
Report to Partnership and Performance Committee

Date of Meeting: 28 October 2021

Subject: HR Policies

Report by: Strategic Director Partnership & Performance

1.0 Purpose

1.1. This paper seeks Committee approval of the following revised policies:

- Flexible Retirement policy
- Overseas Criminal Record Checks policy,
- Continuing Further Education policy
- Mental Health, Stress and Wellbeing policy

Recommendations:

Committee is asked to:

- 1.2. **Challenge** and **comment** on the paper as appropriate.
- 1.3. **Agree**, subject to formal approval by Council, the revised policies which are attached.
- 1.4. **Note** that the Policy group met where extensive discussions took place with both Trade Unions and Management in the review and/or development of these policies.
- 1.5. **Note** that on 15 September 2021, following debate and questioning, the Tripartite agreed that these policies be presented to the Partnership and Performance Committee for consideration.

2.0 Considerations

- 2.1. HR and Workforce Development continues, as part of its rolling programme, to review, update existing policies as well as developing new policies and procedures related to HR, H&S, OD and Payroll.
- 2.2. In order to ensure collaborative and partnership working the Council's policy group meet regularly to review and agree new/revised policies and procedures.

- 3.0 The Flexible Retirement scheme enables the Council to retain the skills and knowledge of an experienced employee whilst enabling the employee to wind down to retirement. Under the Local Government Pension scheme, the Council is able to allow employees to access their retirement benefits early, if they are 55 or older and, with Council consent, reduce their working hours or grade. Requests where there would be a cost to the Council will normally not be granted, however, consideration will be given to cases where these costs have been incorporated into the actuarial reduction for the employee.
- 3.1. The Overseas Criminal Record Checks policy outlines the process for conducting criminal record and related background checks for applicants who have lived or worked abroad or employees of the Council who have lived abroad, perhaps during a career break. Permission to work in the UK alone does not mean that the person is always suitable to work with protected groups and/or Council staff. Therefore, there is always the need for this criminal conviction checking.
- 3.2. The Continuing Further Education policy seeks to assist the Council in meeting the objectives of our Strategic Workforce Plan 2019-2022, specifically with regards to having a sustainable and resilient workforce, and ensuring our workforce has the skills and knowledge to meet future demands. As such this policy, procedure, and associated learning contract provides means by which staff can explore more formal qualifications typically offered by universities, or colleges, and which are deemed either to be 'essential' to their current role, or are identified as developmental learning.
- 3.3. The policy also ensures that where courses are identified, there is fairness in how opportunity is afforded to employees. In addition, use of learning contracts ensures that the Council can not only ensure that the right members of staff progress with formal qualifications (where often there is considerable time investment required), but also that we can retain talent where often significant financial investment is made on behalf of Services.
- 3.4. The Mental Health, Stress and Wellbeing policy has seen significant redrafting, with emphasis on clarifying roles and responsibilities and the measures/strategies for managing mental health, stress and wellbeing. The policy aims to promote a working environment where the mental health and wellbeing of all employees is paramount and where colleagues feel valued and protected.
- 3.5. Examples of key changes are: introduction of mandatory mental health awareness training for all employers, mandatory mental health and wellbeing training for managers to enable them support employees, Wellbeing Champions/Ambassadors in work teams and promotion of Wellbeing Conversations.

3 Sustainability Implications

3.1 None

4 Resource Implications

Financial Details

4.1 N/A

Staffing

4.2 TUs have been consulted in the development of the policies and procedures.

5 Exempt Reports

5.1 Is this report exempt? Yes (please detail the reasons for exemption below) No

6.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

7.0 Equalities Impact

7.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

8.0 Legality

8.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

9.0 Appendices

9.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Flexible Retirement Policy and EQIA

Overseas Criminal Records Checks Policy and EQIA

Continuing Further Education Policy and EQIA

Continuing Further Education Procedure and EQIA

Mental Health, Stress and Wellbeing policy and EQIA

10.0 Background Papers


10.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

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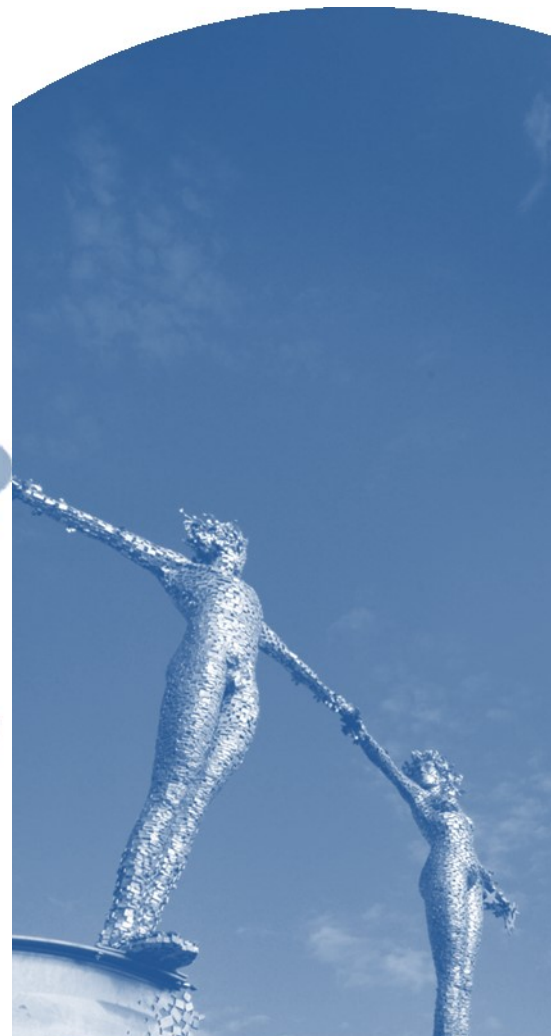
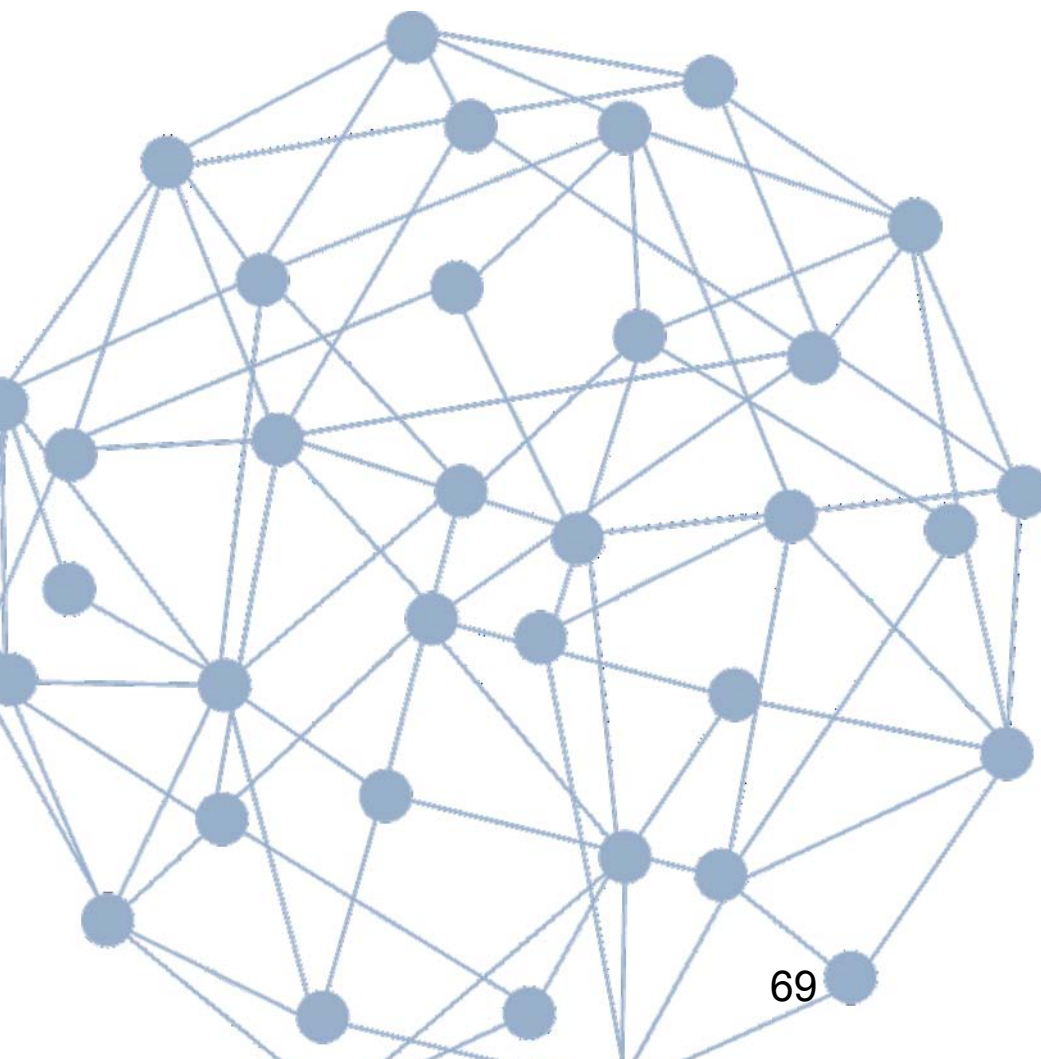
Approved by

NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Strategic Director Partnership & Performance	



Flexible Retirement

2021



FLEXIBLE RETIREMENT

1. Introduction

- 1.1. Clackmannanshire Council recognises that, in appropriate circumstances, mutual benefits can accrue to employees and the Council from applying a Scheme of Flexible Retirement. Such a Scheme enables the Council to retain the skills and knowledge of an experienced employee whilst enabling the employee to wind down in the prelude to retirement.

- 1.2. The Council's overall Scheme on Discretions under the Local Government Pension Scheme provides for the Council to exercise discretion to allow an employee to take Flexible Retirement (i.e. early payment of retirement benefits) if they have attained age 55, and with Council consent, reduce their working hours or their grade.

- 1.3. Flexible retirement requests that result in a strain (See Appendix 2) on the fund will normally not be granted, however, consideration will be given to cases where these costs have been incorporated into the actuarial reduction (on the basis that there will be no cost to the Council – See Appendix 2) or where there are no strain costs.

2. Scope

- 2.1. The Scheme applies to all employees who are members of the Local Government Pension Scheme.

- 2.2. Separate arrangements apply to Teaching Staff under both the SPPA and SPPA (2015) Scheme where options of Phased Retirement and Winding Down may be considered.

3. Criteria

3.1. Local Government Scheme members are able to draw their pension benefits whilst continuing in the Council's employment subject to the following criteria being met:

- Employee must be aged 55 or over and have at least 2 years scheme membership;
- Employee must, with Council consent, reduce either the hours they work or their grade; and
- Employer consent must be given to early payment of pension benefits
- There must be positive benefit to the Council in terms of efficiency savings and/or skills retention.

4. Reduction in Hours

4.1. In considering requests for flexible retirement on reduced hours, the general rule will be that there should be no cost to the Council and no impact on service delivery. An employee will be required to reduce their normal contractual hours by **at least 40%**.

4.2. A reduction can be achieved in a number of ways i.e. reduced hours on specific days, or every day, or reducing days worked in week. The proposed reduced pattern should be detailed in the request.

5. Reduction in Grade

5.1. Flexible retirement based on a reduction in grade might appeal to employees who wish to voluntarily take a lower graded post in the latter stages of their career. The ability to accommodate such requests will be dependent on the employee identifying a suitable lower graded **vacant** post which they would wish to be considered for. The normal recruitment process would be followed and appointment will be made on merit or it may be feasible through a

service restructuring involving a redefinition of roles which may provide the opportunity for flexible retirement, based on grade reduction, as an alternative to early retirement/voluntary severance.

- 5.2. A minimum reduction of at least one full salary grade will normally be necessary before flexible retirement would be considered. For example, Grade 4 moving to Grade 3. This will result in a new contract of employment and the employee would move to the terms and conditions and rate of pay for the lower graded post.

6. Request for Flexible Retirement

- 6.1. Formal requests for flexible retirement should be submitted to the Line Manager on the Application Form (Appendix 1) and will be dealt with under the principles of early retirement (paragraph 3, 4 and 5). Any proposed reduction in working hours must be acceptable in terms of the operation of the service.
- 6.2. Requests should also include an indication of the expected duration that the member of staff proposes to undertake the reduced hours/reduced grade. This allows the Council to plan appropriately in preparation for the staff member leaving employment should their application be approved.
- 6.3. If the service are unable to accommodate the request, the manager will discuss this with their service HR Business Partner and thereafter meet with the employee to outline the reasons why the application can not be supported. This will also be confirmed in writing.
- 6.4. To allow sufficient time for costs to be obtained from LGPS and operational issues to be discussed and considered, requests for flexible retirement should be submitted **at least 4 months** before the proposed implementation date.

- 6.5. In line with the Council's Employers Discretionary Functions Policy the Chief Financial Officer (S95 Officer), Strategic Director (Partnership and Performance) and employing Service will consider all relevant factors including costs and changes to the employee's contract of employment, and only where it can be demonstrated to be in the best interests of the Council will benefits be released.
- 6.6. Applications for flexible retirement may be resubmitted after 12 months from the current application.
- 6.7. There is no right of appeal in the event the service is unable to accommodate a request.

