISCLOSURE AND BARRED LIST CHECKS

3.1. Relevant posts across the council will have a record on the council's HR and Payroll Systems identifying which checks they require. A list of council posts which have been identified as requiring a criminal record check can be found at Appendix E. This list will be reviewed and updated periodically and as necessary.

3.2. The different levels of criminal records check that are available to the council are:

- Basic Disclosure through Disclosure Scotland (DS)
- Standard Check through the Disclosure and Barring Service
- Enhanced DBS check through the Disclosure and Barring Service
- Enhanced DBS check with Children's Barred list check
- Enhanced DBS check with Adult Barred list check
- Enhanced DBS check with Children's and Adult Barred list check

4. REFERRAL TO THE DISCLOSURE AND BARRING SERVICE (DBS)

4.1. The Safeguarding Vulnerable Groups 2006 Act sets a legal duty for the council to refer information to the DBS if a member of staff/volunteer/contractor is dismissed or removed from working with children and/or vulnerable adults (in what is legally defined as Regulated

Activity) because they meet the referral criteria. The council has a duty to refer information to the DBS as both a Regulated Activity Provider and as a Local Authority.

5. COSTS OF DISCLOSURE

- 5.1 The cost of criminal records checks relating to council posts will be met by the council.
- 5.2 The cost of checks undertaken by the council on behalf of contractors and those from whom the council commissions a service will be met by the contractor depending on the particular circumstances and terms of the contract.
- 5.3 Checks for volunteers are free. See paragraph 15 below for further information.

6. UPDATE SERVICE

Employees within posts which require an Enhanced DBS check will be required to subscribe to the DBS online Update Service.

The DBS online Update Service allows individuals to keep their DBS certificates up to date. This subscription service allows employers the facility to check the status of an individuals' existing certificate.

The council must obtain the employee's consent via the DBS Update Service Consent Form (Appendix F). This consent must be given as a condition of their employment with the council.

In order to access the Update Service, the council must be legally entitled to apply for a DBS Certificate of the same type and level that to be checked.

The annual subscription cost of the Update Service will be paid for by the council on obtaining signed agreement from the employee, to allow access to this facility.

7. ENHANCED DBS AND BARRED LIST RE-CHECKS FOR EMPLOYEES

- 7.1. If a post requires an Enhanced DBS check the council will re-check relevant staff on an annual basis via the Update Service. If the online status check reveals a change in the disclosure status then a full re-check will be required to determine the exact nature of the change.
- 7.2. Where there are reasonable grounds the council may require existing employees to re-apply for an up to date Enhanced DBS check. It reserves the right to ask existing members of staff in relevant positions to apply for a new DBS check if their actions or activities give 'cause for concern'. The

grounds for 'cause for concern' could include allegations of suspicious or inappropriate behaviour made by a child or other person or a colleague, parent, carer or member of the public. In such instances, a full investigation of any such allegations will be conducted in accordance with the council's Disciplinary Policy. As part of the investigation process, the employee may be required to undergo an Enhanced DBS check with consideration and legal advice taken in respect of human rights and employment legislation.

- 7.3. Where, due to changes in legislation, occupational groups become subject to regulation for the first time, the council will write to existing employees in those groups informing them of the requirement to obtain an Enhanced DBS check. All affected employees will be consulted appropriately.

8. ESTABLISHING CRIMINAL RECORDS DISCLOSURE REQUIREMENTS FOR A NEW POST

- 8.1. All new posts will be assessed via the DBS Online Toolkit. Service Managers will complete the DBS Check Required Form (Appendix A) confirming whether criminal records checks are required and at which level. The Check Required Form will be retained by Human Resources and any posts which require a criminal records check will be recorded on the council's HR and Payroll systems. The list of posts which require a criminal records check (Appendix E) will be updated.

9. POSTS REQUIRING BPSS CHECKS

- 9.1. There are currently a limited number of posts in the council that are required to adhere to the Baseline Personnel Security Standard (BPSS). Part of the BPSS requirement is an unspent criminal record check, those employees that do not have a DBS will be required to have a Basic Disclosure Scotland check. Any posts which require a BPSS check will be recorded on the council's HR and Payroll systems.

10. RECRUITMENT

- 10.1. All recruitment will be in line with the council's Recruitment and Selection Policy.
- 10.2. Only carry out pre-employment vetting on an applicant as at late a stage as is practicable in the recruitment process. This will normally be once a provisional offer of employment has been made.
- 10.3. If, for operational reasons, an individual is required to commence employment prior to a criminal record check being returned, the manager must first complete the DBS Risk Assessment Template (Appendix B) and return to HR. Once a disclosure is received the Risk Assessment must be updated.
- 10.4. The risk assessment asks for confirmation that:
 - A correctly completed criminal records check application has been submitted.
 - An adult or children Barred List check, if applicable, has been undertaken.
 - All other required pre-employment checks have been completed.
- 10.5. The manager has introduced sufficient safeguards for the individual not to have unsupervised access to children or vulnerable adults.
- 10.6. The DBS does not hold details of convictions, cautions, reprimands or warnings from outside the United Kingdom. Applicants that have worked or been resident overseas, including UK citizens who have worked or lived overseas, may require the Statement of Good Conduct (Appendix D). The qualifying periods are
 - DBS – Three months in the previous 5 years
 - Disclosure Scotland – 3 months in the previous 3 years

This does not apply to members of the UK armed forces and their families that were stationed overseas. See Statement of Good Conduct (Appendix D) for further information.

11. FILTERING

The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and minor cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account when making recruitment decisions.

Filtering is the term used to describe the process which will identify and remove protected convictions and cautions so that they are no longer disclosed on a DBS certificate (DBS check).

- 11.1 The council's recruitment practice will adhere to legislation in

relation to filtering of protected convictions.

11.2 Council managers will not take into account protected convictions when making recruitment decisions.

12. AFTER RECRUITMENT

12.1. As part of an employee's induction new employees will be required to undertake the council's mandatory Safeguarding training. The level of this training will be appropriate to the job role.

13. APPLICANTS WITH ADVERSE DISCLOSURES

13.1 Jobs covered by the Rehabilitation of Offenders Act 1974

The council will not automatically refuse to employ a particular individual just because they have a previous criminal conviction.

As part of the provisional offer stage, the council will ask candidates to disclose any unspent convictions, but will not ask questions about spent convictions, nor expect them to disclose any spent convictions.

If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which he/she has applied, the council will review the individual circumstances of the case and may, at its discretion, decline to select the individual for employment. This decision will be made by the appropriate member of the council's Corporate Management Team (CMT) or the Senior Leadership Team (SLT) following advice from Human Resources.

The Cause for Concern Risk Assessment Proforma (Appendix C) will be completed to assist this decision making process. The applicant will be asked to sign the completed risk assessment to verify the information provided and give permission for the risk assessment to be stored securely and later destroyed in accordance with the council's Human Resources Information Security Policy.

13.2 Jobs that are exempt from the Rehabilitation of Offenders Act 1974

If the job into which the council is seeking to recruit is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003, the council will require the applicant to disclose all convictions, whether spent or unspent (other than where protected cautions and protected convictions do not need to be disclosed).

Even in these circumstances, however, the council will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

Furthermore, if the job is exempt, the council will, once it has selected the person to whom it wishes to offer employment, seek documentary evidence about that person's criminal convictions. The council will seek the applicant's agreement to make a joint application to the Disclosure and Barring Service (DBS) for a standard, enhanced or enhanced with DBS barred lists check (as appropriate). Where the individual is a member of the DBS update service, the council will, with their permission, carry out a status check on any current certificate.

If the DBS check identifies that the applicant has any convictions, spent or unspent, the council will review the individual circumstances of the case and may, at its discretion, decline to select the individual for employment. This decision will be made by the appropriate member of the council's Corporate Management Team (CMT) or the Senior Leadership Team (SLT) following advice from Human Resources.

The Cause for Concern Risk Assessment Proforma (Appendix C) will be completed to assist this decision making process. The applicant will be asked to sign the completed risk assessment to verify the information provided and give permission for the risk assessment to be stored securely and later destroyed in accordance with the council's Human Resources Information Security Policy.

13.3 If the candidate has made a false declaration on their application form then the council will not be able to confirm the appointment. If the disclosure certificate contains information that was not revealed by the candidate it will be necessary to hold a further discussion with the candidate and undertake a further review against any risk assessment before deciding to confirm or withdraw the offer of employment.

