

# Joint Consultative Forum

## Minutes

28 June, 2004 at 10.00am  
The Council Offices  
Bourne Hill, Salisbury

**THIS REPORT SHOULD BE KEPT FOR USE AT THE CABINET MEETING TO BE HELD  
ON 21 JULY 2004**

### **SALISBURY DISTRICT COUNCIL**

Meeting of the **Joint Consultative Forum** held in Committee Room I, The Council House,  
Bourne Hill, Salisbury on Monday, 28<sup>th</sup> June 2004 commencing at 10:00 am

### **P R E S E N T**

#### **Councillors**

A Brown-Hovelt (Chairman for the duration of the meeting), Ms M Tomlinson,  
Mrs S Warrander and I West

#### **Staff Side**

Trevor Kay (UNISON) and Joan Smith (UNISON)

#### **Officers in Attendance**

Helen Collar (Democratic Services), Carole Davidson (Personnel & Training), Karen Gard (Personnel  
and Training), Anne McConkey (Head of Personnel and Training), David Neudegg (Policy Director),  
Mark Wareham (UNISON) and Alan Wright (Personnel and Training)

### **MINUTES NOT REQUIRING COUNCIL APPROVAL**

#### **71. Apologies**

Apologies were received from Councillor S Fear, Rick Wells (UNISON) and Roy Williams (T&G)

#### **72. Minutes**

**RESOLVED** - that the minutes of the last meeting held on 22<sup>nd</sup> March 2004 be  
approved as a correct record and signed by the Chairman.

#### **73. Declarations of Interest**

There were no declarations of interest.

#### **74. Election of Chairman**

**RESOLVED** – that Rick Wells be elected to serve as Chairman for the forthcoming  
municipal year.

#### **75. Election of Vice-Chairman**

**RESOLVED** – that Councillor Brown-Hovelt be elected to serve as Vice-Chairman for  
the forthcoming municipal year.

## **76. HR Strategy for Establishing Customer Services (to include Customer Services Update)**

The Forum considered the previously circulated report of Carole Davidson, Workforce Planning Manager. The Workforce Planning Manager informed the Forum that it was scheduled that the centralised Customer Services Unit would become fully operational from October and that, in the interim, interviews would be held to fill the 25 Customer Services Unit posts. The advertisements for the posts (to be filled using staff eligible to be placed in the 'Customer Services Staff Opportunity Pool') would be available on the Council Intranet, for staff to view, by July.

During discussion the following points were raised :-

- The need for staff affected by the introduction of the Customer Services Unit to be informed, as a matter of urgency (given the imminence of the commencement of the Customer Services Unit staff selection process), of the level of impact of the changes on their current jobs. This to enable staff to decide whether or not to apply for one of the 25 posts. To illustrate; a member of staff whose current job was anticipated to be in the 'low impact' category would be unlikely to apply for one of the 25 new posts. However, a member of staff whose current job had been assessed as being in the 'medium impact', or higher, would probably wish to apply for one of the new posts. Knowing the anticipated 'impact level' was therefore of crucial importance to a significant number of Council employees;
- The need for Customer Service Officers, when appointed, to be granted a reasonable period of time in which to obtain the NVQ qualifications specified as necessary for the role and to receive commensurate support and guidance during their study/qualifying period;
- The need for the Union to work closely with management, for the benefit of staff, during the restructuring and 'bedding down' periods; and
- The need for Councillors to be informed of the correct procedure for handling complaints/queries received from constituents. For example, whether contacting a Service Unit Head/Team Leader directly would remain an option or whether all issues would be required to be reported to the Customer Services Unit, in the first instance;

[It was **agreed** that the Workforce Planning Manager would inform Councillors (together with Service Unit Heads) of the new complaints reporting procedure when introduced. It was **noted** that until such time, the current complaints reporting procedure would obtain.]

**RESOLVED** – that the Cabinet be recommended to utilise the report (circulated with the meeting agenda) as the basis for managing change in respect of the introduction of the Customer Services Unit operation.

## **77. Office Centralisation Update**

David Neudegg, Policy Director, informed Forum members that a report on the matter had been considered and approved (subject to amendments taking in a number of staff (focus group), Bourne Hill area residents and civic concerns) by the Cabinet at its meeting of 23 June 2004.

Following this approval, detailed designs were being drawn up in preparation for the submission of the full planning application in December 2004.

To date, Wiltshire County Council had expressed interest in co-locating its Children's Services Unit and Registrars (for Births, Marriages and Deaths) with the District Council.

During discussion the following points were noted :-

- The need to resolve the issue of parking at the site. The issues being :-

- a. the requirement (for business efficiency reasons) by staff and councillors (including for their visitors), for sufficient parking on, or adjacent to, the site;
- b. the requirement of the planning authority to abide by government planning legislation which specifies that none-vehicular access to city centre sites should be encouraged and, as a consequence, that car parking provision in these areas should be prohibited or, at least, minimised;
- c. the request of a number of residents in the Bourne Hill area that traffic movement in the area be reduced (or, at least, not increased);
- d. the need for the impact of the loss of parking in the area (College Street, old swimming pool site and at The Council House) on the Arts Centre to be considered; and
- e. the need for a comprehensive and practical 'green travel plan' (also taking into account travel solutions for those attending meetings outside the Park & Ride scheme operating times) to be determined.

**RESOLVED** – that, during the process of the determination of the 'green travel plan', draft versions be submitted to the Forum for comment.

#### **78. Dealing with Violent and Aggressive Behaviour Policy – Guidance for Staff**

The Forum considered the previously circulated report of the Employee Relations Officer and commended the Officer's work on this issue.

