

# Joint Staff Advisory Committee

3 March 2021

**Time:** 2.30pm

**PLEASE NOTE:** This will be a 'virtual meeting', held remotely in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations.

Members of the press and public can view the meeting by clicking on the link provided on the agenda page on the Council's website or calling the number provided.

Instructions for members of the committee, officers and other participants to join the meeting have been circulated separately.

**Membership:**

**Councillors:** Councillor Stephen Holt (Chair); Councillor Chris Collier (Vice-Chair); Councillors Jane Lamb, Isabelle Lington, James MacCleary and Colin Swansborough

**Staff Representatives:** Chris Earp (Unison), Adediran Kujore (Unison), Linda Farley (Staff Group Representative) and Hilary Mitchell (Staff Group Representative)

**Quorum:** 3 (1 Councillor from each Council and 1 Staff Representative)

*Published: Monday, 22 February 2021*

## Agenda

**1 Introductions**

**2 Apologies for absence/Declaration of substitute members**

**3 Declarations of interest**

Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.

**4 Minutes (Pages 5 - 8)**

To confirm and sign the minutes of the previous meeting held on 7 December 2020 (attached herewith).

## **5 Urgent items**

Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972.

## **6 Grievance Policy (Pages 9 - 30)**

Report of Head of Human Resources

## **7 Drugs and Alcohol Policy (Pages 31 - 54)**

Report of Head of Human Resources

## **8 Exclusion of the public and press**

To consider, under Section 100(A) of the Local Government Act 1972 (as amended), excluding the public and press from the meeting during the discussion of Items 9, 10, 11 and 12 on this agenda as there are likely to be disclosures of exempt information as defined in paragraphs 1, 2 and 4 of Part 1 of Schedule 12A of the Act.

## **9 Sickness Absence Quarter 3 2020/21 (Pages 55 - 68)**

Report of Head of Human Resources

## **10 3rd Quarter 2020/21 Accident Report (Pages 69 - 78)**

Presentation by the Specialist Advisor - Health and Safety

## **11 Consideration of matters raised by the employees' side**

To consider any matters raised by the employees' side in respect of the items on this agenda.

## **12 Consideration of health and safety matters raised by the employees' side**

To consider any matters raised by the employees' side in respect of health and safety.

## **13 Date of next meeting**

To note that the next meeting of the Joint Staff Advisory Committee which is scheduled to commence at 2:30pm on Monday, 14 June 2021, will take place in a virtual capacity, via Microsoft Teams, and in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations.

## Information for Councillors

**Disclosure of interests:** Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

## Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

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## **Joint Staff Advisory Committee**

**Minutes of the meeting held remotely (via Microsoft Teams) on 7 December 2020 at 2.30pm**

**Present:**

**Councillors:** Councillor Stephen Holt (Chair); Councillors Chris Collier (Vice-Chair), Jane Lamb, Isabelle Linington, James MacCleary and Colin Swansborough

**Staff side:** Chris Earp, Adediran Kujore, Linda Farley and Hilary Mitchell

**Officers in attendance:**

Becky Cooke (Assistant Director for Human Resources and Transformation)  
Ed Hele (Functional Lead - Quality Environment)  
Becky Holloway (Specialist Advisor for Health and Safety)  
Helen Knight (Head of Human Resources)  
Jennifer Norman (Committee Officer, Democratic Services)

**1 Election of Chair**

**Resolved:**

That Councillor Stephen Holt be elected as Chair of the Joint Staff Advisory Committee for the remainder of the 2020/21 municipal year.

**2 Election of Vice-Chair**

**Resolved:**

That Councillor Chris Collier be elected as Vice-Chair of the Joint Staff Advisory Committee for the remainder of the 2020/21 municipal year.

**3 Introductions**

The Chair introduced members of the Committee via roll call, and all those present during the remote meeting.

**4 Apologies for absence/Declaration of substitute members**

There were none.

**5 Declarations of interest**

There were none.

**6 Urgent items**

There were none.

**7 2nd Quarter 2020/21 Accident Report**

The Committee received a presentation in respect of key aspects of health and safety matters across both authorities.

Key aspects of the presentation included:

- Background to 2<sup>nd</sup> Quarter Coronavirus Pandemic;
- Quarter 2 updates regarding accidents for employees and nonemployees;
- Accidents by business area and locality; and
- RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) reportable injuries.

**Resolved:** That the presentation be noted.

**8 Capability Policy**

The Committee received a report which detailed the alignment of the Capability Policy at both Eastbourne Borough Council and Lewes District Council.

The Head of HR summarised the report and key details of the newly aligned Capability Policy.

The Head of HR highlighted that there were no significant changes from the previous policies held by either authority, with the exception of the appeals procedure as detailed in section 8 of Appendix 1. She further highlighted that training would be made available for all staff and further guidance would be published on the councils' intranet website.

The Committee asked Officers to detail the training process for members of staff. The Head of HR explained that all managers would have training on all of the policies as part of the Management Development Programme, and all staff would have access to guidance published on the councils' intranet website. She further explained that each department was given additional support when required, with the assignment of an HR Business Partner.

**Resolved:**

- 1) That the newly aligned policy be noted; and
- 2) That the Head of HR be recommended to approve and implement the newly aligned Capability Policy as set out in Appendix 1 of the report.

## 9 Disciplinary Policy

The Committee received a report which detailed the alignment of the Disciplinary Policy at both Eastbourne Borough Council and Lewes District Council.

The Head of HR summarised the report and key details of the newly aligned Disciplinary Policy.

The Head of HR highlighted that there were no significant changes from the previous policies held by either authority, with the exception of the appeals procedure as detailed in section 11 of Appendix 1. She further highlighted that training would be made available for all staff and further guidance would be published on the councils' intranet website.

The Committee asked Officers to detail the training process for members of staff regarding the newly aligned Disciplinary Policy. The Head of HR explained that all managers would have training on all of the policies as part of the Management Development Programme, and all staff would have access to guidance published on the councils' intranet website. She further explained that each department was given additional support when required, with the assignment of an HR Business Partner.

The Assistant Director of HR and Transformation highlighted that the change in the appeals procedure was primarily surrounding the makeup of the appeals panel, should the process result in any appeals. She further highlighted that the panel was previously made up of 3 Members, with the new panel comprised of 2 Members and 1 manager. This was a result of discussions with Officers and Members at both authorities.

### **Resolved:**

- 1) That the newly aligned policy be noted; and
- 2) That the Head of HR be recommended to approve and implement the newly aligned Disciplinary Policy as set out in Appendix 1 of the report.

## 10 Exclusion of the public and press

### **Resolved:**

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the public and press be excluded from the meeting during the discussion of items 11, 12 and 13 on the agenda as there was likely to be disclosures of exempt information as defined in paragraphs 1, 2 and 4 of Part 1 of Schedule 12A of the Act.

## 11 Sickness Absence Quarter 4 2019/20 and Quarters 1 and 2 2020/21

The Committee received the Officer's report which provided an update regarding the Council's sickness figures for the periods of Quarter 4 2019/20

and Quarters 1 and 2 2020/21, and the way in which the figures were presented for both Lewes District Council and Eastbourne Borough Council.

**Resolved:**

That the Quarter 4 2019/20 (1 January to 31 March 2020), and Quarter 1 (1 April to 30 June 2020) and Quarter 2 2020/21 (1 July to 30 September 2020) sickness figures and the way in which the figures were presented for both Lewes District Council and Eastbourne Borough Council, be noted.