13.4 It is an offence for a barred person to work, apply to work or offer to work in Regulated Activity with a group they are barred from working with. Candidates on the Barred List will not be employed in Regulated Activity by the council. If the checks reveal that a candidate is on the Barred List for Regulated Activity the council will make a referral to DBS to notify them of the individuals attempt to apply for barred work.

14. EMPLOYEES WITH ADVERSE DISCLOSURES

Where existing employees, who have not been previously checked, or their post requires a re-check and subsequently have an adverse disclosure result, the manager should follow the guidance in paragraph 13 Applicants with Adverse Disclosures and complete the Cause for Concern Risk Assessment Proforma (Appendix C) and discuss the contents with HR. It may be appropriate to move the employee to an alternative post with no access to

children and/or vulnerable groups, property/information/resources etc. depending on the nature of the disclosures and pending the outcome of a full investigation. It may be that there are no suitable duties the employee could undertake during this period which do not bring them into contact with children/ vulnerable adults. If this is the case, the manager must give consideration to suspending the employee on full pay pending the outcome of the disciplinary investigation.

- 14.1 The employee may confirm or refute the information provided by the DBS/Disclosure Scotland, where this is the case, clarification with the DBS/Disclosure Scotland will be sought.
- 14.2 When completing The Cause for Concern Risk Assessment Proforma it should be considered whether the conviction is relevant to the post. If the disclosure results are considered to be of a serious nature and prove to be correct the following options will be considered:
 - Termination of employment.
 - Redeployment depending on the availability of a suitable vacancy.
 - The introduction of safeguards.
- 14.3 Only after a full appraisal of the situation including the risks involved and other alternative employment options investigated should dismissal be considered and then only after advice from HR and the council's lead officer in relation to Safeguarding. If termination of employment is considered, then the employee must be informed in writing and a hearing held in line with the council's Disciplinary Procedure.
- 14.4 If the disclosure results are considered not to be serious and do not impinge on an employee's ability to work in their existing role the line manager should inform the employee accordingly in writing.

15. AGENCY WORKERS

- 15.1. The agency is legally the employer of any agency workers and the responsibility to obtain a relevant Basic Disclosure or DBS check, is theirs. This check can then be used within any organisation that the agency provides workers to work within provided that it is for the same workforce and relevant barred list check. Relevant managers must ensure that agency workers are compliant with the council's safeguarding requirements.
- 15.2. When using an agency worker, a manager should ask to see a copy of the DBS check (this should be no more than one year old), to ensure that each worker supplied to them has had a satisfactory DBS check and checks against the Children's and/or Adult's barred list.

16. CONTRACTORS

16.1. The organisation providing the contractor is legally the employer of any contractors and the responsibility to obtain a relevant DBS check or Enhanced check for Regulated Activity is theirs. This check can then be used within any organisation that contractors are provided to. If contractors are procured, the procuring manager will ensure that all Safeguarding requirements are included within the procurement documentation.

17. VOLUNTEERS

17.1. A volunteer is described as a person who performs an activity which involves spending time unpaid (except for travelling and approved out of pocket expenses) doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives.

17.2. Volunteers who assist on a regular basis in a role which meets the parameters for requiring a DBS check are required to undertake the relevant level of DBS check.

17.3. The disclosure is provided free of charge. To qualify for a free of charge disclosure, the applicant must not benefit directly from the position the DBS application is being submitted for. The applicant must not:

- receive any payment (except for travel and other approved out of pocket expenses);
- be on a placement/work experience;
- be on a course that requires them to do this job role; and/or
- be in a trainee position that will lead to a full-time role post qualification.

17.4. Volunteer roles should be properly described under 'role of applicant' on the DBS disclosure form e.g. "volunteer Museum Assistant".

18. GENDER RECOGNITION CERTIFICATES

18.1. The Gender Recognition Act 2004 allows transsexual people who have undergone gender reassignment to apply for a gender recognition certificate. When a full gender recognition certificate has been issued, the person is legally considered to be of the acquired gender.

18.2. If the person is required to undergo a DBS/Basic Disclosure check as part of the recruitment process they must disclose any previous names and/or gender to the DBS/Disclosure Scotland who have established a special application procedure/dedicated contact officer to maintain confidentiality:

18.3. Gender confidentiality will be maintained where the individual has no criminal convictions and where there is no other information held by any Police Authority, as a clear disclosure certificate is the ultimate result. However, if they did have convictions under their previous gender that were considered relevant to the post/position, then the individual's gender change would become evident through the provision of conviction information on the DBS disclosure certificate showing both gender names.

19. DATA PROTECTION

19.1. The council is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of the Data Protection Act 1998. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person.

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Chesterfield Borough Council

Equality Impact Assessment - Preliminary Assessment Form

The preliminary impact assessment is a quick and easy screening process. It should identify those policies, projects, services, functions or strategies which require a full EIA by looking at negative, positive or no impact on any of the equality groups.

Service Area: HR

Section: HR

Lead Officer: Ashish Kaushik

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for: Criminal Records Checking Policy

Is the policy, project, service, function or strategy:

Existing ☐

Changed ☐

New/Proposed **New**

Q1 - What is the aim of your policy or new service?

This policy has been produced to provide guidance to managers regarding criminal records checks and to ensure that the correct procedures are followed when undertaking these checks for current and prospective employees. The availability of a standalone policy is best practice and is also a requirement of the Disclosure and Barring Service (DBS). The policy aims to prevent excessive or under- checking of job roles.

Q2 - Who is the policy or service going to benefit?

The Council is committed to ensuring the wellbeing and safety of all clients. The policy seeks to ensure that employees or prospective candidates within identified posts are vetted at the appropriate level. These checks serve to help identify those people who may be unsuitable for certain roles, especially those that involve children or vulnerable adults.

Q3 - Thinking about each group below, does, or could the policy, project, service, function or strategy have an impact on protected characteristics below? You may also need to think about sub groups within each characteristic e.g. older women, younger men, disabled women etc.

Please tick the appropriate columns for each group.

Group or Protected Characteristics	Potentially positive impact	Potentially negative impact	No impact
Age – including older people and younger people.			✓
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.			✓
Gender – men, women and transgender.			✓
Marital status including civil partnership.			✓
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.			✓
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.			✓
Ethnic Groups			✓
Religions and Beliefs including those with no religion and/or beliefs.			✓
Other groups e.g. those experiencing deprivation and/or health inequalities.			✓

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

Q4 - Should a full EIA be completed for this policy, project, service, function or strategy?

Yes ☐
No ☒

Q5 - Reasons for this decision:

This policy will apply to all those seeking paid work or volunteering opportunities with the council.

The council has a commitment to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training. The council will therefore consider ex-offenders for employment on their individual merits.

The council's approach towards employing ex-offenders differs, however, depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

Please e-mail this form to the Policy Service before moving this work forward so that we can confirm that either a full EIA is not needed or offer you further advice and support should a full EIA be necessary.

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APPENDIX A: DBS Check – Determining if required

This form is to be completed by the recruiting manager to determine if a post being recruited to requires a DBS check. You should use this form in conjunction with the DBS online checking tool.

Service Area:		
Manager:		
Job title of post:		
Post number:		
Main place of work for post:		
Is this a new post	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Have previous post holders been subject to CRB/DBS check	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is there a job description	Yes <input type="checkbox"/> No* <input type="checkbox"/> *No, you should draw up a job description and submit to Human Resources for job evaluation	
If Yes, have you reviewed the job description to ensure it is up to date and an accurate reflection of actual duties undertaken	Yes <input type="checkbox"/> No* <input type="checkbox"/> *No, you should do this before continuing with this form	
Children		
1. Does the role involve working only with young people who are 16 or 17 and who are volunteers or employees?	Yes* <input type="checkbox"/> No <input type="checkbox"/> *YES This role does not appear to be regulated activity. 16 and 17 year olds are not considered vulnerable if they are in volunteering or employment situations.	
2. Does the role involve providing personal care, healthcare, registered child-minding or foster caring?	Yes* <input type="checkbox"/> No <input type="checkbox"/> * YES This role does appear to be regulated activity.	
3. Does the role involve volunteering or working for a school, children's home, or childcare premises on a regular basis?	3a.	Yes* <input type="checkbox"/> No <input type="checkbox"/> *If YES, answer 3b. below.
	3b.	Is the role supervised? Yes <input type="checkbox"/> No <input type="checkbox"/> YES – Not regulated activity NO – Regulated activity
4. Does the role involve any of the following activities on an unsupervised basis? Teaching, training, instructing, caring for, supervising, providing advice or guidance on well-being or driving a vehicle only for children?		Yes* <input type="checkbox"/> No <input type="checkbox"/> *If YES, answer 4b. below.
		Is the role undertaken regularly? Yes <input type="checkbox"/> No <input type="checkbox"/> YES – Regulated activity NO – Not regulated activity