7. Administrative Arrangements

- 7.1. When considering a request for flexible retirement the Senior Manager/Strategic Director must be satisfied that there will be no significant detriment to service and that the work can be satisfactorily covered or reduced. If required, the Line Manager should meet the employee to discuss the request and how this could be accommodated (within 15 working days of request).
- 7.2. Where a request can be supported in principle by the Senior Manager they should liaise with their HR Business Partner. The HR Business Partner will then request, through the HR Admin team, details from LGPS of costs to the Council and any actuarial reduction to the employee's pension benefits.
- 7.3. The information provided by the Pension Fund will enable finance to undertake a Cost Benefit Analysis (CBA).
- 7.4. The reduction in hours may be filled to ensure continuation of service delivery, however all approved requests should be cost neutral to the Council and in some cases may generate a small saving. Where the intention is to fill

the post this must be shown in the CBA. Any request to recruit to fill the reduction in hours must be made inline with Council recruitment approval protocols.

7.5. Where the information from LGPS indicates the request would not be cost neutral the employee will be notified by the Manager that the request will not progressed further. There is no right of appeal to this decision.

8. Approval Arrangements

8.1. In line with the Council process for dealing with any early retirement request the relevant Senior Manager will indicate support for the flexible retirement application by signing the application form where it has been demonstrated that there is no detriment to the service and that the request is cost neutral or allows for a saving.

8.2. In certain circumstances, advised by LGPS, in order to enable any proposed reduction in hours to be worked there may be a requirement for an employee to commute (See Appendix 2) a proportion of their annual pension to ensure that their pension and new salary is not more than the salary earned immediately prior to retirement. Alternatively less hours can be worked.

8.3. Once returned HR will provide a copy of the estimated pension benefits to the member of staff.

8.4. Thereafter the Senior Manager should arrange to meet with the employee to advise of outcome of their application. The employee can be accompanied at this meeting with a colleague or trade union representative if they wish.

8.5. Where the request has been approved the employee must confirm whether they wish to proceed with the retirement. To meet with pension requirements LGPS must be given a minimum of 3 months notice of flexible requirement and any agreed commencement date must comply with this requirement.

8.6. All requests for flexible retirement and outcomes will be monitored centrally by the HR team in regard to decisions made and will be reported to SLG in line with early retirement report.

9. Implementation of Contractual Variation

9.1. When final approval has been given and the employee wishes to proceed with flexible retirement the Senior Manager/Line Manager must notify HR of the contractual changes using the standard employment change form. HR will ensure that the pension documentation is passed to Payroll to process S22 and to ensure that LGPS timescales are met.

9.2. Terms and conditions in relation to pay, annual leave etc will be pro-rata to new working arrangements and continuity of service will continue. These changes will be confirmed by HR through the issue of a revised Statement of Particulars.

9.3. Where an employee opts to move to a lower graded role as part of the Flexible Retirement process any salary preservation which may have existed on their current role will cease when they change grade. A new contract of employment will be issued by HR.

10. Employee Considerations

10.1. When considering flexible retirement employees should consider the following:

- Remaining in employment whilst in receipt of pension benefits may result in a higher rate of tax.
- Employees are opting to draw their full pension benefits accrued to the date of implementation (subject to any actuarial reduction). It is not possible to opt to draw only part of pension benefits.

- Employees will automatically rejoin the pension scheme paying contributions on the reduced salary and build up new pension benefits which will become payable on full retirement. Employees who do not wish to rejoin the Scheme may opt out and no contributions will be deducted from their salary, this means that an employee will not receive any additional LGPS pension when they retire fully and there would also be no death in service benefits. Opt-out forms are available from the pension scheme provider:

- Further information on the LGPS can be accessed from the Falkirk Council LGPS website <https://www.falkirkpensionfund.org/>: or
 - i. It is recommended that employees obtain appropriate and independent financial advice to ensure that you have the best possible arrangements in place to suit your circumstances.

 - ii. The Financial Services Authority provides a web based service to locate local financial advisers.

11. Processing of Personal Data

The council processes personal data collected as part of requests for flexible retirement in accordance with its data protection policy. In particular, data collected as part of a flexible retirement request is held securely and accessed by, and disclosed to, individuals only for the purposes of processing flexible retirement requests in line with the agreed procedure outlined above.

12. Monitoring and Review

12.1. Both Senior Management and Trade Union Representatives shall monitor the effectiveness of these procedures on an ongoing basis. Amendments will be made as and when deemed necessary and after consultation with recognised trade unions.

Policy Name	Flexible Retirement
Department	HR
Policy Lead	Chris Alliston
Equality Impact Assessment	
Stage 1 EQIA completed	Yes
Stage 2 EQIA completed	No
* In no please provide rationale Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the 9 protected characteristics	
Date Approved	
Review Date	



APPENDIX 1 - FLEXIBLE RETIREMENT APPLICATION FORM

SECTION 1 : PERSONAL DETAILS

Surname:		Forename(s):	
Pay Reference:	<input type="text"/>	Job Title:	
Head of Service Strategic Director		Current Weekly Working Hours	
Proposed Date on which you wish to commence reduced hours/grade			

SECTION 2 : STATEMENT OF APPLICATION

Flexible Retirement Application (please tick one of the following)	
I would like to reduce my contractual hours by at least 40%	<input type="checkbox"/>
I would like to reduce my contractual hours by _____ % (please complete)	<input type="checkbox"/>
I would like to reduce my Grade	<input type="checkbox"/>
I would like to reduce my contractual hours by at least 40% and reduce my Grade	<input type="checkbox"/>
I would like to reduce my contractual hours by _____ % and reduce my Grade	<input type="checkbox"/>
Reduction in Hours	
- State weekly hours you would like to work and how these hours may be worked (daily/weekly pattern)	
I think the reduction in my contractual hours will affect the Council and my colleagues as follows:	
Should my application be approved I would intend to work until _____ at which time it would be my intention to conclude employment.	

Reduction in Grade

- I would like to consider a reduction in grade in the following post(s)

(You may wish to specify any current vacancies)

Declaration and Signature

I have read the Council's policy/procedure on Flexible Retirement and understand that full pension benefits must be taken and I am responsible for the cost of reduced pension.

I have not made an application for flexible retirement in the past 12 months.

I understand a reduction in my working hours and/or reduction in grade due to a flexible retirement request will result in a permanent change to my contract of employment.

I understand that in order to ensure that my pension + new salary cannot be more than what I earned immediately prior to my receiving pension benefits. If pension advise that I would be better off I will discuss having taken relevant advice commute a proportion of my annual pension towards my lump sum or reduce the number of hours originally requested to work as part of my application.

Print Name		Dated	
Signature			

SECTION 3 : SERVICE STATEMENT

To be completed by Strategic Director/Senior Manager

<p>REDUCTION IN HOURS</p> <p>Request may be met within existing post</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If YES is this subject to filling remaining hours</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If NO please provide further details and options agreed with employee as way of assisting with the request</p>
<p>REDUCTION IN GRADE</p> <p>Request can be met within existing team or employee has specified suitable vacancy</p> <p>YES <input type="checkbox"/></p> <p>Specific how this will be achieved</p> <p>NO <input type="checkbox"/></p> <p>Specify Reason</p> <p>Any other comment</p>

<p>Declaration and Signature (Strategic Director/Senior Manager)</p> <p>I have read the Council's policy/procedure on Flexible Retirement and provisionally agree to figures being obtained from the LGPS in relation to the above employee.</p>			
Print Name		Dated	
Signature			

The completed Flexible Retirement application form should be sent to HR.

SECTION 4: FINANCE USE (TO BE COMPLETED ON RECEIPT OF PENSION FIGURES)

Flexible Retirement Application (please tick one of the following)

Is there a strain cost associated with agreeing this flexible retirement request

YES NO

(1) Reduction in Hours

What would be the expected annual Saving based on:

(a) The proposed reduction in hours with no filling of released hours

£

(b) The proposed reduction in hours with filling of released hours

£

(2) Reduction in Grade

(a) The proposed reduction in grade with associated none filling of vacancy would give rise to a saving of:

£

(b) The proposed reduction in grade and associated filling of vacancy is cost neutral

(3) Salary Check

Current Annual Salary £

Revised Salary £ + Annual Pension £ Total £

Can this application be supported from a financial perspective

YES NO

Declaration from Chief Finance Officer

The application can/cannot be support on the grounds that the undernoted are/are not met

- 1. There is no strain cost
- 2. The proposed reduction in grade / hours is in line with policy and,
- 3. Revised Salary + Pension does not exceed salary prior to release of benefits

Signature		Dated	
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SECTION 5: APPROVAL

Declaration and Signature

I am in agreement that this application IS / IS NOT approved. (Delete as appropriate)

Print Name		Dated	
Signature			

APPENDIX 2 - DEFINITIONS

Strain costs and when will they occur

Pension strain costs occur when there is a clear shortfall in the assumed level of funding needed to provide a particular pension benefit. Often, strain costs occur when a member draws their benefits a lot earlier than expected. The normal retirement age for all members of the LGPS is currently aligned to the members State Pension Age. Therefore as the benefits are being paid earlier they will be paid out for longer and also employee and employer contributions will not have been paid for as long as was anticipated

Commutation

This is the option to give up part of your annual pension to receive a tax-free lump sum payment. In general for every £1 of pension that you decide to give up you will receive £12 of tax-free cash in return, subject to Her Majesty's Revenue & Customs (HMRC) limits.

Please note that Commutation is not compulsory, you can either opt for the higher annual pension or you can receive a lower annual pension and a revised higher lump sum.

To be able to commute your pension to lump sum, you must make an election before your benefits become payable. LGPS Falkirk will provide you with the necessary forms to complete as part of the retirement process.

Actuarial Reduction

If you choose to voluntarily retire before your Normal Pension Age your benefits will normally be reduced to take account of being paid for longer.. How much your benefits are reduced by depends on how early you draw them.

The reduction is based on the length of time (in years and days) that you retire early i.e. the period between the date your benefits are paid and your Normal Pension Age. The earlier you retire, the greater the reduction.

LGPS Falkirk will advise you of the impact to your pension.

Equality and Fairer Scotland Impact Assessment - Screening

Title of Policy:	Mental Health, Stress & Wellbeing Policy
Service:	Partnership & Performance
Team:	Health & Safety

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	Yes
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	Yes

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

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APPROVAL

NAME	DESIGNATION	DATE
[REDACTED]	Strategic Director Partnership & Performance	

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

<p>Purpose of the proposed policy or changes to established policy</p>
<p>The purpose of the policy is to ensure that all Council employees are supported to maintain good mental health or to deal with any issues which may adversely affect their mental health and overall wellbeing.</p>
<p>Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?</p>
<p>General Equality Duty -</p>
<p>➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct</p>
<p>Poor mental health can be a reason for unwanted behaviour. The policy sets out the expected behaviours for all Council staff to help eliminate this.</p> <p>It also outlines measures to help eliminate barriers to employment, and provides support, for people who have, or are experiencing, a mental health condition. The policy further ensures that reasonable adjustments (including paid time off work to participate in mental health and wellbeing activities or to access specialist advice/support) are made to support any employee who suffers from a mental health condition.</p>
<p>➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not</p>
<p>The policy sets out measures that would be pursued to promote mental health and wellbeing for all staff of Clackmannan Council. It also highlights how mental health issues among employees can be raised and dealt with, and the specific support available to them.</p>
<p>➤ Fostering good relations between people who share a protected characteristic and those who do not.</p>
<p>The policy promotes an open and supportive culture, and effective and consistent communication, which are key to removing any stigma attached to mental health issues and building good relations between managers and staff, and among all employees, irrespective of their mental health status.</p>
<p>Fairer Scotland Duty -</p>
<p>➤ Reducing inequalities of outcome caused by socioeconomic disadvantage</p>
<p>Finding work in the open market, or returning to work and retaining a job is often a challenge for people with mental health issues. The policy will contribute to eliminating all types of mental disability discrimination within the Council. Removing employment-related stigma and discrimination experienced by staff with mental health issues would help keep them in work and ensure they are not socio-economically disadvantaged.</p>

To which of the equality groups is the policy relevant?		
Protected Characteristic	Yes/No*	Explanation
Age	No	
Disability	Yes	Mental illness or impairment may be considered a disability.
Gender Reassignment	No	
Marriage and civil partnership	No	
Pregnancy and Maternity	No	
Race	No	
Religion and Belief	No	
Sex	No	
Sexual Orientation	No	

* Delete as required

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?

Generally, the stigma and discrimination faced by employees with mental health issues is widely published. Mental health issues, such as stress, depression and anxiety, impact on employees' wellbeing, productivity and absence levels.

Within Clackmannanshire Council, for example, 7781.5 days were lost due to mental health and stress related issues (both work and non-work related) during the 2020-2021 financial year. Results from our recent staff survey also showed that about 50% of respondents (out of 712) felt their mental health and wellbeing was 'fair' or 'poor'. There is, therefore, the need to focus more attention on promoting staff mental health and wellbeing within the Council.

Which equality groups and communities might it be helpful to involve in the development of the policy?

Persons with mental health issues, or disabilities, Human Resources practitioners, Trade Unions, Occupational Health practitioners.

Next steps

Upon approval of this policy, the following steps would be taken to ensure the policy is effectively implemented:

1. Communication of the policy to all staff members.
2. Mandatory Mental Health Awareness training for all line managers and staff
3. Provision of relevant support from the Council Human Resources Dept, Health and Safety team and Occupational Health specialist to line managers in dealing with employees' mental health issues.
4. Regular monitoring and review of the implementation of the policy.

Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings		
<p>The evidence shows that the policy does not discriminate against any particular protected group. In fact, it offers equality of opportunity and fosters good relations between employees who share a protected characteristic and those who do not. It also goes further to offer specific support to employees who may find themselves in a protected group as a result of their mental disability.</p>		
Details of engagement undertaken and feedback received		
<p>The policy was developed in consultation with the Council Management, Trade Union representatives, health and safety, and HR colleagues. It has been reviewed by the Council's Policy Group, and will be reviewed and approved by the Council's Executive Health and Safety Committee.</p>		
Decision/recommendation		
<p>Having considered the potential or actual impacts of this policy, the following decision/ recommendation is made:</p>		
Tick √	<p>Option 1: No major change The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.</p>	
	<p>Option 2: Adjust the policy – this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.</p>	
	<p>Option 3: Continue the policy – this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council's obligations under the duty.</p>	
	<p>Option 4: Stop and remove the policy – if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.</p>	
Justification for decision		
<p>This assessment has found no evidence to suggest that the policy will lead to unlawful discrimination against any protected group.</p>		
APPROVAL		
NAME	DESIGNATION	DATE
[REDACTED]	Strategic Director Partnership & Performance	

Equality and Fairer Scotland Impact Assessment - Screening

Title of Policy:	Flexible Retirement
Service:	HR and Workforce Development
Team:	Human Resources

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	No
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	No

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

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APPROVAL

NAME	DESIGNATION	DATE

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

<p>Purpose of the proposed policy or changes to established policy</p>
<p>The scheme of flexible retirement enables the Council to retain the skills and knowledge of an experienced employee whilst enabling the employee to wind down in the prelude to retirement. Provisions for flexible retirement are contained with the Councils Scheme of Discretions under the LGPS and allow an employee to take flexible retirement if they have attained age 55, and with the Council consent, to reduce their working hours or grade.</p> <p>The policy/procedure outlines the processes to be followed from application, consideration and approval.</p>
<p>Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?</p>
<p>General Equality Duty -</p>
<p>➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct</p>
<p>Whilst it should be noted that one of the criteria to flexible retirement is being aged 55 or over this is in line with the local government pension scheme rules.</p>
<p>➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not</p>
<p>Having due regard for advancing equality involves removing or minimising disadvantages suffered by people due to their protected characteristics. Flexible retirement can be requested by all employees from the age of 55 and this could include for personal reasons, which could be covered by a protected characteristic (for example wishing to leave employment or retire early due to caring needs or health needs which would not be covered by ill health retirement).</p>
<p>➤ Fostering good relations between people who share a protected characteristic and those who do not.</p>
<p>This element of the Duty is more relevant to the Council's role as a service provider, and there is relatively limited direct relevance to this particular procedure.</p>
<p>Fairer Scotland Duty -</p>
<p>➤ Reducing inequalities of outcome caused by socioeconomic disadvantage</p>
<p>This Procedure should assist with the retention of staff, and maintaining employment may be extremely important for protected groups who have a higher level of poverty.</p>

To which of the equality groups is the policy relevant?		
Protected Characteristic	Yes/No*	Explanation
Age	Yes	<p>The Council's staff data shows that we have an aging workforce. The age group with the highest number of incumbents is 51-60 (31.9%), and that 8.2% of staff are aged 60 and over.</p> <p>Enabling a policy of flexible retirement allows those staff, where there is no financial impact on the Council, to reduce working hours, as well as allowing a shift in work life balance, creating opportunities for younger workers and can be seen as transitioning our older workforce into full retirement at a later date whilst maintaining skills and knowledge.</p>
Disability	Yes	<p>Staff data shows a relatively high "Compare Not to Say" response in relation to disclosure of a disability (39.5%). At a national level, it is estimated that <u>1 in 10 people who are economically active have a disability or long term health condition</u>.</p> <p>With an aging workforce there is potential for more age related disabilities. This policy may offer potential requirement to work more flexibly as part of any reasonable adjustment.</p> <p>The flexible retirement options may also be beneficial to those with care responsibilities (in particular the care of older people). This provision allows a member to access pension benefits whilst remaining in employment.</p>
Gender Reassignment	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of disability
Marriage and civil partnership	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of disability
Pregnancy and Maternity	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of disability
Race	Yes	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of disability
Religion and Belief	Yes	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of disability
Sex	Yes	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of disability

Sexual Orientation	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of disability
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* Delete as required

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?

The evidence referred to above includes evidence from Scotland's Census Results, the Equality and Human Rights Commission, regional employment patterns, publications on poverty and income inequality, the Scottish Health Survey and statistics published by Police Scotland.

In terms of internal evidence, reference has been made to published staff equality data.

Which equality groups and communities might it be helpful to involve in the development of the policy?

Union involvement and review by members of the Council has taken place.

Next steps

In order to better meet the General Equality Duty, the Council will take steps to ensure that this Procedure is applied fairly. These steps will include:

- Encouraging staff to disclose a disability, in order to assist with monitoring the impact of this Procedure
- Raising awareness with managers of the need to act fairly and impartially
- Encouraging managers to be mindful of the Council's commitment to support staff and to take into account the needs of protected groups
- Consider Flexible Retirement options as part of workforce planning.

Equality and Fairer Scotland Impact Assessment - Decision

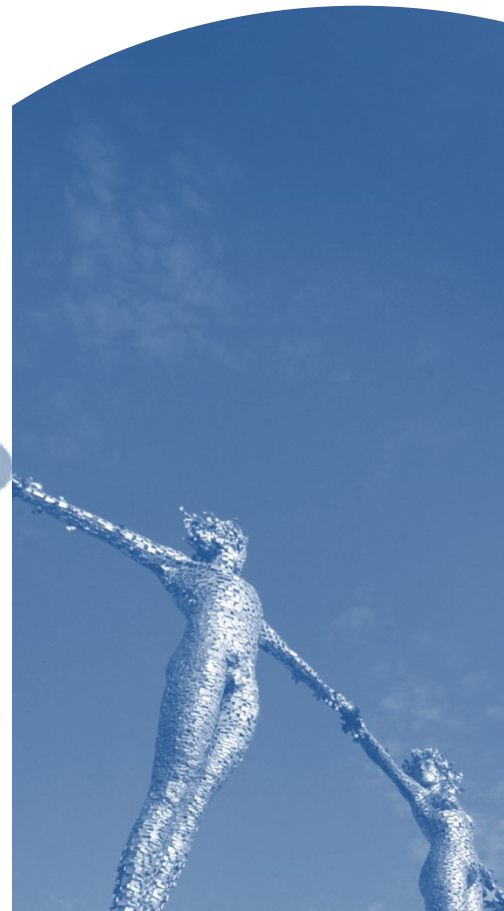
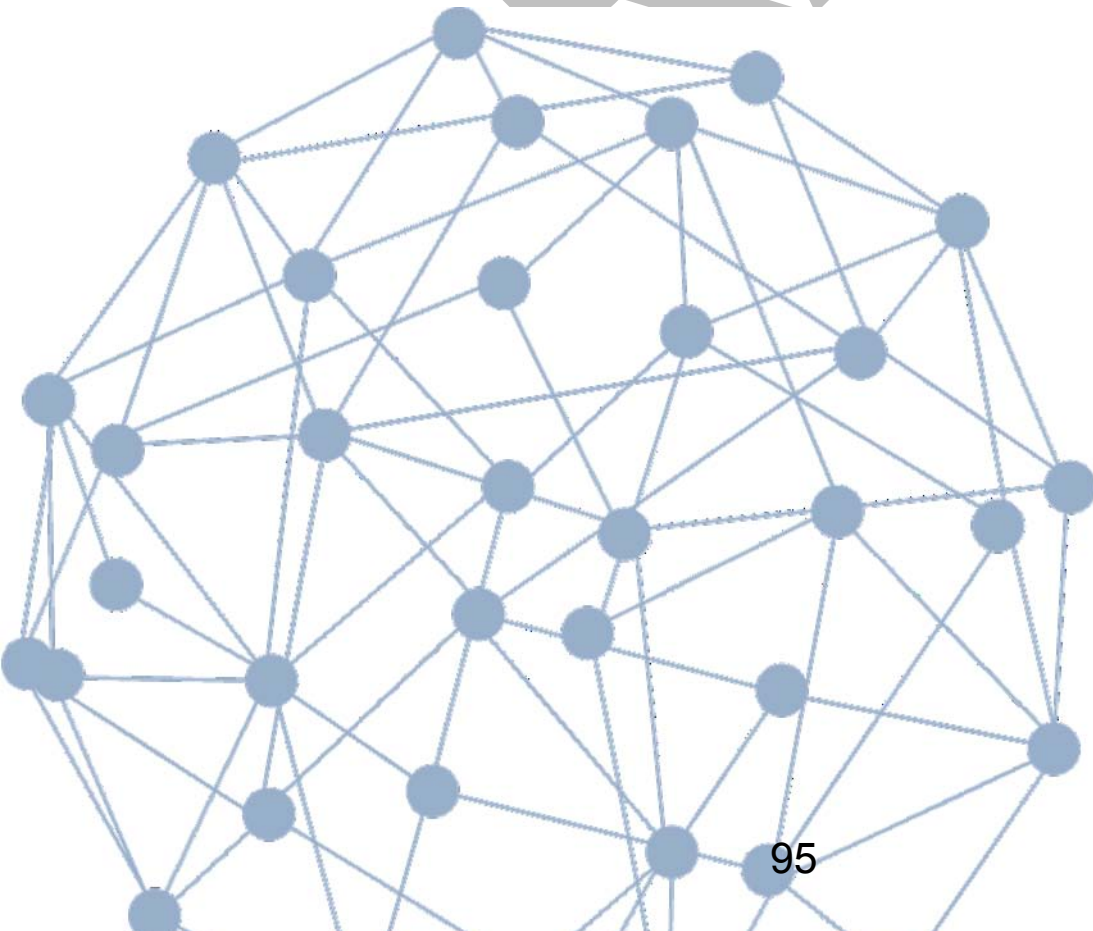
Evidence findings		
The Procedure will support those aged 55 and above to access pension benefits whilst remaining in employment. This in turn allows better financial planning and transition to full retirement by reducing the impact of reduced income during the transition phase. This complements the Council's Fairer Scotland Duty.		
Details of engagement undertaken and feedback received		
This Procedure has been developed in consultation with recognised trade unions, and has been reviewed by the Council's Tripartite and Partnership and Performance Committee.		
Decision/recommendation		
Having considered the potential or actual impacts of this policy, the following decision/ recommendation is made:		
Tick	Option 1: No major change	
✓	The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.	
	Option 2: Adjust the policy	
	– this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.	
	Option 3: Continue the policy	
	– this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council's obligations under the duty.	
	Option 4: Stop and remove the policy	
	– if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.	
Justification for decision		
This assessment finds no indication that the Procedure will unlawfully discriminate against protected groups, and that a systematic approach has been taken to ensure that the Procedure conscientiously takes into account diverse needs and circumstances. Steps to monitor the equality impact have been agreed, along with practice to promote fair use.		
APPROVAL		
NAME	DESIGNATION	DATE



Overseas Criminal Records Check Policy

2020

DRAFT



DOCUMENT CONTROL SHEET:

Key Information:

Title:	Overseas Criminal Checks
Date Issued:	
Date Effective From:	
Version Number:	0.1
Document Type:	Policy
Document Status:	
Author:	Alyssa Jones
Owner:	HR
Approver:	Council
Approved by and Date:	
Contact:	Alyssa Jones X2177
File Location:	N/A

Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
0.1	December 2020	Draft	AJ	N/A
0.2	June 2021	After Policy Group	SF	Yes
0.3				
0.4				

OVERSEAS CRIMINAL RECORD CHECKS

1. Policy Statement

- 1.1. Clackmannanshire Council is committed to ensuring the safe recruitment and continued employment of individuals in posts working with children and vulnerable adults, whilst ensuring the fair treatment of individuals including those who have previous convictions.
- 1.2. This policy should be read in conjunction with the Council's Recruitment and Selection Policy, PVG Policy, Rehabilitation of Offenders, Criminal Conviction Checks, Equal Opportunities Statement.

2. Introduction

- 2.1. This policy outlines the process for conducting criminal record and related background checks for applicants who have lived or worked abroad.
- 2.2. The process also relates to existing employees who have lived or worked abroad during their employment with Clackmannanshire Council e.g. following a career break. The process covers periods abroad in excess of 3 months for the preceding 5 year period from the date the disclosure certificate is required.
- 2.3. Applications from suitably qualified people who are from or have lived abroad are encouraged, although eligibility to work in the UK must always be verified. Permission to work in the UK however, does not mean that the person is suitable to work with protected groups and/or Council staff. Therefore, there is always the need for criminal conviction checking, which is a separate process.

3. Scope

- 3.1. When the post requires a Disclosure Scotland Check, this should be obtained as a matter of good practice, even if the applicant claims never to have lived in the UK before. There may be occasions where an overseas applicant has visited the UK on holiday and may have committed an offence.

3.2. The policy applies to:

- Applicants currently living abroad and applicants currently living in the United Kingdom who have lived abroad for 3 months or more within the previous 5 years;
- Existing employees who have lived abroad for 3 months or more within the previous 5 years;
- Existing employees, in circumstances where they spend time abroad before returning to work with the Council. E.g. through:
 - Career break or sabbatical e.g. to undertake voluntary work or travel.
 - Secondment to a foreign organisation where the workplace is outside the UK.
 - International exchange – i.e. teachers' exchanges.

4. Disclosure Information

4.1. It is the responsibility of the applicant to provide the overseas criminal record check. The check should come from the police or judicial authority, government department, or embassy of the country or countries concerned and be an official statement confirming that the individual does not have any history of or pending criminal record proceedings. This can then be verified by the manager, with advice from Human Resources as required.

4.2. The Disclosure and Barring Service (DBS) which provides a similar disclosure service for England and Wales, offers advice about obtaining criminal record information from a number of countries and how an individual can obtain their criminal record or certificate of good conduct from overseas.

4.3. The London Diplomatic List, on the Foreign and Commonwealth Office (FCO) web site provides a list of embassies and consulates contact details. (Applicants should be advised that checks may be carried out to authenticate any documents.) HR will confirm these checks if required, as part of the pre-employment checking process.