The following points were raised during discussion :-

1. The need to ensure that, *as soon as* an incident is reported by a member of staff (to their manager, in accordance with the Policy), the information about the existence of a potentially violent or aggressive Council 'customer' is made available for use by other Service Unit Heads (for dissemination to relevant customer-facing staff, if deemed prudent).

[It was noted that an individual's rights, in respect of the Data Protection Act, would not be infringed by such reporting action provided the individual is informed within five working days that such information is being held, albeit temporarily].

2. The recommendation that the words 'immediately' be inserted as follows in paragraph 7.1 of the proposed Policy :-

'All employees should be encouraged, and should be supported by managers, in reporting, *immediately*, all incidents of violence and aggressive behaviour on a green incident form (available from Service Units or the Safety Adviser). A copy of the completed form should be sent to Environmental Services within five days of the incident.'

3. The need to ensure that the language used in the Policy, whilst *encouraging* staff to report incidents, *compels* managers to comply with the Policy once made aware of incidents. For example, the word 'must', to be used in place of 'should', where appropriate.

**RESOLVED** – that the amendments (points 1-3, above) be made to the Policy and the resulting revised version be sent to the Forum Chairman, Vice-Chairman and UNISON Representative for final comment. The revised version to be sent in time to allow comments by the Forum Chairman, Vice-Chairman and UNISON Representative to be returned to the Employee Relations Officer by the 9 July 2004 (in readiness for consideration by the Cabinet at its meeting of 21 July 2004).

#### **79. Security of Employment and Redundancy Procedure**

The Forum considered the previously circulated report of the Employee Relations Manager. During discussion (and in relation to the points raised in UNISON's letter, as circulated with the meeting agenda) the point was raised that the 'Compulsory Redundancy' element of the Policy, as drafted, appeared to discriminate against employees of less than 40 years of age and with fewer than 20 years of service when outlining the eligibility criteria pertaining to 'Discretionary' redundancy payments.

In response to the above query the Employee Relations Manager confirmed that any member of staff (regardless of age or length of service) subject to compulsory redundancy would be eligible to apply for 'Discretionary' redundancy payment. However, staff aged between 40 and 49 would automatically receive 'Discretionary' redundancy payment.

In addition, UNISON's request (as detailed in UNISON's letter, as circulated with the meeting agenda) that the pay protection period (for staff accepting a post with lower pay in order to avoid redundancy) be extended from two to three years was noted and it was **agreed** that the UNISON representative would raise this matter directly with the Management side.

**RESOLVED** - that the recommendations as detailed in the report (as circulated with the meeting agenda) be recommended to the Cabinet for adoption.

#### **80. Terms and Conditions of Employment for Staff at Five Rivers Leisure Centre**

The Head of Personnel and Training informed Forum Members that a draft report, incorporating the Cabinet's comments on the matter, would be presented to UNISON at a meeting scheduled to take place on Friday 2 July 2004.

The UNISON representative confirmed that preliminary discussions with the Management side on this issue had been positive and that further discussions would be taking place once UNISON had considered the detail contained within the draft agreement.

**RESOLVED** – that more information about the matter would be provided at the next meeting of the Forum.

#### **81. Pay negotiations 2005 – update and discussion**

The Head of Personnel and Training and the UNISON representative informed Forum Members that the 2004/05 Pay negotiations were ongoing but that a 'proposal' had been made by the Employers side and was due to be considered by Union members.

#### **82. Staffing Establishment List**

#### **83. Equalities Monitoring**

#### **84. Recruitment and Retention Update**

The above three matters (agenda items 12, 13 and 14) were considered together. It was noted that the appendix for item 13, circulated with the meeting agenda, was incorrect and an updated version (see Annex A, attached) was circulated to Forum members.

**RESOLVED** – that the figures/statistics for the three matters be circulated at Forum meetings for monitoring purposes only and that an in-depth analysis report and analysis of the figures/statistics be presented to the Forum in six months (at the Forum's December meeting). This to allow the two job-share staff, newly appointed to the Personnel & Training Unit, adequate time to fully understand the Council's work practices and recruitment procedures to enable them to provide a comprehensive interpretation/analysis of the figures, as required by the Joint Consultative Forum.

The meeting concluded at 1145hrs

**HR STRATEGY  
Relating to the establishment of  
Customer Services**

**D R A F T  
March 2004**



# **SALISBURY DISTRICT COUNCIL**

## **DRAFT**

### **HR STRATEGY RELATING TO THE ESTABLISHMENT OF CUSTOMER SERVICES**

#### **1. Introduction**

This policy intends to set down the process to be adopted when the Council is involved in a major organisational re-structure that will impact upon more than one Service Unit and which may possibly lead to compulsory redundancies. This policy should be read in conjunction with the Security of Employment and Redundancy Procedure Policy, April, 2004.

#### **2. Application**

This policy applies to all employees of Salisbury District Council.

#### **3. Principles**

The objective of this policy is to ensure that employees understand the process that will be adopted during a period of major organisational change.

Personnel & Training Services will play a central role in the operation of this process.

This process has been developed by management in consultation with the trade unions and is fully supported by both parties. The part which the trade unions play in supporting this policy is considered to be of vital importance and the policy is designed with an emphasis on maintaining harmonious working relationships between all relevant parties at all times.

The Council is committed to ensuring that all employees are treated in a fair and equitable manner when considering a major organisational re-structure. Wherever possible, individuals will be given every opportunity to re-train and develop their skills in order to meet the criteria for suitable alternative positions.

#### **4. Organisation Structure**

In determining the need for re-structuring it will be necessary to produce a proposed organisation chart.

Once the management team have agreed the structure in principle, if there are any significant changes to jobs it will be necessary for each job to be put through the job review process.

New Job Description Questionnaires will be prepared for each job that is deemed significantly different.

Once JDQ's are submitted for evaluation staff and unions will be informed of the new structure.

