

# Public Document Pack



To: Councillor Allan, Convener; Councillor Houghton, Vice Convener; and Councillors Cameron, Copland, Delaney, Duncan, Hutchison, Macdonald and Reynolds.

Trade Union Advisers: Ron Constable and Carole Thorpe (EIS); Kevin Masson and David Willis (GMB); 2 vacancies (representatives to be advised) (SSTA); George Ferguson and Leslie Tarr (UNISON); Joe Craig and Mishelle Gray (UNITE); and Rob Stephen and 1 vacancy (VOICE).

Town House,  
ABERDEEN, 28 May 2021

## **STAFF GOVERNANCE COMMITTEE**

The Members of the **STAFF GOVERNANCE COMMITTEE** are requested to meet remotely on **MONDAY, 7 JUNE 2021 at 2.00 pm.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

In accordance with UK and Scottish Government guidance, meetings of this Committee will be held remotely as required. In these circumstances the meetings will be recorded and available on the Committee page on the website.

### **BUSINESS**

#### **NOTIFICATION OF URGENT BUSINESS**

1.1 There are no items at this time

#### **DETERMINATION OF EXEMPT BUSINESS**

2.1 There are no items of exempt business

#### **DECLARATIONS OF INTEREST**

3.1 Members are requested to declare any interests (Pages 3 - 4)

#### **DEPUTATIONS**

4.1 None at this time

## **MINUTE OF PREVIOUS MEETING**

- 5.1 Minute of Previous Meeting of 12 April 2021 (Pages 5 - 12)

## **COMMITTEE PLANNER**

- 6.1 Committee Business Planner (Pages 13 - 14)

## **NOTICES OF MOTION**

- 7.1 There are no Notices of Motion

## **REFERRALS FROM COUNCIL, COMMITTEES AND SUB COMMITTEES**

- 8.1 There are no referrals

## **WORKFORCE STRATEGIES**

- 9.1 The Future of Work Survey - Action Areas for Consideration - RES/21/116  
(Pages 15 - 28)

## **COUNCIL POLICIES AFFECTING STAFF**

- 10.1 Managing Discipline Policy - RES/21/112 (Pages 29 - 124)

## **HEALTH, SAFETY & WELLBEING OF STAFF**

- 11.1 Health and Safety Quarterly Update - January to March 2021 - COM/21/135  
(Pages 125 - 136)
- 11.2 Employee Mental Health Action Plan Annual Report - RES/21/119 (Pages  
137 - 180)

Impact Assessments related to reports on this agenda can be viewed [here](#)

To access the Service Updates for this Committee please click [here](#)

Website Address: [aberdeencity.gov.uk](http://aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Stephanie  
Dunsmuir, email [sdunsmuir@aberdeencity.gov.uk](mailto:sdunsmuir@aberdeencity.gov.uk)

## **DECLARATIONS OF INTEREST**

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons .....

*For example, I know the applicant / I am a member of the Board of X / I am employed by...*

and I will therefore withdraw from the meeting room during any discussion and voting on that item.

**OR**

I have considered whether I require to declare an interest in item (x) for the following reasons ..... however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

**OR**

I declare an interest in item (x) for the following reasons ..... however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
  - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
  - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

**OR**

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

## STAFF GOVERNANCE COMMITTEE

ABERDEEN, 12 April 2021. Minute of Meeting of the STAFF GOVERNANCE COMMITTEE. Present:- Councillor Allan, Convener; Councillor Houghton, Vice-Convener; and Councillors Cameron, Copland, Delaney, Graham, Hutchison, Macdonald and Reynolds.

Trade Union Advisers present:- Ron Constable and Carole Thorpe (EIS); Kevin Masson and David Willis (GMB); George Ferguson and Leslie Tarr (UNISON); Joe Craig and Mishelle Gray (UNITE).

The agenda and reports associated with this minute can be viewed [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

### DECLARATIONS OF INTEREST

1. There were no declarations of interest.

### MINUTE OF PREVIOUS MEETING OF 1 FEBRUARY 2021

2. The Committee had before it the minute of its previous meeting of 1 February 2021 for approval.

#### **The Committee resolved:-**

to approve the minute as a correct record.

### COMMITTEE BUSINESS PLANNER

3. The Committee had before it the committee business planner as prepared by the Chief Officer – Governance.

#### **The Committee resolved:-**

- (i) to note the reasons outlined in the planner for the delay to items 9 (re.cr.uit Scheme Update) and 15 (Annual Committee Effectiveness Report); and
- (ii) to note the business planner.

## STAFF GOVERNANCE COMMITTEE

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### REFERRAL FROM CITY GROWTH AND RESOURCES COMMITTEE OF 3 FEBRUARY 2021 - £500 BONUS PAYMENT TO HEALTH & SOCIAL CARE STAFF

4. With reference to article 4 of the minute of the meeting of the City Growth and Resources Committee of 3 February 2021, the Committee had before it by way of referral, correspondence between Aberdeen City Council and the Cabinet Secretary for Finance in respect of a £500 bonus payment for key workers across local government. The City Growth and Resources Committee had referred the matter to the Staff Governance Committee in order to give the Members an opportunity to see, debate the response and consider any further representation, with input from the Trade Union advisers to the Committee.

The Convener, seconded by the Vice Convener, moved:-

That the Committee:-

- (i) note the letter to the Minister for Local Government and Housing and the subsequent reply from the Cabinet Secretary for Finance;
- (ii) regret that the Cabinet Secretary for Finance fails to address the Council's request to fully fund a one-off £500 payment to all local government workers and call on the Scottish Government to reconsider this request;
- (iii) agree that the Scottish Government's continued underfunding of local government and inclusion of a Council Tax freeze for the year 2021-22, directly impacts on local government workers by constraining the ability of councils to fund additional payments to staff;
- (iv) agree the position adopted by Unison Scotland, GMB Scotland, EIS and Unite the Union Scotland who have all demanded that the £500 payment for NHS workers be extended to all workers in NHS, local authorities, and social care settings;
- (v) note the Scottish Joint Council Trade Unions representing local government workers in Scotland have rejected the pay offer from COSLA and are consulting their members on the way forward; and
- (vi) instruct the Chief Executive, following consultation with the Convener of City Growth and Resources Committee, to write a joint letter to the Cabinet Secretary for Finance and the Minister for Local Government & Housing demanding a fair and just settlement for local government including for councils to provide the one-off £500 payment to reward the heroic efforts of all local government workers across Scotland showing that they are as equally valued as NHS and social care staff, and to fully fund local authorities to pay local government workers the pay rise they deserve.

Councillor Cameron, seconded by Councillor Copland, moved as an amendment:-

That the Committee:-

- (i) note the letter to the Minister for Local Government and Housing and the subsequent reply from the Cabinet Secretary for Finance; and

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- (ii) take no further action at present due to the ongoing COSLA negotiations with Trade Unions in respect of Terms and Conditions.

On a division, there voted:- for the motion (6) – the Convener; the Vice Convener; and Councillors Delaney, Graham, Macdonald and Reynolds; for the amendment (3) – Councillors Cameron, Copland and Hutchison.

### **The Committee resolved:-**

to agree the motion.

## **INCREASE THE DISTRIBUTION OF NALOXONE – TEST OF CHANGE - RES/21/094**

5. The Committee had before it a report by the Director of Resources which detailed operational plans to implement a “test of change” within identified priority geographical areas to a) increase Naloxone kits distributed to members of the public via Council services, b) increase the number of employees able to access Naloxone kits for distribution and c) seek volunteers from staff working in priority areas to undertake training to administer Naloxone to individuals suspected of drug overdose.

### **The report recommended:-**

that Committee –

- (a) note the Improvement Project Charter attached at Appendix A; and
- (b) instruct the Chief Officer, People and Organisational Development, to report back to Staff Governance Committee, following the test of change, to indicate the lessons learned and any plans for further work and/or roll out.

### **The Committee resolved:-**

- (i) to note that the Chief Officer – People and Organisational Development would take on board the comments around communication to staff, including making it clear that the training could be undertaken without any commitment to participating in the scheme, as well as the suggestion of a Q&A being prepared for staff who might be interested in volunteering;
- (ii) to note that consideration would be given during the test of change to the points raised around the inclusion of first aid training and any potential future allowance for those participating;
- (iii) to request that the Chief Officer – People and Organisational Development provide information in the report back to Committee on the number of occasions where Naloxone had been administered;
- (iv) to note that the Chief Officer – People and Organisational Development would discuss the involvement of Trade Unions in the ongoing work of the project, including whether a separate meeting could be set up on a monthly basis with Trade Unions to discuss the test of change; and
- (v) to approve the recommendations.

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### RECRUITMENT UPDATE - RES/21/076

6. With reference to article 5 of the minute of the meeting of the Urgent Business Committee of 6 May 2020 and article 3 of the minute of the Staff Governance Committee of 1 February 2021, the Committee had before it a report by the Director of Resources which provided an update on workforce capacity developments across the organisation over the last twelve months.

The report covered three specific areas, namely:-

- An update on the temporary movement of staff scheme developed during the Covid-19 pandemic;
- An update on recruitment undertaken across the Council between May 2020 and December 2020; and
- An update on the development and implementation of the new re.cr.uit scheme.

It was noted that a full report in relation to the re.cr.uit scheme would be presented to the September meeting of the Committee.

#### **The report recommended:-**

that Committee note the progress made on each of the three areas covered within the report.

#### **The Committee resolved:-**

- (i) to note that the Chief Officer – People and Organisational Development would endeavour to provide further detail outwith the meeting on the reduction in FTE posts and the type of posts which may have been reduced, while noting this may not be possible due to the fluctuation in the number of posts as a result of, for example, service redesign; and to request that the above information also include figures in respect of the VSER figures for this year;
- (iii) to request that the Chief Officer – People and Organisational Development circulate the Equality and Human Rights Impact Assessment which had been undertaken before the re.cr.uit scheme was introduced, as well as information on the number of employees who might be unable to access the scheme online and a breakdown where possible of whether these members of staff were in a particular service or age group, noting that the People and Organisation team were also supporting these members of staff to access the system; and
- (iii) to note the report.



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**CORPORATE HEALTH & SAFETY POLICY - COM/21/079**

7. The Committee had before it a report by the Chief Officer – Governance which sought approval of a revised Corporate Health and Safety Policy. The report noted that the Policy had last been approved by the Committee in 2018 and had therefore been reviewed to comply with the requirements for a new policy template. Certain sections had been worded differently and other additional detail, outlined in the report, added but it was noted that no significant changes were included.

**The report recommended:-**

that Committee –

- (a) approve the Corporate Health and Safety Policy as attached at Appendix A which from 1 May 2021 would replace the previous Policy; and
- (b) note that the Policy would be used as a training and development tool during the remainder of 2021.

**The Committee resolved:-**

to approve the recommendations.

**CORPORATE HEALTH AND SAFETY UPDATE - OCTOBER-DECEMBER 2020 - COM/21/060**

8. The Committee had before it a report by the Chief Officer – Governance which provided a summary of statistical health and safety performance information for the three month reporting period October to December 2020 to provide the Committee with the opportunity to monitor compliance with health and safety legislation.

**The report recommended:-**

that Committee note the report and provide comment on the health, safety and wellbeing policy, performance, trends and improvements.

**The Committee resolved:-**

to note the report.

**EAS UPDATE APRIL-DECEMBER 2020, OCCUPATIONAL HEALTH AND ABSENCE UPDATE JULY-DECEMBER 2020 - RES/21/062**

9. The Committee had before it a report by the Director of Resources which provided an update on utilisation of the Employee Assistance Service (EAS) provided by Time for Talking during the last 8 monthly period April 2020 – December 2020 as well as a 6 monthly update on the Occupational Health and Absence for the period July 2020 – December 2020.

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Members asked a number of questions around the data.

**The report recommended:-**

that Committee note the report and provide comment on the performance and trends.

**The Committee resolved:-**

to note the report.

### **EQUALLY SAFE AT WORK EMPLOYER ACCREDITATION PROGRAMME - RES/21/092**

**10.** The Committee had before it a report by the Director of Resources which advised of the outcome of the Council's participation in the Equally Safe at Work pilot employer accreditation programme. The report advised that the programme had been developed and run by 'Close the Gap', Scotland's national policy and advocacy body working on women's labour market equality, to address gender inequality and gender-based violence and had been piloted in seven 'early adopter' Councils, including Aberdeen City Council. The aim of the programme was to support employers in reviewing workplace culture and ensuring that policies and practices were enhanced to address gender inequality at work and prevent gender-based violence.

The report noted that the Council had been advised on 29 January 2021 that it had been successful in attaining the accreditation at the Bronze level, with the accreditation period beginning on 9 March 2021 and lasting two years until 9 March 2023.

**The report recommended:-**

that Committee note the content of the report.

**The Committee resolved:-**

to note the report.

### **EQUALITY, DIVERSITY AND INCLUSION ACTION PLAN - RES/21/077**

**11.** With reference to article 6 of the minute of the meeting of the Operational Delivery Committee of 11 March 2021, the Committee had before it a report by the Director of Resources which set out the proposed approach to develop an equality, diversity and inclusion action plan for the Council taking account of the refreshed Equality Outcomes as agreed at the Operational Delivery Committee.

The report advised of two of the outcomes in relation to employment, namely:-

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- “Employer Outcome 1: Improve the diversity of our workforce and address any areas of underrepresentation, ensuring that there are equal opportunities for all protected groups (with consideration for both internal employees and external applicants), with a particular and prioritised focus on age, disability, ethnicity / race and sex.”
- “Employer Outcome 2: Ensure that all of our employees who have protected characteristics feel fully valued, safe and included at work, with a particular and prioritised focus on age, disability, ethnicity / race, gender reassignment, sex and sexual orientation.”

To achieve these outcomes, an action plan had been developed to set out the Council’s detailed approach to equality, diversity and inclusion as an employer and this was appended to the report.

**The report recommended:-**

that Committee agree the approach to and implementation of the proposed equality, diversity and inclusion action plan for the Council as an employer.

**The Committee resolved:-**

to approve the recommendation.

- **COUNCILLOR YVONNE ALLAN, Convener**

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	A	B	C	D	E	F	G	H	I
1	<b>STAFF GOVERNANCE COMMITTEE BUSINESS PLANNER</b> The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	<b>Report Title</b>	<b>Minute Reference/Committee Decision or Purpose of Report</b>	<b>Update</b>	<b>Report Author</b>	<b>Chief Officer</b>	<b>Directorate</b>	<b>Terms of Reference</b>	<b>Delayed or Recommended for removal or transfer, enter either D, R, or T</b>	<b>Explanation if delayed, removed or transferred</b>
3	<b>07 June 2021</b>								
4	The Future of Work Survey - Action Areas for Consideration	To present actions / considerations from the recent Future of Work Survey		Lindsay MacInnes	People & Organisational Development	Resources	2.3		
5	Corporate Health & Safety Quarterly Update	To present the quarterly update for Jan - March 2021		Colin Leaver	Governance	Commissioning	3.3		
6	Mental Health Action Plan - Annual Update	To provide an update in relation to the employee mental health action plan which was approved by Staff Governance Committee on 3 February 2020		Kirsten Foley	People & Organisational Development	Resources	3.3		
7	Policy Review	A standing item to enable presentation of any policies that require to be reviewed and approved by Committee, as a result of the review of policies to ensure that they meet the Guiding Principles	The Managing Discipline Policy will be presented to this meeting	Kirsten Foley	People & Organisational Development	Resources	2.5		
8	Employee Assistance Scheme Annual Report	To present the annual Employee Assistance Programme Annual report.		Kirsten Foley	People & Organisational Development	Resources	2.7	R	To be incorporated into the Mental Health Action Plan Update
9	<b>28 September 2021</b>								
10	EAS/OH/Sickness Absence Six Monthly Report	To present the six monthly report for the EAS/OH & Sickness Absence figures		Kirsten Foley	People & Organisational Development	Resources	2.7		
11	re.cr.uit Scheme Update	SGC 01/10/19 - To instruct the Chief Officer - Organisational Development to submit an update report on the new approach to internal recruitment and internal movement of staff in one year's time	At its meeting in June, the Committee received an update to advise that the report would be presented to the September meeting	Isla Newcombe	People & Organisational Development	Resources	2.2		
12	Corporate Health & Safety Quarterly Update	To present the quarterly update for April - June 2021		Colin Leaver	Governance	Commissioning	3.3		
13	Policy Review	A standing item to enable presentation of any policies that require to be reviewed and approved by Committee, as a result of the review of policies to ensure that they meet the Guiding Principles	Standing item	Isla Newcombe	People & Organisational Development	Resources	2.5		
14	<b>23 November 2021</b>								
15	Policy Review	A standing item to enable presentation of any policies that require to be reviewed and approved by Committee, as a result of the review of policies to ensure that they meet the Guiding Principles	Standing item	Isla Newcombe	People & Organisational Development	Resources	2.5		
16	Annual Committee Effectiveness Report	To present the annual committee effectiveness report		Isla Newcombe	People & Organisational Development	Resources	GD 8.5		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2	Corporate Health & Safety Quarterly Update	To present the quarterly update for July to Sept 2021		Colin Leaver	Governance	Commissioning	3.3		
17									
18	<b>2022</b>								
19	Risk Register - People and Organisation	To report annually on the cluster risk register	February 2022	Isla Newcombe	People & Organisational Development	Resources	GD 8.4		
20	<b>DATE FOR REPORT BACK TO BE CONFIRMED</b>								
21	Increase the Distribution of Naloxone - Test of Change	SGC 12/04/21 - (a) to instruct the Chief Officer, People and Organisational Development, to report back to Staff Governance Committee, following the test of change, to indicate the lessons learned and any plans for further work and/or roll out; and (b) to request that the Chief Officer – People and Organisational Development provide information in the report back to Committee on the number of occasions where Naloxone had been administered		Isla Newcombe	People & Organisational Development	Resources	TBC		

## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Staff Governance Committee
<b>DATE</b>	7 June 2021
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	The Future of Work Survey- Action Areas for Consideration
<b>REPORT NUMBER</b>	RES/21/116
<b>DIRECTOR</b>	Steven Whyte
<b>CHIEF OFFICER</b>	Isla Newcombe
<b>REPORT AUTHOR</b>	Lindsay MacInnes
<b>TERMS OF REFERENCE</b>	2.2 & 2.3

### 1. PURPOSE OF REPORT

- 1.1. To seek approval for an action plan which has been developed in response to the results of the Future of Work employee check-in survey and to ask the committee to instruct the Chief Officer People & Organisational Development to implement the plan.

### 2. RECOMMENDATION

- 2.1 That the Committee approve the action plan set out in Appendix 2 and instruct the Chief Officer People & Organisational Development to implement the action plan.

### 3. BACKGROUND

#### 3.1. All-Staff Communications and Service Update

The Future of Work Employee Check-In Survey results were published on the Intranet in March 2021 and were shared with Staff Governance Committee via [Service Update](#).

The focus of the all-staff communication was the central need to demonstrate mutual accountability for acting on the findings from the survey. The presentation of the survey results indicates future direction and actions that can be taken on an individual, team and corporate basis. Results were presented in a format to encourage participation, conversation, and consideration about how we all contribute towards work; both in the present and the future.

Within the Service Update was the commitment to present to Staff Governance Committee on the proposed actions in response to the survey, for its consideration and approval.

### **3.2 Survey Background**

When the COVID-19 pandemic hit in early 2020, ACC's response was immediate. Six months into the pandemic, we had adapted significantly and there was a sense that the experience could fundamentally build our organisational and personal resilience, in changing the way we think about how we work and how we deliver services. At this point, we carried out a workforce-wide 'Check-in' employee survey on The Future of Work to assess:

- To what extent the projects and transformations we had been making as an organisation pre- COVID-19, both culturally and digitally, had prepared us for the challenges we have been forced to confront
- Whether we, as individuals and as One Team, have the personal and collective resources and skills in place to effectively deliver what was needed
- How best we can build upon the changes made during the pandemic and ensure that any innovations or improvements in the way we work are embedded into the future of work

We learned how employees were adapting to different ways of working, particularly those who were undertaking remote working, and gained their views on how this impacts their work and personal lives. The results give us insights into our shared experience of working through the pandemic, as well as ideas about what our workplace and workspaces could look like in the months and years to come. It also helped to identify any concerns and anxieties among staff around returning to office-based environments in the future.

### **3.3 Scope of the Survey**

1817 employees took part from across the organisation. To ensure the maximum input possible from Operations & Protective Services colleagues in particular, the layout of the survey was amended to suit colleagues in this area, a 2-week extension to the closing date was provided and scannable posters/leaflets were circulated for distribution and placement in vehicles. This extension enabled a further 68 colleagues to take part from frontline roles such as cooks, catering assistants, support workers, technicians, janitors, pupil support assistants, building assistants, drivers, and bus escorts.

(The breakdown of participants in the survey can be seen at Appendix 1)

Overall, the results reflected:

- Individually, how prepared and ready we felt for change
- Culturally, how we experienced working with others
- Organisationally, our experience of being an employee of Aberdeen City Council during the pandemic



## 3.4 Developing our Future of Work Actions for Consideration

### 3.4.1 Key considerations

Engagement with our stakeholders and review of the strategic landscape has shown that, as the action areas are developed into proposals, the following drivers will need to be considered and balanced at all times:

- The experience of our employees – as described through the Future of Work survey, “Discovery” sessions with frontline staff and evidenced through technology adoption data and absence data; including particular attention to mental health and wellbeing
- Our customer expectations and needs
- Benchmarking – understanding and learning from the approaches of other local authorities, professional networks and the private sector more widely
- Economic recovery including supporting our city centre through staff and supplier footfall and delivering best value – ensuring that our work is as productive, effective and efficient as possible
- The environment and our commitment to net zero

### 3.4.2 Areas for Action

The priorities raised in the survey results highlighted ten areas for action and each will have their own working group; in parallel also tying in with existing aligning groups and workstreams already established in the council. The **ten areas for action** are detailed below and further description around these are included as Appendix 2 to this report.

1. Health & Safety
2. Mental Health & Wellbeing
3. Guiding Principles & Capability Framework
4. Future of Workspaces
5. Digital Skills & Adoption
6. Internal Communications & Employee Engagement
7. Leadership & Management
8. Employee Benefits & Reward
9. Energy & Climate Change
10. Equality, Diversity & Inclusion

### 3.4.3 Approach

The co-creation of working groups and wider staff engagement around these areas will ensure that any arising enabling actions will be designed alongside colleagues and will build on our existing flexibility, aligned to business need. Employee participation in these working groups and peer-led sessions will inform this work, as will the ongoing input from, and collaboration with, Trade Union colleagues.

Co-working and updates with Trade Union partners have been invaluable within the progress already made thus far, particularly in activity to achieve greater engagement in these areas with our **frontline services**. This focus will continue as central within the planned Actions under Digital Skills & Adoption, Internal Comms & Employee Engagement and Equality, Diversity & Inclusion (see Appendix 2 for outline) and the

planned work will help to engage fully with all colleagues. Some examples of this ongoing activity with frontline colleagues include:

#### **Increasing digital skills and adoption:**

- Individual access to collaboration and communication tools such as Teams, the Intranet and Yammer has been rolled out for all front-line staff, providing equality in access to such digital tools.
- Within the roll-out of these licenses, work is underway with services, to understand different skills gaps and build these into dedicated Learning Plans including access to partner resources (for example the Digital Office and SCVO) .
- A specific training plan is being developed to focus on increasing fundamental digital literacy for all colleagues that would benefit from this- both for work and in day-to-day life.
- Identification and use of a dedicated point of contact within services for individuals has been used effectively during the recent roll out of digital pay slips – ensuring that face to face contact is used when needed.
- Use of an appointments system within operational services for individuals to gain one to one support on logging in using laptops and tablets.
- Within the Digital Payslips project, “Early Adopters” were identified in Environmental Services, Roads and Cleaning and moved onto digital payslips first as an opportunity to evaluate this move as well, as providing buddies for colleagues. This community is being built upon in further roll-outs of digital tools.

#### **Ensuring accessibility of information and inclusion:**

- Supporting managers to identify literacy/digital skills needs to ensure any concerns or unique challenges could be supported or letters translated where necessary.
- Distribution of Frontline leaflet to highlight to team members where they can use their digital payslip log-in, access Microsoft Teams, chat collaboratively, call their manager, join online meetings, access information about working for ACC and more.
- Equipping managers to allow them to offer the right levels of support to team members. Follow up calls with and ongoing discussions are in place where there are any difficulties.
- Further volunteers to become frontline Digital Champions have been sought, via distribution of leaflets and posters and line managers liaising with interested staff members.

### **3.5 Governance:**

Progress against the Future of Work action plan will report into the monthly officer Transformation Board as it is considered as part of the transformation programme.

## **4. FINANCIAL IMPLICATIONS**

- 4.1 Some spend may be required on training and development as well as promotional and printed material where required to ensure messages and initiatives reach all employees. This will be funded by the Corporate Training

budget held within People and Organisational Development. Spend may also be required on technology/workstations and space reconfiguration, with funding to be allocated from existing budget streams.

## 5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendations of this report, however we will remain watchful of a report by the Women and Equality Committee in relation to COVID-19 support which contained a range of recommendations. One of these concerned amending the legislation on flexible working. The UK Government has previously committed to consulting on changes to the Flexible Working Regulations 2014 as part of an Employment Bill. The UK Government's Flexible Working Taskforce, which is made up of business associations, charities and trade unions including Acas and the CBI, has also been reviewing what practices and policies would support workers and their employers post-pandemic, such as hybrid and flexible working. The taskforce has recommended that flexible working should be the new default position for all workers. However, there was no specific mention of an Employment Bill in the recent Queen's speech.

## 6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
<b>Strategic Risk</b>	None	L	None
<b>Compliance</b>	Risk of non compliance with Health & Safety requirements.	L	Ongoing monitoring and implementation with our Corporate team as required for existing measures and updates in line with Government and H&S guidance.
<b>Operational</b>	Maintaining customer delivery and service provision through changing government requirements and adjusting ways of working.	L	Clear guidance and principles for SMTs and employees as we move through phases. Through the workstreams, manage ways of working and digital solutions, use of buildings etc in line with service area needs.
<b>Financial</b>	There could be required spend for training, promotional printed material, technological tools	L	This training/promotional spending will be covered by the agreed corporate training budget held within People and Organisational

	and changes to workspaces.		Development. Technological tools for remote working - budgetary elements to be agreed with Digital and Technology and Corporate Landlord from existing budget streams.
<b>Reputational</b>	As an employer, there could be a perception that we are not an employer of choice or a fair and inclusive employer.	L	Development of a comprehensive project plan and action plan around Future of Work to enable employee choice and flexibility in line with Service and Customer needs.
<b>Environment / Climate</b>	Potential reduction in staff commute and business travel. To be balanced with energy consumption.	L	Continue work with Environmental Policy team and Corporate Landlord team to assess this. Build on Green Champions network and other work described within Appendix 2 at "Energy and Climate Change".

## 7. OUTCOMES

<b><u>COUNCIL DELIVERY PLAN</u></b>	
	<b>Impact of Report</b>
<b>Aberdeen City Council Policy Statement</b>	The Future of Work survey is cited in the Delivery Plan and this resulting work feeds into our responsibilities under Workforce for the Future and the vision of the 21 <sup>st</sup> Century Public Servant.
<b>Aberdeen City Local Outcome Improvement Plan</b>	
Prosperous Economy Stretch Outcomes	This report has a link to Economic plans referenced in this section of the LOIP such as the Regional Economic Strategy and the City Centre Masterplan Review.
Prosperous People Stretch Outcomes	The action plan outlined within this report (particularly under Energy & Climate Change, Appendix 2) supports the delivery of People Stretch Outcome 11 – Healthy life expectancy is five years longer by 2026. Following of COVID-19 government guidelines and flexible working options also actively support and encourage sustainable travel and help reduce environmental pollutants which are harmful to human health.

