

The background of the slide features a large, light blue outline of the Coat of Arms of the Government of Nunavut. The crest is a shield divided into four quadrants. The top-left quadrant shows a stylized building. The top-right quadrant shows a caribou head with antlers. The bottom-left quadrant shows a sailing ship on wavy lines representing water. The bottom-right quadrant shows a bird with spread wings. Above the shield is a crown with four maple leaves. Below the shield is a ribbon with the motto 'ANE FOR A'.

Agenda Item 5

Referral from Corporate Partnership Forum

Falkirk Council

Title: Referral from Corporate Partnership Forum
Meeting: Executive
Date: 10 December 2019
Submitted By: Director of Corporate & Housing Services

1. Purpose of Report

- 1.1 The purpose of this report is to ask the Executive to approve changes to policies and “how to” documents which were considered by the Corporate Partnership Forum on 06 November 2019.
- 1.2 The report also provides information on voluntary severance and ill health retiral costs for 2018/19.

2. Recommendations

- 2.1 The Executive is asked to:
 - approve the immediate implementation of changes to:
 - Dignity at Work policy;
 - Wellbeing & Mental Health policy;
 - How to Prevent, Minimise and Manage Stress at Work.
 - note the costs and savings achieved from voluntary severance and ill health retiral arrangements for the period 2018/19.

3. Background

- 3.1 The Corporate Partnership Forum considered the Dignity at Work, Wellbeing & Mental Health Policies and How to Prevent, Minimise and Manage Stress at Work on 06 November 2019 and agreed to refer these to the Executive for approval.

4. Considerations

Dignity at Work Policy

- 4.1 The policy has been reformatted into the new style format and includes a “how to” document to provide additional support and information on the process.

- 4.2 Further clarity is included in relation to informing individuals of a complaint against them where remedial action or an investigation is considered to be required. In addition, mechanisms for any required remedial actions will now be fed back to the relevant manager.
- 4.3 The policy has also been updated to allow formal investigation reports to be considered at Service Manager/ Headteacher level.

Wellbeing & Mental Health Policy

- 4.4 This policy replaces the Council's existing Mental Wellbeing & Stress Management Policy. It outlines the Council's approach to improving the health and wellbeing of our employees and related governance arrangements.
- 4.5 This policy also outlines responsibilities for Senior Leaders, Line Managers and employees.

How to Prevent, Minimise and Manage Stress at Work

- 4.6 This document supports the implementation of the Council's Health and Wellbeing Policy. The "how to" guide outlines how the Council manages stress within the organisation and provides guidance for managers and employees to assist in managing stress.
- 4.7 The Work Positive Stress Risk Assessment Tool has been introduced, along with guidance for undertaking individual and group stress risk assessments.
- 4.8 Improved guidance for the implementation of the HSE's management standards has also been incorporated.

Voluntary Severance and Ill Health Costs

- 4.9 In accordance with Audit Scotland's 2003 'Bye Now, Pay Later' report, the annual Severance report provides members with a summary of numbers, costs and savings attached to early retirements for employees in 2018/19.
- 4.10 Under the Local Government Pension Scheme regulations, 3 main options exist for early retirement:
- Efficiency
 - Redundancy
 - Ill Health.
- 4.11 Members are asked to refer to appendix 4 for details of number and costs of severance and ill health retirement for the period 2018/19.

5. Consultation

- 5.1 Services and Trade Unions have been consulted on the policies and “how to” documents and comments considered, with changes made where appropriate. The Corporate Partnership Forum discussed the policies and agreed to refer them to Executive for approval.

6. Implications

Financial

- 6.1 There are no financial implications arising from the implementation of the revised Dignity at Work and Wellbeing & Mental Health policies. Having a robust stress management process in place should reduce costs associated with stress related absence.

Resources

- 6.2 Through widening the pool of officers able to consider Dignity at Work investigation reports, this should reduce any delay in the reports being considered. There are no additional resource implications for How to Prevent, Minimise and Manage Stress at Work and Wellbeing & Mental Health policy.

Legal

- 6.3 There are no legal implications arising from this report.

Risk

- 6.4 There are no risks arising from implementing the changes to the Dignity at Work and Wellbeing & Mental Health policies. A good stress management system will assist in managing the risks related to work related stress.

Equalities

- 6.5 There are no equality issues arising from the referrals. All policies and “how to” documents are intended to ensure fairness, equality of opportunity and safe systems of work.

Sustainability/Environmental Impact

- 6.6 There are no sustainability or environmental implications from this report.

7. Conclusions

- 7.1 The Executive is asked to consider and approve the changes within the Dignity at Work and Wellbeing & Mental Health policies and How to Prevent, Minimise and Manage Stress at Work document for immediate implementation.

- 7.2 With regards to the 'Buy Now Pay Later' report, Voluntary Severance applications are approved in line with Council Policy, with 17 cases accepted with a leaving date during 18/19. Ill Health retirements during 18/19 totalled 14, with associated costs below the employer's pension contribution allowance.

Director of Corporate & Housing Services

**Author – Tracey Gillespie, HR Manager – 01324 506239,
tracey.gillespie@falkirk.gov.uk**

Date: 27 November 2019

APPENDICES

Appendix 1 – Dignity at Work policy

Appendix 2 – Wellbeing & Mental Health policy

Appendix 3 – How to Prevent, Minimise and Manage Stress at Work

Appendix 4 – Severance Report 2018/19

List of Background Papers:

None

Dignity at Work Policy

make it happen

council of the future

Contents

Definition	2
Your Responsibilities.....	3
Employees	3
Managers and Elected Members	4
Procedure.....	5
Stage 1 - Informal	5
Speaking to the alleged harasser	5
Mediation	5
Approaching one of the Council's trained Harassment Support Officers	5
Stage 2 - Formal	5
Making a formal complaint.....	5
Preliminary Meeting	6
Investigation Process.....	7
Complaints Against Elected Members	7

Falkirk Council is committed to creating a safe working environment free from harassment and bullying, where everyone is treated with dignity and respect. We aim to ensure that complaints of harassment are dealt with quickly, positively and confidentially.

All employees should be treated equally irrespective of their sex, marriage and civil partnership, age, race, ethnic origin, sexual orientation, disability, religion or belief, gender reassignment and pregnancy and maternity. We will not tolerate any form of harassment, or victimisation of a person who has raised an allegation, and where necessary, it will be treated as a disciplinary matter.