All staff included within the 'opportunity' pool will be kept informed of the progress made in assessing the new structure.

Once the agreed structure is published, staff within the 'opportunity' pool will be informed and given prior consideration for the new jobs.

Where it is envisaged that jobs within the new structure will have a significant change to duties, it is unlikely that current jobholders within the 'opportunity pool' will be able to be slotted into the new jobs without a selection process.

Staff within the 'opportunity' pool will be asked to indicate an expression of interest in the new posts.

(Please refer to Security of Employment & Redundancy Procedure Policy para 10 and para 14.1 – 14.6)

## **5. Recruitment Freeze**

In order to protect the security of employment for its employees during a major organisational restructure, the Council will instigate a recruitment freeze that will curtail permanent appointments to jobs that are similar to those that will be impacted. This will give employees who find themselves in a possible redundancy situation, the opportunity to apply for suitable alternative positions within the council.

Individuals within the redeployment pool will be given prior consideration for all vacancies that occur within the council before any external appointment is made.

In order to maintain service delivery throughout the council, we will consider external appointments, but only on the basis of a short-term temporary contract, i.e. 6 months. The maximum temporary fixed term appointment **must not** go beyond 51 weeks.

Short-term temporary agency staff will be considered when this proves to be a cost effective short-term requirement.

Permanent appointments will only be approved when professional/specialist roles are involved where it is deemed necessary for an individual to have the relevant professional qualifications in order to fulfil the duties.

During any major re-structure a list of jobs that will be affected by the recruitment freeze will be produced.

The recruitment freeze will continuously be reviewed throughout the re-structuring process and may be lifted should business circumstances dictate a need for change e.g. if there becomes a surplus of jobs not being filled

## **6. Business Process Re-engineering Process (BPR)**

When a Service Unit undertakes a BPR Process, a possible outcome as a result of re-engineered processes improving efficiency, will be some re-alignment of jobs within the unit. This may subsequently result in the reduction of the number of employees required. In the situation of a major organisational restructure, the likelihood is that there will be a number of employees across the council who find

themselves similarly displaced. It is in these circumstances that employees will be placed in an opportunity pool’.

Individuals who are not selected to a new post in the organisational re-structure will remain within their service unit until the BPR process is concluded and the service unit has been restructured. If individuals are subsequently displaced in their service unit re-structure, they will be given a minimum period of 12 months to be re-deployed. If individuals have been unsuccessful in securing an alternative position at the end of this period, contractual notice will then be served.

When appropriate, employees within a service unit who may be required to work extensively on the BPR project will be considered for an honorarium payment under the terms of the current policy.

## 7. ‘Opportunity’ Pool

When a major organisational re-structure is embarked upon, an opportunity pool’ of employees will be drawn up. This will ensure employees who may at a later date be considered ‘at possible risk’ of redundancy as a result of the re-structure to be given priority of selection for alternative employment opportunities within the council.

Management Team will use the following criteria in consultation with Service Unit Heads when determining which employees will be impacted by the re-structure and will be placed within the ‘opportunity pool’.

- a. **Major Impact:** More than 50% of the job they currently undertake will change as a result of a major re-organisation
- b. **Medium Impact:** More than 25% but less than 50% of the job they undertake will change as a result of a major re-organisation
- c. **Low Impact:** Less than 25% of the job they undertake will change as a result of a major re-organisation. (people within this category will not be affected by the restructure).

Individuals who are placed within the ‘opportunity’ pool will have greater choice in respect of redeployment. It is therefore of benefit to an individual to be included in the pool if they are, to a reasonable degree, to be impacted upon by the re-organisation. Employees that fall into category (a) or (b) would automatically be included in the ‘opportunity’ pool.

Whilst the vast majority of individuals will be identified at the outset for the ‘opportunity pool’, it is possible, that as the BPR process extends wider across the council, that it may be necessary at a later stage to include any subsequent individuals who are similarly identified.

The alternatives an individual within the pool may have are: -

- a. a job within the new re-structure
- b. to stay within their current service unit
- c. to apply for an alternative clerical vacancy in a SU that has been through the BPR process.



## **8. Selection Process**

The main objective of the selection process will be to determine whether or not an individual has the skills, knowledge and aptitude for the new post. Various methods may be adopted to examine these skills i.e. interview, presentation skills, group exercise, at all times the method adopted will take into account the competencies that are required for the new post.

The selection process will commence with the most senior posts, to enable those that are not successful to have the opportunity to be considered for alternative posts within the structure.

At the end of the selection process the following outcomes will be possible:-

- a. individual is selected and commences in new post
- b. individual is selected for new role at future date but in the meantime is seconded back to the unit.
- c. individual is not successful in obtaining a post within the re-structure and will therefore remain in SU whilst BPR process continues
- d. if subsequently displaced in SU re-structure will remain in the redeployment pool for a minimum period of 12 months

Employees who are appointed to the new positions will be expected to meet the qualification requirements for the role. If employees do not currently possess the required qualifications, challenging timescales relating to the necessary training and development will be set down. Regular progress reviews will be conducted; failure to meet these timescales could lead to an individual being transferred from the position.

The selection process will be open to all employees within the 'opportunity pool', including those currently on 2 year fixed term contracts to meet with current legislation under the Fixed Term Employees (prevention of less favourable treatment) Regulations 2002.

Feedback will be given to each individual who participates in the selection process.

(please refer to Security of Employment & Redundancy Procedure Policy, para. 16 Salary Protection).

## **9. Customer Services – Organisation Structure**

The new customer services unit will consist of a team of Customer Service officers who are multi-skilled and able to adapt in a pressurised environment that requires the ability to manage several situations simultaneously, i.e. customer contact, telephone and written correspondence in the form of e-mail and letters. All Customer Service officers will be expected to resolve 80% of all customer enquiries without the need for referral. These will be professional roles within a recognised career.