<b>UK and Scottish Legislative and Policy Programmes</b>	(See Legal Implications at Section 5.)
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## 8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Required
Data Protection Impact Assessment	Not required

## 9. BACKGROUND PAPERS

Remote working: How cities might change if we worked from home more - BBC News  
Zoomshock: The Geography and Local Labour Market Consequences of Working from Home by Gianni De Fraja, Jesse Matheson, James Rockey :: SSRN

Expecting the unexpected | Close Brothers Asset Management (closebrothersam.com)

Does flexible working improve mental wellbeing? - Employee Benefits

Coronavirus (COVID-19): Flexible working during the pandemic and beyond | Guides | CIPD

Scottish Futures Trust- New Frontiers for Smarter Working Work and Workplace post COVID-19 MARCH 202

LGIU Briefing An unexpected side-effect of Covid-19: accelerating the use of data. What can councils learn?Nuffield Trust: The impact of Covid-19 on the use of digital technology in the NHS

Community Care Article: Digital capabilities should be improved to help staff practice wherever

Coronavirus (COVID-19): Mental health support for employees | CIPD

## 10. APPENDICES

Appendix 1- Breakdown of Respondents to the Survey

Appendix 2- Action Areas for Consideration

## 11. REPORT AUTHOR CONTACT DETAILS

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## Appendix 1- Breakdown of Respondents to the Survey

Cluster	Count	Cluster size	Percentage
Adults' Social Work	77	398	19%
Capital	49	64	77%
Childrens' Social Work	133	392	34%
City Growth	81	212	38%
Commercial & Procurement	41	45	91%
Corporate Landlord	45	68	66%
Justice	16	122	13%
Customer Experience	158	330	48%
Data & Insights	24	29	83%
Digital & Technology	46	90	51%
Early Intervention and Community Empowerment	222	472	47%
Education	413	4289	10%
External Communications	11	19	58%
Finance	41	96	43%
Governance	50	65	77%
Health & Social Care Partnership	40	1116	4%
Operations - Building Services	43	424	10%
Operations - Environmental Services	29	317	9%
Operations - Facilities Management	31	728	4%
Operations - Fleet & Transport	8	37	22%
Operations - Protective Services	58	68	85%

Operations - Roads and Infrastructure	23	155	15%
Operations - Waste Services	18	193	9%
People & Organisational Development	32	33	97%
Strategic Place Planning	76	134	57%
<b>Total</b>	<b>1817</b>		

## Appendix 2 - Action Areas for Consideration

Area	Actions Encompassed	Target overall Completion	Responsible Officer(s)
<b>1. Health &amp; Safety</b>	Getting H&S compliance right via <ul style="list-style-type: none"> <li>• Maintaining the register of Health and Safety policies, procedures (corporate and local) and guidance, including review schedule.</li> <li>• Maintaining a record of Health and Safety training requirements within each Cluster as part of broader training needs analysis being led by People and Organisational Development.</li> <li>• Delivering a data set for health and safety reporting review at Function H&amp;S Groups, SMTs, ECMT and Performance Board. This will include learning from COVID-19, for instance to ensure that actions are monitored to completion (eg risk assessments, lone working, asbestos compliance).</li> <li>• Delivering training to SMTs on the Three Lines of Defence (3LOD) so that everyone is clear on their responsibilities in respect of Health and Safety, using our collective experience with COVID-19 to ensure clarity. In the First Line (Do-ers), managers and staff identify and manage health and safety risks; in the Second Line (Helpers), policies and procedures are established by Committees and Boards; in the Third Line (Checkers), controls are checked to ensure there are no gaps in our health and safety framework (internal audit, external audit, Health and Safety Executive).</li> <li>• Completing a suite of Aberdeen City Council e-learning training sessions (to replace current content) aimed at each employee group to explain their health and safety responsibilities.</li> <li>• Continuing to learn lessons from the pandemic, both in terms of procedures and compliance/behaviours, and ensuring this is reflected in health and safety practice of the future.</li> </ul>	<b>March 2022</b>	<b>Vikki Cuthbert, Colin Leaver</b>
<b>2. Mental Health &amp; Wellbeing</b>	<ul style="list-style-type: none"> <li>• Expand on potential in links found between Wellbeing/Attendance and Flexible working and build into the review of Smarter Working guidance and our use of workspaces, where appropriate.</li> <li>• Consider further “mainstreaming” of the Action areas into communications and with People policies/processes.</li> </ul>	<b>December 2021</b>	<b>Kirsten Foley, Fiona Lindsay</b>



	<ul style="list-style-type: none"> <li>• Update our mental health action plan, taking account of survey findings.</li> <li>• Increase Library of Mental Health and Wellbeing e-Learning courses available through new Thrive Contract.</li> <li>• Further developing these resources to meet the range of needs in this area across the organisation, such as the recently promoted SAMH Time for You online/virtual mental health support service for frontline workers during the pandemic.</li> <li>• Increase number of Mental Health First Aiders across the organisation to provide frontline support and signposting service to employees.</li> </ul>		
<b>3. Guiding Principles Indicators &amp; Capability Framework</b>	<ul style="list-style-type: none"> <li>• Review and refresh these tools in line with learnings, to define the behaviours, knowledge and skills needed to take us forward.</li> <li>• Develop worker types covering all employees and a choice of workstyles within these, based on role requirements, organisational need and - where possible- personal preferences.</li> <li>• Review of Continuous Review &amp; Development for frontline colleagues – to continue to embed our cultural ambitions in a way that takes account of differing role needs.</li> </ul>	<b>March 2022</b>	<b>Lindsay MacInnes, Linsey Blackhurst</b>
<b>4. Future of Workspaces</b>	<ul style="list-style-type: none"> <li>• Overall review, between Corporate Landlord, Digital &amp; Technology and P&amp;OD, to plan productive employee interactions and utilise our physical space as best we can.</li> <li>• Build on understanding of the needs and challenges of employees by role, worker type and workstyle through focussed engagement sessions. Refresh and rebuild our Smarter Working Guidance in line with this work, customer need and service need,</li> <li>• Continue to explore growth of partnership model and multifaceted use of buildings to build collaboration and thereby maximise City footfall and dwell-time. Phase 1 off sharing Marischal College with Police Scotland is complete and other opportunities will continue to be explored.</li> <li>• Through the Estates Strategy and Climate Change Group a number of projects are being progressed to ensure that our assets will be environmentally and economically sustainable via reduction of carbon emissions, reduction in energy consumption per year and via review of the total cost of our core property costs. This will be developed in an action plan. Ensure links are enhanced with Energy and Climate change work (see 8.) and the implementation of actions under the Buildings Subgroup (ACC's Climate Change Plan) to increase energy efficiency and to optimise assets.</li> </ul>	<b>December 2021</b>	<b>Alastair Reid, Jennifer Strachan, Mai Muhammed (linked with Strategic Place Planning)</b>
<b>5. Digital Skills &amp; Adoption</b>	<ul style="list-style-type: none"> <li>• Improve productivity, communication and engagement for, and with, frontline workers through the roll-out of 1,600 Microsoft licenses.</li> </ul>	<b>March 2022</b>	<b>Chris Sellar Sandie Scott Louise Ironside</b>

	<ul style="list-style-type: none"> <li>• Increase flexibility of working and improve access from anywhere through promotion of 'Bring Your Own Device' and 'Use Your Personal Computer' to safely access apps for work.</li> <li>• Utilise Teams and Yammer to communicate directly with frontline colleagues to reduce our use of email-cascades, paper memos, printing and mailshots.</li> <li>• Ensure ROI in frontline licenses and smart devices via upskilling supervisors and making Microsoft Teams a 'one-stop-app' for all communication and engagement with the council, promoting the benefits and opportunities of staying connected.</li> <li>• Improve core digital skills of all employees in line with digital roadmap to meet the needs of our digital council through increased use of peer-led training through Digital Super Champions, particularly in front line areas.</li> <li>• Target digital training and communications to specific worker types via intelligence from PowerBI dashboard on adoption levels and return-on-investment and build learning pathways to meet bespoke needs of individual and service.</li> <li>• Further development of basic digital literacy training for identified employees.</li> </ul>		
<b>6. Internal Comms &amp; Employee Engagement</b>	<ul style="list-style-type: none"> <li>• Co-create the Future of Work through engagement with staff via working groups for all action areas.</li> <li>• Communicate on our shared journey towards the Future of Work, building on positive survey feedback by continuing to feed regular communications with the organisation; primarily using the digital platforms available.</li> <li>• Ensure all are informed and engaged through roll out of frontline licences, tying in with successful models utilised within the digital payslips project.</li> <li>• Engage with employees through discussion events and working groups to increase usability and employee ownership of intranet.</li> <li>• Reduce reliance on email as the primary mode of all-staff communication and cascade to frontline, through use of Yammer for instant communication and open conversations to increase employee voice.</li> <li>• Integrate employee intranet into Microsoft Teams for ease of access and seamless communication platforms for all employees, wherever they work.</li> <li>• Close the Zone and PeopleAnytime and make Intranet the default homepage for all corporate devices. Promote through use of lockscreen to show the possibilities and variety of content.</li> <li>• Support leaders to make best use of their Teams site for wide and frequent communication and visibility.</li> </ul>	<b>December 2021</b>	<b>Lindsay MacInnes, Sandie Scott, Paula Fullerton</b>

	<ul style="list-style-type: none"> <li>• Build campaign to increase value and recognition of employees.</li> </ul>		
<b>7. Leadership &amp; Management</b>	<ul style="list-style-type: none"> <li>• Build on the strong community of the Leadership Forum to help shape the Future of Work, in developing our culture and – ultimately- the success of the organisation.</li> <li>• Explore with managers ways that we can reinvent to attract talent, improve collaboration, support performance and reduce overheads.</li> <li>• Provide learning opportunities for all leaders and managers- both the transitional skills needed to adapt to new ways of working and those that underpin solid leadership practice.</li> <li>• Instil the clear driver from the survey for better quality conversations between leaders and their teams via flexible learning modules.</li> </ul>	<b>December 2021</b>	<b>Ka Kuen Mo, Max Hope- Stone Bell</b>
<b>8. Energy &amp; Climate Change</b>	<ul style="list-style-type: none"> <li>• Articulate and build what climate leadership looks like: For Chief Officers, Leadership Forum, Green Champions and all staff.</li> <li>• Utilise Awareness &amp; Behaviour Subgroup (People &amp; OD with Environmental Policy Team), Intranet's Green Workplace and Green Champions to ensure this central element in Council's strategic direction is mainstreamed within the future of our work.</li> <li>• Examples will include: development of a staff e-Learning module on Climate Change via ACC Learn, general staff training on climate change and its relevance to ACC.</li> <li>• Continue to link to the Mobility Subgroup (under ACC Climate Change Plan) to increase low carbon options for staff travel and explore climate benefits of reduced staff travel.</li> </ul>	<b>December 2021</b>	<b>Sinclair Lang, Alison Leslie, Sandie Scott</b>
<b>9. Employee Benefits &amp; Reward</b>	<ul style="list-style-type: none"> <li>• Build on existing benefits available through schemes such as Cycle to Work, car leasing (with an emphasis on electric cars), discount schemes which support local businesses.</li> <li>• Introduce financial well-being salary finance options including low interest rate loans and salary advances, explore possibilities around discounts on home and electronic goods.</li> <li>• Engage with local businesses, thus benefitting the economy of the city whilst obtaining benefits for our employees.</li> </ul>	<b>December 2021</b>	<b>Kirsten Foley, Gaynor McKechnie</b>
<b>10. Equality, Diversity &amp; Inclusion</b>	<ul style="list-style-type: none"> <li>• Link directly with network of Equality Ambassadors and the Equality, Diversity and Inclusion Action Plan, particularly in aligning our frontline engagements to ensure inclusion and accessibility.</li> <li>• Focus on inclusion driving our existing effort around digital and central to our corporate communications strategy.</li> </ul>	<b>January 2022</b>	<b>Darren Buck, Lindsay MacInnes, Sandie Scott</b>

	<ul style="list-style-type: none"><li>• Employees and Trade Unions in working groups to deliver on the ED&amp;I Action plan as agreed at SGC. Working groups also focused on learning &amp; culture as well as recruitment &amp; selection activity relating to equality, diversity, and inclusion.</li></ul>		
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## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Staff Governance
<b>DATE</b>	7 June 2021
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Managing Discipline Policy
<b>REPORT NUMBER</b>	RES/21/112
<b>DIRECTOR</b>	Steven Whyte – Director of Resources
<b>CHIEF OFFICER</b>	Isla Newcombe – Chief Officer – People and Organisational Development
<b>REPORT AUTHOR</b>	Kirsten Foley – Employee Relations and Wellbeing Manager
<b>TERMS OF REFERENCE</b>	2.5

### 1. PURPOSE OF REPORT

- 1.1 To seek approval of the revised Managing Discipline policy.

### 2. RECOMMENDATIONS

That Committee:-

- 2.1 approves the revised Managing Discipline Policy, attached as Appendix 1 to this report;
- 2.2 agrees that implementation of the revised policy will be delayed until such time as the revised Managing Grievances and Dignity and Respect at Work policies are agreed (the intention being that these policies are presented to Staff Governance Committee in September 2021 for approval);
- 2.3 notes the appended guidance document which supports the application of the policy; and
- 2.4 notes that a generic investigations procedure is being developed to cover all three policies.

### 3. BACKGROUND

- 3.1 As an employer, the Council seeks to promote and embed a positive workplace culture in which every member of staff feels valued, is empowered to meet their full potential and in which all individual circumstances and characteristics are respected and supported.
- 3.2 This culture is embedded in the Guiding Principles, Code of Conduct and Job Profiles of all staff, and all staff should be supported to meet required standards at all times.
- 3.3 It is recognised that on occasion some employees will not meet the standards expected of them; in such circumstances it is essential that a policy is in place

through which they can be encouraged and supported, as appropriate, to make any required improvements to their conduct.

- 3.4 The Managing Discipline policy provides a framework within which managers are supported to make a determination regarding any concerns raised about the conduct of an employee, and employees whose conduct has fallen short of the expected standards can learn from this and be supported to achieve these standards in future.
- 3.5 Issues will be dealt with at the earliest opportunity and wherever possible this will be through the provision of informal support.

#### **4. Aims of the Review**

- 4.1 The review of the Managing Discipline Policy is the first step in the review of the three policies that sit at the heart of employee relations processes within the Council, namely Managing Discipline, Managing Grievances and Managing Bullying and Harassment at Work.
- 4.2 Traditionally policies such as Discipline, Grievance and Bullying and Harassment have been viewed as punitive processes; the true aim of such policies, however, is to empower and support employees to comply with the cultural norms of the organisation as set out in the Guiding Principles and the expectations set out in the Code of Conduct and job profiles of staff.
- 4.3 Following feedback from an initial staff survey and focus groups (including employees, Trade Unions and managers, a number of key areas of improvement were identified. In relation to the Managing Discipline policy, these key improvements centred around the investigation process, increasing the use of informal processes wherever appropriate and highlighting the support available to employees involved with this policy. The review aimed to address these issues and ensure that the policy continues to comply with the requirements of the ACAS Code of Practice.
- 4.4 An additional key aim of the review was to ensure that a collaborative approach was taken throughout, seeking and addressing feedback from all stakeholders including unions, employees and managers.

#### **5 Approach**

- 5.1 A policy review group was set up in People and Organisational Development to progress the work on the revised policy, with the approach being to balance feedback from various stakeholders, working in a collaborative manner.
- 5.2 An employee survey was run to gather views on the operation of the current policy and on any proposed changes. Benchmarking was undertaken with other organisations to compare the content of their policies with the Council's.
- 5.3 Focus groups were also organised with managers, employees, and trade unions to obtain views on the operation of the current policy and what changes might be required to improve it.

- 5.4 A check was also made in relation to any legal issues to ensure that the revised policy was legislatively compliant. The ACAS Code of practice on disciplinary procedures and the accompanying guide on discipline at work were also referred to ensure that the policy continued to align with these.
- 5.5 Following the research phase, the information gathered was collated and evaluated.
- 5.6 A wide range of further engagement on the draft documents was undertaken including:
- 3 additional consultation events with the trade unions
  - officer attendance at all 13 Service Management Team meetings to gather feedback on the draft documents
  - further engagement with the teams within Legal and People and Organisational Development
  - feedback gathered from CMT.

## **6 Emerging Themes**

- 6.1 In addition to the key issues identified and set out in paragraph 4.3 above, other suggestions put forward were:
- a. reviewing the level of management involved in the various stages of the process in order to widen the pool of managers available to undertake the various stages and thus ensure that a larger number of employees are supported to gain the transferable skills that are developed through undertaking such tasks whilst sharing the workload among a wider group of staff;
  - b. considering a generic investigations process to avoid situations that have arisen in the past whereby a complicated case can result in a number of investigations being undertaken under different policies at the same time;
  - c. considering what role mediation could play in the process, thus avoiding the need for formal processes to be invoked
  - d. making more use of aids such as flow charts, which visual learners in particular find more user friendly when navigating policy and procedural documents.
- 6.2 If approval is given by Committee, the intention would be to delay implementation until the two other employee relations policies mentioned under 2.2 above have also completed the review process and implement all three policies together. The benefits of having a single implementation plan are that it will allow the application of the generic investigation process to all three policies and a single communication plan and training plan can be put in place. Appropriate communication and training will be undertaken during the period October – December 2021 to ensure that employees and managers are aware of their content and trained in the skillset required to apply them appropriately. The policy documents and guidance will also be placed on the People Anytime portal on the Intranet and cascaded throughout services via ECMT and the Leadership Forum

6.3 A separate set of guidance notes will accompany the Managing Discipline policy giving fuller details on its application, including the procedure. This document is attached for noting.

## 7. Changes to the policy

7.1 From the employee survey, the focus groups and engagement sessions a number of issues were identified.

The table below details the issues raised, the change made to address the issue, and whether the change is part of the policy or the accompanying guidance.

Issue raised	Change proposed	Policy or Guidance
Early intervention – manage informally on first occasion	Emphasis placed on the use of informal counselling, where appropriate and there is also a new template for keeping a record of a counselling discussion. A reflective statement template has been added for managers to use as part of an informal counselling session.	Policy and Guidance
More assistance is required on developing allegations.	A link has been added to a video for managers to refer to on 'how to form allegations'.	Guidance
Manager/TU survey - would like easy step by step guidance - more flowcharts with links would be welcomed as well as diagrams and less text.	A flow chart has been added giving an overall summary of the procedure. Visuals have also been included showing the key steps in each part of the process.	Policy and Guidance
Clarity around timescales	A section has been included summarising the timescales for each part of the procedure.	Guidance
More templates / 'How To' Guides / Checklist	Checklists have been included on carrying out a suspension, a disciplinary hearing and an appeal hearing.	Guidance



Need to recognise the impact of these processes on all involved in terms of wellbeing	A new section has been added on employee wellbeing, emphasising that the health and wellbeing of all employees involved in the process should be a priority at each stage of the procedure, and signposting to where support can be accessed	Policy and Guidance
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- 7.2 The procedural elements in the current policy have been removed from the policy document and will be put into the guidance document, so that the policy is separate and standalone in the new corporate template format. A procedural summary will be retained as an appendix to the policy.
- 7.3 Sections on manager and employee responsibilities have been added to the documents, detailing what is expected of each, as well as a section on core principles.
- 7.4 The Council's Guiding Principles have been identified as setting the expectations in relation to the cultural norm of the organisation, thus providing a point of reference for employees when undertaking self reflection on their behaviours.
- 7.5 Reference has been made in the policy to the ACAS Code of practice on disciplinary procedures.
- 7.6 Examples of what constitutes misconduct and gross misconduct have been reviewed and placed in an appendix to the policy.
- 7.7 There is an increased emphasis in the policy that no disciplinary action will be taken until there has been a full investigation to help ensure fairness for those accused of misconduct.
- 7.8 Some terminology updating was required to the policy to take account of the changes in the organisation's structure.

## 8. FINANCIAL IMPLICATIONS

- 8.1 There are no direct financial implications arising from the recommendations of this report.

## 9. LEGAL IMPLICATIONS

- 9.1 Section 3 of the Employment Rights Act 1996 requires the Council to provide employees with a note specifying any disciplinary rules applicable to them or referring them to a document specifying the rules; specifying any procedure

applicable to the taking of disciplinary decisions and dismissal or reference to a document so specifying and also specifying by description or otherwise a person to whom the worker can apply if dissatisfied with any disciplinary decision or dismissal. The Managing Discipline Policy, Procedure and Guidance will fulfil these documentary requirements.

9.2 Section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 confers powers to Employment Tribunals to increase or decrease compensation awarded by up to 25% if they find that a party has unreasonably failed to follow relevant provisions of the ACAS code of practice on disciplinary procedures. By aligning this Policy and associated procedure and guidance with the ACAS code mitigates the risk of increased compensation.

## 10. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
<b>Strategic Risk</b>	N/A	N/A	N/A
<b>Compliance</b>	The revised policy has been examined to ensure that it is legally compliant and aligns with the ACAS Code of practice on disciplinary procedures, which reflects good employment practice and is often referred to in employment tribunal cases. If the revised policy was not applied, then there may be a risk that the most up-to-date good practice in the ACAS Code is not reflected and this could be detrimental to the Council in an employment tribunal situation.	M	The approval and implementation of the revised policy and accompanying procedure and guidance should help to mitigate this risk as they have been checked for legal compliance and alignment to the ACAS Code.
<b>Operational</b>	The changes made to the policy should result in its more efficient application,	M	The approval and implementation of the revised policy and accompanying procedure

	<p>which will be a benefit to the operation of the Council, assisting with employee relations and performance levels, and helping meet customer and service requirements. If the revised policy was not applied, then these benefits may not accrue.</p>		<p>and guidance should help to mitigate this risk.</p>
<b>Financial</b>	<p>If the revised policy, which reflects up-to-date good practice was not applied, there is a risk that instances of misconduct are not dealt with as efficiently as possible, meaning that employment tribunal or other claims against the Council may be more likely to occur, which can be costly.</p>	M	<p>The approval and implementation of the revised policy and accompanying procedure and guidance should help to mitigate this risk.</p>
<b>Reputational</b>	<p>If the revised policy, which reflects up-to-date good practice, was not applied, there is a risk that instances of misconduct are not dealt with as efficiently as possible, meaning that employment tribunal or other claims against the Council may be more likely to occur, which can lead to adverse publicity for the Council and also affecting the Council's reputation as a good employer.</p>	M	<p>The approval and implementation of the revised policy and accompanying procedure and guidance should help to mitigate this risk.</p>

<b>Environment / Climate</b>	N/A	N/A	N/A

## 11. OUTCOMES

<b><u>COUNCIL DELIVERY PLAN</u></b>	
<b>Impact of Report</b>	
<b>Aberdeen City Council Policy Statement</b>	N/A
<b>Aberdeen City Local Outcome Improvement Plan</b>	
Prosperous Economy Stretch Outcomes	The Prosperous Economy theme in the LOIP makes mention of the importance of retaining talent and expertise in City organisations. This would include the Council. Having this revised policy in place should assist with employee relations in the organisation and with the retention of trained and valued employees. This would mean that they can continue in post and contribute to delivering effective services to citizens and businesses, indirectly contributing to the City's economy.
Prosperous People Stretch Outcomes	The Prosperous People theme in the LOIP indicates that all people in the City are entitled to feel safe, protected from harm and supported where necessary, which would include employees of the Council. Having this revised policy in place should assist with employee relations in the organisation, ensuring that conduct issues are efficiently addressed and that employees are supported when undergoing the procedure. This should indirectly assist with employee mental health and wellbeing allowing them to function both in employment and at home.
Prosperous Place Stretch Outcomes	N/A
<b>Regional and City Strategies</b>	N/A
<b>UK and Scottish Legislative and Policy Programmes</b>	N/A

## 12. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Full impact assessment required – an Integrated Impact Assessment has been compiled in respect of the revised policy and no negative impacts have been identified.
Data Protection Impact Assessment	Not required.

## 13. BACKGROUND PAPERS

ACAS Code of practice on disciplinary procedures and the Managing Discipline Procedure and Guidance are appended to provide further clarity and for noting.

## 14. APPENDICES

Appendix 1 - Managing Discipline policy

Appendix 2 – Managing Discipline Procedure and Guidance

Appendix 3 – ACAS Code of Practice on Disciplinary Procedures

## 15. REPORT AUTHOR CONTACT DETAILS

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# Managing Discipline Policy

**Approved by Committee on xx**

**2021 with an implementation date of xx 2021**

## Document Control

<b>Approval</b>	
<b>Implementation Date</b>	
<b>Policy Number</b>	
<b>Policy Author(s) and Owner</b>	Gaynor McKechnie – People and Organisational al Development Advisor (Policy Author) Isla Newcombe – Chief Officer – People and Organisational Development (Policy Owner)
<b>Approval Authority</b>	Staff Governance Committee
<b>Scheduled Review</b>	
<b>Changes</b>	



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# 1. Purpose Statement

- 1.1 As an employer, Aberdeen City Council strives to promote a positive workplace culture in which every individual is clear on the impact that their actions and behaviours have on each other and ultimately on the people and place of Aberdeen. Such an approach places an individual and collective responsibility on each employee to ensure that they conduct themselves in a way that is aligned to this culture.
- 1.2 The Managing Discipline policy provides a framework within which managers are supported to make a determination regarding any concerns raised about the conduct of an employee, and employees whose conduct has fallen short of the expected standards can learn from this and be supported to achieve these standards in future.
- 1.3 The purpose of this policy is to set out the responsibilities and arrangements which will allow the Council to mitigate the risks which may arise from circumstances where any employee's conduct falls below what is considered acceptable. These are determined through the code of conduct, contract of employment, job profile, Guiding Principles and other relevant organisational policies, procedures and guidance or through reasonable expectations set by the manager. The Managing Discipline policy provides a framework with an accompanying procedure to ensure that matters are addressed without unreasonable delay and in a fair and consistent way where informal support has failed to achieve the required results.
- 1.3 All employees are valued and individual circumstances are considered. The policy therefore aims to support issues to be addressed in the most appropriate way, based on the circumstances surrounding the case and the individuals concerned and as quickly as possible. Wherever possible, this will be through the provision of informal support. The health and wellbeing of all employees is a priority. At the outset of any process falling within this policy employees will be provided with details of the wellbeing support available to them, including the Employee Assistance Service and Chaplaincy. Further details can be found in the accompanying Managing Discipline Procedure and Guidance.
- 1.4 An overview of the Managing Discipline procedure can be found in Appendix A.

# 2. Application and Scope Statement

- 2.1 This policy applies to all employees of the Council, a separate policy applies to the Chief Executive, as set out in the Scottish Joint Negotiating Committee Scheme of Salaries and Conditions of Service for Chief Officials.

In cases where the policy is applied to employees employed under the Scottish Negotiating Committee for Teachers terms and conditions of employment, the provisions of Appendix 2.11 of the SNCT Terms and Conditions of Employment, Disciplinary Framework, will apply. These provisions can be accessed via the following link [Appendix 2.11 - SNCT Handbook](#)

This policy does not apply to agency and casual workers.

- 2.2 The policy's main aim is to set out principles for handling disciplinary situations in the workplace.
- 2.3 All disciplinary investigations will be carried out with sensitivity, discretion, and confidentially.
- 2.4 In using this policy, special allowance and support will be made for those whose first language is not English, who have difficulty expressing themselves or for people with a disability.

2.5 This policy and accompanying procedure are in accordance with the ACAS Code of Practice on disciplinary procedures

### 3 Responsibilities

3.1 The Council will adhere to all its statutory responsibilities in relation to the provisions of this policy.

3.2 Chief Officers are responsible for the application of this policy and accompanying procedure within their service delivery remit.

3.3 Line Managers have responsibility for applying this policy, its provisions and those of the accompanying Procedure and Guidance and managing their employees conduct. Line Managers should:

- Ensure fairness and consistency in decision-making in relation to the application of the policy.
- Maintain confidentiality.
- Endeavour to try to resolve conduct issues informally in the first instance.
- Create an environment where employees are aware of this policy, its expectations, and the consequences of not meeting the required standards of conduct.

3.4 Employees have a responsibility to:

- Familiarise themselves with the contents of this policy and accompanying procedure.
- Co-operate with the requirements of the policy.
- Act in a manner that is consistent with the Council's reputation and undertake work tasks and activities, as set out in job profiles.
- Maintain good working relationships with colleagues and managers.
- Comply with statutory requirements, for example, all health & safety regulations and observe all rules affecting their service area, regulations and operating policies and procedures.

3.5 The investigating Officer is responsible for conducting a thorough investigation and making recommendations based on the evidence gathered in accordance with this policy and its accompanying procedure and guidance. The People and Organisational Development Advisor is responsible for providing advice on the application of the policy. The Chairperson is responsible for determining the outcome and whether a disciplinary sanction should be applied or in an appeal if it should be upheld or not.

3.6 Non-compliance with this policy should be reported to the employee's line manager, senior manager or People and Organisational Development to allow the appropriate next steps to be determined.

3.7 Any feedback on the policy or suggestions for improvement can be communicated to the Chief Officer – People and Organisational Development or Employee Relations and Wellbeing Manager and this will be taken into account as part of the regular review of this policy.

### 4. Supporting Procedures & Documentation

4.1 Accompanying guidance on Managing Discipline has been put in place to support adherence to this policy. The procedure for dealing with disciplinary matters is detailed within the accompanying guidance.

4.2 This policy also links to other documents including:

- Employee Code of Conduct
- Scheme of Governance
- The Council's Guiding Principles
- Investigations procedure
- Framework Agreement for Industrial Relations (FAIR)
- Diversity and Equality Policy
- Managing Grievances policy and procedure
- Dignity and Respect at Work policy and procedure
- Whistleblowing policy and procedure
- ICT Acceptable Use policy
- Managing Substance Misuse policy and procedure
- Using Social Media guidance
- Handling Allegations Against School Staff

## 5. Policy Statement/s

5.1 The policy is not creating any specific regulations or requirements other than what is stated under section 3 above.

5.2 Any alleged misconduct including serious or gross misconduct will be addressed by applying the principles of this policy and the guidance document associated with it. This is to ensure that appropriate action is taken to consider whether there has been misconduct and, where identified, to take appropriate and proportionate remedial action.

### Policy Core Principles

5.3 Informal action will be considered, where appropriate, to resolve problems. However, there will be situations where matters are more serious or where an informal approach has failed to see an improvement and the formal procedure is required.

5.4 No disciplinary action will be taken against an employee until the case has been fully investigated.

5.5 For formal action the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made at a disciplinary meeting.

5.6 Employees will be provided with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

5.7 In cases where it is necessary to mitigate risk, following consultation with People & Organisational Development, it may be deemed appropriate for an employee to be suspended with full pay on precautionary grounds. Precautionary suspension should only be introduced after careful consideration of other reasonable options including alternatives to suspension and as a last resort where risk cannot be mitigated. Any suspension will be reviewed at regular intervals as detailed in the accompanying guidance document. Pending discussion with People & Organisational Development about a precautionary suspension it may appropriate to remove an employee from their place of work

5.8 At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague. The employee will not normally be permitted to be accompanied by a legal practitioner, partner, spouse or family member.