Dignity at Work Policy

The aim of this policy is to highlight the options available to employees if they are subject to bullying, harassment and/ or victimisation and to ensure that those responsible for managing and supporting employees are aware of their responsibilities.

This Policy applies to all Falkirk Council employees. It also applies when a complaint is made against an Elected Member.

Definition

This policy deals with bullying, harassment and victimisation in the workplace which may be defined as follows:

Bullying (as defined by ACAS) is:

‘Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.’

Harassment (as defined by the Equality Act 2010) is:

“Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

For the purposes of this Policy, harassment will also include conduct of a similar nature which is not related to a protected characteristic.

Victimisation, for the purposes of this policy, is less favourable treatment of an individual because they have made a complaint or intend to make a complaint about being bullied or harassed or act as a witness in this regard.

Whether intentional or not, such conduct is unacceptable and all complaints will be treated seriously. Examples of unacceptable behaviour are:

- Spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation, religion or belief, gender reassignment, marriage and civil partnership, pregnancy and maternity);
- Copying emails that are critical about someone to others who do not need to know;
- Ridiculing or demeaning someone i.e. picking on them or setting them up to fail;
- Exclusion or victimisation;
- Unfair treatment;
- Overbearing supervision or other misuse of power or position;
- Unwelcome sexual advances – touching, standing too close, display of offensive materials; including signs, pin ups and calendars;
- Making threats or comments about job security without foundation;

Dignity at Work Policy

- Deliberately undermining a competent worker by overloading and constant criticism;
- Preventing individuals progressing by intentionally blocking promotion or training opportunities;
- Jokes, banter, emails or deliberate abuse directed at a person or group.

Whilst the list of above examples is not exhaustive, it is representative of many types of behaviour that others may object to and find offensive which could create an intimidating working environment.

When determining whether a matter may constitute a breach of Dignity at Work, an important factor to be considered is the perception held by the individual who is claiming to have been harassed, bullied or victimised **and** whether it was reasonable for him/ her to hold that perception.

It is also important to note that effective management of employees is not bullying or harassment. Managers are expected to lead and manage employees which involves setting and making sure employees understand performance standards. Legitimate, constructive and fair criticism of an employee's work performance or behaviour either informally or formally is not bullying.

Your Responsibilities

Failure to deal with allegations of harassment, bullying or victimisation at work or by a third party such as a client of the Council may expose both the Council and employees to a number of legal consequences. Complainants can cite both the employer and individual employees as respondents at Employment Tribunal and, if the case is upheld, both may be held liable.

Everyone must therefore take responsibility to ensure that your area of work is free from harassment.

Employees

You have a clear role in helping create a climate at work in which bullying and harassment are unacceptable. You therefore have specific responsibilities as follows:

- Treat all colleagues and service users with respect and dignity and contribute positively to effective working relationships;
- Not discriminate against other employees;
- Not intimidate, threaten or bully other employees or otherwise behave in a manner inconsistent with fair and dignified treatment of employees at work;
- Not victimise any individuals who have raised concerns or acted as a witness in relation to any breach of this policy;
- Bring to the attention of management any breach of this policy witnessed, providing evidence where possible; and

Dignity at Work Policy

- Support any proceedings to consider allegations under this policy and not misuse the provisions of this policy by making malicious or groundless complaints.

Managers and Elected Members

Managers must take responsibility for addressing performance issues such as capability, time keeping and attendance. Training will be provided to ensure you deal with these issues in accordance with the relevant policy.

Falkirk Council requires managers to behave in a professional manner at all times and to be aware of how your own behaviour can adversely impact on staff and potentially be perceived as harassment or bullying depending on the circumstance, including:

- Deliberately imposing grossly excessive or unachievable workloads or impossible deadlines in order to make life difficult for a particular employee;
- Repeated unfair criticism or destructive and negative criticism that focuses on blame rather than future improvement;
- Criticising individuals in front of colleagues;
- Excessive or overbearing monitoring of a particular employee's work without good reason.
- Ordering a particular employee to work below his or her level of ability, or to perform mundane demeaning tasks, with no proper reason;
- Removing an employee's responsibility without consultation and for no proper reason.
- Threatening an employee with dismissal.

You are responsible for ensuring that, where an employee reports any act of harassment by a third party such as a client of the Council, that these complaints are dealt with timeously and that reasonably practicable steps are taken to prevent such third party harassment. Complaints in relation to unacceptable conduct by third parties should be dealt with under the Council's [Policy and Procedure for the Management of Violence and Unacceptable Actions at Work](#)

Managers and Elected Members have a particular duty to set a proper example by treating everyone with dignity and respect. You must be committed to the elimination of harassment, and be vigilant in preventing acts of harassment and victimisation where possible.

You will pass this responsibility down through all levels of management and to all employees. You are responsible for ensuring that the policy is drawn to the attention of employees. You will ensure appropriate guidance and support is given in the implementation and application of the policy.

Dignity at Work Policy

Procedure

Stage 1 - Informal

The early resolution of concerns is a key aim of this policy, particularly to prevent possible issues escalating. It is also essential to stop any inappropriate behaviour occurring or being repeated to minimise anxiety for the employees concerned. As a result, all employees have a responsibility to work towards an early resolution of their concerns. Where possible, employees who are subjected to a breach of their dignity at work should make every reasonable effort to resolve this informally through one of the mechanisms listed below.

Informal mechanisms available are summarised below. For further details of how to progress or access these, see

[How to informally raise Dignity at Work concerns.docx](#)

Speaking to the alleged harasser

Acts of bullying and harassing behaviour are not always intentional with individuals not being aware of the impact of their behaviour on others. By making the individual aware of the impact of their behaviour, this can often resolve the matter.

Mediation

Mediation is a process of conflict resolution between two individual employees

facilitated by an independent trained mediator. The purpose of mediation is to allow the individuals concerned an opportunity to explore issues of conflict with the aim of reaching a mutually agreeable solution. It can be used at any stage in the Dignity at Work process.

If an employee elects to undertake the mediation process, this does not stop them from progressing their complaint more formally if the matter remains unresolved i.e. the unacceptable conduct is continuing.

Approaching one of the Council's trained Harassment Support Officers

Harassment Support Officers can be approached for advice and support in total confidence with no obligation to take it further.