Adults		
1. Providing health care either by or under the supervision of a health care professional?	<p>Yes – The role appears to be regulated activity</p> <p>No - The role does not appear to be regulated activity</p>	
2. Assisting an adult with eating, drinking, toileting, washing, bathing, dressing, oral care, care of the skin, hair, nails or teaching someone to do one of these tasks		
3. The provision of social work by a social care worker in connection with any health or social services?		
4. Assistance with cash, bills and/or shopping because of an adult's age, illness or disability?		
5. Assistance with the conduct of an adult's own affairs, e.g. enduring powers of attorney or deputies appointed under the Mental Health Act		
6. Transporting an adult to or from their place of residence and a place where they have received or will receive health care, personal care or social care? (excludes taxi drivers)		
Type of check required		No criminal records check required
		Basic Check via Disclosure Scotland
		Enhanced Check for Regulated Activity (Children)
		Enhanced Check for Regulated Activity (Adults)
		Enhanced Check for Regulated Activity (Children and Adults)
		Enhanced DBS Check
		Standard DBS Check
Manager's Signature:		
Date:		
Human Resources Approval:	Yes	No
HR Signature		
Date:		

APPENDIX B: DBS RISK ASSESSMENT TEMPLATE – EMPLOYEES STARTING WORK BEFORE AN ENHANCED DBS CERTIFICATE IS RECEIVED

All other pre-employment checks must be completed before submitting this form to the relevant CMT manager

Name of Manager.....

Full Name of Applicant.....

Position Applied For.....

Service Area.....

Questions		Comments
1	<p>Have all necessary Pre-employment checks been completed, including where applicable:</p> <ul style="list-style-type: none"> <input type="checkbox"/> References checked and verified. <input type="checkbox"/> Application form checked. (Signed & Dated by applicant) <input type="checkbox"/> Evidence of Professional Qualifications. <input type="checkbox"/> References <input type="checkbox"/> Right to work in UK documentation. <input type="checkbox"/> Proof of Identity. <input type="checkbox"/> Medical Clearance. 	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
2	Has a DBS application has been completed?	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
3	Is this post eligible for a check of the Barred List(s)?	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
4	<p>Has the relevant Barred List check(s) been undertaken?</p> <p>CHILDREN'S BARRED LIST</p> <p>ADULTS' BARRED LIST</p> <p>Is the applicant barred from working with Children/Adults</p> <p>Checked by</p> <p>Signed.....Date.....</p>	<p>HR Admin Team only</p> <p>Yes No N/a</p> <p>Yes No N/a</p> <p>Yes No N/a</p>

Questions		Comments
5	What level of safeguards can be implemented, e.g. how much supervision is available from an appropriately qualified and experienced member of staff / no unsupervised contact / induction only	
6	Has the applicant advised of any disclosures that the DBS check will show? If so, what is the impact of these – see Cause for Concern Risk Assessment Proforma (Appendix C)	Yes <input type="checkbox"/> No <input type="checkbox"/>
7	Any questions/additional comments from the applicant?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>Declaration by applicant:</p> <p>I understand that if I am allowed to start work before my enhanced DBS check is returned, it is subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required could lead to termination of employment.</p> <p>Signature: Date.....</p>		

Additional comments by Manager:

Outcome of Risk Assessment (delete as appropriate):

Allow employee to begin before the enhanced DBS is returned?

Yes

No

Name of Authorising Manager:

Signature of Authorising Manager:

I have considered the content of this risk assessment and give approval for the applicant to start in position, with the safeguards set out above put in place, prior to the return of an enhanced DBS check.

Name of CMT Manager.....

Signature of CMT Manager

Date

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APPENDIX C: CAUSE FOR CONCERN RISK ASSESSMENT PROFORMA

Please complete this form fully, before discussing any relevant issues with HR. This risk assessment will form the basis of a decision to appoint/not to appoint someone into a position where adverse disclosures have been identified on a returned DBS Certificate.

Name of Manager

Name of Candidate

Position Applied For

Service Area

Questions		Comments
1	Does the candidate meet all the essential criteria for the post in terms of skills, knowledge, experience and ability?	
2	Does the applicant agree that the information detailed on the DBS certificate is correct? Did the applicant declare the matters on the disclosure application form? <i>In the event of a challenge from the applicant the matter needs directly referring to the disputes team at the DBS.</i>	
3	The country in which the offence was committed e.g. some activities are offences in Scotland and not in England and/or Wales and vice versa.	
4	What is the nature of the contact the applicant will have with children/adults/the public and how vulnerable are they? If working with adults, will the applicant have access to finances or to items of value?	
5	What was the nature of the crime, is the offence(s) directly relevant to the post, do the matters disclosed form any pattern and when did the relevant offence(s) occur, <i>e.g. less/more than two years ago, what were the circumstances involved and what was the sentence?</i>	
6	Was the relevant offence committed at work (either paid or unpaid work)? Does the job present any opportunities for the applicant to re-offend in the place of work?	
7	What is the seriousness of the offence(s) and relevance to the safety of other employees, customers, service users and property?	

8	Are there any mitigating circumstances e.g. any relevant information offered by the applicant about the circumstances that led to the offence being committed e.g. the influence of domestic or financial difficulties?	
9	Has the applicant's circumstances changed since the offence was committed, making re-offending less likely (e.g. improved personal circumstances, drug addiction therapy etc.). Can the applicant demonstrate any efforts not to re-offend? i.e. rehabilitation course	
10	Would the applicant do anything differently now - has their motivation changed? Does the individual regret the matter (degree of remorse) and what is their attitude towards the matters now?	
11	Are there any assessments and reports from those agencies involved in the applicant's process of rehabilitation e.g. probation service, specialists working in prison, other agencies?	
12	What level of and how much supervision is available to the applicant?	
13	Can any safeguards be implemented to reduce/remove any risk e.g. no unsupervised contact?	
14	Any questions from the applicant?	

Applicant

Are there any additional comments in support of your employment.....

I understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required could make an offer of employment invalid or lead to termination of employment and I consent to the above:

Signature: Date.....

Name:.....

Line Manager

Are there any additional comments, eg approval is dependent upon conditions being met, restrictions and/or safeguards to be implemented by the employing service:

I have discussed this with HR? **YES / NO**

If yes, name of HR Officer.....

Outcome of Risk Assessment (delete as appropriate):

Continue with offer of employment / **Withdraw** offer of employment

Name.....

Signature: Date:

Human Resources Authorisation:

Name.....

Signature.....Date.....

Corporate Management Team Authorisation:

I have considered the content of this risk assessment and give approval for the candidate to commence employment with any relevant restrictions/safeguards as outlined by the Line Manager:

Name.....

Signature.....Date.....

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APPENDIX D: STATEMENT OF GOOD CONDUCT

The DBS and Disclosure Scotland (DS) can only access criminal records held on the Police National Computer and this does not hold details of convictions, cautions, reprimands or warnings from outside the United Kingdom. An enhanced DBS check will not provide details of an overseas criminal record that may, or may not exist. All persons who are appointed to a post requiring an enhanced DBS check must however undergo a DBS check regardless of their length of stay in the UK even if they have never been resident.

All new arrivals to the UK must provide, in addition to all documentation in relation to the immigration requirements, and DBS requirements, a Statement of Good Conduct (SOGC). The definition of new arrival is an applicant who has worked or been resident overseas is:

- DBS – 3 months in the previous 5 years
- Disclosure Scotland – 3 months in the previous 3 years

This includes citizens of the UK who have worked or lived overseas. This does not apply to members of the UK armed forces and their families that were stationed overseas.

It is preferred that the SOGC is obtained via the relevant UK embassy of every country in which residency or employment is relevant. The applicant is responsible for acquiring this. Applicants should request that the SOGC is obtained in English or costs may be incurred for translation. This document should be considered along with the internal risk assessment process (see appendix C) and all other employment checks before taking a decision regarding appointment. SOGC from the appropriate UK embassy can be authenticated by contacting that embassy.

References must be obtained from previous employers and in the case of those seeking to work with children and/or adults, one of these references should be from the last employer where the individual worked with clients. In addition particular care must be taken with the usual range of other pre-employment checks such as confirming identity, qualifications, verifying right to work in the UK and employment medical questionnaires.