Team Leaders will be appointed to manage teams of Customer Service Officers. The Team Leaders, who will report to the Customer Services Manager, will manage teams of 4/5 Customer Service Officers. It is paramount that individuals appointed to the Team Leader roles will be able to demonstrate competency in supervisory and leadership skills.

Customer Service Officers will be expected to undertake the necessary training in order for them to progress through the career grade structure.

The required training will mean that Customer Service Officers will progress through NVQ 2 and 3 in customer care with team leaders expected to reach NVQ 4. The Customer Service Officers will also be expected to complete the ECDL programme consisting of 7 modules within a one-year period.

Individuals who are appointed to Customer Service roles will need to be flexible in their approach to working hours, e.g. a shift rota basis is likely to be in operation. A full time equivalent would work a 37 hour week within the opening hours of the contact centre. It is anticipated that over a period of time, this could be within the hours of Monday to Friday 0800 – 2000 and Saturday 0800 – 1300. This will however, be reviewed regularly and if required the opening hours adapted to meet customer demands.

There will be opportunities for both full-time and part-time positions within the Customer Contact Centre. This need for flexibility is paramount to the success of the customer contact centre and will provide an extended operating day to reflect customer demand.

There will be one or two specialist roles created within Customer Services, i.e. Information Manager. Job descriptions will be drawn up for these new roles in due course and will follow through the normal Job Review process.

### **Health & Safety**

The Customer Services Manager will be responsible for the health and safety of employees within the Unit. All staff within the Customer Services Unit will be made aware of the relevant policies relating to their health & safety.

**DEALING WITH VIOLENCE  
AND  
AGGRESSIVE BEHAVIOUR POLICY  
AND  
GUIDANCE TO STAFF**

**I Introduction**

- 1.1 Salisbury District Council fully recognises that any of its employees in the course of their duties, which bring them into contact with the public, might at some stage face potentially violent situations. Whilst many recorded incidents are comparatively minor, involving slight bruises or cuts or only threats of abuse, some attacks are more serious. Some Council employees, especially those who come into contact with members of the public, are at risk of assault. The Council is keen to ensure that everything possible is being done to reduce to a minimum the risks that exist. (Link to Personal Safety – H&S)
- 1.2 Reasons for assault may range from an attempt to rob or intimidate employees, a loss of control due to emotional stress or sheer despair. Individuals may also become more violent if they are under the influence of drugs, solvents or alcohol, or if they are suffering from a mental illness. Violence is unpredictable but an understanding of the cause, together with appropriate training, can help and give you the confidence to manage such situations.
- 1.3 **The Council has a policy of dealing with difficult customers which is set out in the document “Access to Council Services.”** The Aggressive Behaviour policy and the Access to Council Services policy are developments of an integrated approach to stop intimidation and violence against Council staff – **a zero tolerance approach. The Health and Safety Executive definition of violence at work is set in para 5.1.**

**2 Aims of the Policy**

The aim of this policy is to set out the responsibilities of managers and give advice and guidance to employees in:

- assessing the risk to employees
- developing strategies for prevention
- identifying reasons for the occurrence
- dealing with the consequences

of violence, aggressive and threatening behaviour, so that the safety of employees is paramount at all times.

**3 Statement of Policy**

- 3.1 The Council will endeavour, as far as is reasonably practicable, to reduce the risk of violence, aggressive or threatening behaviour towards its employees during the course of their work by:
- examining and improving working environments and administrative systems
  - improving employee interpersonal skills through training

3.2 The Council will seek to reduce frustration which could lead to members of the public, service users and employees, expressing anger in a violent or aggressive way, and by assessing the risks to employees of violent or aggressive behaviour and by providing:

- safe systems of work
- appropriate control measures to protect employees
- relevant guidance and training of employees

3.3 The Council will support employees who have become victims of violence and aggression during the course of their work by;

- assisting with the identification of the assailant(s) or aggressor(s)
- allowing paid time off, to both victims and witnesses, to assist police investigations and court appearances etc
- offering appropriate legal assistance
- offering employees confidential welfare counselling and support

#### **4 Employees Responsibilities**

4.1 Employees are expected to:

- deliver a high standard of service without giving expression to their own feelings
- observe procedures to ensure the health and safety of members of the public, colleagues and themselves at all times
- report all occurrences of aggressive/threatening behaviour and/or verbal abuse to their manager

4.2 The Council will not support employees who compromise their responsibilities as set out above.

#### **5 The Role of Management**

5.1 The task of prevention or control must be seen as an integral part of the management of that service. The Health and Safety Executive's definition of violence at work is:

***"Any incident in which an employee is abused, threatened or assaulted by a member of the public in circumstances arising out of the course of his or her employment"***

An incident of violence that results in an employee suffering an injury as detailed in the Reporting of Injuries, Diseases or Dangerous Occurrences Regulations, may be reportable to the Health and Safety Executive. The completed incident form, available in your Unit, must be forwarded to the Safety Adviser within Environmental Services who will decide whether a report should be submitted to the Health and Safety Executive.

5.2 In recognising the problem the Council will not expect employees to go alone into potentially dangerous situations. Service Unit Heads must ensure that risk assessments are carried out on all employees to ascertain what level of risk from violence they may be exposed to. Managers should take steps to identify employees whose interaction with the public could create a degree of risk. These employees include:

- Handling money eg cashiers
- Inspection/enforcement eg planning/health officers
- Home visits eg housing benefit officers
- Public services eg car park ambassadors

The Council also has a homeworking policy and this can be found on the Intranet.