Stage 2 - Formal

Making a formal complaint

Circumstances may arise where informal approaches do not resolve the employee's concerns i.e. the breach of dignity at work does not stop or the matter is so serious that the employee does not consider that informal resolution is practicable. If the employee/complainant feels it is necessary to progress the matter more formally, the

Dignity at Work Policy

complaint must be made in **writing** either to the employee's line manager or next appropriate Senior Officer or the Service HR Adviser, confirming whether informal approaches have been unsuccessful or giving an explanation of why it was not practicable.

Falkirk Council has a duty of care towards all of its employees; therefore depending on the nature of the allegations, and to ensure that the integrity of the process is not compromised, it may be difficult for both parties to continue to work in the same environment. In specific circumstances, it may be appropriate for relevant managers to consider temporary redeployment or suspension, however this must be done in consultation with Human Resources.

Preliminary Meeting

On receipt of the complaint, if the recipient considers that an informal approach may assist in resolving the situation, this will be discussed with the employee. Otherwise, the line manager (where they have not been involved in the complaint to date) or a more senior nominated manager will arrange to meet with the employee/complainant with a representative from Human Resources present. The employee has the right to be accompanied at this meeting by a work colleague or trade union representative.

At this meeting, the employee will be invited to explain the basis of their complaint which will be sensitively explored to determine:

- Whether the complaint is appropriately dealt with under the Council's Dignity at Work Policy – when determining whether a matter may be considered a breach of Dignity at Work, an important factor to be considered is the perception held by the individual who is claiming to have been harassed, bullied or victimised **and** whether it was reasonable for him/ her to hold that perception;
- Whether all appropriate informal mechanisms to resolve the problem have been explored and the issue remains unresolved i.e. the inappropriate behaviour is continuing;
- Whether a management intervention may resolve the matter e.g. the manager may attempt to find a joint resolution between the parties through facilitated discussion led by themselves or a mediator or may take the view that the matter may be resolved through training, clarity of roles etc;
- Whether the matter requires to be fully investigated as a potential disciplinary matter as described below.

This list is not exhaustive.

Where it is determined that remedial action is required involving the individual being complained about or that a formal investigation is required, the manager must make the complainant aware that the other employee will be advised of their complaint.

The manager should write out within 5 working days of this meeting to confirm their decision in relation to the course of action to be adopted. If the complainant is not satisfied with this decision or feels dissatisfied with the conduct of any subsequent

Dignity at Work Policy

investigation or its outcome, they have the right of appeal against this decision within 10 working days of receipt of the outcome letter. Any appeal will be considered in line with the appeals stage of the Council's [Grievance Policy](#).

Investigation Process

Where the decision is taken that an investigation is appropriate due to a potential breach of the Dignity at Work Policy, an Investigating Officer will be assigned to explore the allegations and be supported by Human Resources. The investigation will be conducted in line with the Council's [Disciplinary Policy](#).

The complainant will be advised, at the outset, that the allegations have been taken seriously however, if allegations are found to be malicious or allegations are unsubstantiated, that Disciplinary action may be invoked against them.

The Investigating Officer should submit a written report recommending the outcome to the relevant Service Manager/ Headteacher or Chief Officer. The Service Manager/ Headteacher or Chief Officer will ultimately determine the final outcome and the following are possible outcomes of the investigation:

- On the balance of probabilities there is a case to answer and therefore disciplinary action is appropriate regarding the alleged harasser;
- No case to answer therefore no further action;
- Both parties partially responsible therefore recommend support through training;
- Counselling and/or mediation;
- Complainer raised a vexatious claim and therefore should be subject to disciplinary proceedings;
- Redeployment is required on the grounds of breakdown in the working relationship.

The outcome of any disciplinary proceedings is confidential and, as such, will not be disclosed to the complainant. The behaviour which caused the original concerns will be expected to stop and the complainant will be advised, in writing, in general terms whether or not their concerns were substantiated. They will have the right of appeal against either the conduct or the outcome of the investigation conducted as outlined above.

Where an investigation relates to employees from separate Service areas, further consultation is required with Human Resources to ensure that relevant parties are advised, as appropriate, of any required actions.

Complaints Against Elected Members

Where a complaint relates to the conduct of an Elected Member, it should be considered in the first instance by the Director (of the Service in which the person making the complaint works). The Director should meet with the employee with a view to determining:-

- Whether the complaint is appropriately dealt with under this Policy; and

Dignity at Work Policy

- Whether any of the informal mechanisms to resolve the problem are appropriate and whether the employee wishes to pursue these.

If the Director determines that the complaint should be dealt under this Policy and either has further determined that the informal mechanisms are not appropriate or has determined that they would be appropriate but the employee does not wish to pursue them, the Director will appoint a Chief Officer to conduct an investigation of the complaint.

The purpose of the investigation will be determine whether, on a balance of probabilities, the conduct complained of has taken place and whether this amounts to bullying, harassment or victimisation. In the event that the Chief Officer finds that there has been conduct in breach of the Policy, the Chief Officer's report will be referred to Council.

The Council will consider the appropriate action to be taken against the Elected Member and, in particular, whether a referral should be made to the Commissioner for Ethical Standards.

make it happen

council of the future

Contents

Speaking to the alleged harasser	1
Mediation.....	2
Harassment Support Officers	2
Proceeding with Formal Complaint	3
Appendix 1 Mediation – Frequently Asked Questions	4

Falkirk Council is committed to creating a safe working environment free from harassment and bullying, where everyone is treated with dignity and respect. Every employee must take responsibility to ensure that your area of work is free from harassment.

You have a clear role in helping create a climate at work in which bullying and harassment are unacceptable.

The early resolution of Dignity at Work concerns helps to prevent possible issues escalating. It is essential to stop any inappropriate behaviour occurring or being repeated to minimise anxiety for the employees concerned. As a result, if you have concerns relating to your dignity at work, you have a responsibility to work towards an early resolution of their concerns. Where possible, employees who are subjected to a breach of their dignity at work should make every reasonable effort to resolve this informally through one of the mechanisms listed below.

Speaking to the alleged harasser

Acts of bullying and harassing behaviour are not always intentional. Individuals not being aware of the impact of their behaviour on others. By making the individual aware of the impact of their behaviour, this can often resolve the matter. You should

How to informally raise Dignity at Work concerns

Speak directly to the alleged harasser explaining that you feel uncomfortable in the way that they act towards you and asking them to stop behaving in that manner. If you feel unable to do this, you may ask your line manager, trade union representative or a colleague to do this on your behalf.