**12 Consideration of matters raised by the employees' side**

There were no additional matters raised by the employees' side over and above those which had been recorded in the minutes of the meeting.

**13 Consideration of health and safety matters raised by the employees' side**

There were no additional health and safety matters raised by the employees' side over and above those which had been recorded in the minutes of the meeting.

**14 Date of next meeting**

**Resolved:**

That the next meeting of the Joint Staff Advisory Committee which is scheduled to commence at 2:30pm on Wednesday, 3 March 2021, in a virtual capacity, via Microsoft Teams, and in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations, be noted.

The meeting ended at 3.30pm.

Councillor Stephen Holt (Chair)



# Agenda Item 6

<b>Report to:</b>	Joint Staff Advisory Committee
<b>Date:</b>	3 March 2021
<b>Title:</b>	Grievance Policy
<b>Report of:</b>	Helen Knight, Head of HR
<b>Ward(s):</b>	All
<b>Purpose of report:</b>	To align the policies of Lewes District and Eastbourne Borough Councils regarding the Councils' grievance procedure.
<b>Officer recommendation(s):</b>	1) That the proposed newly aligned policy be noted; and 2) That the Head of HR be recommended to approve implement the newly aligned Grievance Procedure.
<b>Reasons for recommendations:</b>	To ensure that the Councils have an aligned grievance procedure.
<b>Contact Officer(s):</b>	Helen Knight, Head of HR E mail address: <a href="mailto:helen.knight@lewes-eastbourne.gov.uk">helen.knight@lewes-eastbourne.gov.uk</a> Telephone 07966 645102  Becky Cooke, Assistant Director for HR and Transformation E-mail address: <a href="mailto:becky.cooke@lewes-eastbourne.gov.uk">becky.cooke@lewes-eastbourne.gov.uk</a> Telephone 01323 415106 or internally on extension 5106

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## 1 Introduction

- 1.1 Lewes District and Eastbourne Borough Councils have jointly committed to bringing policies and procedures together as part of the Joint Transformation Programme (JTP) which is an important step towards aligning our people and business practices.
- 1.2 A review of the existing policies regarding flexible working across Lewes and Eastbourne has been undertaken and a new policy developed.
- 1.3 There are no significant changes to the policies previously held by both councils, aside from one point regarding appeal hearings in that the Assistant Director or Head of HR shall invite two elected members of the councils joint staff committee to be part of the panel, the third member will be a manager more senior than the person who considered the grievance at Stage Two and who has not been involved previously in the Grievance procedure.

## 2 Information

- 2.1 This revised policy will be implemented by publication on the council intranet known as 'The Hub' following approval with communication to all staff and training and guidance issued to managers.

2.2 Unison has been consulted on the new policy and did not have any comments.

### **3 Resource Implications**

3.1 The implementation of this revised policy should have no financial impact.

### **4 Conclusion**

4.1 The members of Joint Staff Advisory Committee are asked to note this report.

### **5 Financial appraisal**

5.1 There are no financial implications.

### **6 Legal implications**

6.1 There are no legal implications arising directly from this report.

### **7 Appendices**

7.1 Appendix 1 - Eastbourne Borough Council and Lewes District Council aligned Grievance Procedure

7.2 Appendix 1a - Notification of Grievance Stage 2 Form

7.3 Appendix 2 - Equality and Fairness Analysis on aligned Grievance Procedure

### **8 Background papers**

8.1 There are none.

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<b>Document name:</b>	<b>Grievance Procedure</b>
<b>Document type:</b>	Policy / Procedure

<b>Authority(ies) covered:</b>	LDC/EBC/Aligned
<b>Responsible (Executive Lead):</b>	Helen Knight, Head of HR
<b>Accountable (Operational Lead):</b>	Josie Grayson, HRBP
<b>Version (e.g. first draft, final report):</b>	Final draft
<b>Approved by:</b>	
<b>Date of publication:</b>	
<b>Revision due:</b>	
<b>Final Equality and Fairness Analysis (EaFA) report approved by:</b>	Assistant Director
<b>Date final EaFA report approved:</b>	

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# Grievance Procedure

## 1. Introduction

- 1.1 The grievance procedure is to resolve outstanding concerns for employees and, consequently, for their managers. These grievances will either not have been resolved satisfactorily through informal channels or be of sufficient severity to warrant immediate elevation to the grievance procedure. This procedure is designed to deal with any grievances employees have at work, with dignity. It is intended to ensure that:
- Issues at work are raised and dealt with promptly
  - Issues at work are dealt with consistently by all parties
  - Any necessary investigations are carried out to establish the facts
  - Employees have an opportunity to put their case before any decisions are made
  - Employees can be accompanied at any formal grievance meeting
  - An appeal process exists

## 2. What is a Grievance?

- 2.1 Grievances are concerns, problems or complaints that employees raise with their employers. Examples of grievance issues are;
- Working hours
  - Health and safety
  - Working relationships with colleagues
  - Allocation of work
  - Working environment
  - Agile working arrangements
  - Discrimination
- 2.2 When using this procedure staff should endeavour to settle the grievances as near as possible to the point of origin.
- 2.3 The parties to a grievance may, by mutual agreement, modify the time limits referred to below.
- 2.4 The following should not be raised under the grievance procedure;
- Disciplinary matters
  - Job evaluation appeals
  - Appeals against selection decisions

There are separate procedures for managing these matters and for advice on these please contact your HR Business Partner.

### 3. Equality and Diversity

- 3.1 Where an employee requires reasonable adjustments to attend and participate in a grievance meeting such as a disability or language barrier the member of staff may be accompanied by an appropriate person to provide support, in addition to their right to be accompanied by a colleague or trade union official.
- 3.2 The manager responsible for the grievance meetings at each stage will ensure all reasonable adjustments and special arrangements are made. This includes ensuring all information is in an accessible format, that meeting venues are accessible to all parties and that any reasonable adjustments are made to enable fair and complete participation by all parties.
- 3.3 Employees are invited to advise their line manager and subsequent managers of their needs and requirements to ensure they are fulfilled throughout the process wherever possible. This right is also extended to the appeal meeting.

### 3 Informal Resolution of Grievance

- 4.1 The first stage of resolving concerns is for the employee to raise their grievance informally at a meeting with their line manager as soon as possible after the concern or problem arises.
- 4.2 If it is not possible to resolve the grievance in this way the employee should raise the matter formally and within 10 working days of the meeting with their line manager. Employees must complete the form Notification of Grievance – Stage One (form GRP1) and pass it to their line manager to action with HR.

### 5. Resolving the Grievance – Stage One

- 5.1 Once a grievance has been raised formally, the manager will arrange for a meeting to be held within 10 working days.
- 5.2 At the meeting the employee will be invited to explain the grievance and how they think it should be resolved. So that the facts can be established, the meeting may include the manager who made the decision at informal stage or the meeting may be adjourned for any investigation that is required. Such investigation will normally be carried out by an independent manager i.e. someone unconnected to the individuals and / or service concerned. If an adjournment is required, the meeting will be reconvened at an appropriate time and without undue delay, to enable the grievance to be heard.

- 5.3 Employees may be accompanied by a colleague or Unison representative at a grievance meeting. An opportunity will be provided for the member of staff to submit witness statements or, if appropriate, to invite witnesses to attend the meeting.
- 5.4 After the meeting (or reconvened meeting) the manager will decide what action should be taken, if any. Wherever possible the manager will advise the employee verbally, of any such action at the end of the meeting. The manager will then formally notify the employee of the outcome of the grievance meeting in writing within 5 working days and will include details of how to appeal the decision.