5.9 No disciplinary action will be initiated against a trade union representative until the matter has been discussed with a full-time official of the union concerned with the permission of the employee.

5.10 The chair of the disciplinary hearing will be someone senior to the person subject to the disciplinary investigation and with no prior involvement in the case.

5.11 Once the hearing has been held the chair of the hearing will consider all evidence presented before deciding whether to impose a disciplinary sanction. There are three levels of disciplinary sanction:

- Level 1: First warning (verbal or written)
- Level 2: Final warning (written)
- Level 3: Dismissal or other punitive action e.g. demotion

5.12 In cases of misconduct, an employee will only be dismissed for a first breach of discipline where the act of misconduct is so serious (e.g. gross misconduct) that dismissal is a reasonable sanction to impose, based on the evidence and mitigation provided. Further detail on determining how a reasonable sanction is determined is contained within the Formal Process Stage 2 section of the Guidance (Definition of misconduct can be found in section 7.1).

5.13 In cases of gross misconduct, all the circumstances of the case will be considered, including length of service and any mitigating factors, before deciding on the appropriate disciplinary sanction, with dismissal not being inevitable. Where dismissal is identified as the appropriate action, it will be without notice or pay in lieu of notice. (Definition of gross misconduct can be found in section 7.2).

5.14 Employees will receive a written explanation for any disciplinary action taken, and where relevant, the improvement expected and the consequences of failing to improve.

5.15 In cases of dismissal, the individual will be advised in writing of the reasons for the termination of their contract of employment and of their right of appeal.

5.16 Employees have the right to appeal against any disciplinary action taken.

5.17 An appeal will not be heard by the same person who issued the disciplinary sanction.

5.18 Appeals against a final written warning or dismissal are heard either by a Chief Officer or by the Appeals Sub Committee at the option of the employee.

5.19 All matters will be dealt with promptly and in confidence.

## 6. Definitions

6.1 Misconduct is defined as unacceptable or inappropriate behaviour, as determined through the code of conduct, contract of employment, job profile, Guiding Principles and other relevant organisational policies, procedures and guidance or through expectations set by the manager, that will normally result in disciplinary action short of dismissal (as identified in paragraph 3.10) being taken in the first instance.

6.2 Gross misconduct is defined as unacceptable and improper behaviour of a serious nature that destroys the trust and confidence that the employer has in the employee, and has the effect of potentially destroying the employment relationship between the employee and Council, making trust and a continued working relationship impossible.

6.3 Examples of employee misconduct and gross misconduct can be found in Appendix B.

6.4 For the purposes of this policy, “employee” is defined as anyone who is subject to a contract of employment with Aberdeen City Council and who falls within the scope of the policy, as defined in section 2 of this policy.

6.5 The Commissioning Manager is defined as the manager with whom or by whom the matter is initially raised and who instructs the investigation in consultation with the Employee Relations and Wellbeing Team.

## 7. Risk

7.1 The policy and supporting documentation details how the Council implements its risk management activities at all levels in order to accept, reduce and/or eliminate risks across the Council arising from non compliance with the behavioural framework set out in paragraph 1.2.

- Health and Wellbeing – the policy promotes and supports all employees to conduct themselves in compliance with the culture of the organisation and thus mitigates the risk of inconsistent behaviours impacting negatively on the health and wellbeing of individuals and colleagues.
- Compliance and Financial – it aims to ensure a fair and legal process is followed to mitigate the impact of failing to comply with employment law and the ACAS codes, incurring financial awards (eg award of expenses)
- Strategic and Operational – the policy mitigates the risk of behaviours/conduct that are not consistent with the culture of the organisation. The impact of such risk can impact on the ability of the organisation to deliver the day to day business and the attainment of strategic objectives.
- Reputational - Behaviours/conduct that are inconsistent with the culture of the organisation could have a negative impact on the reputation of the Council

7.2 The managing discipline policy and supporting documentation allows managers to identify and manage risks through effective mitigation controls, including monitoring of data through the People Performance Dashboard and where appropriate inclusion in operational risk registers.

7.3 There have been no unintended effects, consequences and risks identified resulting from the introduction of the policy. This will continue to be monitored as the policy is applied.

## 8. Policy Performance

8.1 The main factors determining the effectiveness of the policy and whether it adds the value intended is the usage of the policy to address misconduct at work, the consistency in its application by managers and the improvement in employees’ conduct.

8.2 The effectiveness of the policy will be measured through gathering data on the volume of formal disciplinaries and their outcome, and through collecting feedback from users of the policy.

8.3 The Chief Officer – People and Organisational Development will decide where and when data is reported on the effectiveness of the policy as per the agreed Performance Board terms of reference, ensuring that confidentiality is maintained.

## 9. Design and Delivery

9.1 The policy links to the 'Workforce Design' principle of the Operating Model of the Council in that it is concerned with organisational culture and promotion of equality in the workplace. The application of the policy and procedure should help ensure alignment with this principle. It also links to the Council's Guiding Principles of valuing and supporting staff. The policy supports compliance with statutory obligations, employment legislation and best practice including ACAS code of practice.

9.2 The policy also links to the 'Prosperous People' theme in the Local Outcome Improvement Plan (LOIP) which indicates that all people in the City are entitled to live in a manner in which they feel safe and protected from harm and supported where necessary. All citizens are equally entitled to enjoy these aspirations, including employees of the Council. Having an effective policy and procedure in place to address unacceptable conduct should assist in ensuring a safe and healthy workplace for staff.

## 10. Housekeeping and Maintenance

10.1 This is an update to the Managing Discipline Policy and Procedure. The policy will be reviewed annually, and any necessary updates to it and the accompanying guidance document will be proposed.

## 11. Communication and Distribution

11.1 This policy and supporting documentation will be shared directly with the Extended Corporate Management Team to enable communication and distribution in accordance with the responsibilities set out in section 4.

11.2 The policy and documentation will be available for review on the organisation's shared areas on the intranet.

11.3 A communication plan is developed to assist with embedding the policy into the organisation, which includes training for managers.

## 12. Information Management

12.1 Information generated by the application of this policy will be managed in accordance with the Council's Corporate Information Policy and Supporting Procedures.

## Appendix A - Overview of the Managing Discipline procedure

### Issue with employee's conduct identified

- An issue with an employee's conduct has been identified as a concern by the manager or an allegation has been made
- Manager consults the Managing Discipline Guidance to determine how to proceed, either through informal support or a formal investigation. If in doubt, or the decision is to move to a formal investigation, advice should be sought from the Employee Relations & Wellbeing Team.
- For more information refer to the misconduct and gross misconduct examples in this document.

### Informal Process

- Often issues of misconduct can be addressed informally using methods such as counselling. Counselling is a two way discussion between manager and employee that is encouraging and positive, it addresses the issue, sets clear expectations, timescales and identifies any further needs such as training.
- The manager may consider the case to be resolved after the informal process has concluded. However, if unsuccessful it may be determined that a formal investigation is needed to move forward.

### Formal Process

- If during discussion with the Employee Relations and Wellbeing team it has been decided that a formal investigation should commence the next step is to appoint an Investigating Officer from a pool of trained investigators (list held by Employee Relations and Wellbeing team, who will make the appointment)
- In cases of potential gross misconduct consideration must be made as to whether a precautionary suspension is needed.

### 1. Investigation

- Refer to the **Investigations Procedure** for detailed information.
- The investigating officer will commence their investigation by meeting with the employee, contacting relevant witnesses and gathering relevant evidence in order to write an investigation report including their findings, conclusions and recommendations.
- If allegations are upheld the case will go to a disciplinary hearing, and if they have not been upheld the case will end at this point.

### 2. Hearing

- A Chairperson is appointed by the Commissioning Manager (the manager who has commissioned the investigation) and the hearing is arranged (advice on who to appoint as a Chairperson can be sought from the Employee Relations and Wellbeing team )
- The hearing is conducted and the chairperson will decide whether or not to take disciplinary action depending on the case and evidence presented at the disciplinary hearing.

### 3. Appeal

- Employees who have had a disciplinary sanction imposed have the right to appeal the decision made.
- An appeal must be in writing outlining the grounds for appeal.
- An impartial chairperson is appointed and an appeal hearing takes place.

For detailed information refer to the Managing Discipline Procedure and Guidance.



## Appendix B: Misconduct and Gross Misconduct examples

### 1. Misconduct

1.1 See section 7.1 for a definition of misconduct

1.2 The following list is neither exhaustive nor exclusive but gives an indication of the types of misconduct which can result in disciplinary action short of dismissal:

- Refusal to follow reasonable instructions, comply with procedures or otherwise fulfil contractual obligations.
- Carelessness or negligence in carrying out the duties and responsibilities of the job.
- Breaches of health and safety rules and requirements.
- Willful or deliberate under performance of duties.
- Persistent poor timekeeping.
- Unauthorised absence from work and failure to comply with sickness reporting procedure.
- Persistent short-term sickness absences.
- Acts of discrimination, bullying and/or harassment.
- Unauthorised use or misuse of Council property.
- Improper use of organisational facilities.
- Inappropriate behaviour and/or conduct outside work that which has shown to have a bearing on their role within the Council.
- Offensive or derogatory remarks about Aberdeen City Council or colleagues on social media.

### 2. Gross Misconduct

2.1 See section 7.2 for a definition of gross misconduct.

2.2 The following list is neither exhaustive nor exclusive but gives an indication of the types of gross misconduct which can result in dismissal:

- Dishonesty, theft, fraud and deliberate falsification of records and/or benefit claims administered by the Council.
- Fighting and/or assault on another person.
- Deliberate damage to Council property.
- Under the influence of illegal drugs and/or alcohol whilst at work.
- Serious discrimination, bullying and/or harassment.
- Serious negligence which causes unacceptable loss, damage, or injury.
- Serious insubordination.
- Major breaches of health and safety rules and requirements.
- Serious breach of the Council's ICT Acceptable Use Policy.
- Unauthorised entry to computer records.
- Indecent, abusive or threatening behaviour to any person whilst engaged, or claiming to be engaged, on Council business.
- Willful provision of false or misleading information, or willful non-disclosure of information, either during the recruitment process or in subsequent employment which affects the contract of employment.
- Breach of confidentiality.
- Breach of authority vested in a job.
- Non-disclosure of an interest (conflict of interest), whether direct or indirect, in a contractual agreement between an agency and the Council.
- Serious breach of Standing Orders or Financial Regulations
- Removal from, or lapsed registration with, a professional body, where that registration is a condition of employment.

# Managing Discipline

## Procedure and Guidance

## Document Control

<b>Approval Date</b>	
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<b>Author(s) and Owner</b>	Gaynor McKechnie – Policy Author Isla Newcombe – Policy Owner
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<b>Changes</b>	

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## SECTION 1: INTRODUCTION

### Purpose

Aberdeen City Council seeks to promote a positive workplace culture in which every individual is valued. Such an approach places an individual and collective responsibility on each employee to ensure that they conduct themselves in a way that is aligned to this positive culture. The Council requires acceptable standards of conduct at work and is committed to supporting and encouraging employees to achieve these standards, at all times.

The purpose of this guidance is to provide managers and employees with practical advice and guidance on how the Managing Discipline policy and procedure applies in the workplace. It sets out the principles for handling disciplinary situations in the workplace and provides details on how to carry out each stage of the procedure and provides advice and assistance on how to effectively manage conduct issues.

The procedure, which applies to all Aberdeen City Council employees (with the exception of the CEO to whom a separate policy and procedure applies), allows conduct issues and complaints to be dealt with fairly and consistently and ensures, we as an employer, act reasonably when dealing with disciplinary issues. Throughout the Managing Discipline policy and procedure, the ACAS Code of Practice has been incorporated.

What is regarded as unacceptable behaviour will depend on the circumstances of each case and is ultimately a matter for employment tribunals to decide in unfair dismissal claims. However, fully complying with the Managing Discipline policy and procedure will help managers deal with disciplinary issues in a fair and consistent manner.

In a disciplinary process it is important to:

- deal with issues promptly and do not unreasonably delay meetings, decisions or confirmation of those decisions.
- act consistently throughout.
- carry out any necessary investigations, to establish the facts of the case.
- inform employees of the basis of the problem and give them an opportunity to respond before any decisions are made.
- allow employees to be accompanied at any disciplinary meeting.
- allow an employee to appeal against any formal decision made.

### Guiding Principles

As Council employees, we are all expected to behave in a way that is aligned with the Council's approved Guiding Principles and we should lead by example by demonstrating these principles.

The Guiding Principles are:

- We care about our purpose, our city and our people.
- We take pride in what we do and work to make things better.
- One team, one Council, one city.
- We trust each other and take responsibility.
- We value each other and recognise a job well done.

These principles provide a guide to maintaining positive and constructive working relationships between employees. We all have a responsibility to set a positive example.

## **Who is responsible for managing discipline?**

The Chief Officer of each service is ultimately responsible for their service area however line managers are responsible for setting expectations, supporting, encouraging and role modelling behaviours towards their employees. They should provide feedback and act where it is necessary.

The ACAS Code of Practice states "fairness and transparency are promoted by developing and using rules and procedures for handling disciplinary situations."

It is important to set workplace rules, they are necessary to:

- set standards of conduct at work and clarify to employees what is expected of them.
- be clear and understood by employees and those who have responsibility for applying them.
- be well publicised and easily accessible.
- be reviewed regularly and revised if necessary.

Within ACC these standards and rules are determined through the code of conduct, contract of employment, job profile, Guiding Principles and other relevant organisational policies, procedures and guidance or through expectations set by the manager.

Examples of the types of issues that rules would cover are:

- time recording
- leave and absence approval
- notifying absences
- health and safety
- use of organisational facilities for personal use (for example, private telephone calls, private use of email and the internet, use of Council equipment)
- discrimination and harassment

Employees also have a responsibility to familiarise themselves and co-operate with the requirements within this policy and procedure, act in a manner that is consistent with the Council's reputation and undertake work tasks and activities as set out in job profiles, maintain good working relationships, comply with all statutory requirements and adhere to regulations and operating policies and procedures.

## **What is misconduct?**

Misconduct is defined as unacceptable or inappropriate behaviour. This can often be dealt with informally however, there will be situations where matters are more serious and the formal discipline procedure is required. If the allegation of misconduct is upheld this will normally result in disciplinary action short of dismissal being taken in the first instance. The action taken will depend on the degree of seriousness of the misconduct, the employee's current disciplinary record and any other relevant factors. If an employee already has a live disciplinary sanction on file and further act(s) of misconduct results in a sanction this will be referred to as serious misconduct and may result in dismissal.

The following list is neither exhaustive nor exclusive but gives an indication of the types of misconduct which can result in disciplinary action short of dismissal:

- Refusal to follow reasonable instructions, comply with procedures or otherwise fulfil contractual obligations.
- Carelessness or negligence in carrying out the duties and responsibilities of the job.
- Breaches of health and safety rules and requirements.
- Willful or deliberate under performance of duties.
- Persistent poor timekeeping.
- Unauthorised absence from work and failure to comply with sickness reporting procedure.
- Persistent short-term sickness absences.
- Acts of discrimination, bullying and/or harassment.
- Unauthorised use or misuse of Council property.
- Improper use of organisational facilities.
- Inappropriate behaviour and/or conduct outside work which has a shown to have a bearing on their role within the Council.
- Offensive or derogatory remarks about Aberdeen City Council or colleagues on social media.

## **What is gross misconduct?**

Gross misconduct is defined as unacceptable and improper behaviour of a serious nature and has the effect of potentially destroying the employment relationship between the employee and employer, making trust and a continued working relationship impossible. The employer must consider all the circumstances of the case, including any mitigating factors, before deciding on the appropriate disciplinary sanction, with dismissal not being automatic.

The following list is neither exhaustive nor exclusive but gives an indication of the types of gross misconduct which may result in dismissal:

- Dishonesty, theft, fraud and deliberate falsification of records and/or benefit claims administered by the Council.
- Fighting and/or assault on another person.
- Deliberate damage to Council property.
- Under the influence of illegal drugs and/or alcohol whilst at work.
- Serious discrimination, bullying and/or harassment.
- Serious negligence which causes unacceptable loss, damage, or injury.
- Serious insubordination.
- Major breaches of health and safety rules and requirements.
- Serious breach of the Council's ICT Acceptable Use Policy.
- Unauthorised entry to computer records.
- Indecent, abusive or threatening behaviour to any person whilst engaged, or claiming to be engaged, on Council business.
- Willful provision of false or misleading information, or willful non-disclosure of information, either during the recruitment process or in subsequent employment which affects the contract of employment.
- Breach of confidentiality.
- Breach of authority trusted in a job.
- Non-disclosure of an interest (conflict of interest), whether direct or indirect, in a contractual agreement between an agency and the Council.
- Serious breach of Standing Orders or Financial Regulations
- Removal from, or lapsed registration with, a professional body, where that registration is a condition of employment.



## **Links to other policies**

The Managing Discipline procedure has been designed to deal with cases where an employee's conduct has not met the standards required by the Council. There are other Council procedures which directly link to the disciplinary process.

There are also certain cases and issues that will require special consideration in how to apply the policy. Guidance is therefore provided to help managers deal with some of the situations that may arise. More information on links to other policies and procedures can be found in Appendix A. The Employee Relations and Wellbeing team can also provide advice.

## **Right to be accompanied**

Employees have a statutory right to be accompanied at all stages of the discipline process by a work colleague, trade union representative or official employed by a trade union but not a spouse, partner or family member.

Where the employee has additional support needs alternative representation may be agreed as a reasonable consideration to support the employee.

The employee's companion is permitted to address the hearing in order to put the employee's case forward, sum up the case and respond on the employee's behalf to any view expressed at the hearing. They must also be permitted to confer with the employee during the hearing. However, the companion has no right to answer questions on behalf of the employee, to address the hearing if the employee does not wish them to do so, or to prevent the employer explaining its case.

If the companion is an employee of Aberdeen City Council, they should be allowed reasonable paid time off to prepare for and attend the meeting/hearing. This includes time for the companion to familiarise themselves with the case and confer with the employee before and after the hearing/meeting.

In advance of the discipline meetings, the employee is required to inform the person conducting the meeting who will be attending the meeting with them. If the employee's colleague or trade union representative is unable to attend on the proposed date, the employee can suggest another date although it must suit everybody involved and be no more than 5 working days after the original date. Otherwise, the employee will need to arrange for someone else to accompany them at the meeting or attend the meeting unaccompanied. Should the trade union be unable to provide representation within 5 working days of the original date, you should not allow this to delay the process. The Chair can insist that the pre-arranged hearing goes ahead as planned.

## **Employee Wellbeing**

During a disciplinary process the health and wellbeing of all employees involved should be a priority at each stage. Throughout the process the employee should be communicated with regularly to update them on progress and if there are any delays. In addition, the wellbeing contact (usually the line manager) should keep in regular contact with the employee and should agree contact 'touchpoints' with the employee.

During each stage of the procedure the employee’s health and wellbeing and the potential impact the action could have on them should be considered. Line Managers will act with compassion and ensure support is available where needed through signposting the employee to the support, in their role as wellbeing contact.

Support and advice can be sought from:

- Counselling Service - The Council provides a free, confidential 24-hour counselling service. The service offers a helpline for general advice and guidance, psychological guidance and emotional support and/or individual counselling. Further details can be accessed on [People Anytime](#).
- Workplace Chaplaincy Service
- Mental Health and Wellbeing Pages – these are available on [People Anytime](#) and provide a variety of support resources, skills/training information and details about the Councils Mental Health First Aiders Network.
- Trade Unions
- Citizens Advice Bureau - [www.cas.org.uk](http://www.cas.org.uk)
- ACAS - [www.acas.org.uk](http://www.acas.org.uk)

## Keeping records

It is important to keep records of a disciplinary process particularly if a case should go to an employment tribunal. They should be kept confidential and retained in the employee's personal file in accordance with data protection legislation which requires the release of certain data to individuals on their request.

Copies of any meeting records should be given to the employee concerned where they request it although in certain circumstances some information may be withheld, for example to protect witnesses.

## Timescales

It is in the interests of everyone involved that any issue of discipline is dealt with as quickly as possible and without unreasonable delay to allow for a return to normal working. This is because it is recognised that issues of discipline affect working relationships and can impact on service delivery.

To achieve an early resolution all cases should, where possible, be dealt with within the following timescale guidelines. Investigating Officers and Chairs of hearings and appeals are responsible for achieving these timescales and employees and their companions will be expected to co-operate so that these timescales can be achieved.

Disciplinary Stage	Timescale
Investigation	An Investigating Officer will be appointed within <b>3 working days</b> from the time the need for an investigation has been identified.

	<p>Investigatory report to be completed within <b>20 working days</b> from appointment as Investigating Officer.</p> <p>Progress update should be provided to the employee after <b>10 working days</b>.</p> <p>If this timescale is not achieved the Investigating Officer should contact the employee, their representative and Commissioning Manager to advise the reasons for the delay.</p>
Disciplinary Hearing	<p>Chair of hearing appointed within <b>5 working days</b> of submission of investigatory report.</p> <p>Hearing takes place within <b>10 working days</b> of chair receiving investigatory report. Employee must <b>receive 5 working days'</b> notice of hearing.</p>
Appeal	<p>Chair of appeal hearing appointed within <b>5 working days</b> of appeal being received.</p> <p>Appeal hearing takes place within <b>10 working days</b> of chair of hearing receiving letter of appeal (except in case where appeal is to Appeals Committee). Employee must receive <b>5 working days'</b> notice of hearing.</p>

There are some exceptional cases where it is recognised that these timescales will be difficult to achieve, for example where external agencies are involved in the investigation, school holidays, absence etc. Nonetheless, it is expected that issues surrounding the management of disciplinary matters will be given the highest priority by managers and that these timescales will be achieved in normal circumstances.

## Life of disciplinary warnings

Disciplinary warnings issued following a disciplinary hearing will be live for the following periods:

### Level 1:

Verbal Warning – 6 months of work

### Level 2:

Final Warning- 12 months of work

Warnings will be extended to offset any period when the employee is not at work such as significant periods of sick leave or term time working so that the employee is at work and monitored for the whole life of the sanction applied. The Employee Relations and Wellbeing team will be responsible for making any adjustment to the life of the warning.

In exceptional circumstances where the above timescales are viewed as insufficient or inappropriate these can be increased. This may be where the misconduct is so serious, verging on gross misconduct, that it can reasonably be considered for future disciplinary purposes for a longer period of time than the above time limits permit. In such circumstances, the extended life of the warning, and the reasons for it, must be made very clear at the time of issuing the warning. Such instances should be very rare as it is not good practice to keep someone under threat of dismissal longer than is absolutely necessary.

In exceptional circumstances, such as cases involving the protection of children and/or vulnerable adults, disciplinary information may be retained once the warning has expired. At the outcome of the disciplinary hearing the Chair, in conjunction with the People and Organisational Development Advisor, will recommend whether or not to retain the relevant information after the warning period. The employee will be informed of this decision in the outcome letter. The information will then be retained on a confidential, relevant database. This will only be accessed as part of the investigation process should the employee be subject to any further investigation into an allegation that relates to professional registration. In this event, the Council may be obliged to disclose relevant retained information to the regulatory body e.g. General Teaching Council of Scotland, Scottish Social Services Council as required.

## SECTION 2: THE PROCEDURE

### Issue with employee's conduct identified

- An issue with an employee's conduct has been identified as a concern by the manager.
- Manager consults the guidance document to determine how to proceed, either through informal support or a formal investigation. If in doubt, or the decision is to move to a formal investigation, advice should be sought from the Employee Relations & Wellbeing Team.
- For more information refer to the misconduct and gross misconduct examples in the guidance document.

### Informal Process

- Often issues of misconduct can be addressed informally using methods such as counselling. Counselling is a two way discussion between manager and employee that is encouraging and positive, it addresses the issue, sets clear expectations, timescales and identifies any further needs such as training.
- The manager may consider the case to be resolved after the informal process has concluded. However, if unsuccessful it may be determined that a formal investigation is needed to move forward

### Formal Process

- If during discussion with the Employee Relations and Wellbeing team it has been decided that a formal investigation should commence the next step is to appoint an Investigating Officer from a pool of trained investigators (list held by ER&W team)
- In cases of potential gross misconduct consideration must be made as to whether a precautionary suspension is needed.

### 1. Investigation

- Refer to the **Investigations Procedure** for further detail.
- The investigating officer will commence their investigation by meeting with the employee, contacting relevant witnesses and gathering relevant evidence in order to write an investigation report including their findings, conclusions and recommendations.
- If allegations are upheld the case will go to a disciplinary hearing, and if they have not been upheld the case will end at this point.

### 2. Hearing

- A Chairperson is appointed by the Commissioning Manager and the hearing is arranged (advice on who to appoint as a Chairperson can be sought from the Employee Relations and Wellbeing team).
- The hearing is conducted and the chairperson will decide whether or not to take disciplinary action depending on the case and evidence presented at the disciplinary hearing.

### 3. Appeal

- Employees who have had disciplinary sanction imposed have the right to appeal the decision made.
- An appeal must be in writing outlining the grounds for appeal.
- An impartial chairperson is appointed and an appeal hearing takes place.

## Informal Process

Early intervention is often key to satisfactorily resolving conduct issues promptly. Many issues can be resolved by the line manager intervening at an early stage as part of their normal day-to-day management responsibilities: **'A quiet word is often all that is required to resolve an issue'** (ACAS Code of Practice).

In cases of misconduct, they can often be dealt with informally to address the issue with the employee's conduct. However, there will be situations where matters are more serious or where an informal approach has been tried but is not working and the formal discipline procedure is required. Advice can be taken from the Employee Relations and Wellbeing team to determine whether an informal or formal approach is more appropriate.

### Counselling

Where issues can be dealt with informally by early intervention, and the manager deems that counselling is appropriate, this should be progressed as soon as possible. Counselling is a useful management tool to identify issues in conduct, it is a two-way, private conversation, aimed at discussing possible shortcomings in conduct and encouraging improvement. Criticism should be constructive, with the emphasis being on finding ways for the employee to improve and for the improvement to be sustained. It is also important to listen to what the employee has to say about the issue.

As part of the meeting the manager should complete the **Informal Counselling form template** (Appendix B) as a record of the discussion as it may become necessary to pursue the issue through the formal Disciplinary Procedure if there is a recurrence or a failure to improve to the required standard.

Where improvement is required the manager must ensure that the employee understands:

- what improvement is required.
- how their conduct will be reviewed and over what period.
- that if the required improvement is not met within the agreed timescale then the next stage will be to progress to the formal disciplinary procedure.
- additional training, coaching, advice, mediation and/or closer supervision may also be recommended as part of the informal process.

As part of the informal counselling the manager may ask the employee to write a reflective statement prior to their meeting. This will allow the employee time to consider their own behaviour, what the consequences of their actions were and how they would better handle similar scenarios in the future. This might be useful when an employee behaves uncharacteristically. A reflective statement template can be found in Appendix C.

Managers and employees should refer to the People Development pages on People Anytime for available training opportunities. [include links]

Appendix B	Informal Counselling form template and guide to carrying out meeting
Appendix C	Reflective statement template

## Precautionary Suspension

A precautionary suspension should only be imposed after careful consideration of the initial details and circumstances around the allegations. It must **not** be associated with any assumption of guilt. It should only be considered for use:

- in the most serious cases of misconduct, particularly where the complaint is of gross misconduct and where there is no alternative to suspension that could be applied to safeguard against the potential risk of the alleged contractual breach recurring.
- where the employee's presence at their normal place of work could prejudice or hinder the investigation or be to the detriment of themselves, colleagues, clients, property of the Council or to the investigation itself and a transfer to another work location is not feasible. For example, where the employee involved has access to records, computer systems and other data etc containing information relevant to the investigation. Suspension in this case is intended to protect the integrity of the information and avoid any suggestion that it has been removed or altered.
- as a “cooling-off” period - where there has been some form of serious heated argument or altercation and where it would be better for the employee to be removed from the work situation to avert any further disruption in the workplace. By its very nature, such suspensions should be of a limited duration.
- after giving consideration as to how an employee will react and the potential impact the suspension, and continuation of it, might have on an employee’s mental wellbeing. Care must be exercised when an employee discloses or displays warning signs of mental vulnerability during the investigatory process. Advice should be sought in such circumstances from the Employee Relations and Wellbeing team.

A precautionary suspension should be conducted in accordance with the ‘**How to carry out a precautionary suspension**’ checklist.

There are very few circumstances where suspension will be without pay but one scenario is where the employee makes themselves unavailable for work, either voluntarily (by refusing to attend work) or not voluntarily (where they may be held in police custody).

When an employee has been suspended, the reason for their absence from work is confidential and should not be disclosed to colleagues. These situations need careful and sensitive handling and advice can be sought from the Employee Relations and Wellbeing team if required.

### The need to consider alternatives to suspension

Precautionary action(s) other than suspension must be considered and put in place whenever it is possible and appropriate in view of the nature and type of misconduct. Such action may include a temporary:



- \* change to working arrangements.
- \* change to working practices.
- \* change to duties and/or job role.
- \* change to work location.
- \* any other appropriate control measure to avoid the alleged breach re-occurring.