5. References

- 5.1. In addition to the standard reference checking that should be completed for all applicants, in accordance with Clackmannanshire Council's Recruitment and Selection Procedure, additional reference checking may be appropriate for applicants who have spent 3 months or more abroad.
- 5.2. In particular, this may be of use where, despite the best efforts of the applicant, it has not been possible for the individual to obtain an overseas criminal conviction check. In such circumstances, additional references may be useful in assessing the individual's suitability for the post.
- 5.3. Examples of additional reference checking that would be appropriate might include seeking a reference from an academic institution if the applicant claims to have been studying abroad or seeking references from all employers where the normal practice is only to seek references from the most recent employers.
If it is considered appropriate to request additional references, permission from the applicant should be sought. Although refusal may raise suspicions this should not be a reason to automatically reject the applicant without further investigation.

6. Professional Registration

- 6.1. It should not be assumed that because an applicant has a UK professional registration that the person has had a UK or an overseas criminal record check. A professional registration may, however, be a factor to take into account when assessing other information provided.
- 6.2. For jobs where no professional registration is required this should also be considered as part of the risk assessment. In addition it may be necessary to take additional care in verifying qualifications and educational certificates if not issued within the UK. Further information can be provided by Scottish Social Services Council, General Teaching Council for Scotland or Scottish Negotiating Committee for Teachers.

7. Existing Employees Temporarily Residing Abroad

- 7.1. Before agreeing to any contractual change involving an employee residing abroad for a 3 month period or more managers should ensure that the employee is aware that the Council will require them to complete a Disclosure Scotland check on return and how this will be done.
- 7.2. Checks should also be carried out to include any other countries of residence for 3 months or over during the break, exchange or secondment. It will usually be the employee's responsibility to source the necessary documents, although in some situations, e.g. exchanges, or secondment, it may be sufficient to agree with the host organisation that the employee will remain bound by the Council's disciplinary procedure and that arrest, charge, or conviction while abroad should be made known to the Council.
- 7.3. Other possible approaches include:
- Seeking a reference from the host organisation upon return.
 - Making it a condition of permission to take leave that the employee should obtain an overseas criminal conviction check upon return.
- 7.4. It is the manager's responsibility to identify and complete any relevant checks, with advice from Human Resources as required. If an employee is about to return from work overseas and these arrangements have not been agreed in advance contact Human Resources for advice.

8. Timescale

- 8.1. Where possible a reasonable period should be allowed to obtain the information. After six weeks, if no information has been obtained consider whether to:
- Allow more time,
 - Make a risk assessment on the partial information already obtained, or,
 - Reject the applicant.
 - For existing employees, advice should be sought from HR.

- 8.2. The Council appreciates that obtaining an overseas criminal record check can be difficult and differs from country to country. In some cases it will prove impossible for an applicant/employee to obtain the required statement, particularly where the country is experiencing political difficulties. Political refugees may find it very difficult to obtain the required statement. The accuracy of the information received might be questionable. There may be concerns that such a request could put the individual's personal safety in jeopardy.
- 8.3. When deciding how to proceed, the responsible manager should consider what action has been taken to try and obtain the check and seek evidence of the dates and actions the applicant has taken. This evidence should be considered along with anecdotal information such as whether similar difficulties have been encountered by other candidates applying to the same source and discussed with Human Resources. It may also be useful to consult other Local Authorities to provide further information.

9. Translation

- 9.1. Some countries offer a certificate in English or the option of a translated duplicate. Many countries do not. This also applies to references. It should not be assumed that referees can read English; in some circumstances it may be necessary to send a translation of the reference request letter or form.
- 9.2. If a translation is required this must be carried out by a Clackmannanshire Council approved source. <http://connect/service-areas/partnerships-and-performance/strategy-performance/strategy-and-quality-development/emergency-interpreting-service.html>

10. Scrutiny

- 10.1. Extra rigor should be used to check references, the dates of previous employment and any other biographical information supplied by the applicant.
- 10.2. Under Care Commission guidance, it is the responsibility of the recruiting manager to question any gaps in the application form/employment records received and to check where the applicant/employee has been employed.

- 10.3. The manager should cross reference documentation and check for consistency; information in the passport, work permits, references, and work history in the application form. Inspect closely the overseas documents produced for issue date, certificate numbers, etc., to ensure they are authentic.
- 10.4. Original documents should be provided. If a translation has been required ensure that the original document and the translation are inspected by a Clackmannanshire Council's approved source.
<http://connect/service-areas/partnerships-and-performance/strategy-performance/strategy-and-quality-development/emergency-interpreting-service.html>
- 10.5. While managers are not expected to be an expert in recognising forged documents, check for evidence of tampering. Be suspicious of plausible explanations for missing or damaged originals: for example where the applicant claims a document has been damaged by liquid spillage or has accidentally been laundered. If unsure, please seek advice from Human Resources.
- 10.6. Verification of authenticity of certificates provided may be available from the embassy or consulate of the country of origin.
- 10.7. It is important to take care with documents confirming identity for foreign nationals. Documents to confirm suitability are likely to differ to those which confirm permission to work in the UK.
- 10.8. The Centre for the Protection of National Infrastructure (CPNI) may be able to provide further information and intelligence on checking identity and related issues.

11. Risk Assessment

- 11.1. It is particularly important that decisions taken on the suitability of individuals to join the childcare and, or, protected adult workforce, are consistent and risks are managed.
- 11.2. If no overseas criminal record checks or only partial checks have been obtained this should not be a reason to automatically reject the applicant. Consider the reasons why the applicant claims to have been unable to obtain the information. Consider whether other information, such as information from references means that the lack of a comprehensive authenticated criminal record check is less

important. The decision on whether to confirm employment should be verified by the appropriate recruiting manager in consultation with the Senior Manager - HR & Workforce Development.

- 11.3. The assessment of suitability should consider the completeness, quality and authenticity of evidence provided. If the check reveals a criminal record this should be assessed using the same risk assessment criteria that would be applied to similar information from Disclosure Scotland.
- 11.4. Offences in different jurisdictions may not be directly comparable to offences committed in Scotland. This means that certain crimes may be described or categorised differently. In addition the record may include convictions for activities that would not be regarded as crimes in Scotland and vice versa. The Council's legal team should be asked to provide advice on what a foreign conviction equates to in Scottish law. The Apex Scotland Disclosure Helpline offers advice on what UK convictions mean and may also be able to advise on foreign convictions.
- 11.5. If it is not possible to confirm the appointment, either because conviction history is incompatible with the duties of the post or because insufficient information has been obtained the reasons should be discussed with the applicant. The applicant must have the opportunity to raise concerns about how the evidence provided has been interpreted, to allow for simple issues, such as an error in translation, to be brought to the attention of the Council.

12. Re-imbursment of Costs

- 12.1. The application process, issuing authority, and costs incurred vary from country to country.
- 12.2. Paying for checks and certificates is the responsibility of the applicant/employee.

13. Processing of Personal Data

- 13.1. The Council processes personal data collected as part of the overseas criminal record checks in accordance with its data protection policy. In particular, data collected as part of overseas criminal record checks is held securely and accessed by, and

Clackmannanshire Council
Overseas Criminal Record Checks

disclosed to, individuals only for the purposes of completing appropriate overseas criminal record checks.

14. Monitoring and Review

14.1. SLG and Trade Union Representatives shall monitor the effectiveness of this policy on an ongoing basis. Amendments will be made as and when deemed necessary and, where appropriate, after consultation with recognised trade unions.

Policy Name	Overseas Criminal Record Checks
Department	Human Resources
Policy Lead	Human Resources
Equality and Fairer Scotland Impact Assessment	
Full Assessment Completed	
Date Approved	
Review Date	

APPENDIX 1 – USEFUL CONTACTS

A list of useful sources is given below. The list was correct at the time of writing. Note that these external resources may change or move unexpectedly. Please let the authors of this document know about any links that need to be added, removed or updated.

Phone numbers for the agencies below have not been given. Where contact by phone is possible the number can generally be found on the “home” page or “contact us” page of the web site.

The Disclosure Scotland/Government web site is a useful source for many of these links and other relevant advice.

This table may be updated independently from the rest of this policy.

What	Web site or page
Apex Scotland	https://www.apexscotland.org.uk/
Centre for the Protection of National Infrastructure (CPNI)	https://www.cpni.gov.uk/
CPNI: A Good Practice Guide On Pre-Employment Screening	https://www.cpni.gov.uk/content/security-pre-screening
Disclosure and Barring Service	https://www.gov.uk/government/organisations/disclosure-and-barring-service
Disclosure and Barring Service other countries information	https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants
Disclosure Scotland	https://www.mygov.scot/disclosure-types/
Foreign and Commonwealth Office (FCO)	https://www.gov.uk/government/organisations/foreign-commonwealth-office
Foreign and Commonwealth Office (FCO) London Diplomatic List	https://www.gov.uk/government/publications/foreign-embassies-in-the-uk
Safer pre and post employment checks (NHS Scotland document)	https://www.gov.scot/publications/safer-pre-post-employment-checks-nhsscotland-pin-policy/
UK Visas and Immigration (Part of Home Office)	https://www.gov.uk/government/organisations/uk-visas-and-immigration

Equality and Fairer Scotland Impact Assessment - Screening

Title of Policy:	Overseas Criminal Record Check Policy
Service:	Human Resources
Team:	Human Resources

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	No
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	No

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

APPROVAL		
NAME	DESIGNATION	DATE

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

Purpose of the proposed policy or changes to established policy		
Clackmannanshire Council is committed to ensuring the safe recruitment and continued employment of individuals in posts working with children and vulnerable adults, whilst ensuring the fair treatment of individuals including those who have previous convictions. This update of the current policy for Overseas Criminal Records Checks is to ensure that everyone is aware of the standards required.		
Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?		
General Equality Duty -		
➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct		
The policy aims to treat all employees and future employees fairly and consistently and should assist with removing potential discrimination, harassment or victimisation. Clear guidelines are provided for managers to check documentation. The involvement of HR and where appropriate another independent manager ensures that unlawful discrimination, harassment and victimisation and other prohibited conduct is eliminated and that a clear, fair and transparent process is followed.		
➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not		
Having due regard for advancing equality involves removing or minimising disadvantages suffered by people due to their protected characteristics. As part of the Overseas Criminal Records Check Policy protected characteristics are considered and appropriate support put in place where this is necessary/appropriate.		
➤ Fostering good relations between people who share a protected characteristic and those who do not.		
This element of the Duty is more relevant to the Council's role as a service provider, and there is relatively limited direct relevance to this particular policy.		
Fairer Scotland Duty -		
➤ Reducing inequalities of outcome caused by socioeconomic disadvantage		
This Policy should assist in the recruitment of potential employees and current employees who have lived overseas for an excess of 3 months, this is relevant for those who require to undergo a Disclosure Scotland Check. Maintaining employment can be extremely important for protected groups who have a higher level of poverty. For example, poverty rates are higher for households with a disabled adult, and the employment rate for people with a disability is significantly lower than the employment rate for people who do not have a disability.		
To which of the equality groups is the policy relevant?		
Protected Characteristic	Yes/No*	Explanation
Age	No	It is submitted that this protected characteristic is not directly relevant to this Policy and it is not anticipated that there could be any differential impact on people on the grounds of Age.
Disability	No	It is submitted that this protected characteristic is not directly relevant to this Policy and it is not anticipated that there could be any differential impact on people on the grounds of Disability.

Gender Reassignment	No	It is submitted that this protected characteristic is not directly relevant to this Policy and it is not anticipated that there could be any differential impact on people on the grounds of gender reassignment.
Marriage and civil partnership	No	It is submitted that this protected characteristic is not directly relevant to this Policy and it is not anticipated that there could be any differential impact on people on the grounds of Marriage and civil partnership.
Pregnancy and Maternity	No	It is submitted that this protected characteristic is not directly relevant to this Policy and it is not anticipated that there could be any differential impact on people on the grounds of being pregnant or on maternity leave.
Race	No	It is submitted that this protected characteristic is not directly relevant to this Policy and it is not anticipated that there could be any differential impact on people on the grounds of race.
Religion and Belief	No	It is submitted that this protected characteristic is not directly relevant to this Policy and it is not anticipated that there could be any differential impact on people on the grounds of religion and belief.
Sex	No	There are more women than men who are employed by the Council (71.3% of staff excluding teachers are female compared to 28.7% of men). It is submitted that this protected characteristic is not directly relevant to this Policy and it is not anticipated that there could be any differential impact on people on the grounds of sex.
Sexual Orientation	No	It is submitted that this protected characteristic is not directly relevant to this Policy and it is not anticipated that there could be any differential impact on people on the grounds of sexual orientation.

* Delete as required

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?

The evidence referred to above includes internal evidence; reference has been made to the most recently published staff equality data.

Which equality groups and communities might it be helpful to involve in the development of the policy?

Trade Unions have been actively involved in the development of the policy.

Next steps

In order to better meet the General Equality Duty, the Council will take steps to ensure that this Policy is applied fairly. These steps will include:

- Advice and support will be provided to managers from HR Business Partners on the application of the policy.