Some countries do not provide SOGC. The unavailability of an applicant's SOGC may give cause for concern about his or her suitability to be offered employment in a position of trust. Although such candidates will not be barred from working for the council, appointing officers must make their final recruitment decision with due regard to all the relevant facts, the risk assessment and the overall requirement to protect vulnerable groups. Any decision not to appoint must be carefully explained to the candidate and reassurance given about the reasons for it.

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APPENDIX E: LIST OF POSTS REQUIRING CRIMINAL RECORDS CHECKS

Number	Service	Department	Post title	Level of Check Required	Adult Barred List Check?	Child Barred List Check?	Notes
1	Health and Wellbeing	Sport and Leisure	Operations Manager	Enhanced DBS	No	Yes	Manager of posts requiring checks
2	Health and Wellbeing	Sport and Leisure	Activity Development Officer	Enhanced DBS	No	Yes	
3	Health and Wellbeing	Sport and Leisure	Activity Leader	Enhanced DBS	No	Yes	
4	Health and Wellbeing	Sport and Leisure	Climbing Instructor	Enhanced DBS	No	Yes	
5	Health and Wellbeing	Sport and Leisure	Community Lifestyles Officer	Enhanced DBS	No	No	
6	Health and Wellbeing	Sport and Leisure	Assistant Gymnastics Coach	Enhanced DBS	No	Yes	
7	Health and Wellbeing	Sport and Leisure	Gymnastics Trampoline Development Off	Enhanced DBS	No	Yes	
8	Health and Wellbeing	Sport and Leisure	Lifestyle Instructor	Enhanced DBS	No	No	
9	Health and Wellbeing	Sport and Leisure	Senior Lifestyle Instructor	Enhanced DBS	No	No	
10	Health and Wellbeing	Sport and Leisure	Swimming Instructor	Enhanced DBS	No	Yes	
11	Health and Wellbeing	Sport and Leisure	Trampoline Coach	Enhanced DBS	No	Yes	

12	Housing Services	Careline and Support	Team Leader - Careline & Support Service	Enhanced DBS	No	No	Manager of posts requiring checks
13	Housing Services	Careline and Support	Careline Response Officer	Enhanced DBS	No	No	
14	Housing Services	Careline and Support	Support Officer	Enhanced DBS	No	No	
15	Housing Services	Careline and Support	Social Inclusion Officer	Enhanced DBS	No	No	
16	Housing	Neighbourhoods	Team Leader - Tenancy Management	Enhanced DBS	No	No	
17	Housing	Neighbourhoods	Tenancy Management Officer	Enhanced DBS	No	No	
18	Housing	Neighbourhoods	Tenancy Sustainment Officer	Enhanced DBS	No	No	
19	Health and Wellbeing	Private Sector Housing	Private sector housing manager	Standard DBS	No	No	
20	Health and Wellbeing	Private Sector Housing	Private sector housing officer	Standard DBS	No	No	
21	Health and Wellbeing	Private Sector Housing	Technical Assistant (private sector housing)	Standard DBS	No	No	

APPENDIX F: DBS Update Service Reimbursement and Consent Form

Employee to complete	
Name:	Payroll number:.....
Job Title:.....	Contact Number:.....
Service:.....	Group:.....
<p>I attach documentary evidence of payment.</p> <p>Amount of claim: £13.00</p> <p>Subscription Start Date: Expiry Date:</p> <ul style="list-style-type: none"> • By signing, I consent for Chesterfield Borough Council, DBS Counter signatories to carry out a status check annually or when required as set out in the Staff Vetting Policy. • I am committing to renew my Update Service subscription yearly. • When I receive my DBS Certificate I will provide the original to Human Resources for verification <p>Employee signature</p> <p>Date</p>	

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For publication

Code of Conduct Policy

Meeting: Employment and General Committee

Date: 5 March 2018

Report by: Human Resources Manager

1.0 Purpose of Report

To provide information regarding the introduction of a revised Code of Conduct Policy and to recommend for approval the new Code of Conduct Policy.

2.0 Background

The code of conduct policy dates back to 2004 required and required updating to reflect numerous changes in the workplace in accordance with employment law, ACAS guidelines and best practice.

The code of conduct describes minimum expected standards that protect the integrity of both employees and the council; underpinning the code of conduct is a set of values that are vital to the council's success. The values help us to maintain and improve how we work with each other, our partners and customers.

This code of conduct forms part of every employee's contract of employment and all employees should read and understand this code. The code of conduct translates the values into

standards and behaviours which employees are required to demonstrate whilst performing their duties. It also provides safeguards for employees and gives them mechanisms by which they are able to provide a professional service of which they and the council can be proud, whilst creating a respectful and positive working environment. The code of conduct provides clear guidance to ensure that employees are aware of their responsibilities in relation to conduct and behaviour and the consequences of failing to observe those responsibilities

3.0 Proposed Procedure

The revised policy can be found at Appendix A.

A full Equality Impact Assessment has been completed and is attached at appendix B.

4.0 Employer – Trade Union Committee

The proposed policy was submitted to the Employer trade union Committee on 14 February 2018 and was endorsed for submission to Employment and General Committee.

5.0 Recommendations

That the new Code of Conduct Policy be approved.

For further information on this report, contact Kate Harley.

CODE OF CONDUCT POLICY

Prepared by: Human Resources

Date:

For review:

22/02/18 Version 6

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SECTION 1: GENERAL GUIDING PRINCIPLES

POLICY STATEMENT

The public is entitled to expect the highest standards of conduct and behaviour from all employees who work in local government. The role of local government employees is to support the council in achieving its objectives, developing and implementing policies and delivering services to the local community.

The code of conduct describes minimum expected standards that protect the integrity of both employees and the council; underpinning the code of conduct is a set of values that are vital to the council's success. The values help us to maintain and improve how we work with each other, our partners and customers.

The council has four values that underpin the code of conduct and standards expected from employees: -:

- *Customer focused*: Delivering great customer service, meeting customer needs
- *Can do*: Striving to make a difference by adopting a positive attitude
- *One council, one team*: Proud of what we do, working together for the greater good
- *Honesty and respect*: Embracing diversity and treating everyone fairly.

SCOPE

The policy shall apply to all council employees which includes work experience placements and those on working on behalf of the council e.g. contractors, consultants, agency staff and volunteers.

PRINCIPLES

The code of conduct translates the values into standards and behaviours which employees are required to demonstrate whilst performing their duties. It also provides safeguards for employees and gives them mechanisms by which they are able to provide a professional service of which they and the council can be proud, whilst creating a respectful and positive working environment.

The code of conduct provides clear guidance to ensure that employees are aware of their responsibilities in relation to conduct and behaviour and the consequences of failing to observe those responsibilities.

This code of conduct forms part of every employee's contract of employment and all employees should read and understand this code. Breaches of the code of conduct will lead to an investigation, the results of which may lead to disciplinary action and, if serious, could lead to dismissal.

The 7 principles of public life, known as the **Nolan principles**, apply to anyone who works as a public office-holder. This includes people who are elected or appointed to

public office, nationally and locally, and all people appointed to work in local government. The 7 principles are:

1. **Selflessness** - holders of public office should act solely in terms of the public interest.
2. **Integrity** - holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. **Objectivity** - holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. **Accountability** - holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
5. **Openness** - holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
6. **Honesty** - holders of public office should be truthful.
7. **Leadership** - holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

SECTION 2: PROCEDURE

Standards of behaviour

The council expects certain standards of behaviour from its employees. You should ensure that:

- You treat colleagues, customers and members of the public with dignity and respect;
- You are committed to delivering quality services at all times working within the council's policies and procedures;
- You communicate openly and honestly with colleagues;
- You carry out your duties in the best interests of our customers and the council;
- Your conduct is not discriminatory to others;
- You do not use offensive or abusive language or behaviour;
- You do not use your council position to influence or benefit yourself, family or friends from the provision of council services.
- You arrive for work punctually, appropriately dressed and fit to carry out your duties (this includes wearing your identity badge and items of personal protective clothing that are supplied to you);
- You take reasonable care of your own health and safety and others that may be affected by your work activities.

Political neutrality

As a council employee, you service the council as a whole. You must serve all councillors not just the controlling group and make sure you respect their individual rights and follow the protocol on member/officer relations. You must not allow your

personal or political opinions to interfere with your work or your behaviour as a council employee.