It is important that such temporary precautionary measures are discussed and agreed with the employee and their representative before being put into effect. This needs to happen quickly. If the employee refuses to accept such alternative action then the employee will need to be suspended.

The Employee Relations and Wellbeing team should be consulted before any precautionary suspension is put in place. Pending discussion with an Advisor management may consider sending the employee home and once discussion with an Advisor is held the employee is contacted.

While suspension of an employee is not a disciplinary act in itself, it should only be applied in appropriate circumstances. The suspension should be as short as possible and be reviewed by the Investigating Officer and discussed with the suspending manager as new and relevant facts emerge during the investigation, it is recommended this happens at no more than **10 working day** intervals. The suspension does not need to last until the outcome of the investigatory/disciplinary process where it emerges that the offence is not as serious as first anticipated.

Where possible the employee should be informed of the decision to suspend in a face to face meeting. There is no right to be accompanied to this meeting however, the employee can, if they wish, be accompanied by a work colleague or trade union representative providing this does not delay the meeting.

## **Dealing with allegations of gross misconduct**

In cases where gross misconduct is alleged the employer will be required to demonstrate that the behaviour of the employee, deliberate or wilful breach of contractual terms was so serious that it has destroyed the contract between the employer and employee and irretrievably broken down the working relationship and trust between them. If this is the case, the employment tribunal may wish to test this by looking at how the employer responded when the alleged behaviour came to light and whether alternatives to suspension were considered. An employment tribunal may have difficulty accepting that the employee's behaviour amounted to gross misconduct if the employer failed to put in place any measures to avoid the alleged contractual breach re-occurring (for example, temporary change of location/job role, suspending the employee, see section below for more details).

## **Suspending an employee who is also a trade union representative**

Invoking the disciplinary procedure against a trade union representative can potentially be construed as an attack on the trade union and as such may lead to serious industrial relations problems.

To avoid such potential problems occurring, the ACAS code of practice states 'Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement'.

The purpose of the discussion is to give an assurance that the suspension and investigation relates to the individual's alleged conduct as an employee and is unrelated to the role they perform as a trade union representative. Should problems arise in the latter case then these should be reported to the relevant trade union to deal with, as that is a matter for the trade union to address.

## **Contact with the workplace**

During a precautionary suspension the employee should refrain from contacting the workplace, colleagues or clients of Aberdeen City Council. The employee will be advised to contact the Investigating Officer or trade union representative during this time. A welfare contact will also be assigned to the employee during this period; this will normally be the line manager, however in some circumstances, for example if the line manager is a potential witness, it may be more appropriate for another manager to be the welfare contact. The welfare contact should maintain regular contact with the employee, as a minimum on a weekly basis or as otherwise agreed with the employee.

Should they require access to internal information e.g. email correspondence, documents etc which they deem relevant to the investigation, they should make the request to the Investigating Officer.

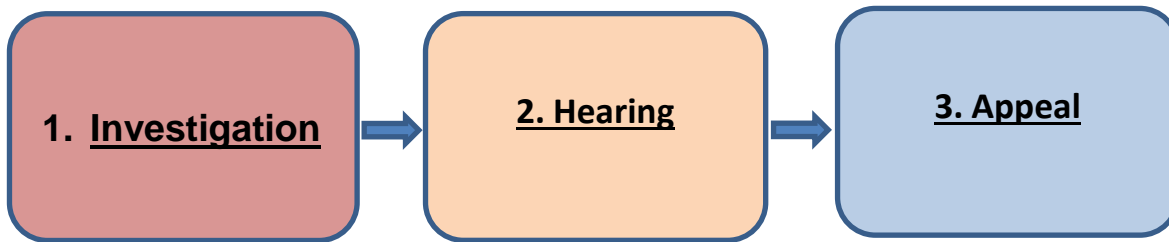
## **Medically unfit during suspension**

Employees may fall sick during a period of suspension (either by self-certification, or by submitting a medical certificate). When a person is sick during suspension they must inform the Investigating Officer. The suspension will be converted to a period of sickness absence and confirmed in writing. The employee is obliged to inform the Investigating officer when they are fit to return to work at which point the suspension will be reinstated. While medically unfit the contractual rules on sick pay will apply and the employee will receive sick pay during that period.

Appendix D	'How to carry out a precautionary suspension' checklist
Appendix E	Template letter to confirm the precautionary suspension to the employee
Appendix F	Template letter for when the employee is sick during suspension.
Appendix G	Template letter for when the employee is fit to return.
Appendix H	Template letter to lift precautionary suspension

## FORMAL PROCESS

There are 3 key stages to the formal disciplinary process –

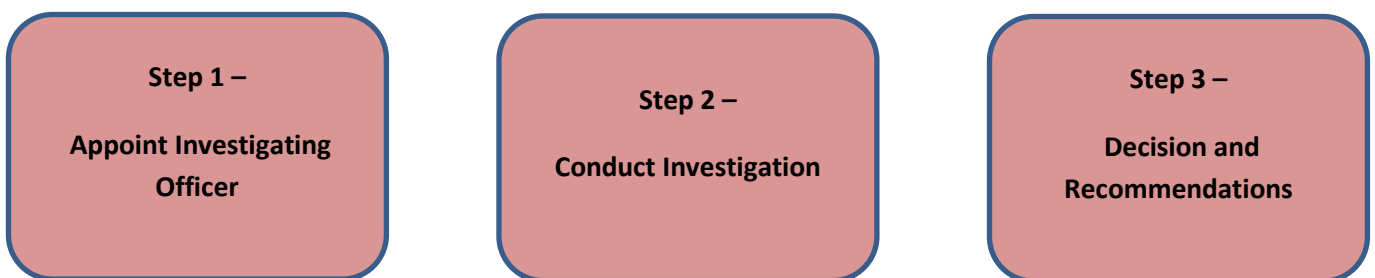


### Stage 1 - Investigation

Where informal action has already taken place for reasons of misconduct or where the misconduct warrants formal action, the manager must take responsibility and act immediately by invoking the formal disciplinary process. The first key step is to carry out a full investigation.

Please refer to the Council's **Investigation procedure** for full details on how to carry out an investigation including the relevant associated documentation and template letters.

There are **3 key steps (summarised)**:



#### Step 1: Appoint Investigating Officer

Where the Employee Relations and Wellbeing team has recommended that a formal investigation is appropriate, an investigating officer will be identified from a pool of trained investigators (list held by the Employee Relations & Wellbeing team).

An Investigating Officer will be appointed within **3 working days** from the time the need for an investigation has been identified.

### **Step 2: Conduct Investigation**

It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case.

The commissioning manager will decide on the scope of the investigation establishing what requires to be investigated, also identifying the allegation(s). The commissioning manager will arrange to let the employee know that the matter is to be formally investigated and the reason why, and that the investigating officer will be writing to them in the near future to call them to an investigatory meeting.

The investigating officer will arrange to meet with the employee to seek their response to the allegation(s) or in exceptional circumstances the employee can submit a written statement. They will then gather evidence and liaise with relevant witnesses as part of the investigation.

Once the investigating officer is satisfied that all relevant information about the case has been gathered, they are required to write an investigation report, detailing their findings, conclusions, and recommendations. The report should be completed within **20 working days** from being appointed to investigating officer.

### **Step 3 - Conclusion and Recommendations**

If based on the evidence the allegation(s) are upheld due to there being a case to answer, the matter will proceed to a disciplinary hearing. The investigating officer will notify the employee in writing of the outcome of the investigation and indicate that the chairperson of the disciplinary hearing will write to them separately inviting them to the hearing.

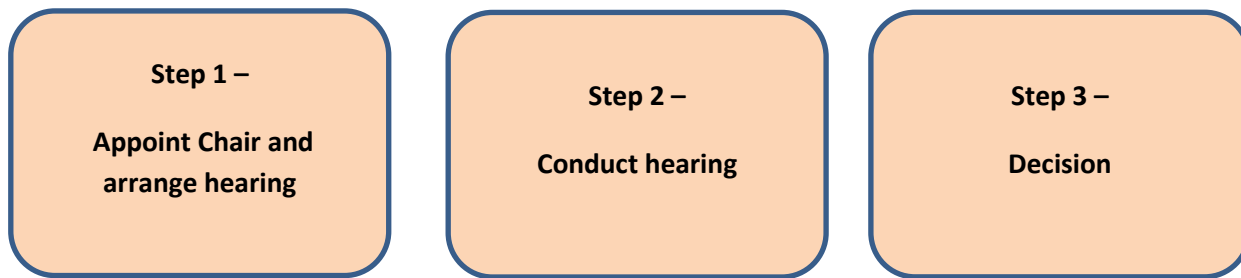
It will also be necessary for the investigating officer to attend the hearing to present their investigatory report and answer any questions in relation to the investigation. This involves going over their findings from the evidence gathered and how their conclusions and recommendations were reached.

Where the allegation(s) have not been upheld, the case will end at that point and the employee will be notified of the outcome.

Appendix I	'How to form allegations' video : <a href="#">Managing Discipline – The Investigation – Aberdeen City Council: People Anytime</a>
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## Stage 2 – Disciplinary Hearing

Following an investigation into an employee's conduct, if it is recommended that the matter is progressed to a disciplinary hearing, there are 3 key steps.



### Step 1 - Appoint Chair and arrange hearing

For cases which potentially amount to **misconduct** they should be heard by a more senior manager than the Investigating Officer.

If the employee's conduct amounts to potential **gross misconduct** then the hearing should be chaired by a senior manager at third tier level and above. For teaching staff, the hearing must be chaired by the Chief Education Officer. The same level of management applies if the employee is already on a warning and dismissal is a potential outcome.

Advice on who to appoint as chairperson can be sought from the Employee Relations and Wellbeing team.

The hearing should take place within 10 working days of the chair receiving the investigatory report. The employee must receive 5 working days' notice to attend the hearing. If for some good and sufficient reason it is not practicable to hold the hearing within this timescale then the employee must be informed as soon as this becomes evident, given an explanation for the delay and advised of the date the hearing is expected to take place.

The chairperson should:

- Arrange to hold the meeting to best accommodate the parties involved and working arrangements, this could include in a suitable private office location or via video conferencing. It is important that interruptions can be avoided and the hearing is confidential.
- Where necessary, make appropriate arrangements to cater for any disability the employee or their companion may have. Similarly, where English is not the employee's first language translation facilities may need to be provided.
- Book adequate time out in diary and be prepared to accommodate adjournments during the hearing where these are necessary.

- Review in full the investigation report and evidence that has been submitted.

The chairperson must ensure the following are invited to attend the hearing:

- a People and Organisational Development Advisor to provide procedural advice and guidance
- the Investigating Officer to present the investigation report and evidence
- the employee
- the employee's companion, if they wish to be accompanied.
- a note taker if it is felt that this would be useful.

### **Step 2 – Conduct hearing**

The hearing should be conducted in accordance with the '**How to Conduct a Disciplinary Hearing**' checklist, and guidance on how to present the investigation findings at a hearing can be found in the Investigations Procedure.

The hearing allows the opportunity for the employee to set out their case and answer the allegations that have been made against them and also for the management case to be heard. The employee should be allowed to ask questions, present evidence, call witnesses and question any witnesses called to the hearing.

All reasonable steps must be made by the employee to attend the hearing. The employee will be informed in the letter notifying them of the hearing that if they fail to attend the hearing without a good and sufficient reason then it is likely that the hearing will proceed, and a decision will be made, in their absence on the basis of the information available.

### **Step 3 - Decision**

The chair of the hearing will decide whether or not to take disciplinary action depending on the case and evidence presented at the disciplinary hearing. A hearing must take place before any disciplinary action is taken.

Before making any decision on disciplinary action, the chair should take account of:

- the employee's active disciplinary record
- action taken in any previous similar case
- the case presented by the Investigating Officer
- the explanations given by the employee including any mitigating factors
- and most importantly, whether the intended disciplinary action is reasonable and proportionate in the circumstances

Employees should normally be given at least one opportunity to improve their conduct before they are issued with a final warning. However, if their misconduct – or its continuance – is sufficiently serious, it may be appropriate to move directly to a final warning. In cases of gross misconduct, summary dismissal may be the appropriate action, even though the employee has not previously received a warning for misconduct.

The written confirmation of the warning, whether it be a first level (formal verbal or written) or second level (final warning), must set out in sufficient detail:

- the nature of the misconduct.
- the improvement required.
- the timescale over which the improvement is to be achieved.

A copy of the letter should be kept in the employee's personal file for record purposes, but it should be disregarded for disciplinary purposes after a specified period. At the end of the hearing the Chair should determine in conjunction with the People and Organisational Development Advisor if a record of the warning would need to be kept for a further period of time once it is 'spent'. This would only be applicable in exceptional cases such as child protection/vulnerable adult issues. This should be communicated to the employee at the end of the hearing and within the outcome letter.

If within the life of a final warning there is further misconduct, the final stage in the disciplinary process is likely to be dismissal for serious misconduct. The dismissal would be effective immediately with payment in lieu of notice. The letter must explain the reasons for the dismissal, the date on which the employment contract will terminate, the appropriate period of notice for which they will receive payment in lieu and their right of appeal.

As an alternative to dismissal it may be possible to take other punitive action which effectively removes the employee from their job but not from Council employment. This includes a disciplinary demotion or transfer and this action would be taken in conjunction with a final warning. Where the employee however does not agree to the punitive action then there will be no option but to dismiss the employee and pay the employee in lieu of their statutory notice entitlement.

If the chair decides that the employee is guilty of gross misconduct (i.e. their act of misconduct has fundamentally breached the "root of the contract") and they have considered all the circumstances of the case including length of service and any mitigating factors the outcome is dismissal, the employee will be summarily dismissed without notice.

An outcome of a disciplinary hearing can also be no sanction but a counselling session (see information in Informal Process).



Appendix J	Template letter to invite employee to disciplinary hearing
Appendix K	How to conduct a disciplinary hearing checklist
Appendix L	Template document - Disciplinary hearing meeting notes
Appendix M	Template letter – outcome no warning / counselling recommended
Appendix N	Template letter – outcome first level warning
Appendix O	Template letter – outcome final warning
Appendix P	Template letter – outcome dismissal

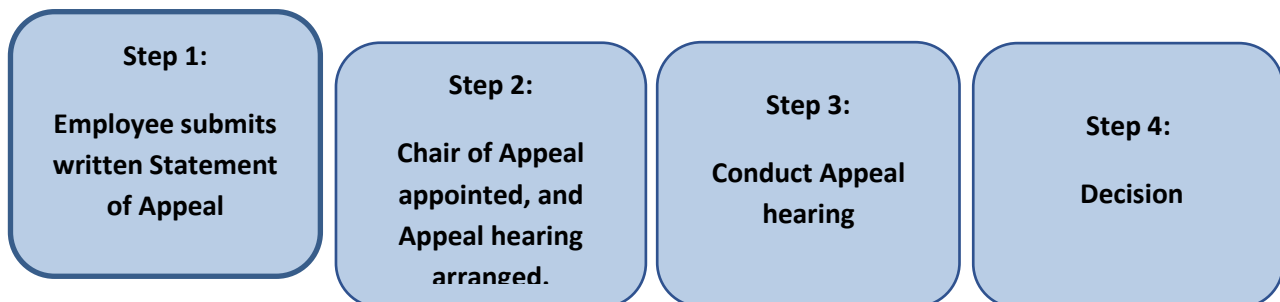
## Stage 3 – Appeal

Employees who have had disciplinary action taken against them must be given the opportunity to appeal the decision.

The appeals process is about looking at what happened previously in the disciplinary process and remedying any defects in the original disciplinary procedure. The appeal is **not** however a rehearing of the original case but rather an opportunity for the employee to highlight to an impartial manager, with the power to make an alternative decision, why they believe the disciplinary action was unjust.

There is no right of appeal against any non-disciplinary action taken (e.g. a decision to counsel the employee or to suspend).

There are **4 key steps**:



### Step 1: Employee submits a written statement of Appeal

An employee can choose to appeal where:

- they consider a finding or the penalty to be unduly severe or inconsistent;
- new and relevant evidence comes to light that was unavailable at the time of the disciplinary hearing;  
or
- they consider that the disciplinary procedure was not used correctly and they were disadvantaged because of this.

An appeal must be in writing outlining the grounds for appeal (it is insufficient for the employee just to state that they wish to appeal without setting out their grounds), be made within **10 working days** of receiving the outcome from the disciplinary hearing and should be submitted to the senior officer stated

on the outcome letter. In respect of appeals against a final warning or dismissal, an employee can either submit their appeal to a senior officer as stated on the outcome letter or to the Clerk to the Appeals Sub Committee to hear.

## **Step 2: Arranging the Appeal Hearing**

The appeal must be heard by a more senior manager than the one who took action at the disciplinary hearing. For appeals against a final warning or dismissal they must be heard by a Chief Officer or for teachers this must be the Chief Education Officer.

Appeals submitted to the Appeals Sub Committee are arranged separately.

When appointing the chairperson, they must have had no prior involvement in the case to demonstrate fairness, objectivity and impartiality in the process. It may be most appropriate to appoint a chairperson from out with the employee's service/cluster, however, this should be balanced with the requirement for any specialist knowledge and expertise, and the complexities of the case. Advice on who to appoint as chairperson can be sought from the Employee Relations and Wellbeing Team.

The chairperson is responsible for writing to the employee with the appeal arrangements. This should outline the right to be accompanied at the hearing and confirm who will be attendance.

The hearing should be held **within 10 working days** of receipt of the employee's written statement of appeal (except in cases where appeal is to Appeals Committee). If for some good and sufficient reason it is not practicable to hold the appeal hearing within this timescale then the employee must be informed as soon as this becomes apparent, provided with an explanation for the delay and advised of the date the hearing is expected to take place.

The chairperson must ensure the following are invited to attend the hearing:

- a People and Organisational Development Advisor to provide the manager with procedural advice and guidance
- The manager who took the decision at the formal disciplinary hearing stage
- the employee
- the employee's companion, if they wish to be accompanied
- a note taker if it is felt that this would be useful

Where necessary, make appropriate arrangements to cater for any disability the employee or their companion may have. Similarly, where English is not the employee's first language translation facilities may need to be provided.

### Step 3: Conducting the Appeal Hearing

The appeal hearing should be conducted in accordance with the 'How to Conduct a Disciplinary Appeal Hearing' checklist. It is important that the written statement of appeal and any evidence that has been submitted is reviewed in full in advance of the hearing. Where necessary, adjournments should be accommodated.

The chairperson should keep a record of the key discussion points.

### Step 4: Decision

The chairperson must decide whether there are sufficient and reasonable grounds to either:

- uphold the appeal in full, whereupon all records of disciplinary proceedings will be removed; or
- uphold the appeal in part. In such circumstances, it may be appropriate to reduce the level of disciplinary action taken against the employee; or
- not uphold the appeal.

In arriving at a fair and reasonable decision, the chairperson should:

- be prepared to overturn a previous decision if it becomes apparent that it was not soundly based and is wrong – such an outcome does not undermine authority but rather demonstrates the independent nature of the appeal.
- listen carefully to both sides of the case and make a judgement as objectively as possible.
- satisfy themselves that no unfair bias or prejudice affected the original decision.
- consider whether previous responses were within the band of reasonable responses.
- consider whether any procedural deficiencies may have unfairly affected the outcome and disadvantaged the employee (if this is the case made by the appellant)
- pay particular attention to any new matters/evidence that has come to light, whether this would have affected the outcome of the disciplinary hearing, whether the employee had the opportunity to raise these matters at the disciplinary hearing.

The employee should be notified of the decision and the reasons for it at the hearing. This should be confirmed in writing to the employee **within 5 working days** of the hearing, and it made clear that this decision is final.

If exceptional circumstances exist whereby it is not possible to respond by this deadline then the employee must be given an explanation for the delay and told when a response can be expected.

In accordance with the ACAS code, at an appeal hearing there should be no increase in the disciplinary sanction applied as this may deter individuals from appealing.

Appendix Q	How to conduct an appeal hearing checklist
Appendix R	Template letter – Invite employee to appeal letter
Appendix S	Template letter – Outcome of appeal hearing

## Dealing with particular scenarios

Certain cases and issues will need special consideration. Guidance is therefore provided to help managers deal with some of the situations that may arise. The Employee Relations and Wellbeing team can also help by giving advice about individual cases.

### Protection of Vulnerable Groups (PVG) and the Duty to Refer

The Protection of Vulnerable Groups (Scotland) Act 2007 provides for a scheme whereby individuals with a known history of harm can be prevented from doing work with children and/or protected adults. Disclosure Scotland is responsible for the administration of this scheme on behalf of Scottish Ministers and makes decisions on whether individuals are unsuitable to become scheme members. It is the duty of Scottish Ministers to keep and maintain lists of those barred from working with children or protected adults. The Act places duties on organisations to refer individuals to Disclosure Scotland when certain prescribed conditions are met. Under the Act, organisations have a duty to make a referral (within three months of taking a final decision to dismiss an individual or move them permanently from regulated work) to Disclosure Scotland when they are satisfied that an individual's conduct meets the following criteria (referral ground):

- Harmed a child or protected adult
- Placed a child or protected adult at risk of harm
- Engaged in inappropriate conduct involving pornography
- Engaged in inappropriate conduct of a sexual nature involving a child or protected adult
- Given inappropriate medical treatment to a child or protected adult

Organisations may only make a referral when they have dismissed an individual or moved them permanently from regulated work with the group concerned or where they would or might have dismissed had the individual not left their employment before the decision was made, or had they known the information at the time the individual worked for them. Under the Act organisations have a duty to make referrals where the above grounds have been met. The referral will be completed by the employee's service manager.

The legislation states that failure to refer an individual within 3 months of the date that the duty arose is an offence. When making a referral to Disclosure Scotland, organisations are required to supply all the relevant information that they hold (i.e. prescribed information as defined by the PVG Act). A standard referral form can be found at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk). For further information on making a referral, contact Disclosure Scotland's helpdesk on 0300 0200 040 or [info@disclosurescotland.co.uk](mailto:info@disclosurescotland.co.uk). The above must therefore be adhered to in relation to relevant Council disciplinary cases.

### Cases involving Statutory Registration Authorities

Employment in certain professions, which are regulated by statutory bodies is of course conditional upon continuing registration (for example teachers, social workers, solicitors). The Investigating Officer should check whether the employee under investigation is required to be registered with a statutory body. If this is the case they should refer to the Codes of Conduct pertaining to their employment as part of their investigation.

Employers have a duty to report any incidents of professional misconduct to the appropriate registration authority. This duty is separate from any disciplinary action taken, and as with criminal charges, you do not need to await the outcome of any separate investigation which the registration authority carries out before applying the disciplinary procedure.

In cases where the outcome of the internal disciplinary process results in action short of dismissal, and the registration authority subsequently determines that the employee's registration is suspended or removed, you will need to consider whether suitable alternative work is available before taking a decision to dismiss. Subsequent removal from the registered body will be dealt with as a further case and dismissal will be an option.

#### **Using management information obtained by electronic or human surveillance**

Data that is held as part of the Council's computerised systems may be used and considered as part of the disciplinary process as set out in the Council's ICT Acceptable Use Policy.

As is stated within the procedure for the use of Close Circuit TV (CCTV) the Council operates CCTV systems for a number of reasons. Principally such a system can be installed for the prevention, investigation and detection of crime (particularly, but not restricted to, vandalism or the theft of Council property) and the apprehension and prosecution of offenders. A system may also be used to enhance the safety of staff and the public. Whilst not its principal function, CCTV footage may, in appropriate circumstances, be used in connection with staff discipline.

Where information is obtained through overt or covert surveillance, the Employee Relations and Wellbeing team must be consulted for advice on whether it can be considered as part of the disciplinary process and they can advise whether such information can be used.

#### **Criminal charges or convictions**

Disciplinary action must not be taken against an employee merely because they have been charged or convicted of a criminal offence. In such cases, the issue is whether the employee's conduct merits action because of the implications it may have on their employment.

Where it is considered that the employee's conduct warrants disciplinary action then the following guidance should be taken into account:

### **The need to investigate**

there is a need to investigate the facts as far as possible, come to a view about them and consider whether the employee's misconduct is sufficiently serious to warrant invoking the disciplinary procedure.

However, sometimes a matter that needs to be investigated is also being investigated by the police and this may potentially affect the pace at which matters can be progressed.

If this is the case, it is often requested by the police (and sometimes the employee) that internal proceedings are suspended until the outcome of the police case. This, of course, can be costly as the employee may be suspended on full pay and the police investigation may take some time.

However, to proceed with an internal investigation may prejudice the outcome of the case so you must carefully consider whether it would be fair and reasonable to do so. Obviously, you should co-operate with the police as much as possible and be prepared to accept some delay if your questioning would alert someone before a police statement is taken.

Apart from the above, it is difficult to see how internal proceedings would prejudice the outcome of the case, especially as the investigations are separate and based on different concepts - especially the burden of proof.

Where the employee's conduct requires prompt attention, and where there is no real danger of prejudicing the case, you should not await the outcome of the police investigation or prosecution before taking fair and reasonable action. Where this is the case, there is no need to automatically grant a request from the police to delay progressing a disciplinary investigation.

The same is true if an employee requests that internal proceedings should await the outcome of the police case. You should consider this, but you must be satisfied that there is a real danger of prejudice and not merely a notional one.

If you are in any doubt about whether to commence an internal investigation whilst a police investigation is underway, then contact the Employee Relations and Wellbeing team for advice.



Where the police are called in to investigate they should not be asked to investigate on behalf of the employer, nor should they be present at any investigatory meeting or disciplinary hearing.

### **What if it is not possible to establish the facts?**

There may be occasions however, when the only substantial evidence is held by the police, which will not be disclosed unless, or until, the case comes to court. In such cases, any disciplinary proceedings will have to await the outcome of the police case.

You may be concerned that if you proceed and take disciplinary action, including perhaps dismissal, and the employee is subsequently found not guilty in the criminal case, the decision will be held to be unfair however that should not be a worry. As long as the disciplinary procedure was properly followed, the manager who took the decision had a genuine belief that the employee was guilty of misconduct, that they held that belief on reasonable grounds and have reached that belief after a reasonable investigation then it is likely that the decision will be considered fair. An Employment Tribunal will not be concerned whether the complainant was guilty of the crime, but whether the employer acted reasonably on the evidence available.

### **What if the employee refuses to co-operate?**

Where an employee, charged with or convicted of a criminal offence, refuses to co-operate with the internal disciplinary investigations and proceedings, this should not deter you from taking action. Where this occurs, the employee will need to be advised in writing that unless they take the opportunity to provide further information, a disciplinary decision will be taken on the basis of the available information and could result in dismissal.

### **What if the employee is in custody or on remand?**

There may be occasions where the employee is not available for work because they are in custody or on remand. In these cases, you will need to decide whether, on the basis of the needs of the service, the employee's job can be held open. If it is not reasonable to in terms of service requirements then it is possible to terminate the contract by reason of "frustration of contract". No dismissal takes place in such cases. The length of the absence will be a determining factor here, particularly where there is little likelihood of an employee returning to employment.

The doctrine of "frustration" is normally accepted by the courts only where the employee's "absence" renders all performance of the employment contract clearly impossible.

### **What if the employee has become "unacceptable" to colleagues?**

An employee who has been charged with, or convicted of, a criminal offence may potentially become unacceptable to colleagues resulting in pressures from those colleagues to dismiss the employee. This may even result in threats of industrial action. This could well be the case depending on the nature of the charge or conviction.

However, before bowing to workforce pressure, you need to bear in mind that you will have to justify the reasonableness of any decision to dismiss and consider all relevant factors before reaching such a decision. An employment tribunal will expect no less and will not take into account threats of industrial action when determining the fairness of a decision.

### **What if the criminal conviction makes it illegal for the employee to continue in their job?**

Where a criminal conviction leads, for example, to the loss of a driving licence which would make the employee's continued employment in that job illegal, you will need to consider whether suitable alternative work is available before taking a decision to dismiss. Disqualification from driving for a period of one year or more, where driving is the main task of the job, will normally result in dismissal on the grounds of capability.

### **Employee has more than one contract of employment**

Any action taken as a result of an employee's alleged misconduct in one post will not automatically apply to any other post the employee holds within the Council. Each case must be considered on its merits and advice should be sought from the Employee Relations and Wellbeing team.

The employee will be advised of the scope of the investigation and the same Investigating officer will investigate the allegations in relation to all relevant contracts.

### **Cases involving Statutory Registration Authorities**

Employment in certain professions, which are regulated by statutory bodies is of course conditional upon continuing registration (for example teachers, social workers, solicitors). The Investigating Officer should check whether the employee under investigation is required to be registered with a statutory body. If this is the case they should refer to the Codes of Conduct pertaining to their employment as part of their investigation.

Employers have a duty to report any incidents of professional misconduct to the appropriate registration authority, this will be carried out by the employee's service manager. This duty is separate from any disciplinary action taken,

and as with criminal charges, you do not need to await the outcome of any separate investigation which the registration authority carries out before applying the disciplinary procedure.

In cases where the outcome of the internal disciplinary process results in action short of dismissal, and the registration authority subsequently determines that the employee's registration is suspended or removed, you will need to consider whether suitable alternative work is available before taking a decision to dismiss. Subsequent removal from the registered body will be dealt with as a further case and dismissal will be an option.

### **Dealing with a resignation from an employee who is subject to a disciplinary process**

Occasionally, an employee who is subject to a disciplinary process (either at the investigatory or disciplinary hearing stage) may tender their resignation before management have the opportunity to complete (or in some cases even start) the disciplinary process.