## **6. Right to Appeal – Stage Two**

- 6.1 Employees have the right to appeal against any decision taken at stage 1. Appeals should be made in writing on form GRP2 and sent to the Head of HR within 10 working days of the written confirmation of the outcome of the stage 1 meeting.
- 6.2 The Assistant Director or Head of HR shall invite two elected members of the councils joint staff committee to be part of the panel, the third member will be a manager more senior than the person who considered the grievance at Stage 2 and who has not been involved previously in the Grievance procedure.
- 6.3 Appeal decisions will be confirmed in writing within 5 working days of the stage 2 meeting.

## **7. Right to be Accompanied**

- 7.1 Employees have the right to be accompanied at both the formal meeting and the appeal meeting. For additional support to meet special requirements and reasonable adjustments see paragraph 3 above entitled Equality and Diversity.
- 7.2 The companion may be a colleague employed by Eastbourne Borough or Lewes District Council, a trade union representative or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany an employee.
- 7.3 Companions may address the hearing to put forward and sum up the employees views, respond to any views expressed and confer with the employee. Companions do not have the right to answer questions on the employees' behalf, address the hearing if the employee does not wish it or prevent the managers from explaining their case.

## 8. Relationship with Other Processes

- 8.1 Where an employee raises a grievance during another process e.g. disciplinary, the grievance may be temporarily suspended in order to complete the disciplinary. It may be possible in some cases where grievances and disciplinary or performance cases are related that they can be dealt with together. If a grievance is raised which is not related to an existing process, they would normally be dealt with concurrently.
- 8.2 In the event that the chair of a grievance meeting finds that a grievance has been raised maliciously, the chair may recommend disciplinary action against the employee who raised the grievance.
- 8.3 In the event that a grievance is made about the same matter by more than one person the principles of this policy may still apply and the same procedure followed.



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## GRIEVANCE PROCEDURE

## CONFIDENTIAL FORM GRP2

### STAGE 2 – Grievance Appeal

NB: This form should only be completed by an employee whose grievance remains unsatisfactorily resolved having concluded informal discussions and Stage 1 of the Grievance Procedure.

<b>Name</b>
<b>Service Area</b>
<b>Job Title</b>

**I wish to appeal against the decision reached under Stage 1 of the Council's Grievance Procedure for the following reasons:**

Empty rectangular box for header information.

**I will/will not\* be accompanied at the meeting to be held in accordance with Stage 2 of the grievance procedure**

**I will be accompanied by**

\_\_\_\_\_

**In their capacity as**

\_\_\_\_\_

**(e.g. colleague, trade union representative)**

**Equality and Diversity**

**I require the following reasonable adjustments to enable me to fully participate in the grievance meeting.**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

NOTES (1) This whole form must be sent to Human Resources within 10 working days of receiving written confirmation of the outcome of Stage 1.

(2) Please retain a copy when completed

\* Delete as appropriate

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## Equality and Fairness Analysis

### Report assessing the impact of proposed changes and decisions

<b>Report title (same as Cabinet / Board report title)</b>	Grievance Procedure
<b>Report author (same as Cabinet / Board report author)</b>	Helen Knight, Head of HR
<b>Report author's email address – for comments</b>	Helen.Knight@Lewes-Eastbourne.gov.uk
<b>Responsible Head of Service</b>	Helen Knight
<b>Responsible Director/Assistant Director</b>	Becky Cooke
<b>Who will be making the decisions? – e.g. LDC or EBC - Full Council / Cabinet / Committee / name of Board / Cabinet Member / Service Head</b>	???????
<b>Date draft EaFA and report sent to Equalities Email and Cabinet / Board Officer</b>	X

This form is to be used to give decision makers an understanding of the likely impact of decisions they are being asked to make on groups protected under the Equality Act, and on other groups who may be affected. It should be used to assess the impact of new projects, services, initiatives and changes in the way we deliver services that will affect staff, residents and service users.

Where this report relates to Council, Cabinet, Scrutiny or Board Reports, Part 1 of this form must be completed and submitted to [EqualitiesEmail@lewes-eastbourne.gov.uk](mailto:EqualitiesEmail@lewes-eastbourne.gov.uk) before or, at the latest, on the date for submission of draft reports to the Cabinet Officer. It should have been approved by the Director/Assistant Director and Lead Cabinet Member along with the draft report and signed off – at the end of Part 1 – at that point.

Part 2 should be completed and submitted to the Cabinet Officer and to [EqualitiesEmail@lewes-eastbourne.gov.uk](mailto:EqualitiesEmail@lewes-eastbourne.gov.uk) with the final Cabinet Report, and must incorporate any comments from the Equality and Fairness Planning Group and Stakeholder Group and amendments / responses / actions arising from these.

In some cases, there may not be an immediate impact on residents or customers. In these cases, an Equality and Fairness 'Relevance' Form **must** be completed and submitted to the [EqualitiesEmail@lewes-eastbourne.gov.uk](mailto:EqualitiesEmail@lewes-eastbourne.gov.uk) for our files.

## The Public Sector Equality Duty

The Council and its companies must, in the exercise of our functions and in our decision making, have due regard to the need to:

1. Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

The second aim (advancing equality of opportunity) involves, in particular, having due regard to the need to:

- Remove or minimise disadvantages experienced by people because of their protected characteristics.
- Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

It describes the third aim (fostering good relations) as tackling prejudice and promoting understanding between people who share protected characteristics and those who do not.

It explains that compliance with the general equality duty may involve treating some people more favourably than others, as long as this is within the law.

By thoroughly assessing what we do against the general duty we are able to make better decisions about what we do, leading to better outcomes for people who work for us and for people who access our services and facilities.

An Equality and Fairness Analysis should be carried out when

- developing or reviewing strategies, plans, policies and procedures;
- proposing changes to the services delivered or the way these are delivered
- proposing new services, functions, projects or initiatives.

All reports to Council, Cabinet, and Cabinet Members seeking decisions which will have an impact on residents and customers should include either:

- a full Equality and Fairness Analysis, using this form
- a completed Equality and Fairness 'Relevance' Form setting out why a full EaFA is not needed.

### **Assessing the impact of the options you are considering**

In your answers to the questions on the next pages, please spell out any positive or negative impacts relating to the three general duties to:

1. Eliminate discrimination, harassment and victimisation
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

You need to think about the protected characteristics below – some potential issues have been suggested, but this is not intended as a comprehensive list:

**Age** - are there any reasons for thinking young people or older people may be affected differently by the proposals? School times? Digital access / confidence?

**Disability** – could your proposals impact differently on people with particular impairments or long-term limiting illnesses? Consider, for example, physical access, format or information / communication, design of service / buildings, interpreting / equipment / assistance that can be used, impact of proposals on people with long-term health conditions, including mental health, children and adults with special needs, drug and alcohol addictions

**Gender reassignment** - are there any specific issues to consider, e.g. around confidentiality, stage of transition?

**Marriage and civil partnership** - are there any issues to consider – e.g. confidentiality, equal access?

**Pregnancy and maternity** – you may need to consider how best to ensure equal access to opportunities or services, facilities for breastfeeding for example

**Race and ethnicity** – you need to consider different levels of knowledge about the services available and how these are accessed; the provision of translation and interpreters – e.g. in consultation, and avoidance of jargon / colloquialisms

**Religion, belief and culture** – prayer facilities; dietary requirements; religious observances (days and times) and festivals

**Sex / gender** – promoting equality of opportunity, childcare arrangements, provision of single sex facilities

**Sexual orientation** – equality of opportunity, confidentiality

**Part 1 - for completion, approval and submission with draft Report****Section A – What is your proposal and what will change as a result?**

Please give an overview of the changes you are considering and decisions you are requesting and say why are they needed. What are the options you are considering?

