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To: Councillor Copland, Convener; Councillor Al-Samarai, Vice-Convener; Councillor David Cameron, the Lord Provost; Councillor Steve Delaney, the Depute Provost; and Councillors Boulton, Fairfull, Graham, Macdonald, MacGregor, MacKenzie, McLeod, Mennie and Thomson.

Trade Union Advisers: Ron Constable and Carole Thorpe (EIS); Kevin Masson and David Willis (GMB); Jason Currie and 1 vacancy (SSTA); Mark Musk and Alison Robertson (UNISON); Joe Craig and Mishelle Gray (UNITE); and Rob Stephen and 1 vacancy (VOICE).

Town House,
ABERDEEN, 23 September 2022

STAFF GOVERNANCE COMMITTEE

The Members of the **STAFF GOVERNANCE COMMITTEE** are requested to meet in **Council Chamber - Town House on MONDAY, 3 OCTOBER 2022 at 10.00am**. This is a hybrid meeting and Members may also attend remotely.

The meeting will be webcast and a live stream can be viewed on the Council's website. <https://aberdeen.public-i.tv/core/portal/home>

VIKKI CUTHBERT
INTERIM CHIEF OFFICER - GOVERNANCE

B U S I N E S S

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 AND TRANSPARENCY STATEMENTS

3.1. Members are requested to declare any interests

DEPUTATIONS

4.1. None at this time

MINUTE OF PREVIOUS MEETING

5.1. Minute of Previous Meeting of 27 June 2022 - for approval (Pages 5 - 8)

COMMITTEE PLANNER

6.1. Committee Business Planner (Pages 9 - 12)

NOTICES OF MOTION

7.1. None at this time

REFERRALS FROM COUNCIL, COMMITTEES AND SUB COMMITTEES

8.1. None at this time

WORKFORCE STRATEGIES

9.1. Leadership and Management Development - CUS/22/223 (Pages 13 - 32)

COUNCIL POLICIES AFFECTING STAFF

10.1. Employer Pension Discretions Policy – Local Government Pension Scheme - CUS/22/158 (Pages 33 - 56)

10.2. Corporate Health & Safety Policy - COM/22/214 (Pages 57 - 90)

HEALTH, SAFETY & WELLBEING OF STAFF

11.1. Corporate Health & Safety Quarterly Update - April-June 2022 - COM/22/213
(Pages 91 - 112)

11.2. Employee Assistance Scheme/Occupational Health/Sickness Absence Six Monthly Report - CUS/22/217 (Pages 113 - 144)

IAs 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

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Dunsmuir, email sdunsmuir@aberdeencity.gov.uk

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STAFF GOVERNANCE COMMITTEE

ABERDEEN, 27 June 2022. Minute of Meeting of the STAFF GOVERNANCE COMMITTEE. Present:- Councillor Copland, Convener; Councillor Al-Samarai, Vice-Convener; Councillor David Cameron, the Lord Provost; Councillor Steve Delaney, the Depute Provost; and Councillors Blake (as substitute for Councillor Boulton), Fairfull, Graham, Macdonald, MacGregor, MacKenzie, McLeod, Mennie and Thomson.

Trade Union Advisers present:- Ron Constable and Carole Thorpe (EIS); Kevin Masson and David Willis (GMB); Mark Musk and Alison Robertson (UNISON); and Joe Craig and Fiona Sales (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 AND TRANSPARENCY STATEMENTS

1. Councillors Macdonald and Thomson stated for transparency that they were members of UNITE and UNISON respectively, but did not consider that this required to be made as a declaration for each report.

MINUTE OF PREVIOUS MEETING OF 21 FEBRUARY 2022

2. The Committee had before it the minute of its previous meeting of 21 February 2022.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE BUSINESS PLANNER

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

The Committee resolved:-

(i) to note that officers would update the planner to include the purpose of the Employer Discretions – Local Government Pension Scheme report in October 2022 as well as the Terms of Reference for that report and the Annual Staff Governance Committee Effectiveness report, and advise Members.

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- (ii) to recirculate the Workforce service update to Members of the Committee for information; and
- (iii) to otherwise note the planner.

CORPORATE HEALTH AND SAFETY QUARTERLY UPDATE - JANUARY TO MARCH 2022 - COM/22/133

4. The Committee had before it a report by the Director of Commissioning which provided a summary of statistical health and safety performance information for the three month reporting period January to March 2022 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:-

- (i) to note that officers would include a four year comparison of figures in future reports to allow for comparison with pre-pandemic figures, and would also circulate comparison figures for the last quarter to Members outwith the meeting;
- (ii) to note that officers would ask the Chief Officer – Education to provide information on ongoing work and training given to staff where pupils involved in incidents may not have a social, emotional or mental health need, and would circulate this to Members outwith the meeting; and
- (iii) to otherwise note the report.