The employee however need only serve the employer with due notice (usually either one week or one month depending on contractual requirements) in writing. The contractual/employment relationship will automatically end upon the expiry of the notice period (or earlier where this has been mutually agreed between the two parties to the contract).

The employer cannot legally force the employee to continue the employment relationship beyond the notice period for whatever reason. Therefore, regardless of whether the employer wants the employee to continue in employment to enable the disciplinary process to take its course, the employer cannot technically refuse to accept the employee's resignation. The employee has a right to end the contractual relationship when they wish and the employer cannot legally prevent this from happening.

If an employee hands in their notice, the disciplinary process should continue until they leave (as practically possible). Once they have left the process stops.

When acknowledging receipt of the letter the individual should:

- be assured the action taken so far is in accordance with agreed procedures
- be assured that the allegations will be fully investigated to establish whether they are founded
- be given the opportunity to rescind their resignation to allow them the opportunity to state their case and in effect prove that the allegations are false

As an employer we have a duty to report any incidents of professional misconduct to the appropriate registration authority and this would still apply following a resignation.

# MANAGING DISCIPLINE APPENDICES A

## - S

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Appendix B	Counselling form template and guide to complete
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Appendix I	'How to form allegations' video available here: <a href="#">Managing Discipline – The Investigation – Aberdeen City Council: People Anytime</a>
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## **APPENDIX A – LINKS TO OTHER POLICIES**

### **LINKS TO OTHER POLICIES AND PROCEDURES**

When dealing with a disciplinary process there may be links to other policies and procedures within Aberdeen City Council. Below are some examples and relevant information to consider.

- **Handling grievances raised during the disciplinary procedure**

There are occasions where an employee will raise a grievance when they are subject to the disciplinary process. There is no legal requirement that a disciplinary process should be postponed while the employer deals with a grievance raised by the employee. Where a grievance is raised, the following guidance is recommended, in the three scenarios below:-

**a) Grievances directly arising from the disciplinary process**

The Managing Grievances policy/procedure states that employees are not permitted to raise a grievance concerning any matter directly arising from the application of the disciplinary procedure (either at investigation or disciplinary hearing stage), it being regarded under that procedure as being non-competent. The employee would have the opportunity to raise any related concerns they may have at the appropriate stage in the disciplinary process.

**b) Grievances relating to the lead-up to the disciplinary process.**

An employee may make an allegation about the circumstances that led to the disciplinary process being initiated, rather than concerning a matter directly arising from the disciplinary case itself. This could be for example where an employee alleges that they were bullied by the manager who initiated the process. The matter can therefore be heard within the disciplinary process, if this is considered appropriate and depending on the seriousness of the allegation. The allegation would be considered to amount to either a defence to the accusation of misconduct or to a mitigating factor that the employer could take into account when considering what action to take. This may be the most efficient way of dealing with the matter especially where the issues are interrelated. An adjournment may be necessary if any issues required to be looked into in more detail with it being recommended that the same investigating officer is used who looked into the conduct allegations.

Alternatively, the disciplinary process could be postponed for the grievance to be heard and dealt with first. However, this could cause an unnecessary delay.

### **c) Grievances that are unrelated to the discipline case**

Grievances that are unrelated to the discipline case should be held out with the disciplinary process and heard through the Managing Grievances procedure as a separate matter. They will not hold up the disciplinary process with no postponement necessary.

- **Substance Misuse**

If during the course of a discipline case the employee indicates that the underlying cause of their conduct is related to alcohol and/or substance misuse, the manager undertaking the discipline case will normally adjourn the disciplinary proceeding (except in the case of apparent gross misconduct or where it is not reasonable to accept that the employee's unacceptable conduct was directly caused by their alcohol and/or substance misuse) to allow for referral to the occupational health service for assessment, provided the employee is willing to accept support.

If an alcohol or substance misuse problem has been identified following a disciplinary referral to occupational health but the employee does not comply with, or accept support, the disciplinary procedure will be continued and the employee's alcohol and/or substance misuse problem will not be regarded as a mitigating factor in terms of deciding the level of disciplinary penalty.

If the employee commits to a support programme and supporting provisions and responds well, the disciplinary procedure should be continued and the employee's alcohol and/or substance misuse problem may be regarded as a mitigating factor and as such may be taken into account when deciding the level of disciplinary penalty.

In cases of apparent gross misconduct, the disciplinary process will continue regardless of whether the employee's actions may be attributed to alcohol and/or substance misuse.

There is no need to defer disciplinary proceedings if it is not reasonable to accept that the employee's conduct was related to their alcohol or substance misuse. In these situations the employee's misuse problem needs to be dealt with as a separate matter with the offer of assistance and support still be made.

In cases of one-off incidents where there is no evidence of underlying alcohol or substance misuse problems the normal disciplinary process will be followed.

- **Managing performance**

There may be occasions where a case may commence under the Managing Performance procedure (or for teachers the GTC "Framework on Teacher Competence") but will move to being dealt with under the Managing Discipline

procedure as evidence begins to suggest that the poor performance relates to attitudes and behaviours rather than an inability to perform to the required standards in the role. When a case transfers across it will normally be to the disciplinary hearing stage, provided there has been a sufficient examination of the situation including an opportunity for the employee to respond to what is being alleged.

The Managing Performance policy and procedure should be used when an employee's standard of performance falls short of the expected standard. It should not be confused with Managing Discipline.

- **Respect and Dignity policy**

Where a complaint, investigated under the Respect and Dignity policy and procedure, is upheld and concludes that an employee has behaved inappropriately, the matter will automatically be considered at the disciplinary hearing stage of the Managing Discipline procedure. There will be no need for a further investigation.

- **Whistleblowing**

Where a complaint, investigated under the Whistleblowing Policy, is upheld and concludes that an employee has behaved inappropriately, the matter will automatically be considered at the disciplinary hearing stage of the Managing Discipline procedure. There will be no need for a further investigation.

- **Handling Allegations Against School Staff**

The Council has a duty to safeguard children in their care and the Handling Allegations Against School Staff procedure covers situations when a pupil or a member of the public complains about school-based staff. It is recognised that school-based staff are in a vulnerable position. These matters are taken seriously and will be dealt with sensitively and appropriately. An investigation under the Handling Allegations Against School Staff may feed into the Managing Discipline procedure.

## APPENDIX B – RECORD OF INFORMAL COUNSELLING

<b>Employee</b>			
<b>Manager undertaking counselling</b>		<b>Date of Meeting</b>	
<b>Conduct issue</b>			
<b>Employee's response</b> (Discuss reflective statement if completed)			
<b>Required improvement and timescale</b> (Explain next steps if improvement not met)			
<b>Additional support to be provided</b> (E.g. training, coaching, advice, mediation and/or closer supervision)			
<b>Employee's signature:</b>			
<b>Manager's signature:</b>			



## **GUIDE TO CARRYING OUT AN INFORMAL COUNSELLING MEETING**

### **Prior to the meeting**

- Explain the purpose of the meeting to the employee.
- Book a private room free from potential interruptions.
- Consider any requests for support during the meeting.
- It is not appropriate for the employee or manager to be accompanied.
- Be prepared for the meeting, ensure that all relevant facts/information is available that you will need to refer to at the meeting (for example, flexi-time records, time sheets, absence records etc). Think about possible solutions and have in mind a plan for taking matters forward in a constructive and positive way that will help the employee to improve and resolve the matter.

### **At the meeting**

- Explain the status and purpose of the meeting and that you wish to encourage a two-way discussion that is positive and meaningful. You should make clear that the meeting is not part of any disciplinary proceeding.
- It is important that you point out the issues in the employee's conduct including impacts to the team/wider service and why they are being counselled so they can understand fully before they give you an explanation.
- Listen to the employee's explanation, provide feedback, jointly discuss ways for the employee to improve and for that improvement to be sustained.
- If the employee raises any issues you may need to look into matters further if the employee provides information that you were unaware of or conflicts with the information you currently have (NB it may become evident that there is no case to answer and if so, make this clear to the employee).
- Agree a plan to make the required improvement.
- Once you have agreed a plan you need to inform the employee that if they do not improve to the required standard then the next stage will be the formal disciplinary procedure.
- If the meeting unveils that the matter is more serious than you first thought or if the employee is not prepared to take the necessary steps for improvement you need to adjourn. Should this arise, inform the employee that the matter will be continued under the formal disciplinary procedure explaining the reasons why.
- Once the meeting has concluded and both parties agree to the next steps, the form should be signed by both the employee and line manager and a copy provided to the employee.

## APPENDIX C – REFLECTIVE STATEMENT

<b>Employee</b>	
<b>Statement Date</b>	
<b>Describe the incident?</b>	
<b>Describe your own behaviour?</b>	
<b>What were the consequences of your behaviour?</b>	
<b>How would you handle the same incident on reflection?</b>	
<b>What support/training do you need to ensure the incident does not occur again?</b>	

## APPENDIX D - PRECAUTIONARY SUSPENSION CHECKLIST

ACTION	MANAGER'S INITIALS	DATE COMPLETED
<b>PREPARATION</b>		
Consider alternatives to suspension e.g. change to workplace, arrangements, duties etc.		
Discuss issue with ER&W team for support and guidance.		
Book a private room free of interruptions to meet the employee face to face. Allow employee to be accompanied by trade union representative or work colleague if they wish.		
<b>CARRYING OUT PRECAUTIONARY SUSPENSION</b>		
Inform the employee of the nature of the allegation(s) and why there is a need to suspend.		
Confirm the suspension is a precautionary measure without prejudice or assumption of guilt and is not a disciplinary action.		
Advise that the period of suspension will be as short as necessary whilst further investigations are conducted and that the suspension will be regularly reviewed by the appointed Investigating officer who will write to them in due course.		
Confirm the that the employee will receive full contractual pay while suspended and must be available during the period of suspension.		
Advise that while suspended they should refrain from contacting the workplace and not make contact with employees, clients or customers of the Council. If they need to make contact this must only be through either their Trade Union representative or the Investigating officer.		
Employee to collect personal items from their workplace and hand over any property of the Council, including keys, mobile phones, laptop computers and their ID badge to you in the first instance.		
Give the employee a copy of the disciplinary procedure or state that you will enclose it in your letter to the employee confirming the precautionary suspension.		
<b>FOLLOWING THE MEETING</b>		
Confirm the suspension in writing using the template letter (appendix).		
Investigation Officer is to be appointed, contact ER&W team for assistance.		
Provide a copy of the completed checklist to the Investigating officer.		

**PERSONAL**

Dear

**PRECAUTIONARY SUSPENSION**

Following our meeting on (date), I write to confirm your suspension from duty, effective from that date.

**Reason for suspension**

This is a precautionary suspension, without prejudice or assumption of guilt, pending investigation into the following allegation/s\* which has/have\* been made against you:

- **<Insert allegation(s)>**

The decision to suspend you from duty was not taken lightly and was on the basis of the apparent nature and seriousness of the allegation(s). Your suspension is not to be regarded as a disciplinary sanction or as prejudging the matter. If at any stage of the disciplinary procedure it is determined that the suspension should be lifted, you will be informed immediately. Your suspension will be reviewed at regular intervals.

**Investigatory process**

The allegation(s) will be investigated as quickly as possible although you will appreciate that in order for the investigation to be carried out fairly and thoroughly the Investigating Officer may need to take the necessary time to obtain statements from witnesses and examine relevant documents as a means of attempting to establish the facts.

The role of the Investigating Officer is to establish the facts by gathering all relevant information then decide whether to -

- 1) take the matter no further,
- 2) arrange for the matter to be dealt with informally or
- 3) arrange for the matter to be dealt with formally by referring it to a disciplinary hearing.

### **Pay during suspension**

During the period of suspension you will receive your normal contractual pay. There will be no day in lieu of any public holiday unless you are required to attend for any work related issue on a public holiday that falls during your period of suspension.

### **Annual leave during suspension**

Previously authorised annual leave which falls during a period of suspension will be unaffected and no days in lieu will be given. If you wish to submit a request for annual leave during the course of a period of suspension this should be done by writing in advance to the Investigating Officer. The terms of suspension as set out in this letter will remain in place during any annual leave days.

### **Sickness absence during suspension**

Any period of sickness that occurs during the suspension should be reported to the Investigating Officer. Your suspension will be converted to sickness absence for that period. You should submit appropriate self and medical certificates which will be forwarded to Payroll in order for you to receive the appropriate sick pay.

The investigation will continue and the terms of suspension as set out in this letter will remain in place. Should your situation alter and your GP subsequently declares you are fit to return to work prior to the conclusion of the investigation you must inform the Investigating Officer who will convert your sickness to suspension from duty, if still appropriate.

### **Contact with workplace**

To enable the investigation to take its course, you must not contact your workplace, colleagues or clients of the Council. Your only contact should be with the Investigating Officer and the appointed Welfare Contact. Should you require access to internal information e.g. email correspondence, documents which you deem relevant to the investigation, please discuss this with the Investigating Officer who can arrange this.

The welfare contact will usually be your line manager, unless the circumstances deem that it is more appropriate for another manager to fulfil this role.

You are of course permitted to contact a trade union representative and enter Council premises to meet with a trade union representative provided you refrain from entering your normal place of work. Should you not be a member of a trade union and wish to be accompanied by a colleague, you should contact the Investigating Officer who will arrange this. You are expected to make yourself available for any meeting which may be arranged as part of the investigation and to co-operate fully with the process.

The Investigating Officer assigned to investigate this matter will contact you as soon as they are in a position to do so.

Yours sincerely

**NAME OF OFFICER CARRYING OUT SUSPENSION**

**JOB TITLE**

Enc Copy of Managing Discipline Policy and Procedure

cc People and Organisational Development Advisor

HR Service Centre/Employee Personal File

**APPENDIX F - TEMPLATE LETTER - CONVERTING SUSPENSION TO SICKNESS ABSENCE**

**PERSONAL**

Dear

**CONVERSION OF PRECAUTIONARY SUSPENSION TO SICKNESS ABSENCE**

I refer to my letter dated (date) and your suspension from duty effective from (date).

I note that you have since submitted a medical certificate that covers the period from (both dates inclusive). In order for your sickness absence to be recorded correctly, it is necessary to convert your precautionary suspension to sickness absence for that period, and any medically certified period of sickness absence beyond that, whilst the disciplinary process continues. Accordingly, your medical certificate will be forwarded to Payroll and you will receive the appropriate sick pay for the above period.

The investigation will continue, and the terms of the suspension as set out previously will remain in place.

Should your situation change and your GP declares you fit to return to work prior to the conclusion of the disciplinary process, your precautionary suspension will be reinstated, if appropriate.

Please contact me if you have any queries on the above.

Yours sincerely

**NAME OF INVESTIGATING OFFICER**

cc People & Organisational Development Advisor  
HR Service Centre /Employee Personal File

## **APPENDIX G - TEMPLATE LETTER - CONVERTING SICKNESS ABSENCE TO SUSPENSION**

### **PERSONAL**

Dear

### **CONVERSION OF SICKNESS ABSENCE TO PRECAUTIONARY SUSPENSION**

I refer to my letter dated (date) converting your suspension from duty to a period of sickness absence. I note that your GP has provided a fit note and you are fit to return to work on (date) therefore I write to advise that your precautionary suspension will be reinstated effective that date.

The investigation will continue and the terms of suspension as set out previously will remain in place.

Please contact me if you have any queries on the above.

Yours sincerely

**NAME OF INVESTIGATING OFFICER**

cc People & Organisational Development Advisor

HR Service Centre /Employee Personal File



## **APPENDIX H - TEMPLATE LETTER – TO LIFT PRECAUTIONARY SUSPENSION**

### **PERSONAL**

Dear

### **PRECAUTIONARY SUSPENSION LIFTED**

I write to confirm that your precautionary suspension has now been lifted. The decision to suspend you from duty was not taken lightly and was on the basis of the apparent nature and seriousness of the allegation(s). During the course of the investigation however, it has become apparent that a precautionary suspension is no longer appropriate and the suspension should be lifted.

I therefore expect you to report to (include place, date and time).

#### **Investigatory process**

The allegation(s) will continue to be investigated as quickly as possible although you will appreciate that in order for the investigation to be carried out fairly and thoroughly I may need to take the necessary time to obtain statements from witnesses and examine relevant documents as a means of attempting to establish the facts.

My role as the Investigating Officer is to establish the facts by gathering all relevant information then decide whether to -

- 1) take the matter no further;
- 2) arrange for the matter to be dealt with informally; or
- 3) arrange for the matter to be dealt with formally by referring it to a disciplinary hearing.

I will contact you in due course to confirm the outcome of the investigation.

Yours sincerely

**NAME OF INVESTIGATING OFFICER**

cc People & Organisational Development Advisor

HR Service Centre/Employee Personal File

**APPENDIX 1 - 'HOW TO FORM ALLEGATIONS' VIDEO AVAILABLE HERE:  
[MANAGING DISCIPLINE – THE INVESTIGATION – ABERDEEN CITY COUNCIL:  
PEOPLE ANYTIME](#) [include link]**

DRAFT

**APPENDIX J - TEMPLATE LETTER – INVITE EMPLOYEE TO A DISCIPLINARY HEARING - \*delete as appropriate**

**PERSONAL**

Dear

**DISCIPLINARY HEARING**

As you will be aware, there has been a recent investigation into an allegation(s) that has/have been made against you. The Investigating Officer has concluded that their investigation has unearthed sufficient evidence of unsatisfactory conduct that should be formally dealt with under the Council's disciplinary procedure. I have been nominated to conduct a disciplinary hearing, the purpose of which is for me to hear both the Investigating Officer's and your case and then decide whether disciplinary action is warranted.

You are required to attend a disciplinary hearing, which is scheduled for (date, time and location/Teams meeting – 5 working days' notice required). At the hearing you will be required to respond to the following allegations \*(which could potentially amount to gross misconduct):

**<Insert allegation(s)>** *(as per the outcome of the investigatory stage)*

**Format of hearing**

I intend to conduct the disciplinary hearing as follows:

1. Firstly, I will explain the purpose and format of the meeting, and deal with any procedural issues that may arise. I will allow adjournments during the hearing where I deem they are necessary.

2. I will then ask the Investigating Officer to state the allegation(s) against you and present the evidence that forms the substance of the case. At this point, I will ask any supporting witnesses to make their statements, if they are to be called, or for their written submissions to be presented if they are not.
3. You and/or your companion will then have the opportunity to question the Investigating Officer and any attending witnesses about evidence that has been presented.
4. I will then ask you to present your case and call any supporting witnesses, or present their written submissions if they are not being called. The Investigating Officer will then be given the opportunity to ask questions of you and your attending witnesses in respect of the information presented.
5. I and my assisting colleague will question the Investigating Officer and yourself, as well as any supporting witnesses who may be called.
6. In addition there may be the need for a more general discussion during which both sides can raise relevant issues not already covered.
7. You will be given the opportunity to conclude your response to the allegations by highlighting any aspects you consider to be particularly relevant, including introducing any mitigating circumstances.
8. At the end of the hearing, I will adjourn the meeting.
9. During this adjournment, I will consider all the relevant information that has emerged from the hearing, consider whether the allegations have been substantiated and decide what action to take.
10. I will notify you of my decision in person whenever possible and confirm it in writing, along with the reasons for arriving at that decision. I would hope to reach a decision within 24 hours of the hearing although the length of the adjournment will of course depend on the type and extent of the range of issues that I need to consider.

### **Potential outcome of hearing**

In view of the nature of the allegation(s) being made against you, you should be aware that a possible outcome of the hearing is that disciplinary action could be taken against you \*which includes the possibility of your dismissal from the Council's employment (*only include this wording in cases where gross misconduct is being alleged or where the employee is presently under a final warning*). You are advised to read the disciplinary procedure, which sets out the range of disciplinary actions that may be taken in certain circumstances.

### **Submission of evidence**

If there is any additional, relevant evidence you wish to have taken into account at the hearing, you must forward this to me at least 24 hours in advance of the hearing. If you wish to have witnesses called you must notify me immediately to ensure that I can contact them in plenty of time. I wish to clarify at this point that witnesses cannot be compelled or instructed to attend the hearing.

I will be referring to documentary evidence that has been provided to me by the Investigating officer. I have enclosed for your information a copy of the report and appendices.

### **Your right to be accompanied**

You have the right to be accompanied by a work colleague or trade union representative if you so wish. You are not permitted be accompanied by your partner, a spouse or a legal practitioner.

I will be accompanied by (insert name of officer).

### **Confirming your attendance**

You are expected to take all reasonable steps to attend the hearing and I have to advise that should you fail to attend the hearing without good and sufficient reason, it is likely that the hearing will proceed, and a decision will be taken, in your absence.

If the companion you select is unable to attend on the above date you have the opportunity to suggest another date. However, this alternative date must suit everyone involved and be no more than 5 working days after the original date – otherwise, you will need to select another companion or attend the meeting unaccompanied.

Please contact me as soon as possible by (email and/or telephone) to confirm that the above date and time are suitable, whether you will be accompanied and if so, by whom.

I trust this satisfactorily explains the stage we are at in the disciplinary procedure and how the disciplinary hearing will proceed.

Yours sincerely

**NAME OF OFFICER CONDUCTING HEARING**

Enc Copy of Investigation Report and Appendices

cc. People and Organisational Development Advisor  
HR Service Centre/Employee Personal File

## APPENDIX K - HOW TO CONDUCT A DISCIPLINARY HEARING CHECKLIST

The chairperson should conduct the formal hearing following the below steps.

STEP	DETAIL	COMPLETED
<b>Prior to the Hearing</b>	Received finalised investigation report and appendices	
	Contact Employee Relations & Wellbeing team ( <a href="mailto:employeeerelations@aberdeencity.gov.uk">employeeerelations@aberdeencity.gov.uk</a> ) for a People & Organisational Development Advisor to support at the hearing.	
	Book a private meeting room or arrange a Teams meeting.	
	Invite employee and all relevant parties to the hearing.	
<b>At the Hearing</b>		
Introduction	<p>Make introductions and explain the purpose and format of the hearing.</p> <p>Confirm that you will allow necessary adjournments during the hearing.</p>	
Investigating Officer presents findings	Ask the Investigating Officer to state the allegation(s) against the employee and present the evidence that forms the substance of the case.	
Witnesses called (if applicable)	Then ask any supporting witnesses to make their statements, if they are to be called, or for their written submissions to be presented if they are not.	

Questions to Investigating Officer and witnesses	Give the employee and/or companion the opportunity to question the Investigating Officer and any attending witnesses about evidence that has been presented.	
Employee presents their case	The employee presents their case and can call any supporting witnesses or present their written submissions if they are not being called.	
Questions to the employee and witnesses	Give the Investigating Officer the opportunity to ask questions of the employee and attending witnesses in respect of the information presented.	
Questions from the Chairperson	<p>You and your assisting colleague will question the Investigating Officer and employee, as well as any supporting witnesses who may be called.</p> <p>At this point any general discussions can take place, where both sides can raise relevant issues not already covered.</p>	
Confirm employee has fully stated their concerns	<p>Employee is given the opportunity to conclude their response to the allegations and highlight any aspects they consider to be particularly relevant, including introducing any mitigating circumstances.</p> <p>Check the employee feels they have had a fair hearing and whether they have anything further to say.</p>	
Adjournment	<p>Adjourn the hearing so that you can consider all the relevant issues that have emerged, and the evidence presented during the hearing, to consider whether the allegations have been substantiated and decide what action to take.</p> <p>Inform the employee at this point when they might reasonably expect a response bearing in mind the time limits set out in the procedure.</p>	



<p>Communicate the decision</p>	<p>Confirm the outcome of the meeting to the employee and if any sanctions applied, advise the length of time on their record and their right of appeal.</p> <p>Advise the decision will be confirmed in writing.</p> <p>If unable to come to decision on the day, confirm to the employee you will notify them of your decision in person whenever possible and confirm it in writing, along with the reasons for arriving at that decision. Advise you would hope to reach a decision within 24 hours of the hearing although the length of the adjournment will depend on the type and extent of the range of issues that you need to consider.</p>	
<p><b>After the Hearing</b></p>	<p>Issue outcome letter to employee.</p>	
	<p>Send the paperwork to the People and Organisational Development Advisor supporting you in the case for recording and filing.</p>	
	<p>Make referral to Disclosure Scotland if necessary.</p>	
	<p>Update Professional Body with outcome of hearing if appropriate.</p>	

DRAFT

**APPENDIX M - TEMPLATE LETTER – OUTCOME NO WARNING / COUNSELLING RECOMMENDED -  
\*delete as appropriate**

**PERSONAL**

Dear

**DISCIPLINARY OUTCOME**

I refer to the disciplinary hearing held on (date) in the presence of (names of officers present, including companions if applicable) during which you were requested to respond to allegations that (insert allegations, as per the letter inviting to hearing).

During the hearing you were requested to respond to the following allegations:

- **Insert allegation(s)**

Having given full consideration to the issues that emerged during the course of the disciplinary hearing, I confirm my decision is that no disciplinary action is taken on the grounds that there was insufficient evidence to substantiate the allegations.

**Optional** \*However, I have recommended that you are counselled by your Line Manager in relation to (detail issue to address through counselling).

Yours sincerely

**NAME OF OFFICER CONDUCTING DISCIPLINARY HEARING**

cc People & Organisational Development Advisor

HR Service Centre/Employee Personal File

**PERSONAL**

Dear

**FIRST LEVEL WARNING**

I refer to the disciplinary hearing held on (date) in the presence of (names of officers present, including companions if applicable) during which you were requested to respond to allegations that (insert allegations, as per the letter inviting to hearing). This letter confirms the disciplinary action taken in your case.

**Disciplinary decision**

Having considered the issues that emerged during the course of the disciplinary hearing, I confirm my decision that you be issued a **first level warning** within the terms of the Council's disciplinary procedure.

This first level warning will take the form of a formal verbal/written\* warning.

**Reasons for the decision and expected improvement**

My reasons for arriving at this decision are, and the expected improvement in your conduct is, as follows:

a) **The nature of the unsatisfactory conduct was:**

**b) The main factors that I considered before arriving at my decision were:**

**c) The expected improvement in conduct is:**

**d) The likely consequence of further misconduct or insufficient improvement is:**

Final warning

### **Life of warning and monitoring of conduct**

This warning will remain on your personal file for a period of **six/nine\*** months of work during which time your conduct will be monitored. This period may be extended to offset any significant period when you are not at work for any reason. If there are no further breaches of discipline during the life of this warning then it will be disregarded for disciplinary purposes and be removed from your personal file. If you commit a further offence of misconduct or fail to meet the required improvement set out in (c) above, this warning may be cited in any disciplinary proceedings resulting from that misconduct or insufficient improvement.

\*If you are eligible for a salary increment you should note that this warning will result in you not receiving your next salary increment. This is in accordance with the Continuous Review and Development scheme. (This does not apply to teachers).

### **\*Optional paragraph to be inserted where decision is taken to retain the data beyond the life of the warning**

As the allegation(s) that has/have\* been upheld relates to (*enter nature of allegations*) the warning will be removed from your personal file once it is spent but a confidential record of the warning will be retained for an indefinite period. This will only be accessed as part of the investigation process should you be subject to any further investigation into an allegation of potential gross misconduct or involving children and/or vulnerable adults.

### **Your right of appeal**

You have the right of appeal against this outcome if you consider the penalty is unduly severe or inconsistent, where new evidence emerges that may affect the decision or where there have been significant defects in the disciplinary procedure.

Should you consider you have grounds to appeal against the disciplinary action taken against you, you may do so by writing to the Director of (Service) within **ten working days** of receipt of this letter. To be a competent appeal, you must state the grounds on which your appeal is based and set out in sufficient detail:

- why you consider the finding or the penalty to be unduly severe or inconsistent
- the new and relevant evidence that has come to light that was previously unavailable
- why you consider that the disciplinary procedure wasn't used correctly and how you were unfairly disadvantaged because of this

Yours sincerely

**NAME OF OFFICER CONDUCTING DISCIPLINARY HEARING**

cc People & Organisational Development Advisor  
HR Service Centre/Employee Personal File

**PERSONAL**

Dear

**FINAL WARNING**

I refer to the disciplinary hearing held on (date) in the presence of (names of officers present, including companions if applicable) during which you were requested to respond to allegations that (insert allegations, as per the letter inviting to hearing). This letter confirms the disciplinary action taken in your case.

**Disciplinary decision**

Having given full consideration to the issues that emerged during the course of the disciplinary hearing I confirm my decision that you be issued with a **final warning** within the terms of the Council's disciplinary procedure.

Optional paragraph - I also confirm my decision that you be **\*demoted/transferred** from your present post of (job title) to the post of (job title) with effect from (day following the date of the disciplinary hearing). \*Your precautionary suspension is also lifted with effect from (day following the date of the disciplinary hearing). Your line manager will contact you to make arrangements for you to take up the post of (job title) as soon as possible and revised contractual documentation will follow in due course.