The proposed document is a joint Grievance Procedure for Eastbourne Borough and Lewes District Councils.

The revision is required to support the joint working of Eastbourne Borough and Lewes District Councils.

The proposed changes that have arisen from the joining of the EBC and LDC Grievance procedure are to allow employees and managers an opportunity to resolve concerns informally before invoking the formal stages of the Grievance procedure and also to insert a paragraph outlining the support available for reasonable adjustments to ensure that employees are fully supported to engage in the grievance process.

The detail for informal resolution is as follows;

- 4.1 The first stage of resolving concerns is for the employee to raise their grievance informally at a meeting with their line manager as soon as possible after the concern or problem arises.
- 4.2 If it is not possible to resolve the grievance in this way the staff member should raise the matter formally and within 10 working days of the stage one meeting with their line manager. Employees must complete the form GRP2 and pass it to the senior manager above their line manager to action.

The detail for reasonable adjustments is as follows;

### **3. Equality and Diversity**

- 3.1 Where an employee requires reasonable adjustments to attend and participate in a grievance meeting such as a disability or language barrier the member of staff may be accompanied by an appropriate person to provide support, in addition to their right to be accompanied by a colleague or trade union official. The manager responsible for the grievance meetings at each stage will ensure all reasonable adjustments and special arrangements are made. This includes ensuring all information is in an accessible format that meeting venues are accessible to all parties and that any reasonable adjustments are made to enable fair and complete participation by all parties. Employees are invited to advise their line manager and subsequent managers of their needs and requirements to ensure they are fulfilled throughout the process wherever possible. This right is also extended to the appeal meeting.

**In what context will it operate and who is it intended to benefit?**

The joint Grievance Procedure will operate within internal formal HR processes. It is intended to benefit all employees. Employees are able to invoke the grievance procedure when they have concerns, problems or complaints with their employers. Examples of grievances are;

- Terms and Conditions of Employment
- Health & Safety
- Working relationships with colleagues
- New working practices
- Working environment
- Agile working arrangements
- Organisational change
- Discrimination

**Section B – Bearing in mind the potential impact on these groups, what information have you used to consider the different options?**

How have you consulted so far with the people likely to be affected by any changes? What were the key points that came out of this consultation and how have you amended your proposals in response? If you have not yet consulted, at what stage are you proposing to carry out consultation and who / how are you proposing to consult?

The procedure will be under consultation in the early part of 2019. We have looked at existing policies and practices within both Councils, as well as referring to current legislation and best practice in this subject area to formulate the grievance procedure.

What information, research findings and data have you used to assess the potential impact of any changes on people protected under the Equality Act and those who may face financial hardship as a result, and what did that information tell you about the potential impact?

Please see above.

No employees will suffer financial hardship as part of this joint procedure.

Is there any information that you needed to understand the impact on these groups but are not able to find? What are the gaps and what can your service / the Council do to collect the information needed? Are there any actions you will take to address this?

No.

**Section C: Actions taken and planned**



What actions or options are you considering to deal with any negative impacts? This may not always be possible (e.g. some changes might have a disproportionate impact on the Council's finances). If you are not proposing any actions or amendments to your proposals, please explain why not.

The procedure will be subject to consultation and regular reviews. Views will be sought via meaningful consultation and counter proposals will be considered.

We do not anticipate any negative impacts to the introduction of the joint grievance procedure.

### Part 1 sign off

Part 1 should now be reviewed and approved by your Director/Assistant Director, and submitted with your Cabinet / Board report as a separate document to the Cabinet Officer / Company Secretary and to [EqualitiesEmail@lewes-eastbourne.gov.uk](mailto:EqualitiesEmail@lewes-eastbourne.gov.uk).

**Name of Director/Assistant Director:**

**Signed:**

**Dated:**

### Next steps:

It will then be forwarded to members of the Equality and Fairness Planning Group and Stakeholder Group for their comments and they will be asked to give any feedback or suggest amendments directly to you as the report author within 5 working days.

Confidential reports will be sent to the internal Planning Group only.

If you receive any comments or suggestions from a member of the Stakeholder Group, please reply by email saying:

*'Thank you for your comments. We will take these into consideration and you will receive feedback at the next meeting of the Equality and Fairness Stakeholder Group'.*

Please add any comments you receive from members of these groups in Part 2 below and any actions or amendments to your report arising from their feedback.

Unless specifically asked to attach the EaFA as an appendix to a Cabinet or Board Report, the completed EaFA form must be sent as a separate document with the Cabinet or Board report and listed as a background paper 'available from the report author'. In some cases it will need to be published with the report; in others you will be advised to reference this as a Background Paper.

**Part 2 - for completion, approval and submission with final Report**

**Please note:** both parts of this Equality and Fairness Analysis will be made available on publication of the Cabinet / Board report they relate to. You may also be asked to present your final report and EaFA to the Equality and Fairness Steering group.

**Please describe in more detail the proposals you are making to Cabinet / Board in more detail. Please spell out your reasons for making these proposals / choosing the option(s) you are recommending.**

Please see part 1A above.

**Please give any additional information on the impact of your recommended options on groups protected under the Equality Act and any other groups.**

As previously stated in Part 1.

**Please set out below any comments from members of the Equality and Fairness Planning Group and the Equality and Fairness Stakeholder Group. Please include any comments and suggestions for amendment / action below.**

There has not been any feedback.

**Response to feedback.** Please describe any changes you have made to your policy / proposals as a result of the feedback. If you are not proposing changes in response to any of the feedback, please explain why. Please ensure you give a full explanation.

There has not been any feedback.

Please list any additional actions you are proposing to take in response to the feedback.

There has not been any feedback.

**Executive Summary** – to be completed when you finalise your report. This is for you to paste into your Council / Cabinet / Committee / Member Board report. Keep this to 2–3 paragraphs only and incorporate any points raised by members of the Equality and Fairness Planning Group and Stakeholder Group and actions.

Please then include this summary in your report under the heading **Implications for Equality and Fairness.**

**Please now include any actions you have referred to in Parts 1 and 2 in the Action Plan on the next page.**

## Action Planning

Issue identified	Action to be completed	Lead Officer	Required Resources	Target Date	Measure of Success
Consultation with employees regarding the joint EBC LDC Grievance Procedure	Consultation with staff	Helen Knight, Head of HR	Employee and management time to discuss the joint procedure then the provision of feedback to the managers / HRBP and the final stage of the consultation process to implement the joint procedure after meaningful consultation	1 <sup>st</sup> March 2019	We will await the responses of employees, listen to and action feedback and then implement the joint procedure after meaningful consultation.

<b>Approval</b>	
I confirm I have approved this Analysis and will review the action plan to ensure it is completed within the dates identified	<i>To be signed and dated by Head of Service</i>
I confirm that I have received this Analysis and approved it	<i>To be signed and dated by Director/Assistant Director</i>

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Please now send this report to [EqualitiesEmail@lewes-eastbourne.gov.uk](mailto:EqualitiesEmail@lewes-eastbourne.gov.uk) and to the Cabinet Officer / Company Secretary with your final report.