If the person is your line manager, you can ask a more senior manager to talk to them. Equally, if the complaint relates to the conduct of an Elected Member, you may raise this with your Director and seek their support to raise this on your behalf.

Mediation

Mediation is a process of conflict resolution between two individual employees facilitated by an independent trained mediator. The purpose of mediation is to allow the individuals concerned an opportunity to explore issues of conflict with the aim of reaching a mutually agreeable solution. It can be used at any stage in the Dignity at Work process. There needs to be willingness on the part of the employees concerned to enter into mediation on a voluntary basis. No-one can be forced into the mediation process, and the outcome will be non-binding.

Mediation is appropriate when:

- An ongoing working relationship is required;
- There is a need to act co-operatively;
- Conflict/differences are affecting work;
- It is in both parties interests to resolve;
- There is a willingness by both parties to resolve.

The Council has ensured that trained mediators, selected from varying backgrounds, are available to facilitate this process. If you wish to consider mediation as an informal mechanism to address your concerns, you should raise this with your line manager (or where relevant, a more senior manager) who will liaise with Human Resources to arrange for a mediator to be allocated.

If you elect to undertake the mediation process, this does not stop you from progressing your complaint more formally if the matter remains unresolved i.e. the unacceptable conduct is continuing.

Frequently asked questions in relation to the mediation process are attached as Appendix 1.

Harassment Support Officers

The Council has trained Harassment Support Officers who can be approached for advice and support in total confidence with no obligation to take it further. This support can be accessed via the HR Helpdesk Tel 01324 506222.

The role of the Harassment Support Officers is to:

How to informally raise Dignity at Work concerns

- Advise what the terms bullying and harassment mean and which types of behaviour may fall or not fall within the remit of this Policy;
- Explain the process for dealing with Dignity at Work complaints, including informal mechanisms and potential outcomes and implications; and
- Promote the benefits of seeking an early resolution to complaints.

Harassment Support Officers will discuss any issues which you raise in confidence and will not divulge information to any other person without your knowledge.

Employees who have been accused of unacceptable conduct under this Policy may also contact an Harassment Support Officer who will be able to explain the above.

Proceeding with Formal Complaint

The matter should only be progressed to the formal stage of this Policy if:

- the informal approach does not bring about the desired result i.e. the unacceptable conduct is continuing; or
- You feel that an informal approach is not appropriate due to, for example, the seniority of the other individual concerned; or
- You feel that the matter is so serious that an informal approach is not possible (in determining this, it is important that you retain a sense of proportion in identifying behaviour which is perceived as causing offence).

If you wish to progress with a formal complaint, you must submit a written complaint to either to your line manager or next appropriate Senior Officer or the Service HR Adviser, confirming whether informal approaches have been unsuccessful or giving an explanation of why it was not practicable

Your complaint will then be dealt with in line with the formal stages of the Council's [Dignity at Work Policy](#).

How to informally raise Dignity at Work concerns

Appendix 1 Mediation – Frequently Asked Questions

I don't understand how mediation will work

The process will be explained to you in advance of the meeting and again at the start of the mediation meeting. You will have the opportunity to ask any questions about the process if you are unsure.

Why do I have to get involved when it is not my fault?

The mediation process is voluntary and will only go ahead if both parties agree to it. Taking part in mediation does not mean that blame has been attributed to either party.

The mediator will already have made up his/her mind so there is no point.

The mediator is impartial and is only involved to facilitate discussion to enable you both to agree a solution.

The mediator does not have any authority so he/she will not be able to help

The solution requires to be workable and practical. The mediator cannot influence resources or management structures therefore the solution identified should be practical within current working arrangements.

It won't work

Both parties have to make a commitment to be involved and the outcome has to suit you both.

I won't be able to tell what really happened

Both parties will have the chance to explain what the issues are

What if I'm not comfortable with the way the meeting is going?

The mediator controls the meeting and will make sure the ground rules are adhered to, however you can call for a recess at any time.

I would prefer a more formal process

Mediation does not stop you from taking out a formal complaint if you are not happy with the outcome.

It's a waste of time

It could save time if you are able to reach a solution without having to resort to a more formal route.

How to informally raise Dignity at Work concerns

I know that he/she is inflexible, it's been proved in the past, what if the same happens again?

He/she has signed up to the process so is also looking to agree a solution that is acceptable to you both.

Can I bring someone with me?

As a general rule the agreement must be between two parties. However depending on exceptional circumstances it may be appropriate to discuss being accompanied.

The mediator does not understand the issues

He/she does not have to as the solution comes from you.

Is this a confidential process?

Yes both parties will sign up on this basis. However if there is any suggestion of illegality (e.g. child protection issue) the mediator will bring the session to a close and will advise that he/she may have to inform appropriate bodies.

What will my manager find out about the discussions?

Your manager will be made aware of the arrangements to allow time off for mediation. However they will not be aware of the discussions that take place in the mediation meeting. There is the opportunity for both parties to agree at mediation if some element of the agreement should be shared with your manager.

Wellbeing & Mental Health Policy

make it happen

council of the future

Contents

Wellbeing Policy Statement.....	2
Council Values	2
Roles and Responsibilities	4
Senior Leadership.....	4
Line Managers.....	4
Employees.....	5
Health, Safety & Wellbeing Team	5
Wellbeing Group	6
Mental Health First Aiders	6

Falkirk Council recognises the benefits and impact that wellbeing has on employees and ultimately on service delivery.

This policy outlines Falkirk Council's commitment to the health and wellbeing of its employees. It supports efforts to improve employee health and wellbeing both at work and in home life.

We recognise that wellbeing is the state of being comfortable, healthy or happy and can be influenced by:

- Career & work factors
- Emotional factors
- Financial factors
- Health factors
- Social factors

Wellbeing & Mental Health Policy

Whilst these factors are both work and non-work related, we will create a workplace that supports our employees in achieving their own wellbeing.

Mental health is a critical part of our employees wellbeing and is defined by the World Health Organisation as:

as a state of well-being in which every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community.