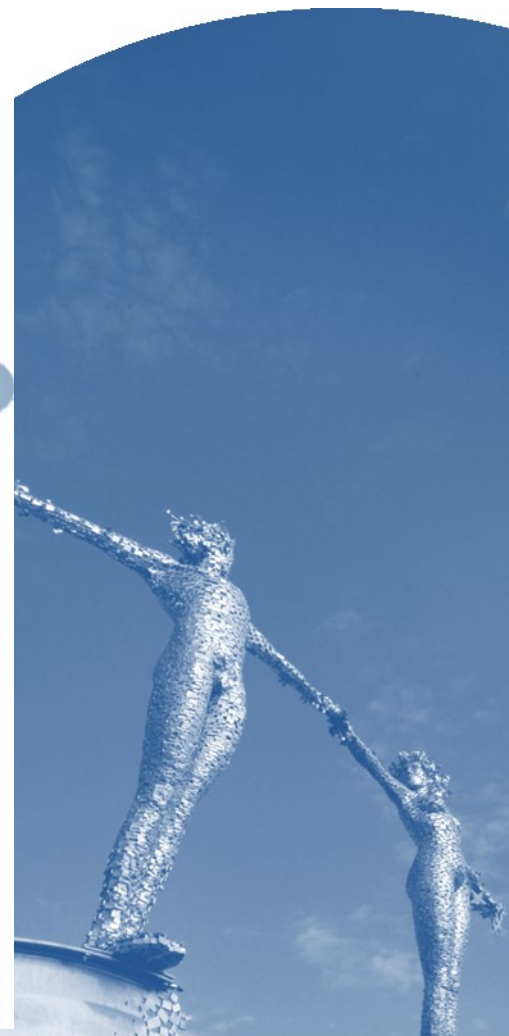
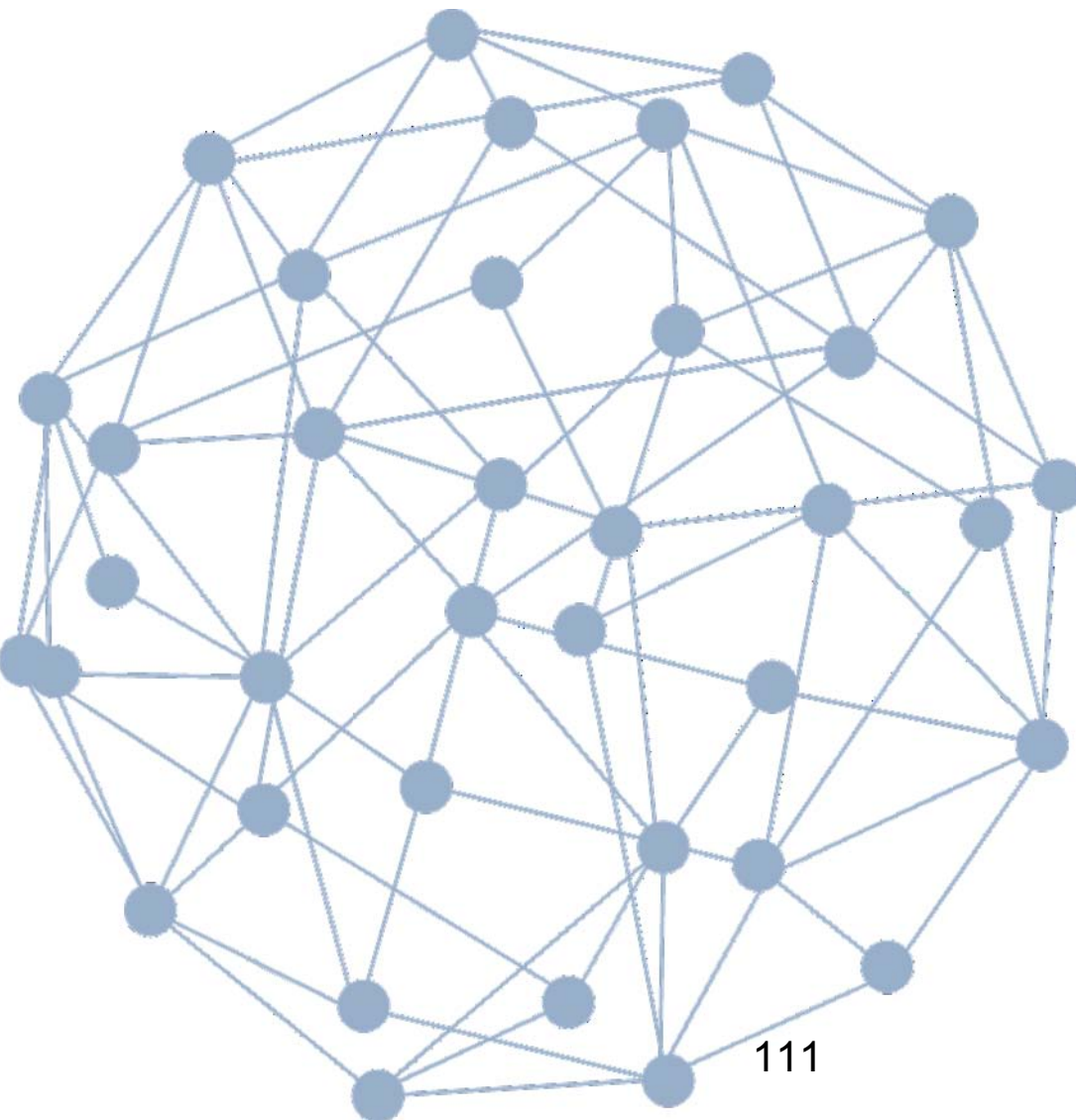
Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings		
The evidence shows that this policy does not leave anyone who is within a protected group at a disadvantage, and that the Council's approach demonstrates that it has taken steps to meet the needs of protected groups.		
Details of engagement undertaken and feedback received		
This Policy has been developed in consultation with recognised trade unions who, along with Council Management, form the Council's Policy Group. In addition the policy/procedure will be considered by Tripartite (Elected Members, Unions and Management) It will also be reviewed, and hopefully formally adopted, by the Partnership and Performance Committee on behalf of the Council.		
Decision/recommendation		
Having considered the potential or actual impacts of this policy, the following decision/recommendation is made:		
Tick	Option 1: No major change	
✓	The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.	
	Option 2: Adjust the policy – this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.	
	Option 3: Continue the policy – this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council's obligations under the duty.	
	Option 4: Stop and remove the policy – if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.	
Justification for decision		
This assessment finds no indication that the Policy will unlawfully discriminate against protected groups.		
APPROVAL		
NAME	DESIGNATION	DATE



Continuing and Further Education Policy

2021



Continuing & Further Education Policy

1. Introduction

- 1.1. This Policy will assist the Council in meeting the objectives as set out in the Strategic Workforce Plan 2019-22, specifically to:
 - have a sustainable and resilient workforce; and
 - Ensure our workforce has the knowledge, skills, and behaviours capable of meeting future demands.
- 1.2. Courses of study leading to formal qualifications may be supported where they are considered essential in enabling the employee to perform more effectively in their current role.
- 1.3. Where a qualification or course is not deemed as 'essential' in enabling the employee to perform more effectively in their current role, an application for 'developmental' learning may be made to the employee's line manager.
- 1.4. In consideration of developmental requests, the employee may also choose to submit a separate formal application under section 63D of the Employee Rights Act, otherwise known as 'time to train'.
- 1.5. In consideration of both 'essential' and 'developmental' learning opportunities, managers must ensure fairness and equality of opportunity for all employees with their team.

2. Essential Learning & Qualifications

- 2.1. Essential learning and qualifications can be defined as:

“Any job-related learning, or qualification, which is essential to allowing the employee to perform effectively in their current role”.
- 2.2. Employees of the Council will be entitled to receive time off to travel to, attend required learning, and undertake required assessments / examinations leading to a required 'essential' skill or qualification.
- 2.3. Where learning takes place out with the employee's normal working hours, the employee will be entitled to time off in lieu, or flexi credit.
- 2.4. The Council will pay all costs associated with required essential training or qualifications, including the cost of course fees and materials.
- 2.5. Employees who are required to sit formal examinations as a result of undertaking a required qualification will be granted leave in line with the examinations required of the qualification.

- 2.6. This policy also applies to Elected Members so far as essential training or required qualifications are mandated by statute or determined by a decision of Council.

3. 'Developmental' learning & Qualifications

- 3.1. 'Developmental' learning and qualifications can be defined as:

"Any learning or qualification which, although completion may assist the employee develop personally and/or professionally, is not an essential requirement of the role as per the post holders role description".

- 3.2. The amount of financial support and time off offered to individuals for developmental learning is at the discretion of the employee's line manager.

- 3.3. When addressing requests for support, the line manager must consider:

- The amount of budget available;
- The business benefit of the proposed learning;
- The motivations of the person applying for the learning;
- Any associated recruitment and retention issues; and
- Equality of opportunity for other staff members in the team.

- 3.4. On approval, managers may choose to request the employee to enter into a learning contract with the employee.

4. 'Time to Train' applications

- 4.1. Employees may choose to submit a request for 'developmental' training under Section 63D of the Employee Rights Act 1996, otherwise known as a 'time to train application'.

- 4.2. The Employee Rights Act 1996 Section 63D provides that, from April 2010, employees have the right to request 'time to train'. Employees can make requests for time to undertake any training which they believe will improve their effectiveness at work. There is no limit on the amount of time, study, or training that an employee can request, however employees do not have the right to be paid for the time spent training when requests of this nature are made.

- 4.3. Applications under S63D must be made in writing, to the employee's line manager, stating 'that the request is being made under S63D of the Employment Rights Act 1996'.

4.4. The following information should be appended to the application:

- The training subject matter;
- Where and when the training would take place;
- Who the provider / supervisor is;
- What qualification the training would lead to;
- How the employee thinks that the proposed learning would improve their effectiveness at work;
- The date of the application; and
- The date and method of their last application (if applicable).

4.5. Managers are only required under the Act to consider one request per employee in any 12 month period unless the employee requests that a previous request for training be ignored.

4.6. The manager of the employee should consider and respond to the request within 28 days, indicating either to:

- Accept the request on the basis of the information set out in the individual's written request and inform the employee of the decision in writing; or
- Meet with the employee to discuss their request – then within 14 days of that meeting, inform the employee of the decision in writing.

4.7. If the manager agrees to the training request they must outline, in writing, the following information:

- The subject of the training;
- Where and when the training will take place;
- Who will supervise the training;
- What qualification it will lead to;
- Whether the employee will pay any remuneration under the contract of employment;
- Any changes to the employee's working hours in order to accommodate the agreed study or training; and
- How the fees or other direct costs of the agreed training will be met.

4.8. If the decision is to refuse the application, the manager's notification must be made in writing. The manager may only refuse an application for time to train for one of the following reasons:

- The proposed training would not improve the employee's effectiveness at work;
- The proposed training would not improve team performance;
- The additional financial costs of allowing the employee time off;
- Agreeing to the training would have a detrimental effect on the ability to meet customer demand;
- The manager would be unable to reorganise work amongst existing staff;
- The manager would be unable to recruit additional staff to cover;
- Agreeing the request would have a detrimental impact on quality;
- Agreeing to the request would have a detrimental effect on performance;
- There would be an insufficiency of work during the periods the employee proposes to work;
- There are planned structural changes during the proposed training period.

Repayment of learning costs

4.9. Where an line manager agrees to a staff member undertaking either an 'essential' or 'developmental' learning pathway, a learning contract outlining the conditions for repayment of costs must be signed.

4.10. Use of a learning contract ensures that the Council can realise value for money and a return on investment from extended and formalised training, primarily, via staff retention and upskilling.

4.11. Where an employee leaves the service of the Council or fails to complete either an 'essential' or 'developmental' learning course, the line manager will, as per the pre-agreed Learning Contract, seek repayment of costs paid by the Council as follows:

Employee fails to complete qualification	Repayment of all costs paid by Clackmannanshire Council excluding travel cost and time off
Employee leaves the service of the Council whilst undertaking the qualification	Repayment of all costs paid by Clackmannanshire Council excluding travel cost and time off
Employee leave the service of the Council within 12 months of completion of the qualification	Repayment of all costs paid by Clackmannanshire Council excluding travel cost and time off
Employee leave the service of the Council within 13-24 months of completion of the qualification	Repayment by employee of 50% of costs paid by Clackmannanshire Council excluding travel costs and time off.

4.12. Repayment shall be by regular deductions from salary up to a maximum of 2 years. Any variation of the deduction period shall be at the discretion of the relevant Strategic Director and after having consulted with the employee.