<b>Date final report submitted to Equalities and Cabinet Officer</b>	
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<b>Report to:</b>	Joint Staff Advisory Committee
<b>Date:</b>	3 March 2021
<b>Title:</b>	Drugs and Alcohol Policy
<b>Report of:</b>	Helen Knight, Head of HR
<b>Ward(s):</b>	All
<b>Purpose of report:</b>	To align the policies of Lewes District and Eastbourne Borough Councils regarding drugs and alcohol.
<b>Officer recommendation(s):</b>	1) That the proposed newly aligned policy be noted; and 2) That the Head of HR be recommended to approve and implement the newly aligned policy including the proposed monitoring programme.
<b>Reasons for recommendations:</b>	To ensure that the Councils have an aligned policy regarding drugs and alcohol.
<b>Contact Officer(s):</b>	Helen Knight, Head of HR E mail address: <a href="mailto:helen.knight@lewes-eastbourne.gov.uk">helen.knight@lewes-eastbourne.gov.uk</a> Telephone: 07966 645102  Becky Cooke, Assistant Director for HR and Transformation E-mail address: <a href="mailto:becky.cooke@lewes-eastbourne.gov.uk">becky.cooke@lewes-eastbourne.gov.uk</a> Telephone: 01323 415106 or internally on extension 5106

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## 1 Introduction

- 1.1 Lewes District and Eastbourne Borough Councils have jointly committed to bringing policies and procedures together as part of the Joint Transformation Programme (JTP) which is an important step towards aligning our people and business practices.
- 1.2 Both councils have existing policies around drugs and alcohol, both of which detail the reasonable steps we take as employers to fulfil our legal obligations in ensuring that employees are not under the influence of drink or drugs given the risk this would pose to their health and safety or to the health and safety of others. The purpose of both existing policies is to provide a safe, healthy and effective working environment which it is recognised will not only help our staff, but also increase our ability to offer high and safe standards of service. Whilst the policies had differing wording, they were largely similar. The most significant proposed change in the aligned policy is the introduction of an alcohol and drugs monitoring programme to ensure the safety of staff and the public and protect organisational reputation.

- 1.3 As stated above, each authority currently has an existing policy. The aim of both policies is for all employees to be aware of the risks associated with drug and alcohol misuse and to ensure that staff and customers are not put at risk by inappropriate use. They also aim to ensure that staff performance at work is not affected by the use of drugs and alcohol and to provide support and guidance to those staff experiencing problems. The current policies have slightly differing wording around what is expected of staff with regard to alcohol and drug use in working time and in personal time. Both policies discourage but do not prohibit the use of alcohol prior to work or during break periods. Both policies are clear that where there is an impact on performance, this will be addressed through the disciplinary policy and that the use of drugs and alcohol, if driving is a necessary part of the role, is prohibited. Neither of them, however, have provision for drug/alcohol screening which is proposed in this new aligned policy.
- 1.4 The 1974 Health and Safety at Work Act places a duty on employers to ensure the health and safety and welfare of their employees.
- 1.5 The proposal is to implement this new aligned policy across both councils. The policy will make staff aware of the implications of drug and alcohol misuse and offer support for those employees who are experiencing problems.

## **2 Information**

- 2.1 HR commenced information consultation with Unison about this in 2017, and formal consultation with Unison and staff took place in 2019.
- 2.2 During the consultation period there were two consultation packs issued and two sets of frequently asked questions. HR also published the draft policy on the Council's Hub on 1 November 2019 as it was hoped this would answer a number of questions the staff had in advance of the policy being submitted to Joint Staff Committee. No further questions or comments have been received from staff since that date.
- 2.3 When the information consultation commenced in 2017, Unison had requested that the random testing be applied to the entire workforce, not just to Waste Services, so that there was no implication that there was more of a problem in Waste Services than in other service areas.
- 2.4 They also stated at that time "UNISON has no objections to alcohol testing in the workplaces where there may be cause to believe that a member of staff under the influence may be a risk to others or even themselves. However UNISON strenuously objects to the introduction of random drug testing, without cause, among all members of staff. We might be persuaded in specific instances if there was cause to believe that a member of staff might be under the influence of drugs while attending work."
- 2.5 We have continued our discussions with Unison about this and they have recently agreed to support the policy with the random testing removed which we have agreed.



- 2.6 Following completion of discussions with Unison, our proposal is to apply this policy to our entire workforce and apply it, including the screening programme, equally regardless of grade or status.
- 2.7 This testing would be carried out by a specialist external provider appointed by the Council on a quarterly basis or more frequently where appropriate. Information regarding this and the policy would be communicated to employees and managers in advance of it being implemented. The person collecting the sample would not be a manager or council employee but a representative of whichever specialist external provider are appointed.
- 2.8 Staff and Unison also raised concerns about staff who may have a dependency and we have taken advice from the Council's Specialist for Health and Safety on this to ensure that our policy makes provision for this and offers appropriate support.
- 2.9 In June 2018 Eastbourne Borough Council transferred 90 staff from Kier to our Local Authority Control Company South East Environmental Services Limited (SEESL) and these staff were already covered by a policy from Kier which includes testing on the basis we have suggested. This policy has been in place for many years and has operated efficiently on a very similar basis to the one we are proposing. In 2020 we undertook a consultation with the staff who had been directly appointed to SEESL so that they would be covered by this policy and no concerns were raised during the consultation and their contracts have subsequently been amended to reflect this.
- 2.10 Given this policy has not yet been implemented, we have not appointed a specialist provider to facilitate the monitoring programme but, following agreement, we would propose to undertake discussions with Alere (whom SEESL use and have been very helpful during this consultation period) amongst others in accordance with procurement guidelines as appropriate.
- 2.11 The council would ensure that the handling of individuals' alcohol and drug screening results complies with UK data protection legislation. Data relating to drug and alcohol screening results constitute 'special category data' under the UK General Data Protection Regulation, meaning they are subject to additional control measures (provided by the Data Protection Act 2018) to minimise the risk of unlawful disclosure.
- 2.12 It is our intention to make specific provision to reserve the right to screen for alcohol and drugs in all employees' contracts of employment.
- 2.13 This revised policy will be implemented by publication on the council intranet known as 'The Hub' following approval with communication to all staff and training and guidance issued to managers.
- 2.14 We would also be looking to the appointed specialist provider to support with training for staff and managers on this.

### **3 Resource Implications**

- 3.1 This policy will be facilitated and monitored within existing resources in the HR team who will support the Councils' managers.

### **4 Conclusion**

- 4.1 The members of Joint Staff Advisory Committee are asked to note this report.

### **5 Financial appraisal**

- 5.1 The cost of the external specialist provider will be approximately £6,000 per annum and will be met from the Occupational Health budget.

### **6 Legal implications**

- 6.1 The data protection implications of implementing the aligned drug and alcohol policy are set out in paragraph 2.11.

### **7 Appendices**

- 7.1 Appendix 1 - Eastbourne Borough Council and Lewes District Council aligned Drugs and Alcohol Policy
- 7.2 Appendix 2 - Equality and Fairness Analysis on aligned Drugs and Alcohol Policy

### **8 Background papers**

- 8.1 There are none.