We recognise the emerging need to create a work environment where the mental health of our employees is supported and issues around mental health are managed in a mature and supportive way. We know that our employee's mental health doesn't stay the same and that it can be affected by a number of things through their life.

This policy applies to all Falkirk Council employees.

Wellbeing Policy Statement

Falkirk Council is committed to providing a positive work environment for its employees and promoting their health and wellbeing. We value the strategic importance and benefits of a healthy workplace. We will:

- Work to reduce and remove the stigma associated with mental health in the workplace
- Build and maintain a workplace environment and culture that supports positive health and wellbeing, as well as, healthy lifestyle choices
- Increase employee knowledge and awareness of health and wellbeing issues and healthy lifestyle choices
- Facilitate employee active participation in initiatives that support health and wellbeing
- Ensure that the health and wellbeing of our employees is considered in all relevant Council policies and decisions
- Ensure all managers in the Council are committed to the health and wellbeing of our workforce and act as good role models
- Improve workforce productivity by committing to the health and wellbeing of our employees.
- Encourage a supportive workplace culture to facilitate early intervention and prevention
- Provide support to our line managers to support and improve wellbeing within the workplace

Council Values

Responsive: We will work with our employees to provide them with realistic, practical and affordable options for improving their health and wellbeing

Wellbeing & Mental Health Policy

Innovative: We will create a supportive environment that enables employees to be proactive to protect and enhance their own health and wellbeing

Trusted: We will demonstrate to our employees that their health and wellbeing is important by offering support to our employees and promoting team work and a sense of community within the Council

Ambitious: We will seek to constantly improve the health and wellbeing of our employees.

Wellbeing & Mental Health Policy

Roles and Responsibilities

Senior Leadership

The senior leadership of the Council includes the Chief Executive, Service Directors, Chief Officers and Heads of Service. These officers will provide consistent leadership ensuring the Council actively supports a positive approach to employee health and wellbeing. They will:

- Act as a role model for positive leadership and proactively challenge behaviour and actions that may adversely affect employee health and wellbeing
- Provide consistent and positive leadership to actively support the implementation of health and wellbeing initiatives
- Encourage and promote Anytime Anywhere working to help improve employees' work life balance
- Ensure employees know how to access support services provided by the Council
- Support line managers in implementing health and wellbeing initiatives and ensure they have adequate time, resources and training to balance the aims of the Council and employees' health and wellbeing
- Ensure line managers are aware that supporting health and wellbeing initiatives is a central part of their role
- Appoint a wellbeing champion for the Council
- Attend relevant training and ensure line managers also participate to ensure increased knowledge and support to employees
- Ensure the Health & Safety Executive's management standards are applied to work design within their Services
- Support the Council's Wellbeing group and the delivery of the Council's Wellbeing Strategy

Line Managers

Line managers include Service Unit Managers, Headteachers, Supervisors, Depute Headteachers and Principal teachers and anyone with direct line management responsibilities. Line managers have an important role to play in protecting and improving the health and wellbeing through job design, person specifications and performance reviews as follows:

- Facilitate communication between employees and senior leadership on health and wellbeing matters
- Consider and communicate the impact of changes within the workplace on employees' health and wellbeing to senior leadership
- Encourage employees to contribute to developing new ways of working to improve health and wellbeing
- Become role models who are trusted and respected by employees
- Foster a positive work environment

Wellbeing & Mental Health Policy

- Work with employees to identify and address issues affecting their health, wellbeing and ability to do their job ensuring employees know how to access support services provided by the Council
- Implement and support health and wellbeing initiatives where possible with the aim of improving employees' health and wellbeing
- Balance the needs of both Council and the individual when dealing with requests for flexible working arrangements
- Implement Anytime Anywhere working and where possible be flexible about work scheduling and provide employees with control and flexibility over their own time
- Design jobs and monitor the impact of work pressures on employees to promote and improve the physical and mental health of employees
- Apply the Health & Safety Executive's management standards to job design within their area
- Attend relevant training to increase knowledge on wellbeing and improve support to employees

Employees

All of our employees have a vital role to play in helping the Council to improve their health and wellbeing. They will:

- Engage and communicate with line managers to improve both their and others health and wellbeing within the workplace
- Take personal responsibility for their own health and wellbeing and address any concerns with their line manager
- Self report if they are experiencing undue or excessive work pressures to their line manager
- Attend and undertake relevant training as directed by their line manager

Health, Safety & Wellbeing Team

The Health, Safety & Wellbeing team has direct responsibility for health promotion within the Council. They will:

- Maintain the Council's Gold Healthy Working Lives award
- Provide a chairperson for the Wellbeing Group
- Promote health and wellbeing across the Council
- Consider and advise on new health and wellbeing initiatives
- Monitor the effectiveness of health and wellbeing initiatives
- Contribute to areas of the Community Planning Partnerships related to workplace health and wellbeing issues
- Support Services in conducting large group Stress Risk Assessments
- Maintain the Council's Mental Health First Aider network

Wellbeing & Mental Health Policy

Wellbeing Group

The Council's Wellbeing Group is made up of representatives from across the Council including senior leadership, line managers, employees and trade unions. The group will:

- Communicate with Services and employees on upcoming health and wellbeing initiatives
- Allow Services and employees to feedback about health and wellbeing issues they want to see addressed by health promotion campaigns
- Consider health and wellbeing initiatives for implementation across the Council
- Contribute to and assist the Health, Safety & Wellbeing team in delivering the Council's action plan for their Gold Health Working Lives Award
- Promote health and wellbeing activities within their Services

Mental Health First Aiders

Mental Health First Aiders are an important part of Falkirk Council's Wellbeing strategy. They provide a direct point of contact for employees who are experiencing emotional distress or a mental health issue. Mental health first aiders are only expected to operate within the scope of their training. They will:

- Act as a first point of contact and support for employees
- Give advice to employees on where to access appropriate support services
- Direct employees to the Council's counselling service where appropriate
- Encourage individuals to access appropriate professional support or self help strategies.
- Take a break or step down from the role when necessary to support their own wellbeing
- Maintain the confidentiality of individuals who approach them for advice

How To Prevent, Minimise and Manage Stress at Work

make it happen

council of the future

Contents

Managing Work Pressures to Prevent and Minimise Stress.....	1
Support for managing work pressures	4
Managing Stress at Work	5
Signs and symptoms of stress	5
Identifying employees experiencing stress	5
Conducting a stress risk assessment	6
Non work related stress	6
Absence due to stress	7
Appendix 1: Stress Risk Assessment Template.....	8

The Council recognises the importance of promoting a culture and environment in which mental wellbeing and resilience is encouraged and supported. Creating a workplace where our employees are valued and are able to do their work well is a key factor in helping them achieve good mental health.