The council is required by the Local Government and Housing Act 1989 to maintain a list of politically restricted posts. If you are employed in a restricted post you will have been notified of this in your contract of employment which prevents you from having any active political role either in or outside the workplace. It means you are disqualified from being elected or holding office as a member of this council. You are also disqualified from standing or holding office with this council if you hold any paid office or employment with a local or joint authority on which this council is represented.

Social media

Social media websites are useful tools for communicating and engaging with the public. You must make sure that your use of, and participation in, social media websites does not bring the council into disrepute, or breach their obligations under relevant legislation or council policies. While this media has many benefits it also presents risks to you and the council, particularly due to its widespread use outside of work and the fact that social media can blur the boundary between work and personal life.

You should take care to use social media, whether for work purposes or personal use, in a manner that is consistent with the terms and conditions of your employment e.g. you should not post content that breaches confidentiality, contains inappropriate comments about colleagues or customers, is abusive or hateful or would potentially cause embarrassment or detrimentally affect the reputation of the council. In addition, where appropriate, you should identify that any views expressed are your own and not those of their employer. You should think carefully about what you publish even outside of work because inappropriate use could lead to disciplinary action.

You are also reminded of the expected behaviours required when posting on aspire and other public forums and that you agree to the following rules:

- Contributions must not be inappropriate e.g. must not be abusive, offensive, harassing, defamatory, threatening, obscene, profane, sexually orientated, unlawful, an invasion of someone's privacy or in breach of any council policy.
- Please respect others: read what you write before you post it and think if anyone else could misinterpret it and find it offensive or of a personal nature.

Please refer to the policy on use of ICT by employees for further information which contains detailed provisions on the use of the council's ICT facilities for both council related activities and personal use and the standards of behaviour expected from employees in relation to their use. Failure to adhere to such guidance may result in the individual being subject to disciplinary procedures.

Use of e-mail

Council e-mail accounts should only be used for work-related correspondence and you should follow the policy on use of ICT by employees. You should be aware that the sending/exchanging of excessive numbers of personal e-mails during working

time is not acceptable and may be dealt with under the council's disciplinary procedure. You may not use council e-mail for personal commercial purposes e.g. e-bay, or the supply of goods and services.

Internet usage

You should only access sites or services that are appropriate to your work, occasional personal use in your own time is permitted, but such use should be minimal and in no way infringe upon work time. You should be aware that excessive use of the internet for personal purposes may be dealt with under the council's disciplinary procedure.

The council does not allow its equipment to be used for intentionally accessing information of an unlawful, unethical and/or degrading nature, (e.g. pornography, paedophilia or terrorism). You should be aware that accessing such inappropriate information could constitute gross misconduct and therefore place your employment at risk.

Personal devices

All personal devices e.g. mobile phones, tablets are the responsibility of the employee when on council property and working in designated customer service areas. Employees should not have their phones on them whilst in customer service areas, they should be kept with other personal items eg handbag. Employees must be mindful of moderation of tone, volume and language when using mobile phones on council premises.

It is an offence under the Road Traffic Act to use a handheld mobile phone whilst driving. Using a handheld mobile phone whilst driving on council business is not permitted.

Gifts and hospitality

You must not compromise your position by appearing to accept, or accepting gifts/hospitality which might be considered by others to have influenced your decisions or actions on behalf of the council.

You may accept 'token' gifts from customers or contractors e.g. calendars, diaries, pens or chocolates. In no circumstances should you accept a monetary gift, (including gift vouchers).

You should only accept hospitality e.g. meals / refreshments, if there is a genuine need to impart information or to represent the council. You should also ensure that accepting the hospitality does not create a conflict of interest and is not likely to cause embarrassment to the council.

You should report the offer of gifts or hospitality, whether accepted or not, to your line manager at the earliest opportunity.

Secondary employment

An employee who wishes to take another job, before commencing the second job, has an obligation to declare details of the secondary employment to their line

manager.

The council reserves the right, at any time, to discuss the situation if, in the line manager's reasonable view, the second job is having an adverse impact on the employee's performance, attendance, timekeeping or any other aspect of the employee's employment with the council. . Please refer to the policy on secondary employment for further details.

Employees are required to comply with the Working Time Regulations, including declaration of hours worked, breaks taken and taking of annual leave. Employees also have a duty to report any instances where their working pattern may result in a health and safety risk, either to themselves or others. For example an employee working a day shift with the council who then goes on to work a night shift with another employer. Employees have the right not to be subjected to any unlawful detriment by reporting any concerns under the regulations.

Fitness for duty

Matters of employee sickness absence are dealt with in line with the Managing Attendance Policy however you should not present yourself for duty in an unfit state (e.g. through alcohol or drugs) and should remain in a fit state while on duty. Please refer to the drug and alcohol misuse policy for further details.

Drinking alcohol whilst on duty and the taking of recreational drugs for non-medicinal purposes is strictly prohibited. Only medication prescribed by your GP or purchased over the counter may be taken. You must make sure that you are fit for duty if on call or about to start work. You must be mindful of the effect your behaviour will have on the reputation of the council and disciplinary action will be taken against you if your ability is impaired by alcohol or drugs whilst on duty.

You have a duty to inform your line manager if you are taking any medication which interferes with the safe performance of your role. Your manager will then decide after discussion with yourself, and if necessary in consultation with Occupational Health, what work can safely be undertaken with due regard to your welfare.

You also have a duty to inform your doctor, if you drive or work with dangerous machinery, when they are prescribing medication. You should also refrain from over medicating while at work or if you are about to start work, with either prescribed or over the counter medicines by exceeding the recommended dosage.

You must report any concerns you may have about a colleague's or any other employee's fitness for duty to their manager. Such reports will be treated confidentially and the manager will take appropriate action.

Conflict/disclosure of personal interests

You must not allow personal interests to conflict with the council's business and you must not use your council position, facilities or equipment to benefit yourself, family, friends or a private company/interest.

You must register with your line manager any interest you/your spouse/partner has which may conflict with the council's interest. This includes any employment by,

substantial shareholding in or membership of any external company or body which has, or may enter into a contractual relationship with the council or which is involved in campaigning or lobbying in respect of any council activity.

The same principles apply to work carried out through partnership arrangements. If you are involved in any type of partnership working with other agencies/companies and there appears to be a potential conflict of interest, you must also register this as described above.

Disclosure must be made as soon as it becomes evident there is or may be a conflict of interest. It may come to light in processes such as recruitment, tendering or during committee meetings. It must be declared immediately if you, a relative or friend has, or could be perceived as having, a personal interest in the process. Arrangements should be made to protect both the council and the employee's position.

You must also declare membership of any organisation not open to the public, which requires allegiance and which has secrecy about rules, membership or conduct.

Criminal charges

You are responsible for informing your line manager immediately if you are charged, subject to legal proceedings or receive any criminal convictions and / or police cautions while employed by the council. Failure to do this will be dealt with in accordance with the council's disciplinary policy.

The council may take action against you if you are convicted of, or receive a caution for a criminal offence that involves one of the following types of behaviour:

- Violence
- Abuse including domestic abuse
- Sexual misconduct including being subject to sex offender/ sexual harm notification requirements and sexual risk orders
- Supplying and manufacturing drugs
- Drink-driving offences
- Fraud, corruption or bribery
- Serious offences involving dishonesty
- Hate crime
- Any serious criminal offences for which you receive a prison sentence.

You must not do anything in your personal conduct that may affect the public's confidence in you as an employee of the council or potentially bring the council into disrepute if it were to be in the public domain.

Disclosure of information

All employees have an absolute duty to respect the confidentiality, integrity and availability of information they have access to in the course of their duties. This duty includes the legal obligations to comply with the Data Protection Act 1998, General Data Protection Regulation 2016 and the Freedom of Information Act 2000. Further advice and guidance can be found in the Data Protection policy.

Dress

The council does not have a formal dress code. Employees who are required to wear a uniform or protective clothing to perform their duties will be provided with what is required and must wear this as instructed. Cultural dress is encouraged providing it does not become a health and safety risk within the working environment.

You should be mindful that the way you present yourself may reflect upon the council's reputation. You must dress in a manner that is appropriate to your role and has due regard to social acceptability, tidiness and personal hygiene.

Personal relationships

You must not be involved in making decisions that directly affect your family, friends or anyone with whom you have a close personal relationship; for example, recruitment and selection processes, disciplinary processes, decisions relating to pay, or tender procedures.

Councillors

Mutual respect between employees and councillors is essential. Close personal relationships between employees and individual councillors can damage this respect and prove embarrassing to other employees and councillors and should therefore be avoided.