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Lewes District Council



Working in partnership with **Eastbourne Homes**

<b>Document name:</b>	<b>Drug and Alcohol Policy</b>
<b>Document type:</b>	Policy

<b>Authority(ies) covered:</b>	Aligned
<b>Responsible (Executive Lead):</b>	Becky Cooke Assistant Director for HR and Transformation
<b>Accountable (Operational Lead):</b>	Helen Knight Head of HR
<b>Version (e.g. first draft, final report):</b>	First Draft
<b>Approved by:</b>	e.g. Council, Cabinet, Cabinet Member, CMT, Director
<b>Date of publication:</b>	
<b>Revision due:</b>	Date
<b>Final Equality and Fairness Analysis (EaFA) report approved by:</b>	e.g. Director/Assistant Director
<b>Date final EaFA report approved:</b>	Date

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# 1. Introduction

- 1.1. The Councils are committed to providing a safe, healthy and effective working environment, which it is recognised, will not only help our staff, but also increase our ability to offer high standards of service.
- 1.2. The Health and Safety at Work Act 1974 (and other regulations) places a duty on employers to ensure the health, safety and welfare of their employees, so that they do not injure themselves or endanger the public or colleagues. This has particular relevance to alcohol and drugs. Employees also have legal obligations to take care to ensure the health and safety of others who may be affected by their actions at work. This includes members of the public.

## 2. Scope

- 2.1. This policy applies to all employees of Eastbourne and Lewes Council. It also applies to third parties working on our premises, namely contractors, temporary and agency staff and volunteers, individuals participating in a secondment, internship or work experience placement within the Councils

## 3. Aim

- 3.1. The aim of this policy is to protect the health, wellbeing and safety of our staff and the public and to help anyone who may have problems with drug or alcohol abuse and wish to rehabilitate themselves. This policy explains the Councils' position on drug and alcohol misuse and encourages employees who have a problem of drug or alcohol abuse/misuse to seek and be offered help in confidence.

## 4. Equalities and Diversity

- 4.1. Whilst addiction to drugs and alcohol itself is not a disability the councils recognise that these addictions can be caused by underlying medical conditions and would strongly encourage staff to seek assistance.
- 4.2. An equality and fairness analysis has been conducted and will be reviewed periodically

## 5. Definitions

- 5.1. "Drug misuse" refers to the intentional or unintentional misuse use of:
  - Illegal drugs
  - Prescribed drugs
  - Substances such as solvents and legal highs

5.2. "Alcohol misuse" refers to drinking at levels that lead to significant harm to physical and mental health that may also cause harm to others.

## **6. Consumption of Alcohol**

6.1. It is acknowledged that individuals are able to decide for themselves whether it is appropriate to drink alcohol. However, this must not adversely affect their workplace, driving or work performance, or compromise service provision to service users.

6.2. Therefore, the Council takes the view that employees are responsible for their own health, safety and welfare during not only normal working hours but also where their inappropriate use of alcohol outside normal working hours may subsequently affect behaviour and performance at work, and constitute a safety risk.

6.3. Staff who work outside of normal working hours are still expected to adhere to the guidance within this policy. That includes, for example, those who are in an 'on call' rota or those required, as part of their role, to be present at a work related event taking place in the evening or during the weekend.

6.4. Everyone covered by this policy has the responsibility to present themselves for work unimpaired by alcohol and to remain unimpaired by alcohol whilst at work. "Unimpaired" for these purposes means with a negative alcohol test result. The level of alcohol concentration in the blood to give an indication of capability and awareness being affected can be identified and a level in excess of 50mg/100ml is a positive blood alcohol result.

6.5. Those covered by the policy must never drive or operate machinery if they are under the influence of alcohol.

6.6. They should seek advice from their GP or the Councils' Employee Assistance Programme (EAP) team for guidance on sensible limits of alcohol consumption should they be unsure.

## **7. Drug Misuse**

7.1. No member of staff may present for work under the influence of misused drugs, nor may any member of staff misuse drugs during the working day.

7.2. Drug misuse by staff is strictly prohibited and will be regarded as a disciplinary matter.

7.3. Staff should be aware that the effects of some drugs, including prescribed and proprietary medication, taken prior or during working hours can remain in

the system for lengthy periods, and can affect work performance and behaviour. This is particularly important for employees in safety critical roles that involve operating machinery and driving. If in doubt, employees should seek medical advice and discuss the situation with their manager.

- 7.4. They should check with their doctor, pharmacist or Occupational Health about the side effects of any medication when commencing any prescribed or over the counter medication. They should never take any medication prescribed for anyone else or exceed recommended dosage on either prescribed or over the counter medication as this may result in serious side effects or damage to health. Some prescription and over the counter medicines have the potential to produce a positive drug test result, particularly if the medicine is codeine based.
- 7.5. If it is considered that there is a significant risk to the health and safety of any employees or the service provided by a member of staff or potential employee, the Council may request that an appointment is sought with an Occupational Health Specialist.

## **8. Safety Critical Roles**

8.1. Safety critical covers all roles within the councils where being under the influence could put the staff member and/or others at risk of harm and can include:

- Any role responsible for or driving a work vehicle.
- Anyone using their own vehicle for work purposes (not driving to and from work)
- Operating machinery
- Technical work e.g. sound or lighting
- Building maintenance
- Working with or in close proximity to large vehicles such as HGV's
- Working at height
- Working close to deep water
- Conducting repairs
- Working directly with the public
- Operational managers
- Anyone needing to make safety critical decisions.
- Visiting people's homes
- Any role that requires the need to urgently respond to unforeseen circumstances.

Examples of these roles can include:

- Groundskeeping staff
- Roles within Neighbourhood First that include duties such as building maintenance and require staff to drive Council vehicles.

- Seafront staff
- Lifeguards
- Leisure centre staff
- Waste Services
- Property services roles that require home visits
- Technical roles and roles dealing directly with the public at the crematorium.
- Technical and front of house staff at the DQ

Other roles and requirements not included above may be deemed to be safety critical, and this list is not exclusive or exhaustive.

8.2. A safety critical worker in this context is defined as “Where the ill health of an individual may compromise their ability to undertake a task defined as safety critical, thereby posing a significant risk to the health and safety of others”

8.3. Ill health for the purpose of this policy is defined as being at risk of

- sudden loss of consciousness;
- impairment of awareness or concentration;
- sudden incapacity;
- impairment of balance or co-ordination;
- significant limitation of mobility.

8.4. All those members of staff operating in a safety critical role will be subject to a 0% tolerance of drugs and alcohol.

## **9. Voluntary Disclosure**

9.1. If those covered by the policy suspect or believe that they may have a drug and/or alcohol misuse problem they are encouraged to refer themselves to the Councils’ Occupational Health Team as soon as possible. Appointments can be made via their line manager or HR.

9.2. Whether or not a member of staff has or declares that they have an alcohol or drug addiction problem, this will never be accepted as a reason for committing any form of misconduct (gross, serious or minor), negligent act or omission, including presenting for work under the influence of drugs/ and or alcohol.

9.3. In the event of a confirmed positive result for the presence of alcohol or drugs whilst working on Council premises, this will be fully investigated under the Councils’ Disciplinary Procedure, which carries a potential penalty of



summary dismissal. Consideration will be given on a case by case basis to suspending an employee on normal pay whilst the case is being investigated.

- 9.4. If you know or suspect that a colleague may have alcohol or drug abuse issues you should encourage them to seek help. If they will not do so, you should draw the matter to the attention of your line manager. You should not attempt to cover up for a colleague whose work or behaviour is suffering as a result of an alcohol or drug-related problem.