NALOXONE PROJECT UPDATE - RES/22/134

5. The Committee had before it a report by the Director of Resources which This provided an update on the roll out of the Increase the Distribution and Administration of Naloxone – Test of Change which was initially reported to Committee in April 2021.

The report recommended:-

that the Committee –

- (a) note the progress made to date with the roll out of the distribution and administration of naloxone; and
- (b) instruct the Chief Officer - People & Organisational Development to ensure that staff continue to be trained and supported in the distribution and administration of Naloxone, thus continuing to increase the availability of naloxone to all those within the city who may benefit from this life saving intervention.

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The Committee resolved:-

- (i) to note that officers would ascertain how long it was recommended before refresher training was undertaken in respect of the administration of Naloxone and advise Members outwith the meeting;
- (ii) to note that training sessions were still being rolled out and that if Elected Members who had not undertaken the training wished to participate, they could contact officers directly;
- (iii) to thank Trade Union colleagues for their support in relation to staff administering Naloxone;
- (iv) to note that data on the difference made by the project would be available in future and could be circulated to Members as required; and
- (v) to approve the recommendations.

CLUSTER RISK REGISTER - PEOPLE AND ORGANISATION - RES/22/135

6. The Committee had before it a report by the Director of Resources which presented the Cluster Risk Registers and Assurance Maps in accordance with Staff Governance Committee Terms of Reference to provide assurance that risks were being managed effectively within each Cluster.

The report recommended:-

that the Committee note the Cluster Risk Register and Assurance Map set out in Appendices A and B.

The Committee resolved:-

to note the report.

APPEALS SUB COMMITTEE - APPOINTMENT OF MEMBERS - COM/22/099

7. The Committee had before it a report by the Director of Commissioning which sought the re-establishment of the Appeals Sub Committee and appointment of Members to same.

The report advised that the Appeals Sub Committee procedure, agreed by the Committee in May 2018, stated that the Sub Committee would comprise five Members drawn from the membership of the Staff Governance Committee. The quorum was three members, and the Clerk would aim to secure one member per Political Group, although it was recognised that this might not always be possible and would be dependent on availability of Members. The Convener of the Sub Committee would be the Convener of the Staff Governance Committee.

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The report recommended:-

that the Committee agree to re-establish the Appeals Sub Committee and appoint all thirteen members of the Staff Governance Committee to the pool of membership for the Sub Committee.

The Committee resolved:-

- (i) to note that training was to be provided for Members of the Appeals Sub Committee and agree that the invitation to the training was extended to Trade Union representatives; and
 - (ii) to approve the recommendation.
- **COUNCILLOR NEIL COPLAND, Convener**

	A	B	C	D	E	F	G	H	I
1	STAFF GOVERNANCE COMMITTEE BUSINESS PLANNER								
	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	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
3	03 October 2022								
4	Corporate Health & Safety Quarterly Update	To present the quarterly update for April to June 2022		Colin Leaver	Governance	Commissioning	3.3		
5	Employer Discretions – Local Government Pension Scheme	Following changes to the Local Government Pension Scheme Regulations in 2018, all employers in the Scheme are required to review and update their Pension Discretions Policy held by the North East Scotland Pension Fund. The Discretions Policy outlines how the Council as an employer of the Fund will administer the Local Government Pension Scheme in respect of application of the various discretions.		Kirsten Foley	People & Organisational Development	Customer	2.5		
6	Leadership and Management Development	To present a refreshed approach to leadership and management development, which will form a key part of the Workforce Strategy		Sandie Scott	People & Organisational Development	Customer	2.4		
7	Employee Assistance Scheme/Occupational Health/Sickness Absence Six Monthly Report	To present the six monthly report for the EAS/OH & Sickness Absence figures		Kirsten Foley	People & Organisational Development	Customer	2.7		
8	Health & Safety Policy	To present the revised Health & Safety Policy for approval		Colin Leaver	Governance	Commissioning	2.5		
9	Workforce Strategy	To present the five year strategy		Isla Newcombe	People & Organisational Development	Customer	2.2	D	The draft plan is currently being updated to take account of approvals received at the August meeting of Full Council
10	21 November 2022								
11	Corporate Health & Safety Quarterly Update	To present the quarterly update		Colin Leaver	Governance	Commissioning	3.3		
12	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	Customer	2.5		
13	16 January 2023								
14	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	Customer	2.5		
15	13 March 2023								
16	Mental Health Action Plan - Annual Update	To provide an update in relation to the employee mental health action plan		Kirsten Foley	People & Organisational Development	Customer	3.3		