This How To supports the implementation of the Council's Wellbeing policy and is part of the Council's safety management system.

Managing Work Pressures to Prevent and Minimise Stress

Falkirk Council recognises that unmanaged and excessive work pressures or demands can lead to people feeling stressed. Whilst work pressures can in most cases motivate individuals, if these pressures are excessive or unmanaged they can result in employees experiencing adverse reactions.

Work pressures can be managed effectively through applying the Health & Safety Executive's Management Standards to work design:

How To Prevent, Minimise and Manage Stress at Work

- Ensuring **work demands** such as workloads, work patterns and the work environment are appropriate
- **Supporting** our employees in the workplace
- Ensuring employees understand their **role** within the Council and prevent them from having conflicting roles
- Working with our employees to provide them with **control** over how they do their work
- Fostering positive **relationships** between employees and service users
- Engaging with our employees to manage organisational **change** effectively

Management Standard – Work Demands	
Description	Work demands include issues such as workload, work patterns and the work environment.
Standard	The acceptable standard is that employees indicate that they are able to cope with the demands of their job and there are local systems in place to respond to individual concerns.
Action to be taken	<p>Work demands can be managed effectively by ensuring that:</p> <ul style="list-style-type: none"> • Demands placed on employees are achievable and appropriate in relation to their agreed hours of work • People's skills and abilities are matched to the requirements of their job • Jobs should be within employees' capabilities • Employees' concerns about their work environment are addressed • Implementing Anytime Anywhere working practices where possible • Considering flexible working requests

Management Standard - Control	
Description	Control relates to how much say an employee has in the way they do their work
Standard	The acceptable standard is that employees indicate that they are able to cope with the demands of their job and there are local systems in place to respond to individual concerns.
Action to be taken	<p>Work demands can be managed effectively by ensuring that:</p> <ul style="list-style-type: none"> • Demands placed on employees are achievable and appropriate in relation to their agreed hours of work • People's skills and abilities are matched to the requirements of their job • Jobs should be within employees' capabilities • Employees concerns about their work environment are addressed

How To Prevent, Minimise and Manage Stress at Work

Management Standard - Support	
Description	Support covers the encouragement and resources provided by the Council, line managers and colleagues.
Standard	Employees indicate that they receive adequate information and support from their colleagues and managers, as well as, there are local systems in place to respond to individual concerns.
Action to be taken	Supporting employees can be managed effectively by ensuring that: <ul style="list-style-type: none"> • Council policies and procedures offer employees appropriate support in the workplace • Systems are in place to enable and encourage managers to support their employees • Systems are in place to enable and encourage employees to support their colleagues • Employees know what support is available and how and when to access it • Employees know how to access required resources to do their job • Employees receive regular and constructive feedback

Management Standard - Relationships	
Description	The promotion of positive working is the best way to promote positive relationships between colleagues and our service users.
Standard	Employees indicate that they are not subject to unacceptable behaviours and there are local systems in place to respond to individual concerns
Action to be taken	Employees' relationships can be managed effectively by ensuring that: <ul style="list-style-type: none"> • The Council promotes positive behaviours at work to avoid conflict and ensure fairness • Employees share information relevant to their work • Employees know how to access the Council's Dignity at Work and Management of Violence and Unacceptable Actions policies.

How To Prevent, Minimise and Manage Stress at Work

Management Standard - Roles	
Description	Employees should know how valued their role is by the Council and we will make sure individuals aren't given conflicting roles.
Standard	Employees indicate that they understand their role and responsibilities, as well as, having local systems in place to respond to individual concerns
Action to be taken	Employees' roles can be managed effectively by ensuring that: <ul style="list-style-type: none">• The Council ensures, so far as reasonably practicable, that the different requirements it places on employees are compatible• The Council provides employees with information to enable them to understand their role and the organisation• The Council ensures that the requirements we place upon employees are clear• Employees know how to raise concerns about potential conflicts of interest under the Code of Conduct

Management Standard - Change	
Description	Change considers how well organisational changes, large or small, are managed and communicated through the organisation.
Standard	Employees indicate that the Council engages with them frequently when undergoing an organisational change and systems are in place to respond to any individual concerns.
Action to be taken	Work demands can be managed effectively by ensuring that: <ul style="list-style-type: none">• Demands placed on employees are achievable and appropriate in relation to their agreed hours of work• People's skills and abilities are matched to the requirements of their job• Jobs should be within employees' capabilities• Employees' concerns about their work environment are addressed

Support for managing work pressures

Support is available to assist in ensuring work pressures are managed effectively. These include:

- Regular supervision or 1-1's between an employee and their line manager. This enables open discussion and helps reduce work pressures employees encounter by intervening early before work pressures become a problem.
- The [Tough Conversations](#) course can help individuals manage difficult conversations with colleagues and service users.
- Our [Assertiveness Course](#) helps employees learn how to say no positively and develop skills to stay in control of interactions with colleagues and service users.

How To Prevent, Minimise and Manage Stress at Work

- [Coaching](#) is available from the Organisational Development team to help employees develop solutions to work based problems. Employees looking to improve their coaching skills can also attend the [Introduction to Coaching](#) training course.
- [Mentoring](#) can be a helpful tool to identify solutions to particular problems
- All managers can complete the stress management competency indicator to identify their strengths and weakness to prevent and reduce stress at work.
- Referring employees to Occupational Health and counselling where appropriate

Managing Stress at Work

Despite the best efforts to manage work pressures, in some cases employees may be affected in such a way that they begin to experience stress. We recognise that work related stress is not considered a sign of individual weakness and can be an outcome of failing to manage work pressures effectively. Additionally, whilst the causes of someone's stress may not be work related, in many instances changes can be made to working arrangements to help reduce the impact of stress.

We believe that early intervention and employee engagement are fundamental aspects of preventing employees from experiencing stress and reducing its impact.