Customers

Employees in close contact with vulnerable customers must maintain professional relationships at all times. Appropriate boundaries should be made clear from the outset whilst being sensitive to the customer's personal history and how that might affect the relationship. If you are working with children and vulnerable adults please refer to the Safeguarding children and vulnerable adults policy and procedures.

Employees

During recruitment, candidates are required to declare any personal relationships they have with councillors or employees. You must inform your line manager immediately if you identify an applicant that you have, or could be seen to have, a close personal relationship with. Alternative management arrangements will be put in place, where possible, if a candidate is appointed who should be managed by, or will manage, a relative or someone with a close personal relationship.

Close relationships that develop during the course of employment between employees must be declared by both parties to their manager. Alternative working arrangements will be put in place if it is likely to cause a conflict of interest.

Contractors/ third party

If you are dealing with a contractor/ third party with whom you have previously had or currently have a close personal relationship, you should declare that relationship to your manager.

Off duty

Employees must not undermine public confidence in the council in any way. This means your behaviour, both in and out of work, must not jeopardise your employment, undermine the trust placed in you as a council employee or bring the council into disrepute. Although when you are off duty what you do is your personal concern, you must not allow work and

private interests to conflict.

Personal use of council equipment

The council provides work equipment for employees to use to carry out their duties. You must not use council facilities, equipment or vehicles for your own personal use unless you have been given advance approval.

You are responsible for the safekeeping and proper use of any equipment issued to you and must take reasonable steps to protect it from theft or damage e.g. do not leave equipment visible in an unattended car.

You are also responsible for ensuring that you process all information in accordance with the council's policies and that all confidential information is kept secure.

Performance of duties

You are expected to achieve an acceptable level of performance of work in accordance with the requirements of your job, your contract, relevant work schedules and your hours. You are expected to comply with all procedures covering the work you undertake and not obstruct efficient working.

You must comply with all reasonable instructions from your manager. You have a right, and indeed an obligation, to seek clarification or question an instruction in an appropriate circumstance, but, having received clarification and/or confirmation of the instruction, you should follow the instruction as required by your manager. Any lingering concerns should be raised with a more senior manager.

This does not mean, however, that you would be expected to act in contravention of your statutory duties or professional codes and any apparent disagreement between a given instruction and a statutory duty or a professional code should be raised immediately with a more senior manager.

Timekeeping

You are expected to comply with your starting and finishing time, including those for breaks. Repeated lateness without legitimate and acceptable reason is not acceptable and will be dealt with in accordance with the disciplinary policy.

If you have a recognised agreement with your manager then flexible working arrangements may be in place. The details of such arrangements will be confirmed specifically and documented by your manager. You are expected to act responsibly regarding any flexible working arrangements and not to abuse them. Flexible working arrangements will be reviewed regularly and they may need to change if the service necessitates the arrangement changing. Please refer to the flexible working policy for further details.

Reporting of complaints or incidents

You are required to report in a timely manner any complaints about service delivery, any incident of unacceptable behaviour towards the public/ employees or malpractice which have been noted, reported or alleged. This includes concerns relating to safeguarding children and vulnerable adults. You should refer to the confidential reporting 'whistleblowing' policy, if appropriate.

Employees are required to assist in any investigations of any complaint, disciplinary, and/or criminal investigations, this may include attending meetings/hearings, giving evidence or providing written statements.

Any behaviour or actions, which hinder or delay investigations, will themselves be investigated and may result in disciplinary proceedings.

Health & Safety

All employees have the responsibility to ensure that they take constant care in their work of the health, safety and welfare of themselves and others who may come into contact with them, or be affected by them, or their work, and that they do nothing to put this at risk. All employees have a duty to comply with the provisions of the corporate health & safety policy.

You are required to know, and to follow meticulously, general procedures such as the fire procedure, manual handling loads and the accident reporting procedure, and any other specific procedure relating to your work (e.g. procedures for safe handling of equipment, wearing of protective clothing and equipment such as masks or goggles, reporting notifiable diseases, reporting hazards, isolating and handling dangerous equipment, warning work in progress, hygiene etc.). Employees are personally responsible for ensuring that their practice is in accordance with the procedures laid down by the council. All employees have a responsibility for ensuring that incidents are reported in a correct and timely manner.

Support and guidance

Further support and guidance on the code of conduct are available from your manager or HR.

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Chesterfield Borough Council

Equality Impact Assessment - Preliminary Assessment Form

The preliminary impact assessment is a quick and easy screening process. It should identify those policies, projects, services, functions or strategies which require a full EIA by looking at negative, positive or no impact on any of the equality groups.

Service Area: HR

Section: HR

Lead Officer: Sandy Gillham-Hardy

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for: Code of Conduct Policy

Is the policy, project, service, function or strategy:

Existing ☐

Changed ☐ Yes

New/Proposed ☐

Q1 - What is the aim of your policy or new service?

The code of conduct describes minimum expected standards that protect the integrity of both employees and the council; underpinning the code of conduct is a set of values that are vital to the council's success and help us to maintain and improve how we work with each other, our partners and customers.

This code of conduct forms part of every employee's contract of employment and all employees should read and understand this code.

Q2 - Who is the policy or service going to benefit?

The code of conduct translates the values into standards and behaviours which employees are required to demonstrate whilst performing their duties. It also provides safeguards for employees and gives them mechanisms by which they are able to provide a professional service of which they and the council can be proud, whilst creating a respectful and positive working environment.

The code of conduct policy dates back to 2004 and required updating to reflect numerous changes in the workplace.

The code of conduct provides clear guidance to ensure that employees are aware of their responsibilities in relation to conduct and behaviour and the consequences of failing to observe those responsibilities.

Q3 - Thinking about each group below, does, or could the policy, project, service, function or strategy have an impact on protected characteristics below? You may also need to think about sub groups within each characteristic e.g. older women, younger men, disabled women etc.

Please tick the appropriate columns for each group.

Group or Protected Characteristics	Potentially positive impact	Potentially negative impact	No impact
Age – including older people and younger people.			✓
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.			✓
Gender – men, women and transgender.			✓
Marital status including civil partnership.			✓
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.			✓
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.			✓
Ethnic Groups			✓
Religions and Beliefs including those with no religion and/or beliefs.			✓
Other groups e.g. those experiencing deprivation and/or health inequalities.			✓

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

Q4 - Should a full EIA be completed for this policy, project, service, function or strategy?

Yes ☐

No ☐

Q5 - Reasons for this decision:

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Please e-mail this form to the Policy Service before moving this work forward so that we can confirm that either a full EIA is not needed or offer you further advice and support should a full EIA be necessary.

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For publication

Domestic Abuse Policy

Meeting: Employment and General Committee

Date: 5 March 2018

Report by: Human Resources Manager

1.0 Purpose of Report

To provide information regarding the introduction of a revised Domestic Abuse Policy and to recommend for approval the new Domestic Abuse Policy.

2.0 Background

The aim of the policy is to recognise that domestic abuse is a serious issue and that incidents of domestic abuse are common, significantly under-reported and critically affect many people's lives. Domestic abuse can affect an individual's work performance and as an employer the council has a responsibility for health, safety and welfare at work and it is essential therefore that the working environment promotes the view that domestic abuse towards or by its' employees is unacceptable and will not be tolerated.

The council recognise that it is important that all staff and managers are aware of the impact that domestic abuse can have and is a possible cause when staff are depressed, distracted, lacking in self-confidence or visibly injured. The council therefore strives to create a working environment that promotes the understanding that everyone has the right to a life free from

domestic abuse in any form and that domestic abuse towards or by its' employees is wholly unacceptable and inexcusable.

The council recognise that domestic abuse is an equalities issue and undertakes not to discriminate against anyone who has been subject to domestic abuse

3.0 Proposed Procedure

The revised policy can be found at Appendix A.

A full Equality Impact Assessment has been completed and is attached at Appendix B.

4.0 Employer – Trade Union Committee

The proposed policy was submitted to the Employer trade union Committee on 14 February 2018 and was endorsed for submission to Employment and General Committee.

5.0 Recommendations

That the new Domestic Abuse Policy be approved.

For further information on this report, contact Kate Harley.

DOMESTIC ABUSE POLICY

Prepared by: Human Resources

Date:

For review:

05/02/18

Version 3

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SECTION 1: GENERAL GUIDING PRINCIPLES

POLICY STATEMENT

Chesterfield Borough Council recognises that domestic abuse is a serious issue and that incidents of domestic abuse are common, significantly under-reported and critically affects many people's lives. The council acknowledges that domestic abuse can affect an individual's work performance and as an employer the council has a responsibility for health, safety and welfare at work and it is essential therefore that the working environment promotes the view that domestic abuse towards or by its' employees is unacceptable and will not be tolerated.