	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									
17	Corporate Health & Safety Quarterly Update	For period to 31 December 2022		Colin Leaver	Governance	Commissioning	3.3		
18	EAS Annual Progress Update Occupational Health and Absence Annual Update January 2021 – December 2021	To present an annual report for the EAS/OH & Sickness Absence figures		Kirsten Foley	People & Organisational Development	Customer	2.7		
19	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	Customer	2.5		
20	15 May 2023								
21	Employee Assistance Scheme/Occupational Health/Sickness Absence Six Monthly Report	To present the six monthly report for the EAS/OH & Sickness Absence figures		Kirsten Foley	People & Organisational Development	Customer	2.7		
22	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	Customer	2.5		
23	Corporate Health & Safety Quarterly Update	For period to 31 March 2023		Colin Leaver	Governance	Commissioning	3.3		
24									
25	26 June 2023								
26	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	Customer	2.5		
27	Risk Register	To present the annual risk register update		Isla Newcombe	People & Organisational Development	Customer			
28									
29	4 September 2023								
30	Corporate Health & Safety Quarterly Update	For period to 30 June 2023		Colin Leaver	Governance	Commissioning	3.3		
31	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	Customer	2.5		
32									
33									
34	13 November 2023								
35	Employee Assistance Scheme/Occupational Health/Sickness Absence Six Monthly Report	To present the six monthly report for the EAS/OH & Sickness Absence figures		Kirsten Foley	People & Organisational Development	Customer	2.7		

	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									
36	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	Customer	2.5		
37	Corporate Health & Safety Quarterly Update	For period to 30 September 2023		Colin Leaver	Governance	Commissioning	3.3		
38									
39	Reporting date to be confirmed								
40	Staff Governance Committee Effectiveness Report	To present the annual effectiveness report	Timing for the reporting of annual effectiveness reports is still under review as a result of the change in the committee structure	Isla Newcombe	People & Organisational Development	Customer	GD 8.5		

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ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance Committee
DATE	3 October 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Leadership & Management Development - update
REPORT NUMBER	CUS/22/223
DIRECTOR	Andy MacDonald
CHIEF OFFICER	Isla Newcombe
REPORT AUTHOR	Sandie Scott
TERMS OF REFERENCE	2.4

1. PURPOSE OF REPORT

- 1.1. To present to Committee our refreshed approach to leadership and management development, which will form a key part of our Workforce Strategy which will be presented to Staff Governance Committee in November.
- 1.2. This report is providing assurance to the committee that leaders and managers will be supported to develop and nurture the capabilities needed to facilitate the organisational culture to strategically orient ourselves to deliver the outcomes of the next phase of our Target Operating Model – TOM 1.2, and ultimately our collective vision for the future of Aberdeen.
- 1.3. Our approach to developing leaders and managers forms part of our overall approach to workforce development, based on our capability framework, the entirety of which will be presented to the next committee.

2. RECOMMENDATIONS

That the Committee:

- 2.1. note the refreshed approach to Leadership & Management development and the upcoming delivery timeline; and
- 2.2. agree that a coaching approach to managing and leading should act as a core foundation within all of our management development programmes

3. CURRENT SITUATION

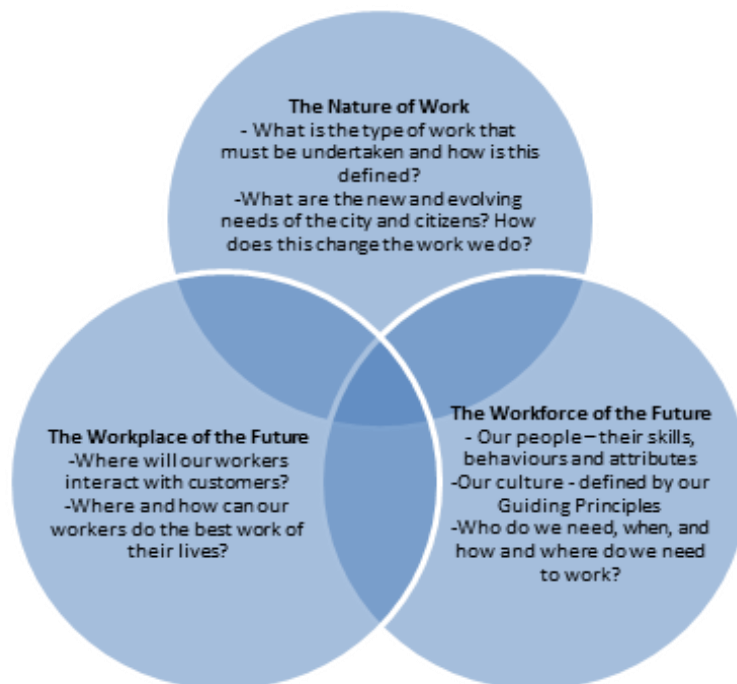
3.1. Context

- 3.1.1. COVID-19 has undoubtedly changed the way we work – and yet our journey to transform ways of working did not start when COVID-19 hit. Our organisational transformation began in 2017, when we embarked on our programme to bring us towards a new ambitious target operating model,