Signs and symptoms of stress

Work related stress is an adverse reaction to excessive work pressures. People will show signs of stress differently. However some common signs of stress can include:

- Increased absenteeism or presenteeism
- Increased smoking or alcohol consumption
- Increased accidents or mistakes at work
- Bullying or harassment of other people
- Tiredness/lethargy
- Rapid weight gain or loss
- Changes in behaviour

We encourage all staff to be open and honest about the impact of work pressures on both themselves and colleagues. We recognise that work pressures are something that can be controlled and managed to reduce both the likelihood that someone will experience stress and the impact that stress has.

In instances where either individual employees or groups of employees are identified as experiencing work related stress a stress risk assessment should be undertaken to identify the sources of stress and what actions need to be progressed to better manage the work pressures identified.

Identifying employees experiencing stress

There are a number of ways that employees who are experiencing stress may be identified:

- Individual employees may self report to their line manager that they are experiencing stress at work
- Individual employees may cite stress as a reason for absence from work

How To Prevent, Minimise and Manage Stress at Work

- Managers may identify that employees are experiencing stress at work
- Groups of employees may be identified as experiencing poorly managed or excessive work pressures through organisational surveys
- Trade union representatives may report groups of employees are experiencing poorly managed or excessive work pressures
- Occupational Health may identify stress as an outcome of a referral

When a manager is made aware that an employee or group of employees are experiencing stress they should determine whether the source of work pressure(s) is easily identified or if a stress risk assessment is necessary to help identify what work pressures are contributing. If the contributing work pressure(s) are easily identifiable managers should attempt to resolve these before proceeding to a stress risk assessment.

Conducting a stress risk assessment

Falkirk Council uses the Work Positive stress risk assessment tool. This tool has been designed by Healthy Working Lives and aligns with the HSE's Management Standards.

Individual or small group (five or less people) risk assessments

In situations where a manager (or other relevant source) decides a stress risk assessment is appropriate for an individual or a group of five or less employees the individual or small group stress risk assessment form should be used.

Employees should be provided with the assessment to complete individually and time provided in order to allow them adequate opportunity to identify work pressures. Once the employee has completed the assessment, they should meet to discuss the identified pressures with their line manager to develop an action plan. The employee may wish to bring a representative to this meeting. HR may also be asked to attend.

The action plan should be developed jointly between the employee and the line manager. Whilst endeavours should be made to accommodate proposed actions by employees, the Council is required to manage work pressures so far as is reasonably practicable. Actions that are not reasonably practicable or that can not be accommodated should be explained to the employee and other options explored. Where this is not possible, advice should be sought from HR.

Large group risk assessments

Where groups of more than five employees are identified as requiring a stress risk assessment the manager should contact the Health, Safety & Wellbeing team to discuss the best way to manage the risk assessment process.

Non work related stress

Non work related stress can still impact on an employee's work performance.

Sources of non work related stress can include:

- Recent bereavement
- Family illness
- Financial Hardship
- Relationship breakdown

How To Prevent, Minimise and Manage Stress at Work

- Caring for children or other family members

An employee can self report to their manager or a manager can discuss with an employee that they feel non work related stress is affecting their work performance. In these cases managers and employees should consider what support is available to help manage the situation. Options that may provide support include:

- [Flexible Working Policy](#).
- Occupational health service
- Counselling service
- Online support (including [Moodjuice](#))
- Outside agencies
- Mental Health First Aiders can be a point of contact for those experiencing stress

HR should be contacted for further advice.

Absence due to stress

Employees who are absent from their work due to stress or a stress related illness must be referred to Occupational Health in line with the requirements of the [Managing Sickness Absence Policy](#).

How To Prevent, Minimise and Manage Stress at Work

Appendix 1: Stress Risk Assessment Template

This assessment should be used to assess stress for up to five employees in a work area. In the event that more than five employees in a work area are identified as needing to complete the assessment you should contact the Health, Safety & Wellbeing team to arrange this by emailing health.safety@falkirk.gov.uk.

Prioritising Organisational Stress

This form should be used for individual stress risk assessments. It provides a guide to systematically work through the pressures and consider if these are a source of stress and, if so, plan any action to reduce the risks to performance and health.

Definition of work-related stress

The Health & Safety Executive define work related stress as - 'The adverse reaction people have to excessive pressure or other types of demands placed upon them at work'.

Completing the risk assessment

This form should be used by managers with individual workers. In each situation it's useful to let those taking part see the questionnaire in advance of the discussion.

The risk assessment should identify areas that indicate excessive pressure, which can vary for each person at different points in their life. Where a question is ticked this means that action needs to be taken manage the source of stress. This question should be entered into the action plan at the end of the assessment so an appropriate action can be agreed.

Section 1 should be completed by the employee either independently or jointly with their line manager. **Section 2** must always be completed jointly by the employee and line manager (as well as any representatives).

Is anything else required?

After completing the questions you should review the actions (controls) and ask/consider:

- Are the actions (in column 3) adequate to minimise work-related stress?
- Are more actions required?

As with any risk assessment we should try to minimise the risk. There will be some things that cannot be changed or risks that cannot be reduced as it is not reasonably practicable to do so. However, it is important to remember that stress is cumulative so if you are able to reduce some of the risks, this means that the overall level of risk is reduced. Discussing the risk assessment with staff and using their knowledge and professional judgement will support the identification and reduction of risk.

How To Prevent, Minimise and Manage Stress at Work

Section 1 – Sources of stress

Demands	Tick if YES	What action might help in response to areas ticked
Do different people at work demand things from you that are hard to continue?	<input type="checkbox"/>	
Do you have unachievable deadlines?	<input type="checkbox"/>	
Do you have to work very intensively most of the time?	<input type="checkbox"/>	
Do you have to neglect some tasks because you have too much to do?	<input type="checkbox"/>	
Are you unable to take sufficient breaks?	<input type="checkbox"/>	
Do you feel pressured to work long hours?	<input type="checkbox"/>	
Do you have unrealistic time pressures?	<input type="checkbox"/>	
Do you feel you have to work very fast?	<input type="checkbox"/>	

Control	Tick if No	What action might help in response to areas ticked
Can you decide when to take a break?	<input type="checkbox"/>	
Do you feel you have a say in your work speed?	<input type="checkbox"/>	
Do you feel you have a choice in deciding how you do your work?	<input type="checkbox"/>	
Do you feel you have a choice in deciding what you do at work?	<input type="checkbox"/>	
Do you feel you have some say over the way you do your work?	<input type="checkbox"/>	