## **6 Aggressive Behaviour and/or Verbal Abuse/ Assault**

6.1 Where an individual is threatening an employee, whether face to face or on the telephone, it is acceptable to terminate the interview or put the phone down after giving due warning of your intentions. This includes verbal abuse of an employee on the grounds of their race, gender, sexuality or disability. These incidents should be reported immediately to the manager and the employee who has been assaulted should:

- be relieved of their duties – in order to recover from the experience where the nature of the assault or effect on the individual requires it and for an appropriate period of time given the specific situation
- have access to first aid where necessary. If appropriate be referred to hospital. Where he/she suffers shock or injury, the employee should, in any event, consult a doctor as soon as practicable and obtain a written medical statement concerning the injuries. The Council will accept responsibility for payment of a reasonable charge for this statement.
- be encouraged to contact his/her trade union for support
- prepare a written statement as soon as possible. Factual written statements should be obtained as soon as possible from any witnesses. All statements should include as much information as practicable about the incident and the background to it.

If an implement or weapon is used in an attack, this should be retained where possible, providing this can be done without difficulty or risk. Colleagues need to call for assistance immediately if they see an attack taking place.

6.2 In the event of a deliberate physical assault on an employee, the Service Unit Head, in consultation with the Head of Legal Services, should normally consider the access to the service that will be permitted to the individual in the future.

6.3 The Service Unit Head, in conjunction with the Head of Legal Services, will inform the Police of the incident of deliberate assault. In any discussions with his/her manager about the assault, the employee has the right to be accompanied by a trade union representative/workplace colleague. Sympathetic consideration will be given to compensating the employee for loss or damage to clothing and personal effects resulting from the assault. The line manager will carry out an investigation into the circumstances surrounding the incident and record his/her findings. If the situation warrants the immediate involvement of the Police, they should be called by dialling 999.

## **7 Reporting Procedure for Incidents of Violence, Aggressive/Threatening Behaviour and/or Verbal Abuse**

- 7.1 All employees should be encouraged and should be supported by managers in reporting, immediately, all incidents of violence and aggressive behaviour on a green incident form available in your Unit or from the Safety Adviser. A copy of the completed form must be sent to Environmental Services within twenty-four hours of the incident. Staff in other teams/units must be notified quickly about the incident if it is considered that the person might contact other staff/services.
- 7.2 Investigation of the circumstances surrounding the incident should be carried out by the employee's manager and the findings submitted to the appropriate Policy Director, the Head of Personnel and the Customer Care Manager.
- 7.3 The manager and the employee should discuss how to prevent a re-occurrence and what control measures are needed.
- 7.4 The manager, with the agreement of the employee, should make the Welfare/Occupational Health Officer aware of the incident.
- 7.5 The manager must notify the Customer Care Manager about the incident as soon as possible. The Customer Care Manager will maintain a list of customers and groups whose access to the Council has been restricted. He/she will keep these records securely. Whenever a customer or group is added to the list the Customer Care Manager will inform them of that fact, of the incident which led to the addition to the list, who may have access to the list and when the addition to the list will be removed or considered for removal.

## **8 General Guidance to Employees**

General guidance to employees in recognising and dealing with violence and aggressive behaviour is attached in Appendix I.

## **9 Personal Equipment and Warning Signs**

- 9.1 It is clearly better to prevent violent attacks occurring in the first place, but it must be acknowledged that this will not always be possible, though it is often possible to reduce the severity of the outcome by intervening in some way. Personal protection such as helmets, visors and stout clothing can all contribute to protection. The use of carefully designed office layouts and/or security screens should be considered where the risk of assault is assessed as high. Warning signs should be displayed that the Council operates a zero tolerance policy on violence against staff. Staff and trade union representatives need to be consulted about proposed changes to the working environment.
- 9.2 Warning systems can reduce the risk of assault before it becomes serious, such as emergency call buttons installed in interview rooms or reception counters. Where emergency call alarms are fitted managers must ensure that colleagues are on call to respond immediately it is sounded. Radios, mobile phones and personal alarms are very useful for employees who may be required to visit clients in their own home, but should not be a substitute for sound procedures.
- 9.3 Where safety or protective clothing or devices are agreed to be appropriate, the Service Unit Head will provide them after consultation with employees. Although these devices are well-established measures, the value of skilful handling of the situation should never be overlooked.

## **10 Victims**

Victims may need help from the Council, and this may include confidential welfare counselling, support, time off, or help with compensation and appropriate legal assistance. Management should agree in advance the level of support that will be offered to employees after an attack.

## **11 Training of Employees**

Service Unit Heads should ensure that those employees identified as being at risk of violence are provided with the appropriate level of training to carry out their duties safely. This will include

- understanding managers responsibilities for assessing the risk and providing support systems
- how to recognise, avoid and/or defuse potentially violent situations
- how to work alone and/or in unknown territory safely
- safe ways of breaking away from unwanted physical contact
- restraint techniques (where appropriate)

Employees will also need refresher training to keep their skills up to date.

## **12 Support for Employees – Legal Assistance**

- 12.1 Support for employees is subject to the Council being satisfied that the employee has acted in good faith. Normally any assault on an employee during the course of his/her employment will be reported to the Police. Where the Crown Prosecution Service declines to prosecute the Council will initiate proceedings in appropriate circumstances. The employee has the right to report the matter personally to the Police or initiate a private prosecution.
- 12.2 The Council will report to the Police any person on Council premises without lawful authority or who causes or permits nuisance or disturbance to those using the premises lawfully. The Council will also consider bringing an injunction to exclude the person from the Council premises. Where legal proceedings ensue and an employee is required to attend as a witness, time off with pay will be granted.
- 12.3 In cases of aggressive / threatening behaviour and or verbal abuse, a formal letter of warning may be issued by the Head of Legal Services when, in consultation with the Service Unit Head, this is considered appropriate.
- 12.4 If there are reasonable grounds for believing the employee may be further assaulted or threatened, the Council may seek an injunction restraining the assailant.
- 12.5 The Council will offer the employee informal legal advice as to any civil course of action he/she may have against the assailant for damages or rights to compensation from the Criminal Injuries Compensation Act 1995. If a claim is to be pursued against the assailant for damages, the employee through their own Solicitor will pursue this, although the Council will give assistance if necessary to the employee in helping to select a Solicitor in this field. A solicitor employed by the Council cannot act or instruct external solicitors to act for an employee if there is any possibility of a conflict of interest.