- TOM 1.1. The aims of our transformation programme included a shift in the way we work, both digitally - in the tools and technology we use to do our jobs; and culturally - in the way we treat one another and our customers, set out in our Workforce Plan. From 2017 to the start of the pandemic, we made some incredible progress in modernising and delivering services in a more flexible and adaptable way for our customers; and agreeing a new working culture, through our Guiding Principles, created by us – the people of Aberdeen City Council – and for us, to guide the way we work, the way we behave with each other and make sure we all have the same understanding of what it means to work here.
- 3.1.2. To provide clarity of expectation for the workforce on the knowledge, skills and behaviours required to deliver the intended outcomes of TOM 1.1, we introduced a Capability Framework for all employees. The behaviours required were defined by our workforce through the Guiding Principles. The Capability Framework added skills and knowledge to this, to produce a comprehensive framework describing the individual capability required of each employee, structured into five levels reflecting the complexity of all our job roles.
 - 3.1.3. To enable employees to develop themselves to meet these expectations, we created an online digital learning platform, The Learning Academy, which hosted a wide range of self-led, team-based and facilitated workshop learning opportunities and resources.
 - 3.1.4. To enable our leaders and managers to lead and support their people through the changes, and upskill and align themselves to meet the needs of the evolving organisation, we introduced a face-to-face programme of leadership development, called Step On, Step Up. This programme was undertaken by 30% of managers with an average satisfaction score of 90%.
 - 3.1.5. To distribute leadership throughout the organisation and bring leaders together, we created a Leadership Forum, which is a network of now over 600 leaders of people from all across Aberdeen City Council and aims to:
 - Keep leaders informed on key developments
 - Provide a space for leaders to get actively involved in what's happening and to involve their teams
 - Facilitate collaboration, sharing and problem solving for leaders all over the council.
 - 3.1.6. This Forum played dividends throughout pandemic – with high engagement at digital events and over 200 managers joining live sessions.
 - 3.1.7. The pandemic has clearly had a major impact on the world of work – employee expectations have shifted and the concept of ‘workplace’ is now far more fluid.
 - 3.1.8. Aberdeen as a city is changing rapidly – with aspirations and potential to lead the way in energy transition for the world, and with citizens who must endure the legacy of the pandemic and face the potential energy crisis of the very near future. As a local authority, we have a duty to respond to and serve

these evolving needs of the city and people, by upskilling and equipping our workforce with the resilience, skills and opportunities to meet the challenges ahead.

- 3.1.9. The agreed Target Operating Model 1.2 sets out our objectives for continuing our digital journey and developing a workforce that is flexible, ensuring all staff have the necessary skills to work effectively within the Council's operating model. At the heart of the aspirations of TOM 1.2 is our people – and a crucial need for our organisational culture to build and enable their capabilities to enable them to thrive within a changing environment. TOM 1.1 and the guiding principles set us on a path of cultural change and TOM 1.2 sets the next phase:



- 3.1.10. Specifically, the workforce outcomes agreed in TOM 1.2 are:
- A workforce that delivers on our purpose, flexibly and adaptively, focusing on the areas of greatest impact through early intervention and prevention
 - Our workforce is able to change, improve, think and act in radically different ways
 - Collectivism and collaboration is the norm, diverse voices within the organisation have a platform
 - Our workforce is empowered to act at the point of need
 - We recognize individual skills and passions and reward delivery against our core purpose.

3.2. Job Families: a tailored approach to workforce development

- 3.2.1. With over 8000 employees and over 1000 different job roles across the council, it is clear that a one-size-fits-all approach does not work for the complex size and scale of a local authority. To deliver on the workforce outcomes in TOM 1.2, it is proposed instead to take a tailored approach to workforce communication, engagement and development, where we group all job roles

by the typical demands and workstyles that represent them, into one of five key Job Families:



3.2.2. By tailoring our employee experience by Job Family, we can ensure that our corporate products and services are designed with the end-user – our employees – in mind. The profiles of each of our Job Families has been built through engagement with a range of employees, based on their lived experiences, needs and challenges at work. All 1000 different job roles at Aberdeen City Council have been provisionally mapped to a Job Family and these alignments will soon be sense-checked by Cluster, by Senior Management Teams across the organisation.