4.13. Line managers must keep a copy of any learning contracts agreed with staff members for future reference.

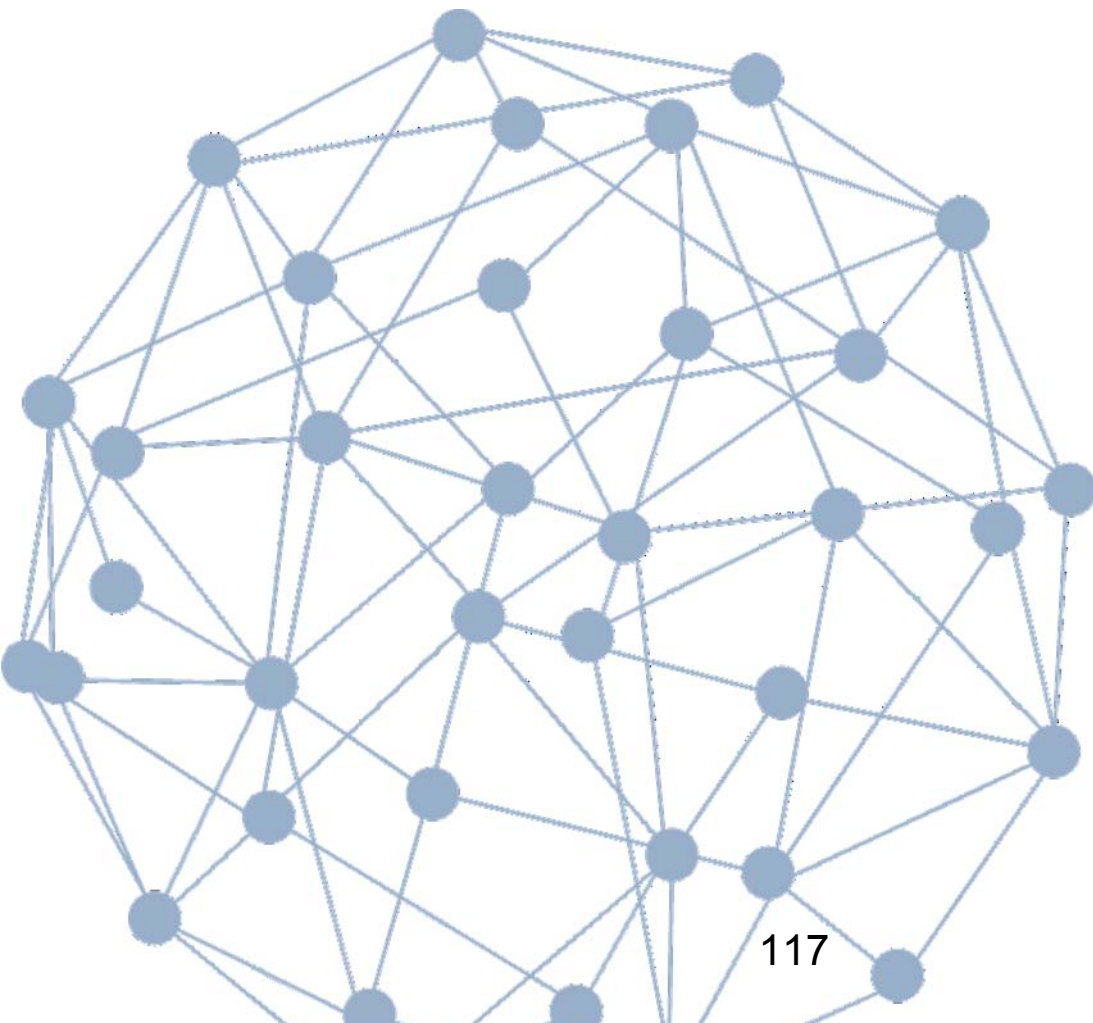
5. Monitoring and review

5.1. Both Senior Management and Trade Union Representatives shall monitor the effectiveness of this policy on an ongoing basis. Amendments will be made as and when deemed necessary and, where appropriate, after consultation with recognised trade unions.



Continuing and Further Education Procedure

2021



Continuing and Further Learning Procedure

1.0 Definition of Scope

- 1.1 The Continuing and Further Learning Policy and procedure, and associated Learning Contract, applies exclusively to training supported and paid for by Clackmannanshire Council which is provided by Universities, Further Education Colleges, and SVQ arrangements. This includes part-time, distance learning, or online courses.
- 1.2 This policy applied to all Clackmannanshire Council staff, however does not apply to those undertaking an apprenticeship with the Authority.

2.0 Raising Requests

- 2.1 A request to obtain financial support under the Continuing and Further Learning Policy should be made by the employee to their Line Manager in the first instance.
- 2.2 Once an initial discussion has taken the place, the employees Line Manager will contact either Corporate Learning & Development, or Social Services Learning and Development to discuss the details of the request.

3.0 Consideration of requests

- 3.1 Once agreement has been reached to progress the contract, the employees Line Manager should complete the form 'Learning Contract' as appended to the Continuing and Further Learning Policy.
- 3.2 Completed Learning Contracts should be submitted to the employees Strategic Director for consideration and approval. Strategic Directors will wish to consider the following:
 - Whether equality of opportunity has been considered in identifying the individual to take forward the qualification;
 - Whether the qualification is required to support the undertaking of essential Service functions;



- The time required away from the employees day to day duties, and the impact thereof; and
- Whether the cost of the qualification has been factored into the Services' annual training needs analysis.

3.3 Once fully considered, Strategic Directors have the option to either approve, or reject the Learning Contract.

Approval

3.4 Approved Learning Contracts should be returned by the Strategic Director to the employees Line Manager.

3.5 Approved Learning Contracts will then be copied and retained by the employees Line Manager, provided to the employee for their own reference, and sent to the Council's Workforce Development & Learning team for retention.

Rejection

3.6 If the Learning Contract is rejected by the Strategic Director, the Learning Contract and an explanatory narrative should be returned to the employees Line Manager.

4.0 Conclusion of Employment

4.1 On conclusion of employment with the Council, the employees Line Manager should assess whether a deduction from the employees final salary is required in line with the Continuing and Further Education Policy.

4.2 Deductions will only be taken forward where there is a pre-agreed learning contract signed by both the staff member and line manager.

4.3 Where a deduction is required, the employees Line Manager should meet with the employee in the first instance in order to advise them of deduction required.

4.4 The employees Line Manager should then provide a copy of the Learning Contract to Payroll, who will arrange for the appropriate deduction to be made from the employees final salary.

- 4.5 No deductions will be made where a member of staff has been dismissed, or made redundant from the post in which the learning was undertaken.

Repayment of learning costs

- 4.6 Where an employee leaves the service of the Council or fails to complete either an 'essential' or 'developmental' learning course, the line manager will, as per the pre-agreed Learning Contract, seek repayment of costs paid by the Council as follows:

Employee fails to complete qualification	Repayment of all costs paid by Clackmannanshire Council excluding travel cost and time off
Employee leaves the service of the Council whilst undertaking the qualification	Repayment of all costs paid by Clackmannanshire Council excluding travel cost and time off
Employee leave the service of the Council within 12 months of completion of the qualification	Repayment of all costs paid by Clackmannanshire Council excluding travel cost and time off
Employee leave the service of the Council within 13-24 months of completion of the qualification	Repayment by employee of 50% of costs paid by Clackmannanshire Council excluding travel costs and time off.

- 4.7 Repayment shall be by regular deductions from salary up to a maximum of 2 years. Any variation of the deduction period shall be at the discretion of the relevant Strategic Director and after having consulted with the employee.

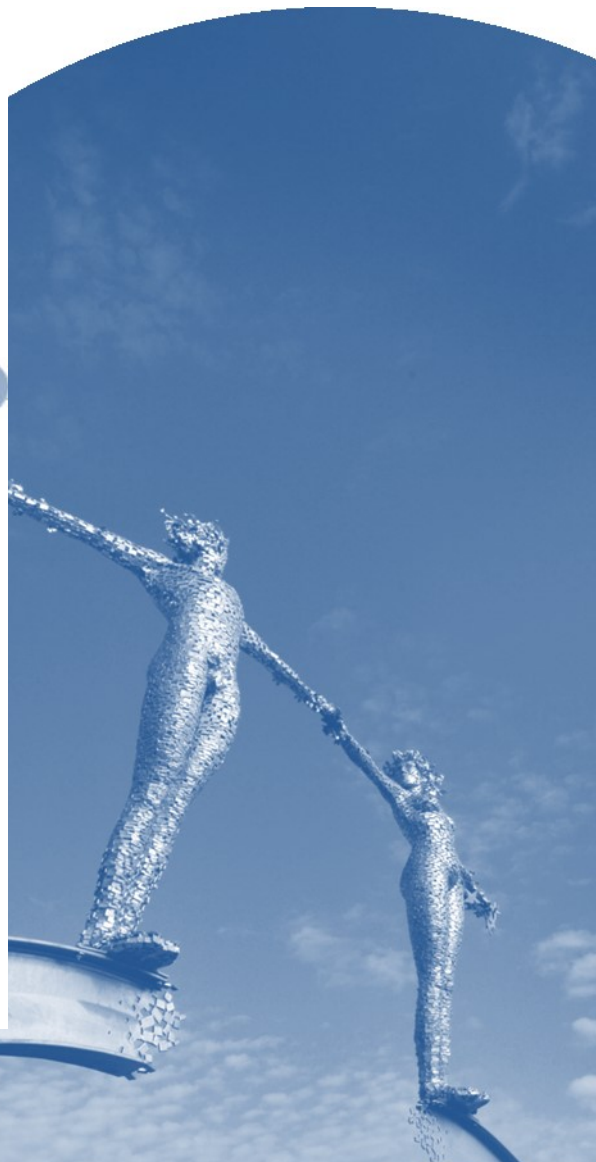
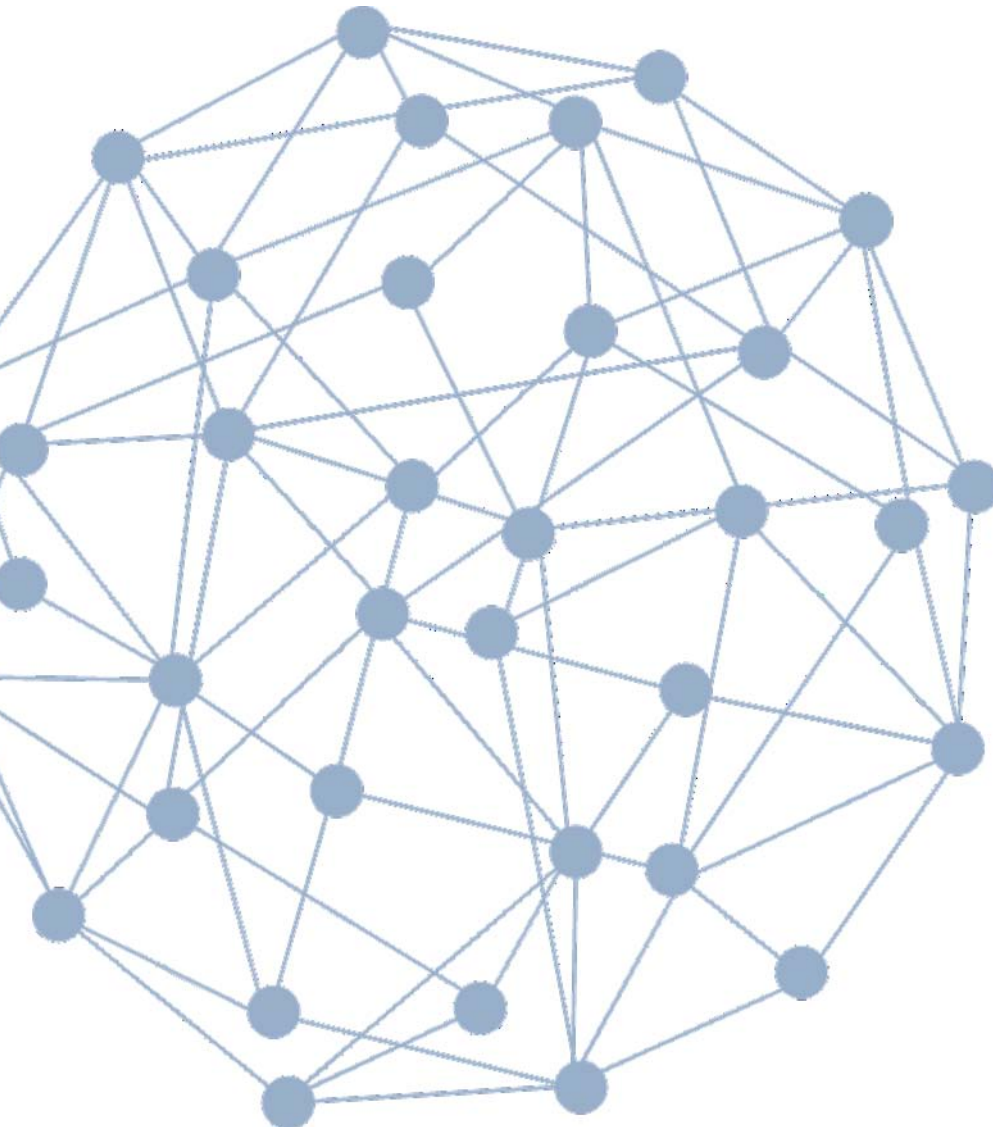
- 4.8 Line managers must keep a copy of any learning contracts agreed with staff members for future reference.

5.0 Monitoring and review

- 5.1 Both Senior Management and Trade Union Representatives shall monitor the effectiveness of this policy on an ongoing basis. Amendments will be made as and when deemed necessary and, where appropriate, after consultation with recognised trade unions.

Learning Contract

2021



Learning Contract

Guidance notes for completing this learning contract

This form is to be completed only after reading the Council's Continuing and Further Education Policy and procedure.

By signing this document, you are entering into a legally binding contract between you and Clackmannanshire Council.

Only sign if you are willing to be bound by the terms of this learning contract. If you are under any doubt as to the nature of the obligations hereunder, do not sign this agreement.

Part 1:

Fill in your details. In the section '*Previous relevant qualifications, with dates*' add in anything that the College/University/Professional Body requires as a pre-requisite for you applying to attend the course, as well as any qualifications that relate to your job role.

If you are applying for a first level qualification, list any School or College qualification with the grade achieved.

The '*Course details*' section contains space for the dates of any second and/or third stage qualification, therefore you do not need to complete a separate Learning Contract for each stage.

Part 2:

This Section is designed to assess your application. If required, you may be invited to a meeting with your Line Manager in order to understand more about your application.

Managers must also ensure equality of opportunity, so where there are several requests for study there may need to be an interview process to assess who is the best candidate. This ensures that the Council safeguards its investment in Further Education.

Part 3:

If your course is continuing on from a previously authorised course of study (i.e. progressing through SVQs) then complete and print Part 3 and add this to your previous paperwork.

Please make sure that you attach a copy of the Module Descriptor or Programme details with your application.

Completed applications, in addition to any supporting evidence, should be handed to your Line Manager.

Instructions for line managers:

Line Managers should contact either Workforce Development & Learning, or Social Services L&D (where appropriate) in order to discuss the relevance of the staff members' application, and any requirements for assessing their capability to undertake the qualification applied for.

Approval of applications must be sought from your Strategic Director who should liaise with colleagues as appropriate to ensure that the application is relevant, required, and that costs can be justified.