How To Prevent, Minimise and Manage Stress at Work

Do you feel your work time is flexible?	<input type="checkbox"/>	
---	--------------------------	--

Support (Manager)	Tick if no	What action might help in response to areas ticked
Does your manager give you enough feedback on the work you do?	<input type="checkbox"/>	
Do you feel you can rely on your manager to help you with a work problem?	<input type="checkbox"/>	
Do you feel your manager supports you through emotionally demanding situations at work?	<input type="checkbox"/>	
Do you feel your manager encourages you at work?	<input type="checkbox"/>	

Support (Peers)	Tick if NO	What action might help in response to areas ticked
Do you feel your colleagues would help you if work became difficult?	<input type="checkbox"/>	
Do you get the help and support you need from your colleagues?	<input type="checkbox"/>	
Do you get the respect at work you deserve from your colleagues?	<input type="checkbox"/>	
Are your colleagues willing to listen to your work-related problems?	<input type="checkbox"/>	

Relationships	Tick if YES	What action might help in response to areas ticked
Are relationships strained or is there friction or anger between colleagues?	<input type="checkbox"/>	
Are you subject to unkind words or behaviour at work? If so, do you feel 'bullied' at work?	<input type="checkbox"/>	

How To Prevent, Minimise and Manage Stress at Work

Role	Tick if NO	What action might help in response to areas ticked
Are you clear about what is expected of you at work?	<input type="checkbox"/>	
Do you know how to go about getting your job done?	<input type="checkbox"/>	
Are you clear about what your duties and responsibilities are?	<input type="checkbox"/>	
Are you clear about the goals and objectives for your team/department/organisation?	<input type="checkbox"/>	
Do you understand how your work fits into the overall aim of the organisation?	<input type="checkbox"/>	

Change	Tick if NO	What action might help in response to areas ticked
Do you have enough opportunity to question managers about change?	<input type="checkbox"/>	
Do you feel consulted about change at work?	<input type="checkbox"/>	
When changes are made at work, are you clear about how they will work out in practice?	<input type="checkbox"/>	

Consider Each Question	Tick if YES	What action might help in response to areas ticked
Is there anything else that is a source of stress for you at work?	<input type="checkbox"/>	

The questions covered in this template are mostly concerned with factors in work. When using this template with individuals it is useful to consider the impact of factors outside of work, e.g. personal circumstances, that could impact on an individual's ability to meet the demands placed on them.

Is there anything else to consider?
--

How To Prevent, Minimise and Manage Stress at Work

--

Section 2 – Action Plan

This section should be completed jointly by the employee and manager.

Action planning is a key step in risk management. Summarise the areas of concern and actions in this table. You should copy each question (or other area identified in the above table) to the action plan and agree a specific action that will help minimise that source of the stress.

Area of Concern	Agreed Action	Target Date

Assessment Date	
Employee Name	
Employee Signature	
Line Manager Name	
Line Manager Signature	
Date for review	



Falkirk Council
Corporate & Housing Services

Briefing Note

To: Executive Committee

Title: Severance – 2018/19

Date: 10 December 2019

1. Introduction

- 1.1 In accordance with Audit Scotland's 2003 'Bye Now, Pay Later' report, this briefing note provides a summary of numbers, costs and savings attached to early retirements for employees in 2018/19.

2. Background

- 2.1 Under the Local Government Pension Scheme regulations, 3 main options exist for early retirement:
- Efficiency
 - Redundancy
 - Ill Health.
- 2.2 The Severance Policy was reviewed and agreed by Executive in May 2018. The current Pensions Discretions Policy was approved in June 2015. The pension regulations have recently been updated and the Discretions Policy will be reviewed to take account of this. A separate Executive report will be submitted.
- 2.3 With regard to ill health retirement, the Council has limited control over ill health retirement costs, since employees who are permanently unfit for work and who cannot be redeployed (as determined by an independent occupational health physician) are entitled to access their pension benefits. In cases of ill health retirement, it is assumed the retiring employee's post will be filled at the same level therefore savings will not be generated.
- 2.4 The total costs and savings set out below are calculated in accordance with actuarial guidance that has been approved by Audit Scotland. They do not take into account consequential costs and savings that can arise, such as payment in lieu of notice, vacancy management or salary incremental progression. In line with the approach now taken in cases of voluntary severance, the savings reported are based on salary savings accrued in the five year period from the date of retirement.

3. Voluntary Severance Exercise

- 3.1 Between April 2018 and March 2019, 17 non-teaching employees accepted voluntary severance offers made to them.
- 3.2 Severance has been used as a tool to help realise workforce savings across the Council for a number of years. In recent years, active 'trawls' have been undertaken to encourage severance applications from employees. There has not been an active trawl in the 2018/19 financial year although the scheme remained open for employees to apply. The following table provides the savings, costs and net savings for 2018/19 and the previous three years for all employees except Teaching staff for information. The costs shown may be subject to slight adjustments due to final pension calculations.

Financial Year	Number of Voluntary Severance Acceptances with a leaving date in the financial year	Total 5-year Gross Savings	Total 5-year Costs (severance and replacement costs)	Total 5-year Net Savings
2015/16	160	£17,989,965	£3,100,390	£14,889,575
2016/17	135	£16,068,167	£3,368,500	£12,699,667
2017/18	27	£2,792,626	£612,251	£2,180,375
2018/19	17	£1,475,896	£368,483	£1,107,413
Total	339	£38,326,654	£7,449,624	£30,877,030

- 3.3 There were no teaching employees accepting Voluntary Severance during 2018/19.

4. Ill Health Retirals

- 4.1 A summary is shown below:

Financial Year	Number of Ill Health Retirals	Total Costs
2018/19	14	£2,124,163

- 4.2 The employer's contribution rate includes an allowance of £2.4m for ill health retiral. Ill health retiral costs for 2018/19 are within this allowance by a margin of £0.3m.

5. Summary

- 5.1 Voluntary Severance applications are approved in line with Council Policy, with 17 cases accepted with a leaving date during 18/19. Ill Health retirals during 18/19 totalled 14, with associated costs below the employer's contribution allowance.

Author – Claire Haston, Team Leader – HR Helpdesk, 01324 506198,
claire.haston@falkirk.gov.uk

Date: 23 September 2019