- 12.6 There may be circumstances where employees may suffer a financial loss without grounds for redress (or where civil action may be inappropriate). In these circumstances the Council may consider compensation.
- 12.7 Council officers need to ensure that the Council's insurers are consulted throughout this process. The Council cannot engage in unilateral action without first clearing the proposed action with the Council's insurers.



## **APPENDIX I**

### **GENERAL GUIDANCE TO EMPLOYEES**

#### **I Introduction**

- I.1 Employees who deal directly with the public may face aggressive or violent behaviour. You may be sworn at, threatened or even physically attacked. However the chances of becoming a victim of violence are very low and, by taking sensible precautions, the risk can be reduced still further.
- I.2 This guidance may appear to state much that is obvious. However the Management of Health and Safety at Work Regulations 1999 require employers to undertake a “suitable and sufficient” assessment of the risks to the health and safety of employees to which they are exposed whilst at work; this includes risks from physical assault.

#### **2 Principles of Good Practice**

##### **2.1 Causes**

Physical and psychiatric conditions sometimes provoke violent responses. Some causes are very complex, but others may have simple origins, such as not being provided with a service a person feels they are entitled to. People on medication or under the influence of drugs or alcohol may also be violent.

Violence cannot easily be anticipated since it may be provoked by the person's own mood as well as external events. The build up of anger can occur in many ways. The person may become violent because of an inability to explain the difficulties of a problem; another person may react if they believe that they have been refused help or understanding from another service.

##### **2.2 Signs and Symptoms**

It is difficult to produce a comprehensive list but significant behavioural and mood changes may be warning signs. It is therefore important for employees to recognise any such changes.

The following are common signs of behavioural changes:

A member of the public;

- may be tense and agitated
- may raise his/her voice to a high pitch and speak loudly
- may reply to questions abruptly
- may show signs of muscular tension in the face and limbs and his/her pupils may become dilated
- may close his/her hands in a fist
- may bang his/her fist into his/her palm on the desk
- may suddenly change his/her behaviour
- may resist eye contact and refuse to co-operate in the interview
- may attempt to control or frighten by recalling previous incidents

- may demonstrate by his/her general demeanour and body language an uneasiness and wish to intimidate, menace or embarrass (e.g. by invading your personal space or leaning forward).

Some members of the public will be known to you and their records should prove helpful in assessing the degree of risk and in suggesting what situations are likely to trigger violent reactions. In such cases employees should:

- be aware of what has previously been recorded
- be aware of actions which the member of the public may regard as provocative
- be aware that previous treatment by others can affect a person's attitude
- be alert to sudden changes of mood
- always take threats seriously but calmly
- make a careful record of observations and lodge this record with the Customer Care Manager as this information could prove extremely helpful to other employees in future dealings with the member of the public. **The detail of record keeping is set out in the Access to Council Services - Dealing with Difficult Customers policy – para 6.**
- discuss anxieties about members of the public with your manager
- try to ensure the member of the public is not positioned between you and your means of escape
- in some circumstances it may be appropriate and sensible to be accompanied by a colleague

### 2.3 Control

“Keep talking to a violent client. Try to keep control of the situation if there is a risk of personal injury.”

Vocal firmness and considerable presence of mind are often effective in conveying a sense of control.

If the violence is solely directed at property employees should only attempt to control it if there is no personal risk. Property can always be replaced!! Talking or careful listening is a most effective way of helping a person to keep self control.

### 2.4 Home/Site Visits

“Sensible safeguards should be adopted by employees visiting the public in their homes or making a site visit”

Staff should have

- received training in dealing with violence
- a clear understanding of the area they are visiting
- reviewed the case papers and liaised with other Units or agencies as appropriate
- asked to be accompanied if unsure
- made an appointment
- left a note of their itinerary and the expected departure/arrival times
- told colleagues about possible changes of plan
- arranged for contact if their return is overdue

Staff should carry

- an identity card with photograph
- if needed a personal alarm, radio or mobile phone
- out of hours telephone numbers to summon help

### **3 Use of Force as Self Defence**

- 3.1 The law only allows employees to put up such defence as to protect themselves. Self defence is permitted in law to the extent of what is 'reasonably necessary' to stop the attack.
- 3.2 The use of force as a means of self defence may have serious consequences for employees e.g. being charged with assault, being dismissed or being seriously injured themselves. The use of force or physical restraint should only be used as a last resort, and only by those employees trained to do so.
- 3.3 If the only consideration is the employee's safety then escape should be the first option.
- 3.4 Self defence is not permitted beyond what is "reasonably necessary" in time and degree to stop an attack. The Council would not be able to support an employee charged with assault if an investigation concluded that unreasonable force had been used in self defence.