## **10. Drug & Alcohol Screening**

- 9.1. Drug and alcohol misuse may be tested for under the following conditions:-
- (i) Random screening for staff in safety critical roles
  - (ii) For cause screening
  - (iii) Pre-employment screening
- 9.2. The Councils reserve the right to conduct random alcohol and/or drug testing on any employee in a safety critical role at any time of the working period and no notice will be given.
- 9.3. The Councils reserve the right to carry out for cause screening, usually as a result of an incident or near miss, e.g. a collision, resulting in or having potential to result in serious damage/injury and/or invoking suspicion of alcohol or drugs influence; or dysfunctional behaviour and third party observations from employees, contractors, visitors etc. invoking suspicion of the influence of alcohol or drugs.
- 9.4 For cause screening will only be implemented with authorisation from HR. The member of staff involved will be advised of the reasons for the screening and the procedure will be explained to them. For cause screening will be treated in a sensitive and confidential manner.
- 9.4. Any employee who refuses to give consent to be screened will be subject to the Councils' Disciplinary Procedure whereby refusal may be treated as gross misconduct for which summary dismissal is a possible outcome.
- 9.5 .Drug and alcohol screening will always be carried out by trained and competent people. Screening will be carried out in privacy, staff undergoing screening will be treated with dignity, and respect at all stages of the process.
- 9.6. The council has yet to appoint a specialist external provider to carry out these tests, we will consider a range of providers and screening methods.
- 9.7. Records of screening results are considered to be 'sensitive' data and will be subject to and processed in accordance with GDPR.

## 11. Support

10.1.1 Drug and alcohol problems can be dramatically reduced through employees making positive and responsible choices about their drug and alcohol use and being supportive to those who are experiencing problems. Additionally managers and employees can seek help and advice from relevant specialist agencies such as the National Drugs Helpline, Alcohol Change UK and the Drugscope website

10.2 In addition, we offer an Employee Assistance Programme (EAP), which is designed to support employees with all sorts of work life issues. The EAP provides information, support and guidance on a range of issues – 24 hours a day, 365 days a year. Staff can self-refer and this service is completely confidential. Services range from clinical services such as Cognitive Behavioural Therapy, Telephone Counselling, and Face-to-Face Counselling through to practical support and information around debt, legal and specialist information similar to Citizen's Advice regarding consumer rights and other issues. Employees can be supported in a wide variety of areas.

Further details on the EAP and other wellbeing information can be found on the HR Hub, under Occupational Health

## 12. Related Policies and Procedures

- 11.1. Disciplinary Procedure
- 11.2. Capability Procedure
- 11.3. Attendance Management
- 11.4. Whistleblowing

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## Equality and Fairness Analysis

### Report assessing the impact of proposed changes and decisions

<b>Report title (same as Cabinet / Board report title)</b>	Drug and Alcohol Policy
<b>Report author (same as Cabinet / Board report author)</b>	Helen Knight
<b>Report author's email address – for comments</b>	Helen.knight@lewes-eastbourne.gov.uk
<b>Responsible Head of Service</b>	Helen Knight
<b>Responsible Director/Assistant Director</b>	Becky Cooke
<b>Who will be making the decisions? – e.g. LDC or EBC - Full Council / Cabinet / Committee / name of Board / Cabinet Member / Service Head</b>	Eastbourne – Joint Staff, Cabinet, Full Council Eastbourne – Joint Staff, Employment Committee
<b>Date draft EaFA and report sent to Equalities Email and Cabinet / Board Officer</b>	

This form is to be used to give decision makers an understanding of the likely impact of decisions they are being asked to make on groups protected under the Equality Act, and on other groups who may be affected. It should be used to assess the impact of new projects, services, initiatives and changes in the way we deliver services that will affect staff, residents and service users.

Where this report relates to Council, Cabinet, Scrutiny or Board Reports, Part 1 of this form must be completed and submitted to [EqualitiesEmail@lewes-eastbourne.gov.uk](mailto:EqualitiesEmail@lewes-eastbourne.gov.uk) before or, at the latest, on the date for submission of draft reports to the Cabinet Officer. It should have been approved by the Director/Assistant Director and Lead Cabinet Member along with the draft report and signed off – at the end of Part 1 – at that point.

Part 2 should be completed and submitted to the Cabinet Officer and to [EqualitiesEmail@lewes-eastbourne.gov.uk](mailto:EqualitiesEmail@lewes-eastbourne.gov.uk) with the final Cabinet Report, and must incorporate any comments from the Equality and Fairness Planning Group and Stakeholder Group and amendments / responses / actions arising from these.

In some cases, there may not be an immediate impact on residents or customers. In these cases, an Equality and Fairness 'Relevance' Form **must** be completed and submitted to the [EqualitiesEmail@lewes-eastbourne.gov.uk](mailto:EqualitiesEmail@lewes-eastbourne.gov.uk) for our files.

## The Public Sector Equality Duty

The Council and its companies must, in the exercise of our functions and in our decision making, have due regard to the need to:

1. Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

The second aim (advancing equality of opportunity) involves, in particular, having due regard to the need to:

- Remove or minimise disadvantages experienced by people because of their protected characteristics.
- Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

It describes the third aim (fostering good relations) as tackling prejudice and promoting understanding between people who share protected characteristics and those who do not.

It explains that compliance with the general equality duty may involve treating some people more favourably than others, as long as this is within the law.

By thoroughly assessing what we do against the general duty we are able to make better decisions about what we do, leading to better outcomes for people who work for us and for people who access our services and facilities.

An Equality and Fairness Analysis should be carried out when

- developing or reviewing strategies, plans, policies and procedures;
- proposing changes to the services delivered or the way these are delivered
- proposing new services, functions, projects or initiatives.

All reports to Council, Cabinet, and Cabinet Members seeking decisions which will have an impact on residents and customers should include either:

- a full Equality and Fairness Analysis, using this form
- a completed Equality and Fairness 'Relevance' Form setting out why a full EaFA is not needed.

### **Assessing the impact of the options you are considering**

In your answers to the questions on the next pages, please spell out any positive or negative impacts relating to the three general duties to:

1. Eliminate discrimination, harassment and victimisation
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

You need to think about the protected characteristics below – some potential issues have been suggested, but this is not intended as a comprehensive list:

**Age** - are there any reasons for thinking young people or older people may be affected differently by the proposals? School times? Digital access / confidence?

**Disability** – could your proposals impact differently on people with particular impairments or long-term limiting illnesses? Consider, for example, physical access, format or information / communication, design of service / buildings, interpreting / equipment / assistance that can be used, impact of proposals on people with long-term health conditions, including mental health, children and adults with special needs, drug and alcohol addictions

**Gender reassignment** - are there any specific issues to consider, e.g. around confidentiality, stage of transition?

**Marriage and civil partnership** - are there any issues to consider – e.g. confidentiality, equal access?

**Pregnancy and maternity** – you may need to consider how best to ensure equal access to opportunities or services, facilities for breastfeeding for example

**Race and ethnicity** – you need to consider different levels of knowledge about the services available and how these are accessed; the provision of translation and interpreters – e.g. in consultation, and avoidance of jargon / colloquialisms

**Religion, belief and culture** – prayer facilities; dietary requirements; religious observances (days and times) and festivals

**Sex / gender** – promoting equality of opportunity, childcare arrangements, provision of single sex facilities

**Sexual orientation** – equality of opportunity, confidentiality

**Part 1 - for completion, approval and submission with draft Report****Section A – What is your proposal and what will change as a result?**

Please give an overview of the changes you are considering and decisions you are requesting and say why are they needed. What are the options you are considering?

To implement a comprehensive Drug and Alcohol Policy across Eastbourne Borough Council and Lewes District Council. There are currently two policies which can be confusing for staff and management. There have also been a number of recent high profile events that have increased the perception of the public on the duty of care of organisations whose staff operate in a safety critical environment and in addition to this we have anecdotal reports from staff and management teams that the current policies are not sufficiently robust for operational need.