Learning Contract

Part 1. Personal details: To be completed by the applicant	
Full Name:	
Post Title:	
Salary Scale / Grade:	
Current Post Appointment Date:	
Service:	
Section:	Location:
Work Telephone Number:	
Previous relevant qualifications, with dates:	

Course / Qualification details: To be completed by the applicant		
Course / Qualification applied for:		
Enrolment Date:		
Name of Educational Institution:		
Specify full qualification or intermediate stage:		
Main Subjects:		
Method of Study, with options if appropriate:		
Full course duration:	Start date:	Completion date:
First stage:	Start date:	Completion date:
Examination dates:		
Second stage:	Start date:	Completion date:
Examination dates:		
Third stage:	Start date:	Completion date:
Examination dates:		

Part 2. Learning Contract Proposal - Please include as much information as possible

Why do you need to obtain this qualification?

What previous study/experience makes you suitable to embark upon this course?

What are the key learning outcomes of the course?

How will achieving this qualification help you to do your job more effectively?

How will this help your Team or Service meet its objectives?

PART 3. Contract

All employees who are granted financial assistance and / or non-financial support for further or higher education by Clackmannanshire Council will enter into this contract with the Council and will agree to the conditions detailed within the Continuing & Further Education Policy and which is appended to and forms part of this Learning Contract. By signing this document, you are entering into a legally binding contract between you and Clackmannanshire Council. Only sign if you are willing to be bound by the terms of this and the Council's Further Education Policy. If you are under any doubt as to nature of the obligations hereunder, do not sign this agreement.

Percentage funding of total course cost sought: _____% **(please complete)**

Funding to be provided in the Financial Year(s): _____ **(please complete)**

Applicants Signature

I have read and understand the terms and conditions of the appended Continuing and Further Education Policy and that by signing hereunder I hereby agree to be bound by such terms and conditions that form part of this Learning Contract.

Name: (please print)

Signature:

Date:

Line Managers Signature

Name:

Designation:

Date:

Signature:

Authorisation: To be completed by the Strategic Director

Name:

Date:

Signature:

Equality and Fairer Scotland Impact Assessment - Screening

Title of Policy:	Continuing and Further Education Policy & Procedure
Service:	Human Resources
Team:	Human Resources

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	No
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	No

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

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APPROVAL

NAME	DESIGNATION	DATE

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

Purpose of the proposed policy or changes to established policy
This policy provides staff and managers with a framework from which to apply for funding in support of formal, recognised qualifications, and which are exclusively provided for by Universities, Further Education Colleges, and SVQ arrangements.
Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?
General Equality Duty -
➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct
The policy and procedure aims to treat all employees fairly and consistently and should assist with removing potential indirect discrimination, harassment or victimisation by providing clear guidelines and transparency to training processes.
➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not
The policy and procedure requires managers to consider the impacts of funding training in terms of equality of opportunity, particularly in ensuring the right candidate is taken forward.
➤ Fostering good relations between people who share a protected characteristic and those who do not.
This element of the Duty is more relevant to the Council's role as a service provider, and there is relatively limited direct relevance to this particular policy and procedure.

Fairer Scotland Duty -

➤ **Reducing inequalities of outcome caused by socioeconomic disadvantage**

This Policy and Procedure should assist with the retention of staff, and provide more formal routes for development within roles. This is particularly important as maintaining employment can be extremely important for protected groups who have a higher level of poverty. Levels of socioeconomic disadvantage are also more frequent for other protected groups including lone parents who are predominantly female, and Black, Asian or Minority Ethnic (BAME) groups. Furthermore, with the Council recruiting for many roles from within local Clackmannanshire communities, this may result in better outcomes, and more opportunities for formal learning from these groups.

To which of the equality groups is the policy relevant?

Protected Characteristic	Yes/No*	Explanation
Age	No	It is submitted that this protected characteristic is not directly relevant to this policy and procedure and it is not anticipated that there could be any differential impact on people on the grounds of age.
Disability	No	It is submitted that this protected characteristic is not directly relevant to this policy and procedure and it is not anticipated that there could be any differential impact on people on the grounds of disability.
Gender Reassignment	No	It is submitted that this protected characteristic is not directly relevant to this Policy and Procedure and it is not anticipated that there could be any differential impact on people on the grounds of gender reassignment.
Marriage and civil partnership	No	It is submitted that this protected characteristic is not directly relevant to this Policy and Procedure and it is not anticipated that there could be any differential impact on people on the grounds that they are married or in a civil partnership.
Pregnancy and Maternity	No	It is submitted that this protected characteristic is not directly relevant to this Policy and Procedure and it is not anticipated that there could be any differential impact on people on the grounds that they are pregnant or on maternity leave.
Race	No	It is submitted that this protected characteristic is not directly relevant to this Policy and Procedure and it is not anticipated that there could be any differential impact on people on the grounds of race.
Religion and Belief	No	It is submitted that this protected characteristic is not directly relevant to this Policy and Procedure and it is not anticipated that there could be any differential impact on people on the grounds of religion and belief.
Sex	Yes	There are more women than men who are employed by the Council (71.3% of staff excluding teachers are female compared to 28.7% of men). As such, this Policy and Procedure could assist with their retention of staff in areas where there is proportionality high female workforce.

Sexual Orientation	No	It is submitted that this protected characteristic is not directly relevant to this Policy and Procedure and it is not anticipated that there could be any differential impact on people on the grounds of sexual orientation.

* Delete as required

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?

In terms of internal evidence, reference has been made to the most recently published staff equality data.

No external data has been reference in relation to this Policy & Procedure.

Which equality groups and communities might it be helpful to involve in the development of the policy?

Trade Unions have been actively involved in the development of the policy.

Next steps

In order to better meet the General Equality Duty, the Council will take steps to ensure that this Procedure is applied fairly. These steps will include:

- Encouraging staff to disclose a disability, in order to assist with monitoring the impact of this Procedure
- Encourage staff to disclose symptoms to their line manager
- Raising awareness with managers of the need to act fairly and impartially
- Monitoring grievance data relating to the implementation of this Procedure
- Encouraging managers to be mindful of the Council's commitment to support staff and to take into account the needs of protected groups

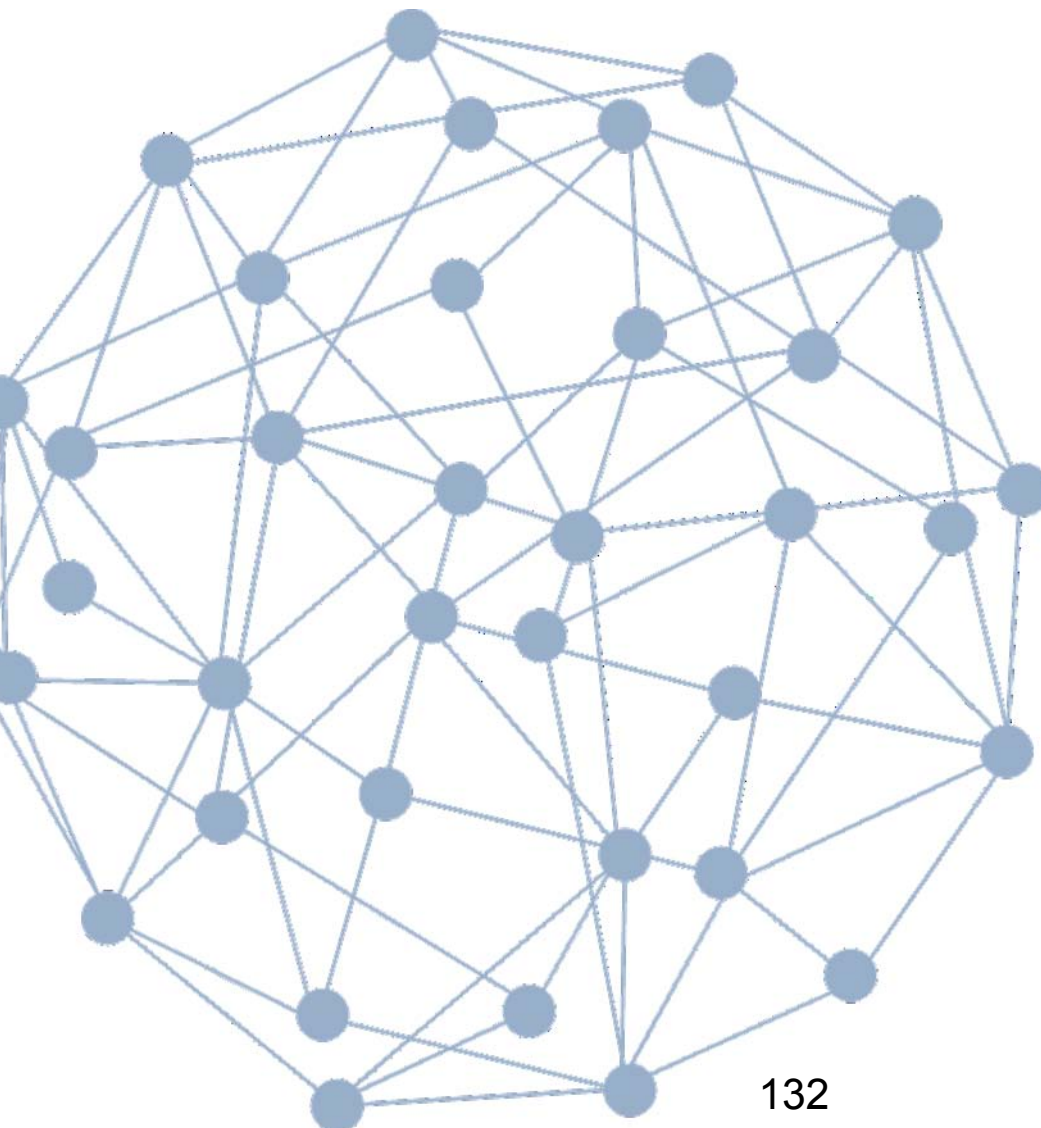
Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings		
The evidence highlights that the introduction of this policy/procedure will have a positive impact on protected groups. The overall commitment to support employees in their careers should assist the Council in demonstrating that it has paid due regard to the General Equality Duty. The Procedure should support the retention of staff, and mitigate the potential for adverse impacts on protected groups through managers not implementing equality of opportunity.		
Details of engagement undertaken and feedback received		
This Procedure has been developed in consultation with recognised trade unions who, along with Council Management, form the Council’s Policy Group. In addition the policy/procedure will be considered by Tripartite (Elected Members, Unions and Management) It will also been reviewed, and hopefully formally adopted, by the Partnership and Performance Committee on behalf of the Council.		
Decision/recommendation		
Having considered the potential or actual impacts of this policy, the following decision/recommendation is made:		
Tick	Option 1: No major change	
✓	The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.	
	Option 2: Adjust the policy – this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.	
	Option 3: Continue the policy – this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council’s obligations under the duty.	
	Option 4: Stop and remove the policy – if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.	
Justification for decision		
This assessment finds no indication that the Procedure will unlawfully discriminate against protected groups, and that a systematic approach has been taken to ensure that the procedure positively impacts on employees including those with a disability.		
APPROVAL		
NAME	DESIGNATION	DATE



Mental Health, Stress & Wellbeing Policy

2021



1. Policy Statement

- 1.1. Clackmannanshire Council is committed to ensuring the health and welfare of employees, including their mental as well as physical health and wellbeing. As an employer, we aim to create and maintain a workplace environment that promotes and supports good mental health and wellbeing for all employees.
- 1.2. The Council recognises its responsibilities under the Health and Safety at Work Act 1974, the Management of Health and Safety at Work Regulations 1999, and the Equality Act 2010 in this regard.

2. Introduction

- 2.1 Mental health and wellbeing is an important aspect of overall health and wellbeing and can be affected by different factors, including life events such as relationship breakdowns, bereavement, workplace pressures and mental health conditions such as depression or anxiety. The National Health Service (NHS) describes mental wellbeing and mental illness as follows:

Mental Wellbeing - Definitions of mental wellbeing generally include aspects such as: life satisfaction, optimism, self-esteem, mastery and feeling in control, having purpose in life, and a sense of belonging and support.

Mental Illness - refers to a diagnosable condition or personality disorder that significantly interferes with an individual's cognitive, emotional or social abilities, e.g. depression, anxiety, schizophrenia. The International Classification of Diseases ICD 10, Chapter 5 provides a comprehensive list of recognised mental and behavioural disorders.

Stress - The Health and Safety Executive (HSE) defines stress as 'the adverse reaction people have to excessive pressures or other types of demand placed on them. It arises when they perceive that they are unable to cope with those demands'.

- 2.2. Promoting positive mental health and wellbeing in the workplace is essential to strengthen the positive, protective factors of employment, reduce risks factors for mental ill health and improve general health.

2.3 Although it can be healthy for people to experience challenges in their lives, this can cause a degree of pressure on the individual. It is acknowledged that too much pressure can be harmful and destructive to health and, if excessive or long term, this can lead to stress. It is recognised that while stress can result from a build-up of excessive pressures in the workplace, it can equally result from non-work related pressures or life events that transfer the symptoms to the workplace.

3. Purpose and Scope

3.1 The purpose of this policy is to:

- Create a working environment where the mental health and well-being of employees is paramount and where colleagues feel valued and protected.
- Set clear responsibilities for ensuring safe and healthy workplace, and positive mental wellbeing, for all employees.
- Clearly outline measures that will be pursued to ensure good mental health and wellbeing for all staff.

3.2 The aims of the policy are to:

- Promote mental health and wellbeing for all staff.
- Promote an open and supportive culture where mental health issues can be raised and dealt with effectively.
- Communicate and promote the council's commitment to identifying and tackling organisational issues that negatively affect mental health and wellbeing.
- Ensure suitable and sufficient risk assessments are conducted to prevent, identify and control sources of work related stress, and ensure that the outcomes of risk assessments are reported and acted upon. All managers/HR advisers will be trained in dealing with Stress Risk Assessments (SRAs) and how to support staff. SRA meetings should deal with stressors only.