# REPORT

**Cllr Mrs Warrander: : Cabinet Member for Resources**

## **SECURITY OF EMPLOYMENT AND REDUNDANCY PROCEDURE**

### **1. Report Summary**

1.1. At its meeting on 22 March 2004 the JCF recommended to Cabinet the adoption of the new 'Security of Employment and Redundancy' procedure and recognised that the benefits provided for employees greatly enhanced those of the previous 'Compulsory Redundancy' policy in relation to:

- average overtime rather than contractual overtime to be used to calculate redundancy pay
- enhanced payments for those employees between the ages of 40 and 50 who have 20 years in the pension scheme
- voluntary redundancies to be offered
- mandatory proactive redeployment
- enhanced salary protection arrangements
- consideration of provision of outplacement services
- support for those employees remaining in employment following a restructure and redundancies

It was decided, at this meeting, to undertake a benchmarking exercise to compare certain elements of the procedure with other local authorities as there were still areas where final agreement could not be reached. These areas were

- protection of pay for those employees who are redeployed
- formula used to calculate redundancy payments
- application of discretion

The JCF asked the Personnel Unit to:

- obtain comparable data on redundancy procedures from other councils and
- draw up a consistency framework, in consultation with the trade unions.

### **2. Data**

2.1. A simple questionnaire was sent to all members of the Society of Chief Personnel Officers in the South West Region and all local authorities in the South East Regional Employers area, a total of 66 local authorities were contacted. Fifteen responses were received and this information is attached at appendix I.

### **3. Findings**

3.1 **Salary Protection** – There were many different arrangements amongst the local authorities who responded, some of them very complicated to apply. Three years protection, however, does appear to be the most common. Salisbury District Council's procedure provides two years' protection.

- 3.2 **Formula to Calculate Redundancy Payments** – All respondents except one paid contractual pay x statutory weeks, the same as Salisbury District Council's procedure. Two local authorities, however, capped the contractual pay element.
- 3.3 **Discretionary Payments** – A number of different approaches to these payments have been adopted. Salisbury District Council's procedure provides discretionary payments for all employees between 40 and 50 who have 20 years in the pension scheme. This is not out of line with other authorities when considered along with the other benefits of the procedure. If Salisbury District Council were to offer the maximum discretionary payments to all employees this would mean that the Council would pay all those between 19 and 64 who were made redundant an enhanced severance payment of up to 66 weeks' pay. Some example payments are given below:

Employee Status	Payment under SDC's proposed Procedure	Payment with Maximum Discretionary Enhancement
Age 25 with 2 years service, salary £25000	£959	£1918
Age 30 with 7 years service, salary £25000	£3356	£6712
Age 35 with 12 years service, salary £25000	£5753	£11507

The table shows that applying this discretion significantly increases the payment. In most cases it more than doubles the sum paid to the individual.

#### 4. Options for Consideration

- To consider whether to change any elements of the new Security of Employment and Redundancy Procedure following the benchmarking exercise.
- To consider the application of discretionary payments.

#### 5. Consultation Undertaken

Recognised trade unions ie UNISON and T&G.

#### 6. Recommendations

- Salary protection for those employees who are redeployed should not be increased. Although Salisbury District Council appears to compare unfavourably with most of the other local authorities in the survey, taken as a whole the new 'Security of Employment and Redundancy procedure offers a significant improvement on the benefits provided to employees under the old 'Compulsory Redundancy' procedure.
- Changes should not be made to the formula for calculating redundancy payments for those aged under 40. The formula proposed in the new Procedure is the standard redundancy calculation used by the majority of local authorities and is generous in that it uses actual pay rather than statutory pay.
- Discretionary enhanced payments are offered to employees aged between 40 and 49 with at least 20 years' service (paragraph 12.4 of procedure). The maximum discretionary enhancement should be applied consistently to all eligible employees. A table showing the compensation payable is attached at appendix 2 and this should be included as an appendix to the 'Security of Employment and Redundancy' procedure.

It may be necessary to revisit this procedure when new Age Discrimination legislation is introduced and changes made to the Pension Regulations.

- 7     **Background Papers**  
Relevant JCF papers of 22 March 2004  
Comparative data from other local authorities

8     **Implications**

<b>Financial</b>	– Any enhancement of salary protection or redundancy payments will significantly increase the cost of redeployment and redundancies.
<b>Legal</b>	– All options are in line with employment legislation.
<b>Human Rights</b>	– It is considered that employees' human rights are not compromised by any of the options.
<b>Personnel</b>	– Contained in the report.
<b>Community Safety</b>	– none
<b>Environment</b>	– none
<b>Council's Core Values</b>	– Being a progressive employer
<b>Wards Affected</b>	– none

## Appendix 1

### Security of Employment and Redundancy Procedure Comparisons with other Local Authorities

Authority	Salary Protection Offered	Formula used to calculate redundancy payments	Discretionary Payments made?	Criteria for Discretionary Payments
<b>Salisbury (New Policy)</b>	<b>Frozen for 2 years then reduces to top of new scale</b>	<b>contractual pay x statutory weeks</b>	<b>Yes</b>	<b>Between the ages of 40 and 50 in line with Discretionary Payments Regulations.</b>
Torridge	Fixed on current salary with cost of living increases but no incremental progression	contractual pay x contractual weeks as follows: Age 18 & 19 – half a weeks pay Age 20-23 – half a weeks pay for every year above 18 and 1 weeks pay for every year above 20 Age 24-41 – 2 weeks pay for every year of service above 18 Over 41 – 2 weeks pay for every year of service between 18 & 41 and 3 weeks pay every year thereafter	Not in addition to contractual redundancy payment	
Bournemouth	Salary reduces to within one grade, receives payments and increments for first twelve months, then frozen	contractual pay x statutory weeks	Yes	Aged under 50 in special circumstances eg volunteers or those over 50 not in the pension scheme
North Wiltshire	Frozen until new salary catches up	contractual pay x statutory weeks	Yes	Maximum allowed by the Regs
South Gloucestershire	Paid new salary + personal pay protection (non pensionable) for 3 years – no increments or pay awards apply to ppp	contractual pay (up to max of twice the stat maximum) x statutory weeks	Yes	Up to 1.5 x statutory weeks paid for those under 50
Bath and NE Somerset	10% of the difference in salaries for three years maximum	contractual pay x statutory weeks	Yes	Maximum allowed by the Regs
Cotswold	3 years including pay awards and increments	contractual pay x statutory weeks	Yes	Maximum allowed by the Regs, except those awarded added pension years
Swindon	Up to £10,000 maximum	contractual pay x statutory weeks	No	