This policy covers the councils' position on the consumption of drugs and alcohol during working hours or when it impacts on working hours by managers, employees, contractors, agency staff and anyone else engaged to work at the councils, whether by direct contract with the organisation or otherwise.

The aim of this policy is to protect the health, wellbeing and safety of our employees and the public and to help anyone who may have problems with drug or alcohol abuse and wish to rehabilitate themselves. It encourages employees who have a problem of drug or alcohol abuse/misuse to seek and be offered help in confidence.

The policy has a provision for drug and alcohol screening, the consultation pack that accompanies the policy suggests that the change is a contractual one. Screening would be carried out in the following circumstances, pre employment screening, random screening for those in a safety critical role and with cause screening for all staff.

The policy details what levels of drug and alcohol are acceptable and how and what each substance will be screened for.

The policy explains the potential outcome following a positive screening result or the refusal of drug and/or alcohol screening.

The policy details where employees may go for help and support should they be experiencing difficulties with drug and or alcohol misuse.

The policy will be subject to a formal consultation process.

Who will be affected by the changes and how?

Thinking about groups protected under the Equality Act, will any of them benefit positively from the changes you are considering more than other people? In what way?

Will there be any negative impacts on these groups which may arise? What are these?

The Council's Equality and Fairness Policy states that 'we also recognise that socio-economic status can be a significant barrier to equality of opportunity'. What might the financial impact of any changes on people on low incomes or with limited savings? Are there any actions the council could take to mitigate the impact – e.g. support, advice, access to loans, transitional arrangements?

Are there any other groups of people who might be affected negatively by the changes you are considering? For example, homeless people; people with mental health conditions; people who use assistance dogs or rely on helpers to guide and support

them or translate for them; people with caring responsibilities; people living in rural areas; people with limited access to the internet.

The policy covers all employees, contractors and agency workers

The policy provides an avenue to raise concerns that staff may have with regard to drug and alcohol misuse.

DISABILITY – There could be additional concerns for those staff who have an ongoing medical condition that need to take prescription medication. The policy clearly indicates that those staff who need to take prescription medication should discuss this their manager and occupational health to ensure there is no adverse impact in the workplace. The Council provides all staff with access to Occupational Health and the Employee Assistance Programme.

The Policy could have a positive impact for staff who experience mental health issues, for example people who suffer with depression can have additional dependence on drugs and/or alcohol and this policy provides an avenue for support.

HR would take direct action to support staff in finding a resolution as required.

**Section B – Bearing in mind the potential impact on these groups, what information have you used to consider the different options?**

How have you consulted so far with the people likely to be affected by any changes? What were the key points that came out of this consultation and how have you amended your proposals in response? If you have not yet consulted, at what stage are your proposing to carry out consultation and who / how are you proposing to consult?

We have looked at existing policies and practices within both Councils, as well as referring to current legislation and best practice in this subject area to formulate the policy.

All staff will be formally consulted on this proposed change.

What information, research findings and data have you used to assess the potential impact of any changes on people protected under the Equality Act and those who may face financial hardship as a result, and what did that information tell you about the potential impact?

As above.

There will be no impact on those who may face financial hardship. The policy is applicable to all staff.

Is there any information that you needed to understand the impact on these groups but are not able to find? What are the gaps and what can your service / the Council do to collect the information needed? Are there any actions you will take to address this?

No.

### Section C: Actions taken and planned

What actions or options are you considering to deal with any negative impacts? This may not always be possible (e.g. some changes might have a disproportionate impact on the Council's finances). If you are not proposing any actions or amendments to your proposals, please explain why not.

As per Section B.

We do not anticipate any negative impacts.

### Part 1 sign off

Part 1 should now be reviewed and approved by your Director/Assistant Director, and submitted with your Cabinet / Board report as a separate document to the Cabinet Officer / Company Secretary and to [EqualitiesEmail@lewes-eastbourne.gov.uk](mailto:EqualitiesEmail@lewes-eastbourne.gov.uk).

**Name of Director/Assistant Director: Becky Cooke**

**Signed:**

**Dated:**



**Next steps:**

It will then be forwarded to members of the Equality and Fairness Planning Group and Stakeholder Group for their comments and they will be asked to give any feedback or suggest amendments directly to you as the report author within 5 working days.

Confidential reports will be sent to the internal Planning Group only.

If you receive any comments or suggestions from a member of the Stakeholder Group, please reply by email saying:

*'Thank you for your comments. We will take these into consideration and you will receive feedback at the next meeting of the Equality and Fairness Stakeholder Group'.*

Please add any comments you receive from members of these groups in Part 2 below and any actions or amendments to your report arising from their feedback.

Unless specifically asked to attach the EaFA as an appendix to a Cabinet or Board Report, the completed EaFA form must be sent as a separate document with the Cabinet or Board report and listed as a background paper 'available from the report author'. In some cases it will need to be published with the report; in others you will be advised to reference this as a Background Paper.

**Part 2 - for completion, approval and submission with final Report**

**Please note:** both parts of this Equality and Fairness Analysis will be made available on publication of the Cabinet / Board report they relate to. You may also be asked to present your final report and EaFA to the Equality and Fairness Steering group.

**Please describe in more detail the proposals you are making to Cabinet / Board in more detail. Please spell out your reasons for making these proposals / choosing the option(s) you are recommending.**

To implement an aligned Dignity at Work Policy across Eastbourne Borough Council and Lewes District Council. There are currently two policies and this can cause confusion for staff and managers.

A refresh of the policy will also help to act as a reminder of the policy, following a recent large scale restructure where new staff and managers have been appointed.

The nature of the policy itself is important for the organisation to demonstrate its commitment to ensuring we meet our duty of care to all employees to maintain a working environment which encourages mutual trust and respect and is free from all forms of bullying and harassment.

**Please give any additional information on the impact of your recommended options on groups protected under the Equality Act and any other groups.**

As previously stated in Part 1.

**Please set out below any comments from members of the Equality and Fairness Planning Group and the Equality and Fairness Stakeholder Group. Please include any comments and suggestions for amendment / action below.**

**Response to feedback.** Please describe any changes you have made to your policy / proposals as a result of the feedback. If you are not proposing changes in response to any of the feedback, please explain why. Please ensure you give a full explanation.

Please list any additional actions you are proposing to take in response to the feedback.

**Executive Summary** – to be completed when you finalise your report. This is for you to paste into your Council / Cabinet / Committee / Member Board report. Keep this to 2–3 paragraphs only and incorporate any points raised by members of the Equality and Fairness Planning Group and Stakeholder Group and actions.

Please then include this summary in your report under the heading **Implications for Equality and Fairness.**

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**Please now include any actions you have referred to in Parts 1 and 2 in the Action Plan on the next page.**

**Action Planning**

Issue identified	Action to be completed	Lead Officer	Required Resources	Target Date	Measure of Success

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<b>Approval</b>	
I confirm I have approved this Analysis and will review the action plan to ensure it is completed within the dates identified	<i>To be signed and dated by Head of Service</i>
I confirm that I have received this Analysis and approved it	<i>To be signed and dated by Director/Assistant Director</i>

Please now send this report to [EqualitiesEmail@lewes-eastbourne.gov.uk](mailto:EqualitiesEmail@lewes-eastbourne.gov.uk) and to the Cabinet Officer / Company Secretary with your final report.

<b>Date final report submitted to Equalities and Cabinet Officer</b>	
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of the Local Government Act 1972.

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