Mental Health, Stress and Wellbeing Policy

- Provide employees experiencing mental health problems with access to professional assistance and support. Reasonable paid time off to access support will be given in line with relevant policies and procedures, such as Maximising Attendance Policy, Work Life Balance and Flexible Working Policy, etc.
- Reduce barriers to employment for people who have experienced mental health problems.

3.1. This policy applies to all employees of Clackmannanshire Council. The implementation of this policy will be supported by other relevant Council policies and guidance e.g. Maximising Attendance Policy, Work Life Balance and Flexible Working Policy, Stress Risk Assessment Guidance, Managing Stress – A Guide for Managers, etc.

4. Responsibilities

4.1. The Chief Executive & Senior/Service Managers

The Chief Executive has overall responsibility for Health, Safety and Welfare within the council, and ensuring that suitable arrangements and procedures are in place to comply with this policy and all relevant health and safety legislation.

In line with the Council's scheme of delegation, senior managers are responsible for ensuring that this policy is effectively implemented throughout out their areas of service.

4.2. Managers

Managers play a key role in creating a mentally healthy workplace and, in this regard, are responsible for:

- Managing their staff in a manner which is not detrimental to mental health and which, at its best, can positively promote mental health and wellbeing;
- Ensuring, as far as is reasonably practicable, that the work environment is safe and that measures are taken to reduce the risk of mental ill health as a result of work related factors;

Mental Health, Stress and Wellbeing Policy

- Providing supportive leadership and creating an open and supportive environment that encourages employees to discuss issues related to mental ill health;
- Initiating and maintaining effective and consistent communication with team members, including wellbeing conversations;
- Reviewing management information, being alert to indicators of stress within the team and undertaking risk assessment as appropriate;
- Ensuring that all new employees receive appropriate induction and training and, thereafter, identifying and meeting the learning and development needs of all employees through the use of the Performance Review & Development (PRD) process and one-to-one meetings;
- Monitoring workloads, working hours and holidays to ensure that staff are not overloaded or overworking, and are taking their full holiday entitlement;
- Ensuring that all employees are aware of the council's wellbeing programme and support mechanisms, including confidential counselling, occupational health and procedures for dealing with bullying & harassment at work;
- Providing their staff with opportunities to participate in mental health promotion activities;
- Liaising with Human Resources to maximise support for employees who have mental health problems;
- Supporting employees who become sick as a result of mental ill health in accordance with the council's Maximising Attendance Policy, and providing additional support to staff who are experiencing stress outside work, e.g. bereavement, separation, etc;
- Monitor and report on levels of sickness absence which relate to mental health problems, including stress-related illness (in conjunction with the occupational health service and human resources);
- Completing relevant Mental Health Awareness and Stress Management Training.
- Treat employees with dignity and respect.

Mental Health, Stress and Wellbeing Policy

4.2 Employees

All employees are obliged to take account of their own health and safety in the workplace along with that of others and, in this regard, are responsible for:

- Raising issues of concern promptly with their line manager, HR or Occupational Health, TU rep, so they can be addressed at an early stage;
- Being alert to symptoms of stress in themselves and others;
- Supporting any colleague experiencing poor mental health by encouraging them to speak to their line manager;
- Seeking appropriate support at the earliest opportunity from their GP, the Employee Assistance Programme or other appropriate agencies if they have health and wellbeing problems;
- Recognising the importance of achieving a work-life balance;
- Effectively managing their workload in conjunction with their line manager to ensure that the demands placed upon them are appropriate and achievable;
- Cooperate with managers to assess levels of stress and engage with measures to support mental ill-health issues.
- Treating other employees with dignity and respect.

4.3 Human Resources

Human Resources will:

- Provide advice and support to employees and managers in relation to this policy and ensure policies and procedures are being followed.
- Help signpost appropriate support for employees who are experiencing mental ill-health.

4.4 Health & Safety Team

The Health & Safety Team will:

- Train and support managers in promoting mental health and wellbeing, and in implementing stress risk assessments - ensuring policies are being followed.
- Monitor and review the effectiveness of measures to promote mental wellbeing and report this to the Executive Health & Safety Committee and Tripartite as required.

Mental Health, Stress and Wellbeing Policy

4.5 Occupational Health & Employee Assistance Programme

Occupational Health and Employee Assistance Programme (EAP)/Employee Counselling Service will provide advice to employees and managers to help employees remain at work if possible. They will:

- Provide specialist advice on mental wellbeing.
- Support individuals who have been off sick with mental health and stress problems, and advise them and their management on a planned return to work.
- Refer individuals to workplace counsellors or specialist agencies as required.

4.6 TU Safety Representatives

Safety representatives can support employees in identifying the causes of stress and meeting with management to raise and address issues which may be causing them stress. They will:

- Promote mental wellbeing across the Council.
- Participate in Healthy Working Life Group activities, and the Council's wellbeing planning and implementation.
- Encourage employees who approach them to seek appropriate support.

4.7 Healthy Working Lives Group

The Council's Healthy Working Lives Group will be responsible for obtaining and maintaining the Council's Healthy Working Lives award. The Group will promote healthy lifestyles for employees by initiating and leading wellbeing campaigns, activities and opportunities, such as healthy eating, stress control, smoking cessation, drugs and alcohol awareness, employee engagement, etc.

5. Measures for Managing Mental Health, Stress and Wellbeing

5.1 Promotion of Mental Health and Wellbeing for all staff

- All employees will undergo a mandatory mental health awareness and wellbeing training. The training will provide a basic understanding of mental health and wellbeing issues, and highlight the various resources and support available to staff.

Mental Health, Stress and Wellbeing Policy

- The Council will run regular mental health and wellbeing campaigns to encourage awareness of mental health issues.
- All employees will be given opportunities to look after their mental wellbeing and participate in mental wellbeing activities, e.g. physical activities, stress busters, social events, relevant mental health and wellbeing seminars/workshop, etc.
- Employees will be offered flexible working arrangements that promote their mental wellbeing.
- Employees will be given the opportunity to influence how they do their jobs, scope for varying their working conditions as far as possible, and opportunities to develop and fully utilise their skills.
- Managers will ensure that employees are set realistic targets that do not require them to work unreasonable hours, and have clearly defined job descriptions, objectives and responsibilities.
- Appropriate actions will be taken to effectively manage conflict and ensure the workplace is free from bullying, harassment and any form of discrimination.
- Wellbeing Ambassadors/Champions: Each work team will have a wellbeing ambassador/champion. Wellbeing ambassadors/champions will receive relevant awareness training in mental health and wellbeing. They will liaise with the Council Healthy Working Lives Group, Health and Safety and Human Resources Teams, and Team Managers/Supervisors in leading and promoting mental health and wellbeing activities in their respective teams.

5.2 Promotion of an Open and Supportive Leadership Culture

The following will be pursued:

- Managers will undergo relevant mandatory mental health and wellbeing training (such as NHS 'Mentally Healthy Workplace', or SAMH 'Mental Health in the Workplace – a Guide for managers' and 'Understanding Stress Management in the Workplace') to enable them to promote the mental wellbeing of their staff and deal with issues around mental health and stress effectively.

Mental Health, Stress and Wellbeing Policy

- Managers will help to prevent excessive pressure becoming stress by recognising the common signs and symptoms of this in themselves and others, by ensuring that appropriate interventions are carried out and by promoting an open and supportive environment that encourages employees to discuss issues. Tips on signs of mental wellbeing issues and stress are contained in the Council document: *Managing Stress – A Guide for Managers*.
- Managers will give non-judgemental and proactive support to individuals who experience mental health problem, and deal sympathetically with any staff suffering from mental health problems due to circumstances outside the workplace.
- All matters discussed between manager and member of staff must be treated with strict confidentiality and not disclosed to anyone without express permission from the staff member. Any concerns from managers should be raised with the relevant HR Business Partner or a member of the H&S Team.
- They should ensure that their management style reflects the behaviours outlined in the Council's Competency Framework and Dignity at Work Procedure.

5.3 Effective and Consistent Communication

- Managers should ensure effective and consistent communication with team members to enable them identify and tackle any organisational or work-related issues (e.g. job demands, control over the job/role, support from managers and colleagues, working relationships, the role and changes at work) that negatively affect the mental health and wellbeing of their staff. This can be achieved through regular team meetings, one-to-one meetings, PRD meetings and wellbeing conversations. Regular and consistent communication will also offer employees the opportunity to alert their line managers to any mental health or stress related concerns they may have.
- Communication at an early stage is important to allow any mental wellbeing issues or causes of stress to be identified and appropriate action to be taken to minimise its effects on the employee and on service delivery.

Mental Health, Stress and Wellbeing Policy

- A good two-way communication should be established and maintained to ensure staff involvement, particularly during periods of organisational change, or any unexpected events.
- Managers should be particularly aware of the impact that organisational change may have on employees and should ensure that appropriate communication and adequate support is provided, particularly where it is known that an employee may already be vulnerable to stressful reactions.

5.4 Management of Stress

5.4.1 Identifying the Causes and Symptoms of Stress

- A strong moral and business case exists for addressing the causes of stress in the workplace and the council places emphasis on preventing stress wherever possible. In order to do so, managers and employees alike need to be equipped to identify possible sources and triggers of stress in the workplace.
- While the council cannot prevent or control the causes of stress out with the workplace, early identification of the symptoms of stress will allow employees to be supported in the workplace and assisted to manage the circumstances which are causing them stress.
- Each team must have a stress risk assessment which identifies the likely sources of stress and measures to control these. These should be reviewed on a regular basis in line with the Council's Risk Assessment policy. The Health & Safety Team can provide support in identifying causes of stress within a team.
- Where issues of mental ill-health are identified, the line manager should liaise with the HR Business Partner to ensure that appropriate support is offered.

5.4.2 Stress Management Standards

The Health and Safety Executive (HSE) has identified six key areas (or risk factors) which may lead to work related stress. These are:

- Demands of the job;
- Employee's control over their work;
- The support an employee receives from managers and colleagues;
- Relationships at work;
- Role in the organisation;
- Change and how it's managed.

Key to managing these risks are ensuring supportive leadership and effective and consistent communication, along with appropriate risk assessment as described in sections 5.2 and 5.3. The Council will strive to implement the HSE management Standards.

5.5 Support for Mental Ill-Health

5.5.1 Line Management Support

- Employees who are experiencing symptoms of mental ill-health are encouraged to advise their manager at the earliest opportunity in order that the most appropriate means of help can be identified and offered. Where employees are not comfortable speaking to their line manager, they should speak to one of the HR Business Partners, H&S, their TU Rep or a Mental Health First Aider.

In some cases the employee's concerns will be alleviated by reviewing the balance of their workload commitments and any other non-work commitments to determine whether they are taking on more than they can realistically cope with. A temporary adjustment to workload priorities and/or some support in self-regulating their work, such as the use of time management techniques may be sufficient to assist the employee manage and control their stress levels.

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- The Stress Risk Assessment process may be helpful to identify more significant issues. The documents for this are issued by the line manager and analysed by the Health and Safety Team. The manager, or a nominated person, is then responsible for discussing the report and implementing any measures to help control or prevent the stress being exacerbated.
- If an employee is not comfortable approaching their manager or having done so feels that their concerns have not been adequately addressed, they should seek advice from Human Resources. Additionally the employee may wish to seek advice from a Trade Union representative, and if appropriate, seek a medical view from their GP.

5.5.2 Mental Health First Aiders

- The Council also has a number of employees who have undertaken the Mental Health First Aid training and have gained crucial skills in managing mental health in the workplace and how to support others.
- List and contact details of Council Mental Health First Aiders will be published and made accessible to all employees.

5.5.3 Employee Assistance Programme

The council offers free access to an employee assistance programme which can provide support for work and non-work related issues, including health, legal, marital, relationship, family, financial, substance abuse or emotional concerns, etc.

The support provided includes:

- Structured Counselling – available via telephone, face-to-face or online depending on the issues requiring support.
- Trauma and Critical Incident Support
- Eye Movement Desensitisation and Reprocessing therapy.
- Cognitive Behaviour Therapy.

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5.5.4 Stress Control Classes and other Wellbeing training

- Stress Control classes are also held within the Council and the local community.
- A number of e-learning courses are also available to all employees on Clacks Academy.
- The Council will also, on a regular basis, identify and run relevant mental health and wellbeing seminars/workshops to support staff.

5.6 Reducing Barriers to Employment for People with a History of Mental Health

5.6.1 Council Policy on Maximising Attendance

- Where an employee is advised by their GP to take some time off as a result of a mental health condition, the relevant provisions of the council's Maximising Attendance Policy will apply in conjunction with this policy. In these circumstances, managers should adopt a proactive but sensitive approach so that the employee does not feel isolated or guilty. The manager should establish with the employee whether regular contact would be helpful and how this should be arranged during the period of absence.
- Care should be taken to ensure that any return to work is planned and the employee supported to prevent further absence. Occupational Health advice can be invaluable in achieving this.

6. Monitoring and Review

This document is subject to monitoring by management and Trade Unions on an ongoing basis. Revisions and updates will be implemented by the Council following consultation with recognised Trade Unions.

Policy Name	Mental Health and Wellbeing Policy
Department	Partnership & Performance
Policy Lead	H&S Manager
Equality Impact Assessment	
Full EQIA required	Yes <input type="checkbox"/> No* <input checked="" type="checkbox"/>
* In no please provide rationale Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the 9 protected characteristics	
Date Full EQAI complete	N/A
Date Approved	
Review Date	