3.2.3. Specifically, the aspects of workforce development that are proposed to be shaped by Job Family are: the capability framework, mandatory training and personal & professional development programmes. It is proposed to introduce five core capabilities for all employees, with varying indicators by Job Family, that will run through all aspects of our workforce development programme. These are inspired by our Guiding Principles and are:



3.2.4. The full Job Family approach to workforce development will be presented to the next Staff Governance Committee, following finalisation through additional employee and trade union engagement.

3.3. Engagement to Date

3.3.1. To inform the design of the Leadership and Management Development Framework, a wide range of employee engagement has been undertaken with managers, trade unions and employees, as follows, and detailed in Appendix A.

- 3.3.2. To understand managers' needs and challenges, widespread and longitudinal research has been undertaken with People Managers from across the organisation – from focus groups and one-to-ones with our Chief Officers, to surveys and open space events with our Leadership Forum of over 600 members, to discovery workshops with operational supervisors.
- 3.3.3. To understand where improvements in the manager-employee relationship can be made – and what development could be useful for managers to prevent escalation to HR policies – we have engaged extensively with our Trade Union colleagues through weekly Director-Union Engagement Meetings and in focussed engagement sessions on Appraisal, Job Families, the Capability Framework and Mandatory Training.
- 3.3.4. To understand what employees are looking for from their People Managers, we have a rich source of employee data gathered through ongoing engagement.

3.4. A Focus on People Managers

- 3.4.1. People Managers at Aberdeen City Council play a crucial role in our cultural transformation: in aligning their teams to embrace the direction needed by our shifting context; supporting them through the challenges this will bring; and ensuring that all staff have the right skills and working environment practices to operate within a changing environment. Independent studies by the Conference Board, Bersin by Deloitte; and HR analytics experts McBassi & Company, highlight that leadership development is one of the most pressing issues facing organisations today – because strong and wise leadership allows organisations to find that edge that allows them to succeed and thrive in an increasingly challenging financial environment with evolving needs and service demands. This is particularly true during periods of change, where any breakdown in communication and engagement from local managers can be devastating to the employee relationship and impact on attendance, absence, productivity and performance and increase the use of formal policies to resolve.
- 3.4.2. Aberdeen City Council has over 1000 People Managers throughout the organisation, supporting employees in all Job Families, across over 1000 different job roles. Along with all other Job Families, a People Manager capability framework is being developed which will provide for managers a solid appreciation of the skills and mindset that our 21st century leaders need to be successful in this new and changing world.
- 3.4.3. It is critical that we equip our current and future People Managers with the skills to thrive, and enable others to thrive, in our volatile, uncertain, complex and ambiguous world, with a comprehensive programme of Leadership and Management Development programme and a common, agreed understanding of what leadership and management at Aberdeen City Council looks like.

3.4.4. To deliver the workforce outcomes outlined in TOM 1.2, and based on the feedback received, this programme must develop leaders and managers who:

- Drive change, improvement and transformation in an engaging and collaborative way
- Seek and incorporate feedback and challenge and in turn able to both support and challenge others and systems in service of our organisational/LOIP outcomes
- Distribute leadership – empower others
- Work across and actively dismantle boundaries
- Promote and enable health, wellbeing and psychological safety for themselves and others
- Develop self-awareness and drive their own development
- Coach for Performance - Set an environment of empowerment, accountability and individual and shared responsibility for outcomes and performance
- Hold a peer-peer learning mindset
- Embrace and develop a coaching culture
- Develop and nurture all talent including our leaders and managers of the future

3.4.5. We have a duty to ensure our People Managers are competent to undertake primary functions of their role by providing training in practical foundational people management skills, such as coaching, performance and absence management. But we also need to inspire our current leaders by providing more advanced behavioural workshops that challenge our leaders to see and change their own behaviours to deliver the culture needed to deliver TOM 1.2. We need to create pathways and opportunities that empower and enable our leaders of the future, so that we retain high potential employees and create resilience in our organisational leadership by ensuring succession plans that motivate people to rise.

3.4.6. The programme must be highly accessible, visible and relevant to our different levels of People Managers in the organisation. It must be flexible to meet the needs and aspirations of our People Managers – providing them with a range of development options that meets the diverse way people learn.