**Reasons for the decision and expected improvement**

My reasons for arriving at this decision are and the expected improvement in your conduct is, as follows:

a) **The nature of the unsatisfactory conduct was:**

b) **The main factors that I considered before arriving at my decision were:**

\*I have taken into account the letter dated (**date**) which informed you that you had been issued with a first level warning in accordance with the disciplinary procedure. In that letter you were warned that if your conduct did not sufficiently improve, or if you committed a further act of misconduct, you were likely to receive a final warning.

c) **The expected improvement in conduct is:**

d) **The likely consequence of further misconduct or insufficient improvement is:**

Dismissal

#### **Life of warning and monitoring of conduct**

This final warning will remain on your personal file for a period of **twelve months of work**, during which time your conduct will be monitored. This period may be extended to offset any significant period when you are not at work. If there are no further breaches of discipline during the life of this warning, it will be disregarded for disciplinary purposes and be removed from your personal file. If you commit a further offence of misconduct or fail to meet the required improvement set out in (c) above, this warning may be cited in any disciplinary proceedings resulting from that misconduct or insufficient improvement.

\*If you are eligible for a salary increment you should note that this warning will result in you not receiving your next salary increment. This is in accordance with the Continuous Review and Development Scheme. (This does not apply to teachers).

**\*Optional paragraph to be inserted where decision is taken to retain the data beyond the life of the warning:**

As the allegation(s) that has/have been upheld relates to (*enter nature of allegations*) the warning will be removed from your personal file once it is spent but a confidential record of the warning will be retained for an indefinite period. This will only be accessed as part of the investigation process should you be subject to any further investigation into an allegation that relates to your professional registration. In this event, the Council may be obliged to disclose relevant retained information to



your regulatory body e.g. General Teaching Council of Scotland, Scottish Social Services Council as required.

### **Your right of appeal**

You have the right of appeal against this outcome if you consider the penalty is unduly severe or inconsistent, where new evidence emerges that may affect the decision or where there have been significant defects in the disciplinary procedure. Your appeal must be registered within **ten working days** of receipt of this letter.

Should you consider you have grounds to appeal against the disciplinary action taken against you, you can choose to either have your appeal heard by a Chief Official or by the Appeals Sub Committee.

If you wish to have your appeal heard by a Chief Official then you must register your appeal in writing to \*non-teaching staff - (name of Director), Director of (Service) / \*for teachers – (name of COO), Chief Operating Officer.

If you choose to have your appeal heard by the Appeals Sub Committee then you must register your appeal in writing to the Clerk of the Appeals Sub Committee, Aberdeen City Council, Governance, 1st Floor Old Town House, Broad Street, Aberdeen, AB10 1AQ.

To be a competent appeal you must state the grounds on which your appeal is based and set out in sufficient detail:

- Why you consider the finding or the penalty to be unduly severe or inconsistent.
- The new and relevant evidence that has come to light that was previously unavailable.
- Why you consider that the disciplinary procedure wasn't used correctly and how you were unfairly disadvantaged because of this.

Yours sincerely

### **NAME OF OFFICER CONDUCTING DISCIPLINARY HEARING**

cc People & Organisational Development Advisor

HR Service Centre (for action in cases of transfer/demotion)/Employee Personal File

**PERSONAL**

Dear

**CONFIRMATION OF DISMISSAL**

I refer to the disciplinary hearing held on (date) in the presence of (names of officers present, including companion if applicable) during which you were requested to respond to allegations that (insert allegations, as per the letter inviting to hearing). This letter confirms the disciplinary action taken in your case.

**Disciplinary decision**

Having given full consideration to the issues that emerged during the course of the disciplinary hearing, I confirm my decision that you be dismissed in accordance with the Council's disciplinary procedure on the grounds of \*gross/serious misconduct.

**Reasons for the decision to dismiss**

My reasons for arriving at this decision, and the main factors I took into account, are as follows:

- a) The nature of the unsatisfactory conduct was:
  
- b) The main factors that I considered before arriving at my decision were:

\* I also took into account the letter dated (date) which informed you that you had been issued with a final warning in accordance with the disciplinary procedure. In that letter you were warned that if your conduct did not sufficiently improve, or if you committed a further act of misconduct, you were likely to be dismissed.

## Date of dismissal and notice entitlement

\*Select appropriate paragraph -

### ***Para (1) – to be used in cases of gross misconduct***

On the basis that I regard your misconduct as amounting to gross misconduct, you are summarily dismissed from the Council's employment **without** notice or payment in lieu of notice. Your last day of service with Aberdeen City Council was (date).

Payment for any outstanding monies will be made to you as soon as possible and you are required to return the following items issued to you by the Council (list any such items e.g. keys, protective clothing etc).

### ***Para (2) – to be used in cases of serious misconduct***

On the basis that I regard your misconduct as amounting to serious misconduct, whilst your last day of service with Aberdeen City Council was (date), you will receive (amount) weeks' pay in lieu of the amount of notice to which you are contractually entitled.

Payment for any outstanding monies will be made to you as soon as possible and you are required to return the following items issued to you by the Council (list any such items e.g. keys, protective clothing etc).

## **Your right of appeal**

You have the right of appeal against this outcome if you consider the penalty is unduly severe or inconsistent, where new evidence emerges that may affect the decision or where there have been significant defects in the disciplinary procedure. Your appeal must be registered within **ten working days** of receipt of this letter.

Should you consider you have grounds to appeal against the disciplinary action taken against you, you can choose to either have your appeal heard by a Chief Official or by the Appeals Sub Committee.

If you wish to have your appeal heard by a Chief Official then you must register your appeal in writing to \*non teaching staff - (name of Director), Director of (Service) / \*for teachers – (name of COO), Chief Operating Officer.

If you choose to have your appeal heard by the Appeals Sub Committee then you must register your appeal in writing to the Clerk of the Appeals Sub Committee, Aberdeen City Council, Governance, 1st Floor Old Town House, Broad Street, Aberdeen, AB10 1AQ.

To be a competent appeal you must state the grounds on which your appeal is based and set out in sufficient detail:

- why you consider the finding or the penalty to be unduly severe or inconsistent
- the new and relevant evidence that has come to light that was previously unavailable
- why you consider that the disciplinary procedure wasn't used correctly and how you were unfairly disadvantaged because of this

Yours sincerely

**NAME OF OFFICER CONDUCTING DISCIPLINARY HEARING**

cc People & Organisational Development Advisor  
HR Service Centre /Employee Personal File

**APPENDIX Q - HOW TO CONDUCT A DISCIPLINARY APPEAL CHECKLIST**

The Chairperson should conduct the formal appeal hearing following the below steps.

Please note that this checklist applies to those appeals heard by Officers; appeals heard by the Appeals Sub Committee will follow the process laid out in the Appeals Sub Committee Procedure available on the following link <https://peopleanytime.aberdeencity.gov.uk/employee-relations/appeals-committee-procedure/>

STEP	DETAIL	COMPLETED
<b>Prior to the Hearing</b>	Received grounds for appeal from employee	
	Contact Employee Relations & Wellbeing team ( <a href="mailto:employeerelations@aberdeencity.gov.uk">employeerelations@aberdeencity.gov.uk</a> ) for a People & Organisational Development Advisor to support at the hearing.	
	Book a private meeting room or arrange a Teams meeting.	
	Invite employee and all relevant parties to the hearing.	
<b>At the Hearing</b>		
Introduction	<p>Make introductions and explain the purpose and format of the appeal hearing. Confirm the appeal is <b>not</b> a rehearing of the original case.</p> <p>You will allow adjournments during the hearing where they are necessary.</p>	
Employee states grounds for appeal	Ask the employee and/or their companion to state their grounds and reasons for appeal.	

Response from disciplinary manager	Ask the manager who took the disciplinary action to respond.	
Questions from the Chairperson	You and your assisting colleague will question both the employee and the manager who took the disciplinary action.	
Closing statements	Give both parties the opportunity to make a closing statement, firstly the manager who took the disciplinary action, then the employee.	
Adjournment	Adjourn the meeting to consider all the relevant issues that have emerged from the hearing to make a decision.	
Communicate the decision	<p>Reconvene the meeting and announce your decision, along with the reasons for arriving at that decision. Confirm your decision is final and there is no further right of appeal.</p> <p>Advise the decision will be confirmed in writing.</p> <p>If unable to come to decision on the day, confirm to the employee you will notify them of your decision in person whenever possible and confirm it in writing, along with the reasons for arriving at that decision. Advise you would hope to reach a decision within 24 hours of the hearing although the length of the adjournment will depend on the type and extent of the range of issues that you need to consider.</p>	
<b>After the Hearing</b>	Issue outcome letter to employee.	
	Send the paperwork to the People and Organisational Development Advisor supporting you in the case for recording and filing.	

**PERSONAL**

Dear

**NOTICE OF APPEAL HEARING**

You have appealed against the \*first level warning / final warning / notice of dismissal confirmed to you in writing on (date).

**When the appeal will be heard**

I wish to hear the appeal on (date, time and location/Teams meeting – 5 working days' notice required)

**Format of the appeal hearing**

I intend to conduct the appeal hearing using the following procedure:

1. Firstly, I will explain the purpose and format of the hearing and deal with any procedural issues that may arise. The appeal is **not** however a rehearing of the original case.
2. I will then ask you and/or your companion to state your grounds and reasons for appeal.
3. I will then ask the officer who took the disciplinary action to respond.

4. I and my assisting colleague will question both the manager who took the disciplinary action and yourself.
5. I will give both parties the opportunity to make a closing statement, firstly the manager who took the disciplinary action, then yourself.
6. I will allow adjournments during the course of the hearing where they are necessary.
7. At the end of the hearing, I will adjourn the meeting.
8. During this adjournment, I will consider all of the relevant issues that have emerged from the hearing to make my decision.
9. I will then reconvene the meeting and announce my decision, along with the reasons for arriving at that decision. I will thereafter confirm my decision in writing.

#### **Potential outcome of hearing**

I will carefully consider your grounds for appeal, and the response made by the officer who took the disciplinary action, then decide whether there are sufficient and reasonable grounds to either:

- (a) uphold the appeal in full (whereupon all records of disciplinary proceedings will be removed); or
- (b) uphold the appeal in part. In such circumstances, it may be appropriate to reduce the level of disciplinary action taken against you; or
- (c) not uphold the appeal

The decision of this appeal hearing is final and there is no further right of appeal.



**Your right to be accompanied**

You have the right to be accompanied by a work colleague or trade union representative if you so wish. You are not permitted to be accompanied by your partner, a spouse or a legal practitioner.

I will be accompanied by (name of officer).

**Confirming your attendance**

Please contact me by (email and/or telephone) as soon as possible to confirm that the above date and time are suitable, whether you will be accompanied and, if so, by whom.

Yours sincerely

**NAME OF OFFICER CONDUCTING DISCIPLINARY HEARING**

cc People & Organisational Development Advisor  
HR Service Centre /Employee Personal File

**PERSONAL**

Dear

**CONFIRMATION OF OUTCOME OF APPEAL HEARING**

On (date of letter), you appealed against the outcome of the disciplinary hearing that you be given a \*first level / final warning / be dismissed.

I heard the appeal on (date of hearing) in the presence of (insert names of officers present, including companions if applicable).

This letter confirms my decision.

**Outcome of appeal hearing**

Having given full consideration to the issues that emerged during the course of the appeal hearing, I confirm my decision, namely that the decision to **\*give you a first level warning / final warning / dismiss you stands / is revoked / is revoked in part** (specify if no disciplinary action is being taken or what the new disciplinary action is).

**Reasons for my decision**

The reasons for, and factors I considered when arriving at this decision were:

<Enter reasons and factors>

You have now exercised your right of appeal under the Council's disciplinary procedure and my decision is **final**.

Yours sincerely

**NAME OF OFFICER CONDUCTING HEARING**

cc People & Organisational Development Advisor

HR Service Centre /Employee Personal File

DRAFT

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## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Staff Governance Committee
<b>DATE</b>	7 June 2021
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Corporate Health and Safety – January to March 2021
<b>REPORT NUMBER</b>	COM/21/135
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Colin Leaver
<b>TERMS OF REFERENCE</b>	3.3

### 1. PURPOSE OF REPORT

- 1.1 The report summarises statistical health and safety performance information for the 3-month reporting period January-March 2021 to provide the Committee with the opportunity to monitor compliance with health and safety legislation.

### 2. RECOMMENDATIONS

That the Committee: -

- 2.1 Note the report and provide comment on the health, safety and wellbeing policy, performance, trends and improvements.

### 3. BACKGROUND

- 3.1 This report contains statistical information of the three-month reporting period January-March 2021 and a review of health and safety activities for the same period. The Reporting of Injuries, Diseases and Dangerous Occurrences 2013 (RIDDOR) puts duties on employers, the self-employed and people in control of work premises (the Responsible Person) to report certain serious workplace accidents, occupational diseases and specified dangerous occurrences (near misses) to the Health and Safety Executive (HSE). This reporting duty includes incidents which result in an employee being absent from work for 7 days or longer.

This report addresses the following matters:

1. Process for making Aberdeen City Council Covid-secure
2. All incidents involving employees and members of the public (serious and minor)
3. HSE Reportable Incidents
4. Reportable Diseases
5. Near Miss Information
6. Enforcement Interventions
7. Fire Risk Assessment
8. Health and Safety Audits

- 9. Compliance Monitoring
- 10. Health and Safety Policies and Guidance

### 3.2 Covid-Secure

In this reporting period Aberdeen City, as with all of Scotland, were placed back into lockdown. The result of this is that all staff who could work from home returned to this method of work. In the same period the vaccination programme was being rolled out, which will provide an additional level of control within the process we already have developed.

Additional guidance was released for the return of schools and Education staff worked hard to implement any additional controls required to ensure that employees and pupils would continue to be safe upon their return.

### 3.3 Incidents (Jan-Mar 2021)

All incident and near miss information in this report has been provided to Service Area level.

Incident information:

The following table gives a breakdown of all incidents across all Functions and Clusters in Aberdeen City Council. In this reporting period there was a total of 92 incidents reported, this shows a decrease from the 176 incidents reported in the corresponding period in 2020. The figures in brackets show the figures reported for the period January-March 2021 as a comparison.

Function Cluster Service	1. RIDDOR Reportable employee (including absences over 7 days)	2. Non-RIDDOR reportable employee (absences of 4 to 7 days)	3. Non-RIDDOR reportable employee (absences of 0 to 3 days)	4. RIDDOR Reportable Non-employee	5. Non-RIDDOR reportable Non-employee	Total
<b>AHSCP</b>	<b>0(0)</b>	<b>0(0)</b>	<b>3(3)</b>	<b>0(0)</b>	<b>3(1)</b>	<b>6(4)</b>
Older Adult Services	0(0)	0(0)	3(3)	0(0)	3(1)	6(4)
Young Adult Services	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)
<b>Commissioning</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(1)</b>	<b>0(1)</b>
City Growth	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)
Commercial and Procurement	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)
Governance	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)
Strategic Place Planning	0(0)	0(0)	0(0)	0(0)	0(1)	0(1)
<b>Customer</b>	<b>1(0)</b>	<b>0(0)</b>	<b>1(2)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>2(2)</b>

Function  Cluster  Service	1. RIDDOR Reportable employee (including absences over 7 days)	2. Non-RIDDOR reportable employee (absences of 4 to 7 days)	3. Non-RIDDOR reportable employee (absences of 0 to 3 days)	4. RIDDOR Reportable Non-employee	5. Non-RIDDOR reportable Non-employee	Total
Customer Experience	1(0)	0(0)	0(1)	0(0)	0(0)	1(1)
Early Intervention and Community Empowerment	0(0)	0(0)	1(1)	0(0)	0(0)	1(1)
<b>Operations</b>	<b>5(8)</b>	<b>6(2)</b>	<b>49(94)</b>	<b>1(0)</b>	<b>23(65)</b>	<b>84(169)</b>
Operations and Protective Services	5(5)	5(2)	18(10)	0(0)	1(1)	29(18)
<i>Operations (Building Services)</i>	2(1)	0(1)	4(2)	0(0)	1(1)	7(5)
<i>Environmental</i>	0(0)	1(0)	1(0)	0(0)	0(0)	2(0)
<i>Facilities</i>	0(0)	0(0)	5(2)	0(0)	0(0)	5(2)
<i>Fleet</i>	1(0)	0(0)	1(1)	0(0)	0(0)	2(1)
<i>Protective Services</i>	0(0)	0(0)	1(0)	0(0)	0(0)	1(0)
<i>Roads</i>	0(2)	1(0)	2(1)	0(0)	0(0)	3(3)
<i>Waste</i>	2(2)	3(1)	4(4)	0(0)	0(0)	9(7)
Integrated Children and Family Services	0(3)	1(0)	31(84)	1(0)	22(64)	55(151)
<i>Schools</i>	0(3)	1(0)	29(83)	1(0)	22(63)	53(149)
<i>Quality Improvement</i>	0(0)	0(0)	0(0)	0(0)	0(1)	0(1)
<i>Early Years</i>	0(0)	0(0)	2(1)	0(0)	0(0)	2(1)
<i>Children's Social Work</i>	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)
<b>Total Oct-Dec</b>	<b>6(8)</b>	<b>6(1)</b>	<b>53(99)</b>	<b>1(0)</b>	<b>26(67)</b>	<b>92(176)</b>

3.4 The figures in columns are compared to the () figures in corresponding period in 2020.

3.5 The figures have decreased across the majority of Functions in a period when critical Services have continued to work.

3.6 Since the corresponding period last year there was a restructure that seen Governance, City Growth and Strategic Place Planning move to the Commissioning Function.

3.7 Incident causation is detailed in the table below.

Function/Cluster	Slip, trip, fall	Exposure to substances	Contact with Machinery	Manual handling	Struck against	Falls from Height	Struck by Object	Another type of accident	Injured by Animal	Unacceptable behaviour	Contact with Electricity	Struck by Moving Vehicle	Total
<b>AHSCP</b>	<b>2(1)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>2(0)</b>	<b>0(0)</b>	<b>2(3)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>6(4)</b>
Older Adult Services	2(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	2(0)	0(0)	2(0)	0(0)	0(0)	6(0)
Young Adult Services	0(1)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(3)	0(0)	0(0)	0(4)
<b>Commissioning</b>	<b>0(1)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(1)</b>
City Growth	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)
Place	0(1)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(1)
<b>Customer</b>	<b>2(1)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(1)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>2(2)</b>
Customer Experience	1(1)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	1(1)
Early Intervention and Community Empowerment	1(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(1)	0(0)	0(0)	0(0)	0(0)	0(0)	1(1)
<b>Operations</b>	<b>25(25)</b>	<b>0(1)</b>	<b>0(2)</b>	<b>6(3)</b>	<b>2(4)</b>	<b>4(5)</b>	<b>5(28)</b>	<b>10(17)</b>	<b>0(1)</b>	<b>31(83)</b>	<b>0(0)</b>	<b>1(0)</b>	<b>84(169)</b>
Integrated Children's and Family Services	12(24)	0(1)	0(0)	0(0)	2(3)	1(4)	3(23)	7(14)	0(0)	30(82)	0(0)	0(0)	55(151)
Operations and Protective Services	13(1)	0(0)	0(2)	6(3)	0(1)	3(1)	2(5)	3(3)	0(1)	1(1)	0(0)	1(0)	29(18)
<b>Total Numbers</b>	<b>29(28)</b>	<b>0(1)</b>	<b>0(2)</b>	<b>6(3)</b>	<b>2(4)</b>	<b>4(5)</b>	<b>5(29)</b>	<b>12(17)</b>	<b>0(1)</b>	<b>33(86)</b>	<b>0(0)</b>	<b>1(0)</b>	<b>92(176)</b>

3.8 The largest percentage of incidents reported is related to unacceptable behaviour followed by slips, trips and falls.

3.9 When an incident is reported the corporate system generates an investigation report which the reporting officer is required to complete. This report highlights categories of criteria which require to be considered including root cause, actions identified and completion dates. These investigation reports are reviewed and where non-compliant the reporting manager is contacted to advise on the need to complete and to be offered assistance with their investigation. For incidents where there is a requirement to RIDDOR report to HSE then the reporting manager is assisted in completing their investigation.



## HSE Reportable incidents (Jan-Mar 2021)

3.10 During this reporting period 6 employee were injured in incidents, which required to be reported to the Health and Safety Executive, all incidents occurred between Jan-Mar 2021.

3.11 All RIDDOR incidents are followed up by the Corporate Health and Safety Team to get assurance that the correct causation and remedial actions been identified; also, that any remedial actions have been implemented.

### Incident (reportable employee) frequency rates

Period – Quarterly	Reportable Incidence rate	Reporting period
Jan-Mar 2021	0.75	2020/21

3.12 The above figures are calculated using the formula:

$$\text{Incidence rate} = \frac{\text{RIDDOR injuries per period} \times 1000}{\text{Number of employees}}$$

3.13 The figure for the corresponding period last year (Jan-Mar 2020) was 8 RIDDOR reportable incidents.

### Reportable Diseases

3.14 There were no reportable diseases reported under RIDDOR; which was also the case in the corresponding reporting period last year.

### Near Miss Information

3.15 Many safety activities are reactive, that is, they occur after an injury incident. By reporting near-miss incidents this promotes proactive safety, thereby raising awareness of potential hazards and mitigation strategies before an injury occurs. Recognising and reporting near-miss incidents can significantly improve employee safety and enhance the safety culture.

3.16 The table below shows relevant near miss information for Jan-Mar 2021. Due to continued development of Power BI we are able to provide more detailed information within this report.

Function	Cluster	Service Area	Near Misses Jan-Mar 2021	Near Misses Jan-Mar 2020
AHSCP			7	20
	Adult Services		7	20
		Care Management	0	0
		Learning Disabilities	7	18
		Criminal Justice	0	2

<b>Commissioning</b>			<b>0</b>	<b>2</b>
	<b>City Growth</b>		<b>0</b>	<b>2</b>
		Galleries & Museums	0	2
	<b>Governance</b>		0	0
	<b>Strategic Place Planning</b>		0	0
<b>Customer</b>			<b>10</b>	<b>15</b>
	<b>Customer Experience</b>		<b>4</b>	<b>4</b>
		Customer Delivery	3	0
		Customer Services Operations	1	4
		Revenues & Benefits	0	0
		Transformation & Business Support	0	0
	<b>Early Intervention and Community Empowerment</b>		<b>6</b>	<b>11</b>
		Community Safety and ASBIT	2	4
		Housing Access and Support	0	1
		Housing Management	2	3
		Libraries	2	1
		Local Plan	0	2
<b>Operations</b>			<b>51</b>	<b>121</b>
	<b>Integrated Children's and Family Services</b>		<b>41</b>	<b>108</b>
		ASN- Target Provision	0	0
		Education-Schools	39	106
		Education-Quality Improvement	2	2
	<b>Operations and Protective Services</b>		<b>10</b>	<b>13</b>
		Building Services	4	6
		Environmental Services	3	1
		Facilities Management	3	2
		Protective Services	0	0
		R & I – Road Operations	0	3
		Waste	0	1
<b>Resources</b>			<b>1</b>	<b>2</b>
		Capital	1	1
		Corporate Landlord	0	0

		People & Organisation	0	0
<b>Total</b>			<b>69</b>	<b>160</b>

3.17 The table below shows the causation for the numbers of near misses in the table. The figures in brackets (where recorded) are for the corresponding period in 2020.

Function/Cluster/service area	Unacceptable behaviour	Other	Security	Vandalism	Total
<b>AHSCP</b>	<b>0(3)</b>	<b>7(16)</b>	<b>0(1)</b>	<b>0(0)</b>	<b>7(20)</b>
Care Management	0(0)	0(0)	0(0)	0(0)	0(0)
Criminal Justice	0(1)	0(0)	0(1)	0(0)	0(2)
Learning Disabilities	0(2)	7(16)	0(0)	0(0)	7(18)
Mental Health	0(0)	0(0)	0(0)	0(0)	0(0)
<b>Commissioning</b>	<b>0(0)</b>	<b>0(2)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(2)</b>
City Growth	0(0)	0(2)	0(0)	0(0)	0(2)
Governance	0(0)	0(0)	0(0)	0(0)	0(0)
Strategic Place Planning	0(0)	0(0)	0(0)	0(0)	0(0)
<b>Customer</b>	<b>7(9)</b>	<b>1(2)</b>	<b>0(1)</b>	<b>2(3)</b>	<b>10(15)</b>
Customer Experience	3(3)	0(0)	0(1)	1(0)	4(4)
Customer Development	3(0)	0(0)	0(0)	0(0)	3(0)
Customer Services Operations	0(3)	0(0)	0(1)	1(0)	1(4)
Revenue and Benefits	0(0)	0(0)	0(0)	0(0)	0(0)
Transformation and Business Support	0(0)	0(0)	0(0)	0(0)	0(0)
<b>Early Intervention and Community Empowerment</b>	<b>4(6)</b>	<b>1(1)</b>	<b>0(0)</b>	<b>1(2)</b>	<b>6(11)</b>
Community Safety and ASBIT	1(4)	1(0)	0(0)	0(0)	2(4)
Housing Access and Support	0(0)	0(1)	0(0)	0(0)	0(1)
Housing Management	2(2)	0(0)	0(0)	0(1)	2(3)
Libraries	1(0)	0(0)	0(0)	1(1)	2(1)
Local Plan	0(0)	0(2)	0(0)	0(0)	0(2)
<b>Data and Technology</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>0(0)</b>
Core Data Network	0(0)	0(0)	0(0)	0(0)	0(0)

<b>Operations</b>	<b>39(88)</b>	<b>11(18)</b>	<b>1(10)</b>	<b>0(5)</b>	<b>51(121)</b>
<i>Integrated Children's and Family Services</i>	37(84)	3(9)	1(0)	0(5)	41(108)
Education-Schools	36(83)	2(8)	1(0)	0(5)	39(96)
ASN Target Provision	0(0)	0(0)	0(0)	0(0)	0(0)
Children's Social Work- Residential and Youth	0(0)	0(0)	0(0)	0(0)	0(0)
Education-Quality Improvement	1(1)	1(1)	0(0)	0(0)	2(2)
<i>Operations and Protective Services</i>	2(4)	8(9)	0(0)	0(0)	10(13)
Building Services	0(1)	4(5)	0(0)	0(0)	4(6)
Environmental Services	1(0)	2(1)	0(0)	0(0)	3(1)
Facilities Management	1(2)	2(0)	0(0)	0(0)	3(2)
Fleet Services	0(0)	0(0)	0(0)	0(0)	0(0)
Protective Services	0(0)	0(0)	0(0)	0(0)	0(0)
R & I Roads Operations	0(0)	0(3)	0(0)	0(0)	0(3)
Waste Services	0(1)	0(0)	0(0)	0(0)	0(1)
<b>Resources</b>	<b>1(0)</b>	<b>0(2)</b>	<b>0(0)</b>	<b>0(0)</b>	<b>1(2)</b>
Corporate Landlord	0(0)	0(0)	0(0)	0(0)	0(0)
Capital	1(0)	0(1)	0(0)	0(0)	1(1)
People Development	0(0)	0(1)	0(0)	0(0)	0(1)
<b>Total Numbers</b>	<b>47(100)</b>	<b>19(40)</b>	<b>1(12)</b>	<b>2(8)</b>	<b>69(160)</b>

3.18 The overall number of near misses has decreased from 160 during the corresponding reporting period in 2019/20, to 69. This is a reduction of 57%. The highest number of incidents were recorded in the Unacceptable Behaviour category within the Integrated Children's and Family Services Function.

### **Regulator interventions (HSE / SFRS)**

3.19 There are occasions where HSE and Scottish Fire and Rescue Services (SFRS) contact Aberdeen City Council to request further information or ask for action to be taken with regard to the way Aberdeen City Council undertake their legal duties.

3.20 There were no interventions with HSE or SFRS in this reporting period.

### **Fire risk assessments**

3.21 Fire risk assessments are completed on a rolling 5-year programme. Fire risk assessment visits are currently restricted due to the restrictions imposed by Covid-19, however 2 fire risk assessments were carried out with an average compliance score of 92%.

3.22 An identified Officer within Corporate Landlord manages a database of required actions. It is their role to monitor progress of action and report compliance issues. The Corporate Health and Safety Team also audit this process to ensure actions are closed out in future in time.

## Health and Safety Audits

3.23 Covid 19 Compliance visits have been undertaken at various premises within the ACC estate, 15 sites were visited with an overall compliance score of 93%. All action points raised are included in an action log, which is reviewed weekly and reported to both relevant Chief Officers and the Workforce Planning and Protection Group where actions go beyond the agreed compliance date. Managers are given access to the action log to record the action taken by them and the date completed. Follow up visits are also carried out to ensure actions have been completed and the controls continue to be suitable and sufficient and are being followed.

## Health and safety policies and guidance

3.24 No policies or procedures were reviewed during this quarter.

## 4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications arising from the recommendations of this report.

## 5. LEGAL IMPLICATIONS

5.1 Health and safety legislation requires that an organisation has a suitably robust safety management system to ensure the health, safety and welfare of their employees. Where any incident is of sufficient seriousness there is the potential that the Enforcing Authorities will become involved and carry out their own investigation into the circumstances of the incident. Any investigation could result in prosecution of the organisation and in some cases prosecution of managers and/or employees.