The council is committed to tackling domestic abuse as its effects become apparent in the workplace. The effects of domestic abuse can influence the health and self-confidence of employees who may in turn feel unable to confide in others or seek help. Many of those that experience domestic abuse have difficulty attending work regularly and demonstrate longer term symptoms such as depression, anxiety, or stress that consequently affect work performance.

The council recognise that it is important that all employees and managers are aware of the impact that domestic abuse can have and is a possible cause when employees are depressed, distracted, lacking in self-confidence or visibly injured. The council therefore strives to create a working environment that promotes the understanding that everyone has the right to a life free from domestic abuse in any form and that domestic abuse towards or by its' employees is wholly unacceptable and inexcusable.

SCOPE

The policy shall apply to all council employees which includes work experience placements and those on working on behalf of the council e.g. contractors, consultants, agency staff and volunteers or any self-employed individuals working for the organisation.

PRINCIPLES

In 2013 the Home Office defined domestic abuse as:

"Any incident or pattern of incidents of controlling, coercive or threatening behavior, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This abuse can encompass but is not limited to

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.*

*This definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group."

Domestic abuse can include:

- sexual abuse and rape (including within a relationship)
- punching, kicking, cutting, hitting with an object
- withholding money or preventing someone from earning money
- taking control over aspects of someone's everyday life, which can include where they go and what they wear
- not letting someone leave the house
- reading their emails, text messages or letters
- threats to kill or harm them, a partner, another family member or pet.

The majority of domestic abuse incidents and the most serious and repeated acts are committed by men against women. It is, however, important to recognise that domestic abuse also occurs in other circumstances, for example, same sex relationships, women against men and from other family members.

The council recognise that domestic abuse is an equalities issue and undertakes not to discriminate against anyone who has been subject to domestic abuse in terms of current employment or career development.

SECTION 2: PROCEDURE

VICTIMS OF DOMESTIC ABUSE

As an employee, if you are the victim of domestic abuse, you may feel that you are unable to talk to anyone about your situation. You may be afraid or worried about the consequences that this might have on you, your family, your home, your job or your income. You do not have to keep this to yourself; there is help and support available. You will find contact details and more information about the confidential support that is available to you, either through Chesterfield Borough Council or independently at the end of this policy. Alternatively you may prefer to talk to your manager, a member of HR, your trade union representative or a work colleague in confidence.

RESPONSIBILITY OF MANAGERS

Managers may become aware of the situation through associated issues identified in the managing attendance process or through performance reviews. As with other issues, identifying that an employee is experiencing difficulties at an early stage can lead to appropriate help being offered. This in turn could mean the employee is able to deal with their situation far more effectively, and before risk escalates. Domestic abuse awareness training will be provided to managers.

The role of the manager is not to take on casework, but to signpost individuals to the professional support that is available and to make it clear through this policy, and their own actions, that employees will be supported. In addition managers should:

- Listen and believe;
- Not make judgements;
- Keep confidential notes of all discussions;
- Ensure that access to this policy is available to every employee.

Where domestic abuse is identified managers should respond appropriately and effectively and consider the following preventative and supportive measures:

- Support the employee to establish a personal safety plan;
- Improve security measures on entry to buildings;
- Remind employees of their responsibilities under the Data Protection Act , including those on reception and switchboard not to divulge personal information about employees, such as addresses, telephone numbers or shift patterns;
- Offer temporary changes in the work place such as work times and patterns that will minimise an employee's risk both at work and during their journeys to and from work;
- Offer a change in specific duties, such as not requiring the employee to answer phones or work in reception area, or in exceptional circumstances, redeployment to another post;
- Agree how to make colleagues aware of how to respond if the perpetrator rings or calls at the workplace. Provide colleagues with a description of the perpetrator and other relevant details such as car registration numbers;
- If there is the need for such discussions with colleagues, in agreement with the employee, the manager should remind staff that the information about the domestic abuse situation is confidential. Any unauthorised breach of confidentiality could lead to disciplinary action being taken against them.
- Have effective lone working measures in place e.g. mobile phones, in/out board, use of careline resource, skyguard;
- Maximise safety for all employees carrying out their duties;
- Undertake a stress risk assessment for the employee concerned;
- Ensure confidentiality in maintaining records and discussing support;

- Consider and discuss with the employee the range of supportive measures available from within and outside the council and encourage them to access suitable support;
- Record any incidents in the workplace including a record of any witnesses;
- Seek advice from HR before considering further action;
- Act with integrity and be accountable for your own actions;
- Consider safeguarding issues and act accordingly.

Managers must have a sensitive and non-judgmental approach when dealing with employees who are experiencing domestic violence. This can include:

- Taking the employee at face value and offering time to listen to them;
- Ensuring that any discussion about the employee's situation takes place in private, clearly stating the extent and boundaries of confidentiality, (see section below on confidentiality);
- Understanding that the employee may not wish to approach their line manager and might opt to involve others, such as a colleague, a trade union representative or HR. It may be appropriate to offer the option of speaking to another colleague or someone from HR who will be able to advise the employee and/or their line manager of what measures can be taken;
- Being aware that there may be additional issues faced by the employee e.g. a protected characteristic. Managers are not expected to understand all the cultural or emotional differences in each case but are obliged to treat people equally and with respect in responding to any additional needs. If you need specific advice in relation to any of the above contact HR;
- Being non-judgmental - the employee may need some time to decide what to do and may try many different options over a period of time. Research has shown that it can take several years to break free of a violent relationship and you should, for example, not assume that because an individual returns or stays in a violent relationship, that the violence was not severe, did not take place, or that they did not want it to stop;
- A referral to Occupational Health and/ or offer counselling if the employee is affected at work and/ or they have requested access.
- Ask the employee if they have any specific needs around equality and diversity issues.
- Being aware of what support is available and exploring these options with the employee. If the employee does not want you to contact other agencies, you must respect their wishes.
- Support employees to access other agencies or report it to the police if they wish to.

When considering preventative and supportive measures, the manager may be required to take account of whether these are operationally appropriate, however, ensuring the safety of employees should be of primary concern throughout this process.

Statistics have shown that the risk of more serious assaults, permanent injury and murder takes place when a woman decides to leave an abusive relationship, or immediately after. It is important therefore, not to underestimate the danger or assume that the fear of violence is exaggerated.

RESPONSIBILITY OF EMPLOYEES

All employees have a duty to follow the Domestic Abuse policy and seek advice if they do not understand anything. In addition employees should:

- Be supportive and non-judgemental towards colleagues;
- Maintain confidentiality and not discuss sensitive information about colleagues;
- Report any incidents, changes in behaviour or comments to your manager or HR;
- Report any safeguarding concerns to a manager or HR.

RECORDING INFORMATION

Any discussions taking place about domestic abuse and any actions agreed should be documented to provide as full a picture as possible. These records need to be clear and accurate, and where possible, dates, times and locations should be included. Records could be used as part of an internal review to identify any lessons learnt or to provide evidence in any potential legal action within the criminal or civil justice system. However, these records should not, under any circumstances, be used to the detriment of an employee who has experienced abuse. The purpose of this policy is to support victims of abuse. Any records that are kept are for the express purpose of keeping the victim safe from harm.

LEAVE

In cases of domestic difficulty the Leave Policy allows for time off in response to major personal distress. When an employee has disclosed that they are experiencing domestic abuse, requests should be considered favourably for reasonable time off and recorded as compassionate leave. Reasons for requests may include:

- appointments with support agencies;
- arranging re-housing;
- meetings with solicitors;
- making alternative childcare arrangements, including meetings with schools.

A CMT manager can approve paid leave of absence up to seven days for 'compassionate leave'. Paid leave in excess of three days should, however, only be given in exceptional circumstances.

Each application for paid leave of absence should be judged on the specific circumstances relating to the individual case. There is no automatic right to paid compassionate leave.

CONFIDENTIALITY

If an employee discloses to their manager that they are experiencing domestic abuse, the manager should reassure them that they will keep this information confidential as far as possible.

The consequences of breaching this duty of confidentiality could have serious effects for the employee experiencing domestic abuse, potentially increasing the risk to their safety. It could exacerbate the domestic abuse and impact on the employee's family, their working arrangements and social activity.

There are some circumstances in which confidentiality cannot be assured. These occur when there are concerns about children or vulnerable adults or where an employer needs to act to protect the safety of employees. In these circumstances the manager must seek advice from HR in the first instance, discuss with the employee the reason for disclosing any information to a third party and will aim to seek the employee's agreement where possible.