3.5. Coaching as a key lever for employee engagement and high performance

3.5.1. A coaching approach is critical to our programme and organisation because it fosters motivation and a supportive, high performance work environment, which allows us to achieve our organisational aspirations and outcomes. Research (e.g. Ryan and Deci 2000) shows that there are three factors that make the difference to motivation:

- Autonomy – the belief and opportunity to control your own destiny
- Relatedness – feeling connected with others in a positive way that encourages trust

- Competence – knowing that you have valuable skills, qualities and abilities
- 3.5.2. Coaching works because it is entirely based on these psychologically proven principles – the more you encourage autonomy, relatedness and competence, the more confident people will be and the higher their performance.
 - 3.5.3. It engages employees to reflect and raise their own self-awareness, and empowers them to take ownership and responsibility for the actions that will enable them to thrive.
 - 3.5.4. For managers, it provides good structured conversations and active listening on the part of the coach or manager. Coaching approaches and skills are not natural for all managers and even those who do have this tendency need to keep practicing this as a core skill
 - 3.5.5. Strategically, Aberdeen City Council has recognised coaching as a beneficial method of personal and organisational development, and it has featured in our development programme for many years. As we move forward with delivery of TOM 1.2, it will continue to play a key role in supporting and enabling the continued culture change required.
 - 3.5.6. It is therefore proposed that coaching skills and a coaching approach to managing and leading others is a core tenet of our leadership and management development framework.
 - 3.5.7. It is critical that our Leadership & Management programmes introduce the concepts of 'leader and manager as coach' as the optimal style of people management at Aberdeen City Council, but also provide employees with the awareness of other leadership styles so that they can raise their own self-awareness about the implications of different leadership styles and apply flexibility and choice so that they can adapt to meet the individual needs of their team members and the situational needs of the team.



- 3.5.8. We understand from Hawkins 2012 that creating a coaching culture requires more than the investment of development in managers at different levels in an organisation – it must be complemented by the development of team coaching, an internal coaching bank and be embedded in HR and performance processes.

3.6. A refreshed approach to Leadership & Management Development

3.6.1. To meet the challenges set out above and equip our People Managers and leaders with the skills and mindset needed to thrive, four core programmes have been developed to support and develop people at all stages in their leadership and management careers:

- **People Management:** A foundation programme for new and existing managers to ensure good management basics are in place. This contains a variety of modules, designed to provide managers with the knowledge and skills set out under the revised Capability Framework, and includes face-to-face workshops and eLearning courses on Coaching, Performance Management, Difficult Conversations, Managing Change, Managing Health, Safety & Wellbeing.
- **Inspiring Leaders:** An advanced programme to inspire experienced managers to put skills into practice along with intense masterclasses. This will be essential for senior managers, but open to all and any leaders.
- **Aspiring Leaders:** A cohort-based development programme for aspiring senior leaders, i.e. those that might move to Chief Officer roles and those that might move to Service Manager roles as a starting point. It will support succession planning, talent retention and development.
- **Chief Officer Programme:** designed specifically for ECMT based on diagnostics and the need to role model the core elements of leadership and management training promoted for all.

3.6.2. Coaching is interwoven throughout and supports each of the four programmes (see Appendix B). It is intended to expand the provision of coaching skills into the core workforce development programme for all employees, so that we embed a coaching culture and establish peer-to-peer coaches throughout the organisation.

3.6.3. To further embed our coaching culture, it is further proposed that we consolidate our existing coaching resources through the creation of an **Internal Coaching Network**, with trained or qualified coaches, available for matching to employees within the organisation seeking to develop themselves available to support people anywhere throughout the organisation

3.6.4. This **Internal Coaching Network** will be supported and complemented by a pool of highly qualified coaches within People & Organisational Development, who can support and facilitate a coaching culture throughout the organisation with credibility and expertise, and embed coaching in HR and performance processes (also see Appendix B).

3.7. Mentoring

3.7.1. Complementing our Coaching Network, it is proposed that we also introduce a **Mentoring Network** as part of our Leadership & Management Development Programme by developing a confident and credible pool of trained mentors who are able to offer support to other members of

the organisation around specific areas such as career and role but also encompassing wider experiences and skills. Mentoring draws on the same skills associated with coaching, i.e. questioning, listening, clarifying and reframing, but differs from Coaching in that it typically involves a more experienced colleague sharing their greater knowledge to support the development of an less experienced one. A Mentoring Network is beneficial for Aberdeen City Council culturally as it encourages learning and growth in all areas of professional and personal development, it employees to become better leaders and professionals, and develops the habit of learning from and sharing with others, which reduces single points of failure.

3.8. The Leadership Forum

3.8.1. Our Leadership & Management Development Programme will be promoted through and critical to the continuing development of The Leadership Forum, our thriving network of over 600 leaders from across the organisation. The Leadership Forum exists as both a digital community, connecting leaders and providing a platform for sharing news, opportunities, questions and ideas; a captive audience for face-to-face development, engagement and events. It will continue to connect all our current and aspiring People Managers.