## 6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	N/A	N/A	N/A
Compliance	There is the risk that any injury or serious health and safety incident could result in focus from the Health and Safety Executive which could result in enforcement action in the form of notices or prosecution.	M	All tasks are risk assessed and the controls implemented and supervised by line managers. All employees are trained to a level where they are competent to carry out the work. Analysis of the causes of the incidents, near misses and work-related absences and resultant improvements to

			<p>prevent, where possible, reoccurrences, can reduce the financial exposure to the Council.</p> <p>An effective health and safety management system in which risks are identified and either eliminated or reduced will result in a reduction of costs to the organisation.</p> <p>If the Enforcing Authorities take a case to court against Aberdeen City Council for breaches of legislation then it could leave the Council liable to pay any fine or damages imposed and also for the expenses of any subsequent civil claim, which follows where an individual has suffered personal injury.</p>
<b>Operational</b>	<p>The risk is that any health and safety incident can lead to an injury to an employee which could have the potential to temporarily or permanently affect either or both their employment or their life.</p> <p>The risk to our citizens is that we are unable to provide the same level of service delivery due to staff absences from illness and injury sustained during their work. Also, there is the possibility of a reduced budget due to the associated financial costs.</p>	<p>M</p> <p>M</p>	<p>If the task has been risk assessed; employees are trained, competent and supervised then there should be less likelihood of incidents.</p> <p>Reducing the number of incidents will reduce the number of absences and the subsequent costs to the Council.</p>

<b>Financial</b>	The risk is that any incident has the potential to bring a reduction in the overall budget in place to provide service delivery.	M	As per Compliance above
<b>Reputational</b>	Local and National press coverage of any incident can present reputational damage to the organisation.	M	Should be provided by each Function having a robust safety management system in place. There are many facets to this which are important starting from ensuring employees are trained and competent, every hazard is risk assessed and up to carrying out investigation of near misses to ensure controls are reviewed to consider whether remedial actions are required.
<b>Environment / Climate</b>	N/A	N/A	N/A

## 7. OUTCOMES

<b><u>COUNCIL DELIVERY PLAN</u></b>	
<b>Impact of Report</b>	
<b>Aberdeen City Local Outcome Improvement Plan</b>	
Prosperous Economy Stretch Outcomes	A healthy and safe workplace assists the overarching principles of the stretch outcomes within the LOIP by ensuring that resource is directed at the services required by the city. Removing the level of lost resource to the financial penalties incurred through the Civil and Law Courts and from the Regulators will allow the available resource to be best used to ensure funding of the growth sectors of the local economy.
Prosperous People Stretch Outcomes	The areas reported on within this report allow Clusters a further opportunity to recognise areas which when acted upon can assist with engagement of staff and service users to support the meaningful educational progress of children and young people.

<b>UK and Scottish Legislative and Policy Programmes</b>	The Health and Safety at Work etc Act 1974
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## 8. IMPACT ASSESSMENTS

Assessment	Outcome
<b>Impact Assessment</b>	Full impact assessment not required
<b>Data Protection Impact Assessment</b>	Not required

## 9. BACKGROUND PAPERS

N/A

## 10. APPENDICES

N/A

## 11. REPORT AUTHOR CONTACT DETAILS

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## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Staff Governance
<b>DATE</b>	7 June 2021
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Employee Mental Health Action Plan - Annual Progress Update
<b>REPORT NUMBER</b>	RES/21/119
<b>DIRECTOR</b>	Steven Whyte
<b>CHIEF OFFICER</b>	Isla Newcombe
<b>REPORT AUTHOR</b>	Kirsten Foley
<b>TERMS OF REFERENCE</b>	3.3

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide an update in relation to the employee mental health action plan which was approved by Staff Governance Committee on 3 February 2020 (initially agreed on 31<sup>st</sup> January 2019) with an instruction to report back on progress.
- 1.2 Further analysis of the impact of the interventions and initiatives put in place prior to and during the pandemic will be undertaken over the upcoming months, and this data will be used to inform the development of the next iteration of the Employee Mental Health Action Plan, which will be reported to Committee in due course.

### 2. RECOMMENDATIONS

That the Committee: -

- 2.1 notes the actions carried out so far to address and support positive employee mental health; and consider the variety of initiatives, activities, training and support made available to employees during the Covid-19 pandemic;
- 2.2 approves the continuing work outlined to address and improve employee mental health and wellbeing; and
- 2.3 notes that a revised Employee Mental Health Action Plan will be reported to Committee in due course.

### 3. BACKGROUND

- 3.1 A report to the Staff Governance Committee on 3 February 2020 outlined the actions which would be undertaken in Aberdeen City Council's mental health action plan.

- 3.2 The Mental Health Action Plan was approved at Staff Governance Committee in February 2020 (**See Appendix 1**) and is linked to the Wellbeing Plan. It shows the organisation's commitment and intent on key theme areas (as per the diagram below) to support a mentally healthy workplace. It is based on good practice as outlined in the links under 'background papers' at 11 below; including ACAS guidance and the independent review of mental health and employers undertaken by Stevenson and Farmer entitled 'Thriving at Work'.



A working group was formed which includes staff members with a passion and interest in improving workplace mental health alongside members of the People and Organisational Development team.

- 3.3 The plan is owned and monitored by People and Organisational Development, who ensure that the actions are progressed and that it will be ongoing and refreshed annually. Data relating to employee absence including psychological reasons will also continue to be reported to the Staff Governance Committee for monitoring to determine the effectiveness of the measures in the plan in addressing and improving employee absence.
- 3.4 Since the start of the pandemic, People and Organisational Development, in partnership with the Health and Safety team and other colleagues across the organisation, have undertaken mitigating actions recognising the potential for increased mental health concerns amongst employees during a period of increased stress and anxiety. We continue to work closely with trade union colleagues to support employees and to deliver a range of support which is related to mental health and wellbeing.
- 3.5 A recent study published by the Chartered Institute for Personnel and Development, entitled *Coronavirus (COVID-19): Mental Health Support for Employees* suggests that the effects of the pandemic and the measures put in place to suppress it (eg lockdown and social distancing) are likely to be long

lasting, with some individuals continuing to experience the impact for months or even years after the event.

As we begin to return to the workplace, whatever that might look like post-pandemic, it is imperative that we identify and put in place the support staff require.

#### 4. WHAT HAS BEEN DELIVERED

4.1.1 Appendix 1 shows the progress which has been made against all actions in the Mental Health Action Plan. Key achievements arising from the plan are outlined below.

4.1.2 Appendix 2 shows the delivery of activities, campaigns, training and support services during the Covid-19 pandemic across the organisation.

#### 4.2 Mental Health Awareness Week

4.2.1 To mark World Health Day and raise awareness of Stress Awareness Month in April, a series of our self-improvement sessions covering all aspects of looking after one's own wellbeing was delivered via Teams by our Employee Assistance Service, 'Time for Talking'. Further sessions will be scheduled for employees who could not attend at this time and the programme will continue to rollout throughout 2021.

4.2.2 Our first Mental Health Awareness Week ran in October 2019 to coincide with World Mental Health Day. Due to the number of restrictions in place last year as a result of Covid-19 and the wealth of campaigns and information that was continually being delivered to the workforce, our next planned Mental Health Awareness Week will be delivered in October 2021. A series of webinars are currently being delivered to mark the national Mental Health Awareness Week which takes place this year from 10 – 16 May 2021.



The banner features a background image of a person's face with text overlaid. The main title is 'Wellbeing Wednesday Webinars' in a large, bold, purple font. Below it, a paragraph in purple text reads: 'To celebrate Stress Awareness Month in April and Mental Health Awareness week in May, a programme of Wellbeing Wednesday Webinars delivered by our Employee Assistance Service will commence on 14 April 2021 to help support and improve staff wellbeing.' At the bottom center, there is a purple button with the text 'Click Here' in white. The background text includes 'DO YOU KNOW WHERE HELP IS ON HAND IF YOU ARE STRUGGLING' and 'timefortalking' in the top right corner.

Aberdeen City Council's Mental Health Awareness Week was established to highlight the value that we place on our employees' mental health of creating a culture where employees can talk about mental health and have support available to allow them to seek help where needed and is open to our colleagues in the NHS and Aberdeen Health & Social Care Partnership also.

4.2.3 Sessions were attended by approximately 110 members of staff at 5 different events and subjects on Stronger Through Adversity, Personal Relationships and Communication, Managing Stress Mindfully, Building Psychological Resilience and Wellbeing and Eat, Sleep, Exercise, Talk and Thrive. Further sessions on suicide prevention and domestic abuse are also being delivered to our network of Mental Health First Aiders to enhance and upskill their learning for supporting others.

#### 4.3 **Mental Health First Aid Network**

4.3.1 Personnel Today (the UK's leading free-access HR website with accurate information on employment law and best HR practice) identified key benefits of having Mental Health First Aiders

Mental Health First Aiders act as a trained point of contact for employees who require support and provide guidance on resources available. They are all trained volunteers, independent of line management and offer support confidentially.

4.3.2 Mental Health First Aiders were approved as a result of a guidance implemented which required them to be interviewed about the role and provide references. Following the Mental Health First Aid training which is provided by the North East of Scotland College they are provided with support from the Mental Health Co-ordinator and there is a mechanism in place to capture interactions with employees anonymously. This information is utilised to ensure the effectiveness of the Service and provide any relevant additional training to the Mental Health First Aiders.

4.3.3 Trade Union Colleagues continue to play an active role in the area of Mental Health and have been supportive in the implementation of Mental Health First Aiders. Regular meetings have been established to look at the issue of mental health in the workplace and identify areas where we can collaborate.

4.3.4 Communication is being cascaded across the organisation and employees can find Mental Health First Aid contact details alongside First Aider contact details in the workplace. A full list of all Mental Health First Aiders is available on our [Mental Health and Wellbeing pages](#). In addition, for those employees who do not access electronic technology as a regular part of their role, the contact details are contained within the flyer for Front Line Workers and is cascaded throughout services via ECMT and the Leadership Forum. We continue to work collaboratively with managers and trade unions to ensure that vital information such as this is available to frontline colleagues.

4.3.5 Regular development sessions covering various subjects to upskill our Mental Health First Aiders to enhance their effectiveness in their role has commenced in 2021 with the delivery of the following topics completed:

- Domestic Abuse Awareness
- Introduction to Suicide Awareness

4.3.6 A service recording tool is used to record the interactions of Mental Health First Aiders with employees who are accessing the service. This allows us to make

sure we have enough cover and support across the organisation and enables us to identify further development needs for our Mental Health First Aiders. The tool does not collect any personal data, but the information gathered allows us to identify issues, trends and hotspots enabling us to intervene with a variety of proactive measures.

#### 4.3.7 **Current coverage of trained Mental Health First Aiders**

We currently have 72 mental health first aiders trained across the organisation (an increase of 32 since the last reporting period). Training has continued throughout Covid-19 albeit with reduced numbers to allow social distancing practices. We now have **1%** cover of Mental Health First Aiders across our workforce and they are situated in 30 locations.

#### 4.4 **Training Programme**

4.4.1 Our training programme continues to grow with this last year giving particular emphasis to self-development. Our partnership with SAMH has allowed us to deliver webinar style training sessions to all our employees and has been cascaded throughout the organisation using the Leadership Forum to gain buy in from managers.

Training courses included are as follows:

Scottish Mental Health First Aider – 32 attended  
Building Resilience – 59 attended  
Maintaining Wellbeing – 59 attended  
Stronger Through Adversity (Time for Talking) – 109 attended  
Personal Relationships and Communication (Time for Talking) – 110 attended  
Managing Stress Mindfully (Time for Talking) – 116 attended  
Building Psychological Resilience and Wellbeing (Time for Talking) – 120 attended

Still to deliver in May:

Eat, Sleep, Exercise, Talk and Thrive (Time for Talking)  
Managing Your Digital Wellbeing (P&OD webinar on use of Microsoft apps to improve work/life balance through use of M365 apps)  
Stronger Through Adversity (Time for Talking)  
Personal Relationships and Communication (Time for Talking)  
Managing Stress Mindfully (Time for Talking)  
Building Psychological Resilience and Wellbeing (Time for Talking)  
Eat, Sleep, Exercise, Talk and Thrive (Time for Talking)

#### 4.4.1 **eLearning**

A suite of mental health eLearning training is now available for all employees to undertake including:

- Mentally Healthy Workplaces
- Ask, Tell, Save a life – online learning clips on Suicide Prevention
- Alcohol and Drugs in the Workplace

and for managers:

- Stress Awareness for Managers

and other external eLearning training is available on our Mental Health and Wellbeing pages:

- Mental Health eLearning for Teachers
- See Me in Work
- Understanding Sleep

## **5. NEXT STEPS**

### **5.1 Mental Health First Aid Network**

5.1.1 The next steps at this stage of the project are to:

- Continue to focus on data led interventions to support areas of the organisation where a mental health intervention would be appropriate. This will be done by analysing data gathered from Mental Health First Aiders, Aberdeen City Council absence information and usage information from the Employee Assistance provider as well as data gathered from the Future of Work Survey.
- Measurement of the impact of the data led interventions and the impact on absence levels in those areas.
- Focus on enrolling Mental Health First Aiders in the locations and Clusters where current cover is lower.
- Further delivery of Mental Health First Aid Training
- Increase the number of managers who are trained to raise awareness to support employees experiencing mental health issues.
- Analyse feedback to identify hotspots and expressly target with training and other wellbeing initiatives.
- Continue building a programme of peer support networks to share knowledge and experience as well as deliver training opportunities to upskill the Mental Health First Aiders, encouraging appropriate support and supervision. Review interventions being provided. This mechanism will also provide further opportunities to identify development needs for the network.

### **5.3 Training Programme**

Continue to add to, advertise and encourage all staff to undertake the mental health awareness training available. Further training will be added in 2021 once restrictions are lifted, as below.

- Introduction to Suicide Prevention delivered by SAMH.
- ASIST – In-depth Suicide Prevention
- Stress Awareness for Managers Virtual Teams Based Training
- Building Resilience Virtual Teams Based Training
- Maintaining Wellbeing Virtual Teams Based Training

In addition to in-house opportunities, continue to encourage employees to participate in the Stress and Mental Health Improvement Virtual Training available from NHS Grampian Public Health colleagues as follows:

# Stress and Mental Health Improvement Virtual Training

available to all NHS Grampian and Health and Social Care Staff and including all Aberdeen City Council Staff

**touchbase...**  
Mental Health Training  
Calendar 2021-2022

April to December 2021



Month	Mental Health Awareness 1.5 hrs	Stress Awareness 1.25 hrs	Mental Health Training for managers/Team leaders (stress mgt+ mentally healthy course for mgt. 3.00 hrs)	Listening Ear 1.00 hr	Recovery in Mental Health 1.25 hrs	Relaxation 1.25 hrs	Promoting resilience 3.0 hrs
Apr	Thurs 29th 10.00 - 11.30	Thurs 8th 10.00 - 11.30	Wed 14th 13.00 - 16.00	Tues 20th 10.00 - 11.00am	Mon 19th 14.00 - 15.15	Tues 13th 10.00 - 11.30	Wed 7th 10.00 - 13.00
May	Thurs 27th 10.00 - 11.30	Tues 4th 10.00 - 11.30	Wed 5th 10.00 - 13.00	Tues 18th 10.00 - 11.00		Tues 11th 10.00 - 11.30	Wed 12th 10.00 - 13.00
Jun	Thurs 25th 10.00-11.30	Tues 8th 10.00 - 11.30	Wed 9th 13.00 - 16.00	Tues 15th 10.00 - 11.00	Thurs 24th 13.00 - 16.00	Tues 15th 10.00 - 11.30	Mon 7th 13.00 - 16.00
Jul		Tues 6th 10.00 - 11.30	Wed 7th 10.00 - 13.00			Thurs 15th 10.00 - 11.30	Thurs 8th 10.00 - 13.00
Aug	Thurs 26th 10.00 - 11.30	Thurs 5th 10.00 - 11.30	Wed 4th 13.00 - 16.00	Tues 17th 10.00 - 11.00	Thurs 19th 13.00 - 16.00	Tues 17th 10.00 - 11.30	
Sep	Thurs 30th 10.00 - 11.30	Tues 7th 10.00 - 11.30	Wed 1st 13.00 - 16.00	Tues 16th 10.00 - 11.00		Thurs 16th 10.00 - 11.30	Wed 8th 13.00 - 16.00
Oct	Thurs 28th 10.00 - 11.30	Tues 5th 10.00 - 11.30	Mon 4th 13.00 - 16.00		Thurs 14 13.00 - 16.00	Tues 19th 10.00 - 11.30	
Nov	Thurs 25th 10.00 - 11.30	Tues 9th 10.00 - 11.30	Wed 3rd 13.00 - 16.00	Tues 18th 10.00 - 11.00		Tues 16th 10.00 - 11.30	
Dec		Tues 7th 10.00 - 11.30		Tues 15th 10.00 - 11.00	Thurs 9th 13.00 - 16.00	Tues 14th 11.00 - 11.30	Wed 1st 10.00 - 13.00

For course enquiries and to book a place contact:  
✉ [gram.mentalhealthtraining@nhs.scot](mailto:gram.mentalhealthtraining@nhs.scot)

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## 5.4 **Communication Plan**

- Poster campaigns in all locations identifying Mental Health First Aiders and how to contact them.
- Regular campaign updates sent out through the Leadership Forum.
- Regular email updates sent out to all staff.
- Regular blog posts on the Intranet
- All information available on People Anytime Wellbeing pages
- Wellbeing noticeboards established in all locations with information regarding training, support and how to get involved.
- Frontline Workers Campaign – leaflet devised and delivered to frontline staff across various depots and locations to ensure those who are not on digital devices have the same knowledge and opportunities to access training and support.

## 4. **FINANCIAL IMPLICATIONS**

- 4.1 Mental health and wellbeing is increasingly becoming a core component of service delivery, linked to both staff retention and customer satisfaction. There is the potential to reduce direct and indirect costs in relation to sickness absence, low morale/engagement and increased turnover by supporting and promoting positive mental health. This can have a significant impact on Function / Cluster budgets.
- 4.2 There is a financial cost resulting from some of the areas highlighted in the appendix to the report. These costs have been funded through the Council's Flexible Working Development Fund application and through the corporate training budget, in line with our priorities set out in the Workforce Plan approved at Staff Governance Committee in 2019.
- 4.3 A very welcome £6000 was awarded from reserves available to support our delivery of the Mental Health and Wellbeing Action plan

## 5. **LEGAL IMPLICATIONS**

- 5.1 Failure to comply with legislation in ensuring a safe and healthy workplace has the potential to result in enforcement action by the Health and Safety Executive (HSE). Such intervention can result in potential prosecution (criminal) and employees (civil claims) are more likely to succeed following a successful HSE prosecution. Changes in the Sentencing and Fines Guidance for health and safety non-compliances are resulting in increased financial penalties. Fine starting points are based on an organisation's turnover. As Local Authorities do not have turnover; their Annual Revenue Budget is deemed to be the equivalent. This amount is then altered depending on the culpability of the organisation and harm factors to employees and members of the public.
- 5.2 Under the Health and Safety at Work Act 1974 and Management of Health and Safety at Work Regulations 1999, there is a legal requirement to ensure the health, safety and welfare at work of our employees. This includes minimising the risk of stress-related illness or injury to employees.



## 6. MANAGEMENT OF RISK

6.1 The risks with the potential to impact the decision being sought from the Committee are categorised as:

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
<b>Strategic Risk</b>	N/A	N/A	N/A
<b>Compliance</b>	Compliance with legal requirements ensures the health and safety of employees).	M	Actions outlined in the appendix provide additional support for employees.
<b>Operational</b>	N/A	N/A	N/A
<b>Financial</b>	If no action is taken to support individuals and address trends, then the organisation will incur both direct and indirect costs.	M	Implementation of the Mental Health and Wellbeing in the Workplace Policy and supporting Stress Procedure. Effective management and maintenance of a mentally healthy workplace and provision of appropriate support.
<b>Reputational</b>	Without ensuring suitable employee support there is a risk of the organisation not becoming an employer of choice and having recruitment and retention issues.	L	As above.
<b>Environment / Climate</b>	N/A	N/A	N/A

## 7. OUTCOMES

<b><u>COUNCIL DELIVERY PLAN</u></b>	
<b>Aberdeen City Local Outcome Improvement Plan</b>	
Prosperous People Stretch Outcomes	The Prosperous People theme in the LOIP indicates that all people in the City are entitled to feel safe, protected from harm and supported where necessary, which would include employees of the Council. Adopting the approach outlined in the report will support the workforce.

## 8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Not required
Data Protection Impact Assessment	Not required

## 9. BACKGROUND PAPERS

ACAS Framework for positive mental health  
[http://www.acas.org.uk/index.aspx?articleid=1900&gclid=EAlaIQobChMIuNDt\\_h6-m3wlVzrvtCh2E7QZyEAAYASAAEgLEHPD\\_BwE](http://www.acas.org.uk/index.aspx?articleid=1900&gclid=EAlaIQobChMIuNDt_h6-m3wlVzrvtCh2E7QZyEAAYASAAEgLEHPD_BwE)  
Health and Safety Executive (HSE) page  
<http://www.hse.gov.uk/stress/mental-health.htm>

'Thriving at Work' - Stevenson/Farmer independent review of mental health and employers  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/658145/thriving-at-work-stevenson-farmer-review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/658145/thriving-at-work-stevenson-farmer-review.pdf)

ACAS framework for positive mental health  
<http://www.acas.org.uk/media/pdf/r/i/Acas-framework-for-positive-mental-health-at-work.pdf>

ACAS research paper  
[http://www.acas.org.uk/media/pdf/2/p/Mental\\_health\\_report\\_11\\_Nov\\_2016.pdf](http://www.acas.org.uk/media/pdf/2/p/Mental_health_report_11_Nov_2016.pdf)

ACAS guidance  
[http://www.acas.org.uk/media/pdf/s/j/Promoting\\_Mental\\_Health\\_Nov.pdf](http://www.acas.org.uk/media/pdf/s/j/Promoting_Mental_Health_Nov.pdf)

Note: The content of the attached Employee Mental Health Action Plan is based on the documents under the above links; the Stevenson/Farmer review 'Thriving at Work'. The circle diagram under 2.1 above contains elements within these papers.

## 10. APPENDICES

**Appendix 1 – Mental Health Improvement Action Plan**  
**Appendix 2 - Initiatives undertaken during Covid-19 2020/21**  
**Appendix 3 – Front Line Worker Leaflet**

## 12. REPORT AUTHOR CONTACT DETAILS

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**Appendix 1 Mental Health Action Plan**

Theme	Outcome	Improvement action areas	Detail	Next Steps
1.Tackle stigma	Visible commitment to positive mental health	<p>a. Participate in national proactive awareness raising campaigns through a calendar of events and? include reference to creating a mentally healthy workplace in new Council Capability Framework <input checked="" type="checkbox"/></p> <p>b. Conduct focus groups with staff on the content and the delivery of this action plan <input checked="" type="checkbox"/></p>	<p>ACC utilising all appropriate national campaigns rather than adopting a specific one <input checked="" type="checkbox"/></p> <p>Updated Action Plan added to People Anytime pages <input checked="" type="checkbox"/></p> <p>Mental Health First Aid Posters advertising network across entire organisation <input checked="" type="checkbox"/></p>	<p>Continue to communicate mental health and wellbeing initiatives in line with national programmes and deliver training and information campaigns as appropriate.</p> <p>Informal drop-ins to depots and venues by Mental Health and Wellbeing Adviser and re-instatement of the Chaplaincy Service and visits to raise awareness of the opportunities available to staff to support wellbeing and tackle stigma.</p>
	Managers have mental health rapport with employees	<p>a. Introduce a Standard Management objective for Performance Review and Development <input checked="" type="checkbox"/></p> <p>b. Open discussion of mental health and support to be held wherever possible and appropriate e.g., 1-2-1s, team meetings and induction training. Chief Officers to role model an open approach. <input checked="" type="checkbox"/></p>	<p>New CR&amp;D process embeds guiding principles for all employees <input checked="" type="checkbox"/></p> <p>Wellbeing Welcomes introduced at start of team and</p>	<p>Continue to instruct managers to undertake the Mentally Health(y?) Workplaces for Managers blended learning training to raise mental health awareness and to upskill managers to support employees.</p> <p>Add to resources and materials available to help support managers</p>

			1-2-1 meetings <input checked="" type="checkbox"/>	to engage and have sensitive conversations with employees.  Continue to deliver webinar style training sessions to managers to allow peer support networks to grow across the organisation.
	Employees are self-aware and ask for help when needed	<p>a. Raise mental health awareness through development of employee training and awareness raising sessions which include case stories from members of staff <input checked="" type="checkbox"/></p> <p>b. Use of “buddy system” (out with management) and link to national online support schemes <input checked="" type="checkbox"/></p> <p>c. Employees encouraged to share experiences, to access support and highlight improvement areas through focus groups and online discussion forums <input checked="" type="checkbox"/></p>	<p>Suite of online and face to face training now available <input checked="" type="checkbox"/></p> <p>Mental Health First Aiders now trained and available to sign post staff to find support <input checked="" type="checkbox"/></p> <p>Mental Health First Aider network developed to share best practice <input checked="" type="checkbox"/></p> <p>Series of Self Improvement training courses</p>	<p>Continue to signpost employees to undertake the Mentally Healthy Workplaces online training.</p> <p>Mental Health First Aider Network meetings to continue to take place to deliver training on key subjects to upskill and support MHFA’s in their roles and to support and identify improvements areas.</p> <p>Continue exploring the creation of online discussion groups for various wellbeing topics to create networks of peer support on The Blether/Yammer/Teams sites.</p>

			for employees to attend <input checked="" type="checkbox"/>	
2. Empower employees	The organisation understands the impact personal issues can have on mental wellbeing	<p>a. Review and improve available data relating to mental health and psychological reasons for absence to understand and act on improved information.</p> <p>b. Develop and share personal stories of those impacted by mental health issues with managers <input checked="" type="checkbox"/></p>	<p>Delivered a series of webinars for self-improvement by Time for Talking (Employee Assistance Service) <input checked="" type="checkbox"/></p> <p>Self-Improvement virtual training sessions delivered by SAMH <input checked="" type="checkbox"/></p> <p>Analyse absence data available and target initiatives and interventions where appropriate across the organisation <input checked="" type="checkbox"/></p>	<p>Continue to analyse absence data and target initiatives and interventions where appropriate across the organisation.</p> <p>Encourage volunteering initiatives.</p> <p>Continue delivering self-improvement training courses for all staff and add further to the range available through our new eLearning contract with Thrive Learning.</p> <p>Encourage use of Wellness Action Plan</p>
	Managers can handle difficult conversations effectively.	a. Upskill managers in having sensitive conversations through development and promotion of training	Regular webinars by Senior Management on	Digital Age – mental health and wellbeing – Teams Tips virtual training sessions to be delivered to

		<p>and awareness sessions and communications <input checked="" type="checkbox"/></p> <p>b. Improve manager skills in supporting people through change <input checked="" type="checkbox"/></p>	<p>mental health and wellbeing <input checked="" type="checkbox"/></p> <p>Mental Health having difficult conversations training available on People Anytime and Learning Academy <input checked="" type="checkbox"/></p> <p>Webinars on mental health from Samaritans, and Chief Officers delivered <input checked="" type="checkbox"/></p>	<p>help improve managing time and workloads.</p> <p>Further webinars on mental health and wellbeing subjects.</p> <p>More variety of eLearning development opportunities available.</p> <p>More tips and tools to help managers navigate difficult conversations.</p>
	<p>Employees can identify personal stress triggers</p>	<p>a. Through training, introduce employees to positive coping strategies, to recognise signs in themselves and others <input checked="" type="checkbox"/></p> <p>b. Provide mechanisms for peer support to colleagues <input checked="" type="checkbox"/></p> <p>c. Create a safe environment/physical space, which employees can access to promote self-care during the working day.</p>	<p>Mental Health First Aid Network launched <input checked="" type="checkbox"/></p> <p>Mental Health Suite of training available for all staff <input checked="" type="checkbox"/></p>	<p>Report to committee on Wellbeing Room for employees - space for safe environments.</p> <p>Continue discussions re tapping in to volunteering initiatives in our city's parks and gardens by joining 'Friends of ...' groups.</p>

			Delivered Building Resilience and Maintaining Wellbeing virtual session by SAMH <input checked="" type="checkbox"/>	
3.Improve awareness	Raise the profile of mental health issues and wellbeing in the workplace.	<p>a. Focus on awareness raising and improved access to wellbeing initiatives and mental health support in remote locations, i.e., where computer access is limited. Develop a communications plan for Functions/Clusters to ensure all staff groups are equally covered including all non-networked groups e.g., teachers <input checked="" type="checkbox"/></p> <p>b. Review Mental Health and Wellbeing in the Workplace Policy and develop Guidance (based on mental health core standards) <input checked="" type="checkbox"/></p> <p>c. Develop a communications plan to accompany the calendar of events and mental health pledge <input checked="" type="checkbox"/></p> <p>d. Improve disclosure by staff with mental health issues by developing options for employees to disclose in a way they feel comfortable.</p>	<p>Skillsets included in Continuous Review and Development (CR&amp;D) to support employee mental health and wellbeing <input checked="" type="checkbox"/></p> <p>Mental Health Training and opportunities communicated through Equalities Newsletters <input checked="" type="checkbox"/></p> <p>Mental Health Apps available on Mental Health pages on People Anytime and frontline workers</p>	<p>Work with Internal Communications and Engagement Team to develop a communications plan for all wellbeing initiatives to reach all venues and locations across the organisation.</p> <p>Improve and encourage disclosure of mental health issues by staff.</p> <p>Mental Health and Wellbeing workplace policy – decision to be Guidance and currently being redrafted.</p>