PERPETRATORS OF DOMESTIC ABUSE

The council will treat any allegation, disclosure or conviction of a domestic abuse related offence on a case-by-case basis. The aim is to reduce risk and support change recognising their role in encouraging and supporting employees to address violent and abusive behaviour of all kinds. If an employee approaches the council about their abusive behaviour, information about services and support available will be provided.

Domestic abuse perpetrated by employees will not be condoned under any circumstances nor will it be treated as a purely private matter. If an employee is found to be deliberately assisting an abuser in perpetrating the abuse by giving them access to facilities such as telephones or email then they will be seen as committing a disciplinary offence.

Conduct outside of work (whether or not it leads to a criminal conviction) can lead to disciplinary action being taken against an employee because of the impact it may have on the employee's suitability to carry out their role and/or because it undermines public confidence in the council. Where appropriate, there will be an investigation of the facts as far as possible, and a decision made as to whether the conduct is sufficiently serious to warrant disciplinary action being taken.

Factors that will be considered are:

- The nature of any criminal justice proceedings and/or convictions;
- The nature of the conduct and the nature of the employee's work;

- The extent to which the employee's role involves contact with other employees or the general public;
- Whether the employee poses a risk to other members of staff or the public.

IF THE VICTIM AND PERPETRATOR WORK FOR THE COUNCIL

Where both the victim and perpetrator of domestic abuse work for the council there is a duty of care for both members of staff. Appropriate action will be taken which will include: -

- Consideration to moving one or both of the employees. Any move of the victim should respect their feelings as well as their safety; no move of the victim should be done without their full consent;
- Minimising the potential for the perpetrator to use their position or work resources to find out details about the whereabouts of the victim.
- Offer impartial support and where possible ensure both the victim and perpetrator have different line supervisors who are able to provide appropriate information to each party.
- Ensure confidentiality is maintained.

SAFETY STRATEGIES

If an employee is separated from an abusive partner or even whilst still living together, there are ways in which they can feel safer and better supported. These are to:

- Explain the situation to family/ friends and talk honestly with them;
- Ask neighbours to call the police in the event of them being aware of an incident;
- Inform colleagues at work;
- If children are involved, inform those who take care of them and name who can collect them;
- Report and explain all injuries to health workers;
- Secure the home;

For the safety of employees, and potentially their family, there may come a time when they are forced to leave their home urgently. It is useful, therefore, to try to be prepared. The following checklist could help:

- Keep a list of important contact numbers;
- Have mobile phones charged;
- Keep important documents together;
- Try to have some money available;
- Have a bag prepared with a change of clothes and (hidden or at someone else's house);

FURTHER INFORMATION

Further information can be found by contacting the local and national resources below:

Chesterfield Borough Council Occupational Health and/ or counselling

Tel: 01246 345805 (HR team)

National Domestic Violence Helpline – Womens aid and refuge

Tel: 0808 2000 247 (24 hours)

Email: helpline@womensaid.org.uk or helpline@refuge.org.uk

Website: www.womensaid.org.uk or www.refuge.org.uk

National Men's Advice Line

Tel: 0808 801 0327

Email: info@mensadviceline.org.uk

Website: www.mensadviceline.org.uk

The Elm Foundation (Chesterfield)

Tel: 01246 540464

Website: www.theelmfoundation.org.uk

Derbyshire Domestic Abuse helpline

Tel: 08000 198 668

Email: DerbyshireDAhelpline@actionorg.uk

Website: www.actionorg.uk

Mankind Initiative

Tel: 01823 334 244

Email: admin@mankind.org.uk

Website: new.mankind.org.uk

Victim supportline

Tel: 08 08 16 89 11

Childline

Tel: 0800 1111

NSPCC Helpline

Tel: 0808 800 5000

Karma Nirvana Honour Network Helpline

Tel: 0800 5999 247

Website: www.karmanirvana.org.uk

Force Marriage unit

Tel: 020 7008 0151

Samaritans

Tel: 116123

Email: jo@samaritans.org

Respect

Tel: 0808 802 4040.

Email: info@respectphoneline.org.uk

Website: www.respectphoneline.uk.net

Chesterfield Borough Council
Equality Impact Assessment - Preliminary Assessment Form

The preliminary impact assessment is a quick and easy screening process. It should identify those policies, projects, services, functions or strategies which require a full EIA by looking at negative, positive or no impact on any of the equality groups.

Service Area: HR

Section: HR

Lead Officer: Sandy Gillham-Hardy

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for: Domestic Abuse Policy

Is the policy, project, service, function or strategy:

Existing ☐

Changed ☐ Yes

New/Proposed ☐

Q1 - What is the aim of your policy or new service?

The aim of the policy is to recognise that domestic abuse is a serious issue and that incidents of domestic abuse are common, significantly under-reported and critically affect many people's lives. Domestic abuse can affect an individual's work performance and as an employer the council has a responsibility for health, safety and welfare at work and it is essential therefore that the working environment promotes the view that domestic abuse towards or by its' employees is unacceptable and will not be tolerated.

Q2 - Who is the policy or service going to benefit?

The council recognise that it is important that all staff and managers are aware of the impact that domestic abuse can have and is a possible cause when staff are depressed, distracted, lacking in self-confidence or visibly injured. The council therefore strives to create a working environment that promotes the understanding that everyone has the right to a life free from domestic abuse in any form and that domestic abuse towards or by its' employees is wholly unacceptable and inexcusable.

Many of those that experience domestic abuse have difficulty attending work regularly and demonstrate longer term symptoms such as depression, anxiety, or stress that consequently affect work performance.

The council recognise that domestic abuse is an equalities issue and undertakes not to discriminate against anyone who has been subject to domestic abuse

Q3 - Thinking about each group below, does, or could the policy, project, service, function or strategy have an impact on protected characteristics below? You may also need to think about sub groups within each characteristic e.g. older women, younger men, disabled women etc.

Please tick the appropriate columns for each group.

Group or Protected Characteristics	Potentially positive impact	Potentially negative impact	No impact	Comment
Age – including older people and younger people.	✓			Although domestic abuse is regarded to occur between adults (persons over 18 years) it is recognised that it impacts upon the health, development and well being of children.
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.	✓			A vulnerable adult who is reliant upon care being provided by an intimate partner or family member is at greater risk of being subjected to domestic abuse. This is particularly the case where a likely perpetrator (displaying a dominant or controlling attitude) has his/her status challenged by the added responsibility of being a carer.
Gender – men, women and transgender.	✓			Predominately women aged 19 – 44 years are at greater risk of being victims of domestic abuse. Worldwide it is the highest single morbidity factor in women, higher then cancer, vehicular accident, drug or substance abuse. Within the UK 1 in 4 women and 1 in 6 males deemed to be

				adults will be subjected to domestic abuse within their lifetime.
Marital status including civil partnership.	✓			Domestic Abuse is regarded to be a significant factor in divorce, separation and breakup of intimate relationships which occurs in recognised forms of marriage or civil partnerships.
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.	✓			One in four women experiences domestic abuse at some point in their lives. More than 30% of this abuse starts in pregnancy, and existing abuse may get worse during pregnancy or after giving birth.
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.	✓			Where there is an incident of domestic abuse, the dynamics of such remain the same irrespective of the sexual orientation of the persons involved. Incidents of abuse occur in same sex relationships where the dominant partner is seeking to control the other. This policy is non-gender specific.
Ethnic Groups	✓			Certain ethnic minority groups have been identified as being at particular risk of being subjected to domestic abuse. South Asian communities where Forced Marriage is an issue including Bangladesh, Pakistan, Sudan and India.
Religions and Beliefs including those with no	✓			Some religious beliefs may have a significant impact on the manner in which domestic

religion and/or beliefs.				abuse manifests itself. The status of women in certain cultures is motivated by religious teaching and some practices that occur in name of religion are deemed to be abusive eg female genital mutilation which is routinely accepted in certain cultures yet is criminalised within the UK.
Other groups e.g. those experiencing deprivation and/or health inequalities.	✓			Some service providers may alienate certain sections of the community through restriction of service based on domestic abuse.

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

Q4 - Should a full EIA be completed for this policy, project, service, function or strategy?

Yes ☐

No ☐

Q5 - Reasons for this decision:

Please e-mail this form to the Policy Service before moving this work forward so that we can confirm that either a full EIA is not needed or offer you further advice and support should a full EIA be necessary.

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