3.9. Summary

3.9.1. Our Leadership & Management Development programme has been in development for some time, including pre-pandemic, and whilst manager and leader training has continued to run, we are ready to launch now with a refreshed, renewed approach, that takes account of our employee engagement, and the contemporary organisational and wider context. This Leadership & Management Development Programme forms one strand of our upcoming Workforce Strategy, which we intend to present to November's Staff Governance Committee, and if agreed, will be visible as a key lever of delivery and which will in turn deliver the following predicted tangible benefits:

- We improve our customer's experience
- We mitigate reducing resources and ensure best value service delivery
- We increase flexibility which will reduce spend on agency
- Increased uptake of digital technologies and modern flexible working practices
- We reduce our absence rates
- We increase productivity / performance through improved employee engagement
- We reduce failure demand in terms of people management issues
- We are successful in our succession plans – we have pipelines of future leaders inspired and supported to continue a career with ACC
- We reduce single points of failure

3.10. Next Steps

- 3.10.1. The refreshed Leadership & Management Development Programme will be introduced to the Leadership Forum during September 2022, when we will seek participants for the pilot People Management programme, and seek recruits for our Aspiring Leaders Programme.
- 3.10.2. There will be a promotional campaign throughout October 2022, through a face-to-face networking event and digital engagement event, so that leaders can ask questions and provide their feedback.
- 3.10.3. The Chief Officer development programme is already underway as a rolling programme and we will evaluate this as it progresses over the next 12-18 months, evolving where needed to ensure the needs of our leaders are met.
- 3.10.4. The Coaching and Mentoring Networks will launch by December 2022, enabling People Managers at all levels to engage with one another to learn from one another and share knowledge.
- 3.10.5. With the fundamental People Management programme and enabling networks fully live, the Inspiring Leaders programme will launch in the new year, utilising feedback from the other development programmes.

4. FINANCIAL IMPLICATIONS

- 4.1 This will be funded by the Corporate Training budget held within People and Organisational Development.

5. LEGAL IMPLICATIONS

- 5.1 No known legal implications arising from this report.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 No known environmental implications arising from this report.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	None		L	Yes
Compliance	None		L	Yes

Operational	Low	<p>If the approach is not accepted by managers, there is an increased risk of possible disputes, staff morale issues; lack of change and modernisation of services; impaired adoption of new methods to improve customer service and reduce demand.</p> <p>This risk has been reduced through communication and engagement with People Managers throughout the development of the programme, and will be further mitigated by a holistic promotion and awareness raising campaign through digital and face to face means.</p>	L	Yes
Financial	None		L	Yes
Reputational	None		L	Yes
Environment / Climate	None		L	Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
	Impact of Report
<p>Aberdeen City Council Policy Statement</p> <p><u>Working in Partnership for Aberdeen</u></p>	<p>Valuing our Staff</p> <ul style="list-style-type: none"> • Recognise that the Council depends upon its staff to deliver the services it provides and believe the Council must properly reward, train and support its staff. • Engage regularly with staff and trade union representatives. <p>These proposals take forward the enabling strategies and transformation programme articulated within the TOM 1.2, and form part of the</p>

	next steps for delivery of the outcomes and commitments.
Aberdeen City Local Outcome Improvement Plan	
Prosperous Economy Stretch Outcomes	As above
Prosperous People Stretch Outcomes	As above
Prosperous Place Stretch Outcomes	As above
Regional and City Strategies	As above.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Stage One Completed.
Data Protection Impact Assessment	Checklist completed
Other	None.

10. BACKGROUND PAPERS

10.1 Workforce Plan

11. APPENDICES

- A Employee Engagement Data Sources
- B How we plan on developing a coaching culture

12. REPORT AUTHOR CONTACT DETAILS

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Appendix A: Employee Engagement Data Sources