			<p>campaign leaflets <input checked="" type="checkbox"/></p> <p>Webinar delivered by CE endorsing Mental Health Action Plan and our commitment to improvement <input checked="" type="checkbox"/></p> <p>SamH eLearning for teachers and other staff working with young people available on Mental Health pages on People Anytime <input checked="" type="checkbox"/></p> <p>Deliver series of wellbeing webinars and virtual training sessions <input checked="" type="checkbox"/></p>	
	Managers are informed and open to	a. Promote effective people management through the development of manager behavioural standards <input checked="" type="checkbox"/>	Skillsets included in Continuous Review and	Further promotion around training and HSE Management Behaviour



	<p>conversations with staff.</p>	<p>b. Promote the completion and application of the HSE Management Behaviours questionnaire <input checked="" type="checkbox"/></p>	<p>Development (CR&amp;D) to support employee mental health and wellbeing <input checked="" type="checkbox"/>  HSE Management Behaviours questionnaire added to the People Anytime Mental Health and Wellbeing pages <input checked="" type="checkbox"/></p>	<p>Further dates to run QWL Risk Assessment training to be available for managers.  More Stress Awareness for Managers virtual training sessions</p>
	<p>Employees look after their own wellbeing</p>	<p>a. Maintain personal wellbeing (physical and mental) and build personal resilience through training and calendar of events and through continued access to self-care wellbeing initiatives and increased promotion of health-related employee benefits <input checked="" type="checkbox"/>  b. Employees share details of mental health experiences, in ways they are comfortable with, as part of the calendar of events e.g., this could be through sharing anonymously via a blog.</p>	<p>Pilates and Yoga classes available onsite for staff <input checked="" type="checkbox"/>  Promotion of health-related employee benefits <input checked="" type="checkbox"/>  Personal Resilience training available for staff <input checked="" type="checkbox"/></p>	<p>Further development of mental health and wellbeing initiatives to improve physical and mental wellbeing.  Development of interactive wellbeing pages on SharePoint where employees can post their own stories and comment on various initiatives available.  More training on resilience, mindfulness and meditation</p>

			<p>Increased Suicide Awareness Training (delivered 1 ASIST– Applied Suicide Intervention Training) in October <input checked="" type="checkbox"/></p> <p>Advertised Self-Care apps, tea and talks, NHS pages Moodzone etc. on People Anytime Mental Health pages <input checked="" type="checkbox"/></p>	<p>techniques to help employees build up own self-care.</p> <p>Deliver further ASIST training.</p> <p>Deliver further Mental Health First Aider training</p>
4. Joined up approach	Organisation tackles the causes of workplace stress	<p>a. Develop a wellbeing plan (presented to SGC March 2019) to show holistic approach and reference mental health action plan <input checked="" type="checkbox"/></p> <p>b. Improve access and use of data relating to causes of psychological absence, improved benchmarking and learning from others.</p> <p>c. Improve the consistency of completion of Quality of Working Lives risk assessments, in particular</p>	<p>Quality of Working Lives Risk Assessment training delivered by Health and Safety Team <input checked="" type="checkbox"/></p> <p>Ongoing</p>	<p>Training to be made available on Quality of Working Lives Risk Assessments for use in return-to-work discussions.</p> <p>Continue working towards improving data recording reasons for absences and reporting on this.</p> <p>Improvement project to identify triggers.</p>

		<p>following Return to Work Discussions, through promotion, management training and joint working with the Health and Safety team (attach to any OHP referral) <input checked="" type="checkbox"/></p> <p>d. Explore triggers of stress which may occur through change or people processes and identify improvement actions to reduce stress.</p>		Metrics on return-to-work discussions
	Plan work with "people in mind"	a. Explore the use of Wellness Action Plans / ALISS <input checked="" type="checkbox"/>	Presentation from Link Practitioner delivered to raise awareness of new Links Approach to improving Mental Health <input checked="" type="checkbox"/>	Further exploration of wellness action plans
	Employees take notice and support colleagues	<p>a. Development of a culture of peer support through the culture change programme</p> <p>b. Development of a buddy programme for staff and put in place on an ongoing basis.</p> <p>c. Explore possibility of employees having an alternative person to speak to rather than own line manager. <input checked="" type="checkbox"/></p>	Rollout of CR&D commenced in December to all staff including skillsets around looking after each other at work <input checked="" type="checkbox"/>	<p>More MHFA to be trained and advertised targeting areas where little or no cover.</p> <p>Encourage MHFA to champion wellbeing in their local areas and to improve engagement and awareness throughout.</p>

		d. Also explore the potential of having an advocate for those employees who may struggle to express how they feel	Mental Health First Aider Network launched <input checked="" type="checkbox"/>  Advertise 7 cups of tea with support Forums <input checked="" type="checkbox"/>	Encourage employees to take virtual tea/coffee breaks to build support
5.Support managers	The organisation provides support and trains managers to identify, understand and address mental health factors in the workplace.	a. Develop mandatory online training for managers in supporting mental health in the workplace <input checked="" type="checkbox"/> b. Train managers as Mental Health First Aiders in the workplace <input checked="" type="checkbox"/> c. Upskill managers through additional development and awareness sessions, including peer support. Also, to ensure sharing of knowledge and experience between managers <input checked="" type="checkbox"/>	Mentally Health Workplaces eLearning training available on OIL <input checked="" type="checkbox"/>  Mental Health First Aider courses delivered <input checked="" type="checkbox"/>  Line Managers offered Mental Health First Aid training <input checked="" type="checkbox"/>  Previously trained Mental Health First Aider staff offered	Further training delivered to increase the pool of Mental Health First Aiders across the organisation particularly where there is little or no cover currently.  Encourage update for managers on various mental health training available.  Further develop toolkits and sensitive conversations guides to help managers support their teams.  Include Quality of Working Livers Risk Assessment training for managers

			refresher training <input checked="" type="checkbox"/>	
	Employees engage with line managers	a. Employees encouraged to share experiences, to access support and highlight improvement areas via engagement activities promoted through line managers <input checked="" type="checkbox"/>	1 <sup>st</sup> Mental Health Awareness Week ran successfully in October 2019 with approx. 280 employees attending 28 events across the organisation <input checked="" type="checkbox"/>	Deliver 2 <sup>nd</sup> Mental Health Awareness Week in October 2021.  Plan and organise Mental Health Awareness Week in conjunction with NHS, AHSCP and 3 <sup>rd</sup> Sector colleagues.

## People and Organisational Development – ACC Staff Mental Health and Wellbeing Update – February 2021

### 1. Communications

To ensure that staff remained connected and informed during this potentially increasingly stressful time, online support, information and national campaigns were posted and included on our internal communications systems. This included a host of dedicated pages on our [People Anytime site](#) which is kept up-to-date with relevant information relating to the pandemic and on our intranet.

Along with this, regular updates including those from our Chief Executive are published on the Intranet and direct updates are sent to managers through the Leadership Forum and by email. This is to help disseminate the information across the organisation to all employees.

A **payslip alert** was also sent out to all staff who receive paper pay slips in the month of May to ensure that all our employees had the opportunity to know where to go to find this regularly updated information relating to all matters of mental health, wellbeing and information relating to their employment.

This included a lot of in-house policy and best working practice information as well as specialist information gathered from various trusted sources.

A physical communications campaign is also planned for the next phase to ensure we reach all our employees and especially those on the frontline who may not necessarily have access to online resources and who have been crucial to the continuation of public services during this period.

## 2. [Coronavirus Symptoms through to Testing](#)

Reading credible sources of information can help to avoid the fear and panic that misinformation can cause. It is therefore very important for all our employees to be able to find trustworthy information quickly and easily. To ensure they have the correct information, we have created pages on our website with the most up to date information on how to stay safe through to how to get tested.

## 3. [Symptoms and How to Stay Healthy](#)

We have pulled together a page with the symptoms for coronavirus and what to look out for including what to do if you suspect a household member has symptoms. There's also information on here on how to stay healthy and how to avoid catching coronavirus.

<https://peopleanytime.aberdeencity.gov.uk/coronavirus-advice-for-employees/coronavirus-symptoms/>

## 4. [Underlying Medical Conditions](#)

We are advising those who are at an increased risk of severe illness from coronavirus to be especially careful in trying to follow physical distancing and shielding measures. This page includes links to the official guidance as well as links to specific policies for those required to take special leave during this time.

<https://peopleanytime.aberdeencity.gov.uk/coronavirus-advice-for-employees/coronavirus-at-risk/>

## 5. Self-Isolation

Employees may be required to self-isolate for several reasons which include, having symptoms themselves, living with someone with symptoms or being contacted by a contact tracer because they have been in contact with someone who has tested positive for the virus. We have therefore pulled together this page with all the information employees will need to know.

<https://peopleanytime.aberdeency.gov.uk/coronavirus-advice-for-employees/self-isolation-2/>

## 6. Test and Protect – Covid-19 Testing

We have a system in place to make testing of our employees quick and easy with full information available on how to access this on our People Anytime site. Work has been carried out in-house to contact managers and staff who are recorded as self-isolating to encourage them to get tested quickly.

<https://peopleanytime.aberdeency.gov.uk/coronavirus-advice-for-employees/coronavirus-testing-workers/>

## 7. Mental Health Support for Employees





As well as the usual types of health and wellbeing support being in place, additional initiatives have been added to support employee's overall wellbeing during this time. These included:

8. [Time for Talking – Employee Assistance Service](#)

Online and Telephone Counselling Sessions were introduced due to the coronavirus lockdown which meant face to face session had to be suspended. These online and over the phone consultations are open to all staff to access, 24 hours a day, 7 days a week, 365 days a year. Call FREE on **0800 970 3980** or go to the website for the online chat by clicking on the image below:

9. [Mental Health First Aid Network](#)

We currently have 72 Mental Health First Aiders across the organisation providing a support service to employees who may be struggling during the lockdown. Contact details were updated on the People Anytime site so that employees could continue to use this service via Teams/Email or telephone.

Our Mental Health First Aiders have been taking a proactive role to keep in touch with their colleagues and have been sharing information regarding staying well during the pandemic outbreak.

Face to face training is planned to recommence at Aberdeen College and we will continue to grow this service across the organisation over the coming year.

<https://peopleanytime.aberdeencity.gov.uk/mental-health-mental-health-first-aider-contacts/>

## 10. Health and Wellbeing Blogs

Regular health and wellbeing blogs based on the “5 ways to wellbeing” theme have been communicated to the organisation throughout the pandemic via the new Intranet as well as by email to Managers where staff do not readily have access the intranet to help disseminate the information and messages.

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## 11. Mental Health Specialists

Links for employees to easily find professional advice and support services are available on [People Anytime](#) and include the following:

[Breathing Space](#) - is a free, confidential phone and web-based service for people in Scotland experiencing low mood, depression or anxiety.

[Psychological Resilience Hub](#) - offers a support mechanism for any member of staff or the public who may feel overwhelmed, upset or personally affected by the current situation.

[Ready Scotland](#) - has lots of sources of useful information to help you stay safe and well during the outbreak.

[Samaritans](#) – created a coronavirus hub with practical information and advice on how people can look after their wellbeing and support one another during this time.

[SamH](#) - created additional pages on their website dedicated to COVID-19 and mental wellbeing.

[NHS Inform](#) – mental wellbeing top tips to keep you well.

## 12. Campaign Alerts

- The team has kept abreast on all the various campaigns that have been coming out during the pandemic to ensure employees are aware of these. They have been communicated across the organisation using regular blog updates, adverts on the People Anytime site and direct emails. The campaigns included are:

**Scottish Governments Mental Health Campaign** - <https://clearyourhead.scot/>

- **Gov.UK** – [mental health and wellbeing advice during coronavirus outbreak](#)

**Grampian Coronavirus Assistance Hub** - <https://gcah.org.uk/>

**Mental Health Awareness Week Campaign** –18 – 24 May 2020 – Theme: *Kindness Matters* <https://www.mentalhealth.org.uk/campaigns/mental-health-awareness-week>

## 13. “Your Mental Health and Wellbeing Matters” - Staff Survey

To help us gauge how staff are coping and to allow us to target wellbeing interventions, we created an online staff survey to collect data from our employees.

94 members of staff have completed the survey to-date and we are analysing the responses as they come in to help us shape our communications and initiatives and to provide the required support as we move through this.

Whilst most staff who have completed the survey indicate they are working well from home, there are some who are struggling. Using this data, we will build further on the support that is currently available and we will work with managers to help identify solutions and provide support where appropriate to some of these issues.

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Reduced commuter time, feeling safer about coronavirus and having quiet to do work are the top three benefits identified from working from home, some staff are finding it difficult to separate work life from home life, finding a physical space to set up or are struggling with technology issues.

A programme of work has already been established to address the issues staff are facing with technology and physical equipment is also being made available to employees to help them set up a more comfortable working space.

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To complete and submit the survey, click on the link below:

[https://forms.office.com/Pages/ResponsePage.aspx?id=aw-pJD2\\_E02ip4k2nOs164uKh24uOrpCm4UMwaLw2-1UOFM3UzZLSFQyV0xaWUZHMzRYQ0U3Q0NDNy4u](https://forms.office.com/Pages/ResponsePage.aspx?id=aw-pJD2_E02ip4k2nOs164uKh24uOrpCm4UMwaLw2-1UOFM3UzZLSFQyV0xaWUZHMzRYQ0U3Q0NDNy4u)

## 14. Online Apps to Help Reduce Anxiety

We realise that it's not a "one size fits all" when it comes to looking after your wellbeing so we sourced several FREE useful apps to help employees relax and stay calm during the pandemic and these can be found advertised on our [People Anytime](#) pages.

<p>It has breathing exercises to help you reduce anxiety, online yoga and a 5-minute workout to help you keep well during self-isolation.</p>	<p>Headspace is a start-up with one simple goal: Make meditation accessible to everyone. It does this through a smartphone app full of "guided meditations" — audio sessions where one of the company's co-creators leads listeners on a journey of contemplation.</p>	<p>Try Simple Habit for free today and join over 5 million people on this life-changing journey. Sleep better and be happier in your life, marriage, parenthood, work, and health.</p>	<p>Calm, named the 2017 iPhone app of the year by Apple itself, promises to help users sleep better, boost confidence and reduce stress and anxiety, all with the help of guided</p>	<p>What's Up is an app designed to provide helpful tools for managing depression. The app is based on principles of Cognitive Behaviour Therapy (CBT) and includes multiple features ...</p>

			meditations, soothing music, and bedtime stories.	
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### 15. Suicide Prevention

World Suicide Prevention day is on Thursday 10 September 2020 and the theme this year is “Working together to Prevent Suicide”. The statistics tell us that at any time 1 in 20 people could be having suicidal thoughts. We have therefore partnered with SAMH to deliver an awareness raising campaign on this subject.

A webinar session took place on Wednesday 26 August 2020 to impart some key information to the audience on the signs to look out for and how to have open conversations with employees who might be displaying the signs.

The webinar and a series of short videos provided by the NHS (**Ask, Tell, Save a Life**) are hosted on our [People Anytime Mental Health Skills and Training page](#) for staff to undertake to gain an understanding of the signs to look out for and how to have courageous conversations on the subject of suicide prevention.

We also have further information on our [People Anytime Mental Health pages](#) on this subject as well as signposting to the Preventing Suicide North East Scotland app which can be accessed by clicking on the icon.

### 16. Mental Health Awareness Webinars and Training

Our partnership with SAMH helped us to deliver 4 online interactive sessions on raising Mental Health awareness with employees and managers. The 4 webinar style sessions commenced on 19 August 2020 and

continue through to 9 September to complement and promote World Suicide Prevention Day on Thursday 10 September 2020 and included:

**Session 1** – Mental Health Awareness (Webinar)

**Session 2** – An introduction to Suicide Prevention (Webinar)

**Session 3** – Having Effective Conversations (Webinar)

**Session 4** – Mental Health Workplaces with Practical Exercises (content derived from feedback from participants in webinars 1, 2 and 3) (Webinar)

**Course 1** – Maintaining Wellbeing (Virtual Teams Based Learning)

**Course 2** – Building Resilience (Virtual Teams Based Learning)

Page Break

## 17. [Alcohol and Substance Advice](#)

- Information campaigns and services to educate staff to stay aware of moderation and abstinence during the lockdown.

[Alcohol Advice](#)

[Drug Advice](#)

[Tobacco Advice](#)

[One Year No Beer](#)

## 18. [Domestic Abuse Guidance](#)

Due to the spread of Covid-19 those who can work from have been doing so. We currently have 3399 employees working from home. This does however create specific challenges and potential risks for those members of staff who are experiencing domestic abuse in the home setting not only for themselves but also for their children and young people.



We have updated our guidance to help support staff during this time which included some key messaging about creating a safe phrase to use with your managers and colleagues should you be in imminent danger and have communicated and advertised this information on our [People Anytime](#) site.

#### 19. **Home Working and Staying Healthy**

As many staff are working from home and using temporary display screen equipment set ups in their homes, information relating to setting up your equipment safely and how to stretch and exercise throughout the day was posted on People Anytime and included the following tips:

- [Workstation Exercises](#)
- [Tips on Working from Home](#)

There's further information and best practices on our People Anytime pages too to help staff get the most out of working from home during this time:

<https://peopleanytime.aberdeencity.gov.uk/coronavirus-advice-for-employees/getting-the-most-out-of-working-from-home/>

#### 20. **Staying Safe at Work**

There are many employees still working in frontline services who have had to remain onsite during the coronavirus outbreak. Having to continue to go into the workplace can add to the stresses and leave employees feeling worried about their safety. To ensure employees are knowledgeable about how to protect themselves from catching coronavirus, we have created a page on how to protect your workspace and stay safe during working hours. This will help to alleviate some of the additional concerns around safety as they continue to attend work during this time.

<https://peopleanytime.aberdeencity.gov.uk/coronavirus-advice-for-employees/coronavirus-staying-safe-while-working/>

21. **Physical Health Campaigns**

22. **NHS Online**

Exercise sessions sourced from NHS Inform which included, Yoga and Pilates were posted on People Anytime to encourage employees to try out these gentle forms of stretching exercises to keep fit at home during the lockdown:

[NHS Inform](#) – advice on keeping active.

•

23. **Pilates**

Our onsite Pilates instructor Jenni Auld (Addison), is running online classes through Facebook for anyone to join in. To access the site, employees just need to send her a message and she will get them added in [jenni.addison@hotmail.co.uk](mailto:jenni.addison@hotmail.co.uk)

24. **Online Learning – Personal Development**

Many of our colleagues had been sent home due to their service not being able to perform their regular duties during the lockdown and this presented a great opportunity for employees to do a little self-development during this time. Several online courses were sourced to specifically help staff adjust to the new ways of working from

home as well as to help raise awareness of mental health issues, reduce anxiety and build personal resilience. These included:

**eLearning From North East Scotland College:**

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**Part I – Awareness**


- What is mental health?
- Causes, effects and impact.
- What is stress?
- Resilience
- Understanding anxiety and depression

•

**Part II – Proactive Approach**

- Listening Skills
- Resources

**Part III – Self-Help**

-  Help to deal with stress, anxiety and depression.

**Online Learning from SamH:**

### Online Learning from Other Sources:

Free online courses available	A range of professional learning resources you can access from home – most are free, and some come with certification	Is coronavirus affecting your education or work? Explore online courses to continue studying, build professional skills, and connect with experts.

There is also the usual host of other online learning materials around mental health awareness available on our People Anytime pages covering the following subjects:

- [Mental Health eLearning for Teachers](#) – developed by SamH.
- [See Me in Work eLearning training](#) – developed by See Me Scotland
- [Understanding Sleep eLearning Training](#) developed by the Royal Society of Public Health

<https://peopleanytime.aberdeencity.gov.uk/popular-pages/mental-health-and-wellbeing/mental-health/mental-health-skills-training/>

And further courses hosted on our [OIL site](#) covering the following subjects:

- Mentally Healthy Workplaces eLearning
- Ask, Tell, Save a Life – online learning clips on Suicide Prevention.
- Alcohol and Drugs in the Workplace eLearning
- Stress Awareness for Managers eLearning

A full range of other training is also available on our [People Development pages on People Anytime.](#)

## 25. **Employee Frequently Asked Questions**

There is a section for employees frequently asked questions that have been collated from various sources published on People Anytime including information about pay and leave here:

<https://peopleanytime.aberdeencity.gov.uk/coronavirus-advice-for-employees/coronavirus-pay-and-annual-leave/>

## 26. Annual Leave

It is important for staff to take annual leave during this time to help maintain good resilience and improve mental wellbeing and work-life balance. We have issued information to encourage and remind staff to do this and asked managers to be proactively encouraging staff to take a break.

Further information on annual leave can be found on our People Anytime site:

<https://peopleanytime.aberdeencity.gov.uk/coronavirus-advice-for-employees/coronavirus-pay-and-annual-leave/>

## 27. Financial Support

It is important for our overall mental wellbeing to have as much support available to employees during this time on financial matters. We have created a page signposting employee's to relevant sites for anyone who might find themselves or their families struggling:

<https://peopleanytime.aberdeencity.gov.uk/coronavirus-advice-for-employees/coronavirus-financial-support/>

There's also information regarding casual worker payments too which can be found on our [People Anytime](#) pages.

## 28. Manager's Guidance

There is a full page dedicated to advice for managers including information on recording absence on CoreHR, advice from COSLA, symptoms and protecting vulnerable people, working from home and alternative arrangements, pay and leave, annual leave, temporary movement of staff, childcare, teachers' information, agency workers and a vast list of frequently asked questions available on our People Anytime site here:

<https://peopleanytime.aberdeencity.gov.uk/coronavirus-advice-for-employees/coronavirus-managers-guidance/>

## 29. Supporting Your Teams - 1-2-1's and Regular Contact

Communications from the Chief Executive, People Anytime pages and Mental Health and Wellbeing blogs are being disseminated to give managers the appropriate tools to support their teams' mental wellbeing during this time. The information includes lot of good practices on having successful 1-2-1s, compassionate conversations and building open relationships within your teams. There's also various links to council policies to help managers support their staff during this time.

There is also support available to staff for childcare - the use of special leave in a flexible way can help to reduce stress and anxiety with having to juggle work and childcare arrangements.

Proactive support is also being delivered by our P&O Advisors who have contacted managers directly to see if they have all the guidance they need.

<https://peopleanytime.aberdeencity.gov.uk/coronavirus-advice-for-employees/managers-guide-to-supporting-mental-health/>

## 30. Operational Updates

Regular operational updates have been included on our People Anytime site to help keep the organisation abreast of the ever-changing landscape. This ensures staff are kept up to date with any changes to the organisation as quickly as they happen.

<https://peopleanytime.aberdeencity.gov.uk/coronavirus-advice-for-employees/coronavirus-financial-support/>

## 31. Mental Health Awareness and Conversation Skills for Managers Webinar

Through our partnership with SamH, we have delivered an online interactive webinar to the Leadership Forum on Mental Health Awareness. The webinar included practical sessions with tips on how to have compassionate conversations with employees to ensure the correct support is available to everyone on matters relating to mental health. The session was recorded and is available for everyone who could not take part on the day.

### 32. [Frontline Workers Awareness and Support Campaign](#)

We have created a leaflet to be distributed to all frontline employees (waste, grounds, roads, cleaning/catering etc.) who do not normally have access to online communications to ensure that the information and vital support available to employees reaches this crucial sector of the workforce. This will take the form of a physical campaign and will include information relating to financial wellbeing and where to find support if you are struggling.

### 33. [Mental Health First Aid Training](#)

Our face-to-face training programme for Mental Health First Aiders is planned to resume in 2021 to build on the numbers we currently have and increase the cover across the organisation to support our employees and managers.

### 34. [Mental Health Champions Network](#)

We are working on rolling out a network of mental health champions across the organisation to take forward and promote good mental health practices across the organisation. The champions will be key to disseminating and displaying relevant information about initiatives and support that is available



to employees across the organisation. Champions will receive appropriate specific training on the subject and will form a branch of the Mental Health Action Group.

YOU'VE BEEN LOOKING AFTER OUR CITY, SO WE WANT TO LOOK AFTER YOU!



You've been looking after our City, so we want to look after you!

Due to the nature of your work, it's often harder for us to reach you compared to your office based colleagues so we've put together this flyer to signpost you to all the relevant information and support services that are available should you need them.

There's lots of information relating to the coronavirus outbreak on our People Anytime site including details about how to get tested, tips on how to look after yourself, information about annual leave, pay and lots more. Just type the following URL into your browser from any device: <https://peopleanytime.aberdeencity.gov.uk>

**Time for Talking (Employee Assistance Service)**

Our employee assistance service, Time for Talking, offers you a FREE confidential helpline for advice, psychological guidance and emotional support. They can offer you individual counselling, over the phone should you need it. This service is open to you or any member of your household over the age of 16. Just give them a call on **0800 970 3980** or go to <https://www.timefortalking.co.uk/> to contact them online.

**Our internal network of Mental Health First Aiders (MHFA's) are also available to offer support.**

Their purpose is to be a point of contact if you are experiencing emotional distress or suffering in silence with mental health problems, such as stress, anxiety or depression. MHFA's are trained to listen and can help you to find the right support. They are spread across the organisation and you can contact anyone from the extensive list on the back of this flyer. Alternatively, you can contact **Fiona Lindsay**, Mental Health and Wellbeing Adviser on **01224 522165** to find appropriate support.



**Self Development**

We've created a suite of training opportunities to help raise awareness of mental health across the organisation. There's a variety of sessions available which will help you to develop the necessary skills and knowledge to support yourselves and your colleagues. We recommend that all employees undertake our series of online mental health webinars which are delivered in partnership with SAMH (Scottish Association for Mental Health) and which will give you a wide and clear understanding of this important subject. You can find these sessions and much more by typing the following URL into your browser:

<https://tinyurl.com/y24qqj16>

**Financial Support**

If you're experiencing financial difficulties, check our pages for support and advice <https://tinyurl.com/y393bzhr>

Check out the **Don't Stay on Mute Campaign** on YouTube and Talk to Your Trade Union Rep for further support



**Domestic Abuse**

For anyone experiencing domestic abuse, ACC has created guidance to support you which you can find on <https://tinyurl.com/y33jxcf4> and further advice as a citizen can be found here - <https://tinyurl.com/y5fujleg>

**Chaplaincy Counselling Service**

Also available is the confidential Council Chaplaincy service, all cultural or belief, including no religious belief backgrounds can access this counselling service.

Please contact **Ron Flett** on **07508 654423** or [ron.flett@wpccscotland.co.uk](mailto:ron.flett@wpccscotland.co.uk)

**Mental Health First Aider - Contacts List**

AHS CP		CUSTOMER	
Carol Bruce	01224 812936	Alison Allan	01224 489519
Hilary Ewen	01224 264045	Ann Campbell	07901 512938
Norma Henderson	01224 523588	Hamish Cattanach	01224 523638
Melissa McPhee	07834 933036	Debbie Cormack	01224 346890
Kerry Riley	01224 264046	Wendy Coutts	01224 647594
Freda Smith	01224 812923	Jim Currie	01224 523278
Amanda Watson	01224 812924	Graham Donald	07917305803
<b>COMMISSIONING</b>		Mark Duncan	01224 523662
Suzanne Douglas	07824 434086	John Duthie	01224 219357
Anthony Edwards	07470 445687	Brogan Elrick	01224 346214
Oluwatoyin Fatokun	01224 522479	Phil Evans	01224 387644
Kathryn Hossack	07870487949	Stella Evans	01224 522072
<b>OPERATIONS</b>		Amanda Gale	01224 346122
Gary Aiken	01224 489318	Alice Findlay	01224 523445
Susannah Balducci	01224 522492	Lynette Grant	01224 523133
Samantha Bull	01224 523734	Fiona Hailstones	01224 523529
James Byres	07825 827162	Anna Kruhlik	01224 489539
Neil Carsey	07709460981	Naomi Laing	01224 346271
David Craig	07554 700266	Allan MacCreadie	01224 346070
Euan Davidson	07565 023835	Madelene MacSween	01224 52482
Ronald Fernie	07770 888587	Baldeep McGarry	01224 523014
Julia Forbes Forbes	01224 489485	David Oswald	01224 652515
Katy Joy Goodall	01224 522427	Elizabeth-Anne Ponting	01224 387621
Cherry Lawson	01224 482293	Bex Reid	01224 523296
Elisabeth Kaup	01224 589251 (Harlaw)	Bernadette Prescott	01224 523820
	01224 241720 (Lochside)	Laura Rogers	01224 346473
	01224 492855 (St Machar)	Lorraine Stewart	07917 424732
Scott Menhnick	07769 641551	Valerie Taylor	01224 522974
Billy Nicol	01224 522864	<b>GOVERNANCE</b>	
Jim Nicol	01224 387637	Gordon McDade	01224 346453
Norman Rose	07764 810689	<b>RESOURCES</b>	
Daniel Shand	07342 068749	Aileen Duncan	01224 346370
Steven Shaw	01224 387630	Sean Ewing	01224 346272
Craig Sutherland	01224 522764	Paul Hewitt	01224 346359
Charles Swift	01224 241635	Fiona Lindsay	01224 522165
Neil Watson	07721 582278	Callum Stewart	01224 264154
Andrea Whiteside	01224 764745	Hayleigh Weldon	01224 264188
Simon Whitworth	07785 951052		
Paul Williams	07519 057054		
Simon Wishart	07789 654170		

Finally, "my thanks to each and every one of you for the invaluable contribution you have made to our local response to a global pandemic." Angela Scott Chief Executive

Scan the QR Code to read the full article  
**Thank you all!**





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