Stroud	3 years frozen, then move to maximum of new scale	contractual pay x statutory weeks	Yes, but very rarely	Each case assessed on its merits, maximum has been granted in each case
Kennet	Frozen until new salary catches up	contractual pay x statutory weeks	No	
Weymouth	Individual can choose either 3 years full protection or 4 year freeze	contractual pay x statutory weeks (see discretion)	Yes	Statutory entitlement enhanced by up to 100% of the difference between statutory and discretionary entitlement to anyone under 50 depending on service with the Council
Plymouth	No	Employees under 50 – contractual pay capped at £540 max x statutory weeks  Employees over 50 – contractual pay x statutory weeks	No	
West Wiltshire	3 years frozen, then move to maximum of new scale	contractual pay x statutory weeks	No	
Somerset County Council	3 year full protection with increments and pay awards	contractual pay x actual weeks	Yes	Maximum allowed under the regulations
Basingstoke	3 year full protection with increments and pay awards	contractual pay x statutory weeks	Yes	Maximum allowed under the regulations
Devon County Council	Redeployment allowance payable up to 20% of salary for up to 4 years	contractual pay x statutory weeks	Yes	Maximum allowed under the regulations



## Appendix 2

## Discretionary Payments

[illegible]



Salisbury District Branch

## **Security of Employment and Redundancy Policy Submission to the Joint Consultative Forum June 2004**

This is a modified claim based on discussions on the new policy at the last JCF and further to new information provided in the accompanying report to JCF.

### ***Paragraph 12.4 Redundancy Pay***

UNISON accepts that our claim for an enhanced redundancy package based on a higher floor than the statutory minimum number of weeks for each year's service has been rejected and is unlikely to be accepted through further discussion. Reluctantly we therefore do not intend revisiting that claim at this JCF as such a debate would appear to be pointless. We do however wish to get clarification about the issue of the discretionary ability for authorities to take into account a higher number of weeks per year's services in calculating the redundancy payment.

The Council have agreed to pay the maximum discretion to those employees aged 40-49 with 20 or more years local government service. Any package to pay enhancements to our members and staff is welcome however we have raised our concerns about the potentially discriminatory nature of this policy and we may need to challenge this if indeed it proves discriminatory in practice. For example a woman who is denied the discretionary payment on the basis of age and service may claim indirect discrimination when there are fewer women that qualify than men. We believe that this is potentially a sound case on the basis of figures that have been provided to us - 77% of staff who meet the 40-49 and 20+ criteria are male and the proportion of staff as a whole is 54% male. This is a statistically significant difference. Therefore we believe that the Council may well be at risk of a challenge should such a case arise and UNISON would be obligated to support any member with a claim that we believe stands a good chance of success. Legal challenges are never matters that the union take any pleasure in and we prefer discussion, compromise and agreement however we will support our members where necessary.

The new policy is silent on the issue of the discretion for all other employees aged 39 or below and with less than 20 years service. UNISON would like a commitment that this silence does not mean 'will not consider or pay discretionary enhancements and that claims will be considered on a case by case basis. UNISON believes strongly that the Council should at least retain the ability to use its discretion even if it does not bind itself to using it for all staff. This may well allow the Council to avoid legal challenges of sex discrimination as the Council would, for example, be able to judge on a case by case basis whether to use the extended discretion and apply it to a wider group of staff. UNISON is not aware of any other Councils that as a matter of policy state that they will not consider such discretionary enhancements.

## **Agenda Item 22 (3)**

UNISON does not believe that a consistency matrix applicable to individuals would be practical or fair in these circumstances as is currently the case with the 'Early Retirement policy'. The issue of the Council allowing and supporting early retirement (in recognition of individual's circumstances or case) is different to that of paying an enhanced package to individuals forced to leave the council due to redundancy. Redundancy pay should not be a matter of rewarding good performance or individual circumstances. It should be a case of a fair compensatory payment in recognition of the termination of a contract of employment due to a reduction in the requirement for that position within the employer. Although we do not believe that a consistency framework for individuals is fair or practical with regards to redundancies we do believe that the Council must be fair and consistent in its application of enhanced benefits to staff. For example it should not be the case that different individuals are treated differently who are being subject to the same organisational change or that one redundancy affecting senior staff should pay a higher rate than those affecting lower grades (or vice versa).

### ***Paragraph 16.2 Protection of Pay***

The other issue that we wish to return to is protection of pay for those who accept a post with lower pay in order to avoid redundancy. We believe that a beneficial protection arrangement is beneficial to both employee and employer. The benefit to the employee is obvious and we believe fair due to the fact that it is the organisation that is enforcing the change and not the employee. The benefit to the employer is the ability to offer a decent pay package to encourage a valued employee to stay with the Council (redundancy is after all about organisational change and not performance, discipline or capability) and it also enables the Council to avoid redundancy payments (where the new post is not deemed to be 'suitable alternative employment').

The current maximum pay protection, which is offered should an employee suffer a reduction in salary due to internal reorganisation or redeployment, is 2 years. The joint unions wish to claim up to 3 years pay protection. This is based on the pay protection that was offered to staff in the last national local government reorganisation in 1995 and is the minimum offered by the majority of the Council's who have provided information to Personnel in their information gathering exercise. Some Councils provide unlimited protection and others 4 years. Certainly of those Councils that have provided this information anything less than 3 years appears rare. This claim is also made against the background of the 7 years pay protection that was offered by SDC following the recent grading review (which was subsequently extended to a 15% cap on losses).

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