What engagement	When	What this told us about Leadership & Management
<p>Guiding Principles co-creation</p>	<p>2018</p>	<p>Purpose matters. People want to understand how their role contributes to the bigger picture and feel like they are making a difference.</p> <ul style="list-style-type: none"> - So it's critical our Leadership & Management programme supports managers to align their team and employees with the vision and direction of the council and city. <p>Our employees want to take pride in their work – and that they're producing work of a high standard. They want their ideas for improvement listened to and feel part of the solutions.</p> <ul style="list-style-type: none"> - So our leaders and managers need to be skilled in providing feedback through regular one-to-ones and coaching employees to thrive. And in engaging employees to ask their views and empower them to own new ways of working. <p>Feeling part of a team and working with others is one of the most important aspects of working life. Employees want to feel like they are being treated equally and that everyone is pulling their weight.</p> <ul style="list-style-type: none"> - Our leaders and managers need to support good team spirit, whether all team members are together in person or working remotely. They need to create clearly understood team goals and ensure good communication within the team and that the team is working across boundaries to achieve shared goals. <p>People want to feel trust in their work so they can get on and deliver a good job. But they want to feel and see this around them too – they want to see others step up.</p> <ul style="list-style-type: none"> - We cannot afford micro-management – it poorly affects morale and reduces employee empowerment. Our leaders and managers need to lead through trust, coaching team members to achieve outcomes and having difficult conversations to hold people accountable when needed. <p>Feeling value and being appreciated is critical – and it's our own specific individual contribution that we as employees want to be recognised for.</p> <ul style="list-style-type: none"> - We need leaders and managers that hold regular one-to-ones and take the time to acknowledge good work, and also celebrate this more widely.

<p>Future of Work survey</p>	<p>2019 – 2020</p>	<p>Six months into the pandemic, we undertook a wide ranging Future of Work survey to assess how people’s attitudes to work may be changing. Of the questions relating to leadership and management, we learned that three quarters of respondents meet with their line manager at least once a month, feel that there is good communication in place and feel confident to report any issues of concern to management. For some, whilst communication has been in place, the inability to have face-to-face contact with their line manager has diminished the quality of communication. And the ever-changing nature of COVID-19 has led to perceptions that managers have struggled to keep up with the fast-paced need for communication, with some indicating that communication is not always filtered down. The positive experience of line managers is not universal, however, with some respondents commenting that their line manager has not been as available to them during the pandemic or that they started well but have declined as the pandemic has drawn on.</p> <p>What this means that our leaders and managers need to have the skills to adapt to the individual needs of their needs members, be skilled at communicating with employees both face-to-face and digitally, embracing the latest digital tools to enable open and transparent communication and visibility.</p>
<p>Smarter Working Team Plan Activities</p>	<p>2021 – 2022 to coincide with offices reopening</p>	<p>To provide guidance and training to employees on hybrid working in a post-pandemic world, engagement has been undertaken with leaders across the council who were tasked with undertaking a Team Plan Activity and capturing their results while they undertake a Test and Trial of optimal workstyles. Of the 97 teams and services that have submitted their results, we can see that 63% of teams have said their optimal working style is hybrid.</p> <p>The responses overall reflected that teams had maintained productivity and delivered objectives whilst working from home. Nonetheless, maintaining contact is essential and in person contact should be encouraged. Wellbeing is very important and- whilst working from home is very productive- it is also intense and breaks between meetings should be encouraged. Social isolation and staff accessing support can be more difficult when completely virtual and it proved more challenging for managers to pick up on things which might be more identifiable in the office. In particular more face to face has been flagged as a requirement for new employees.</p> <p>This means that our Leadership & Management programme needs to equip People Managers with the skills to effectively manage hybrid teams, that they carry out regular and effective one-to-ones</p>

		<p>where they discuss workload, outcomes, wellbeing and discuss when and where in-person days are useful, beneficial or essential for service delivery or personal/professional development.</p>
Change Projects	2021-2022	<p>Leaders and Managers play a critical role throughout any change projects. We developed a structured approach to change management through partnership with Microsoft to adopt new digital ways of working, which enabled us to transition to home-working for the pandemic so smoothly. From high level executive sponsorship from Chief Officers, to empowering managers at line manager level, there is a critical need to upskill People Managers at all levels with the <i>practical</i> skills and resources to lead and support change.</p> <p>Recent intensive work with services to land transformation projects within the Housing & Support service and Social Work services has led to in-depth understanding of the people management challenges, that reinforces our need for change management training to be embedded within our Leadership & Management Development Programme.</p> <p>Within Housing & Support, transformation towards a new, combined role required high levels of listening and engagement between the staff group and the leadership team to resolve employee relations questions and move forward positively. This reinforced the need for clear and frequent communication from senior leadership; effective team-level communication to ensure clarity about new roles and responsibilities; open and two-way dialogue between managers and employees where people feel genuinely listened to and understood; and line manager support of the individuals going through change, including the use of 1-1s and personal development plans.</p> <p>Within Social Work, the implementation of a new digital customer relationship management system for over 1000 employees, spread over two organisations, three service areas and a wide range of job roles, has required an alternative delivery model for training. This has required Service Managers to understand their role and specific responsibilities as a senior manager in leading change, and the need to empower their staff to become champions and support them to lead change through delivering a coach approach to peer-based training.</p>

Capability & Development Framework Engagement Workshops	Summer 2022	<p>As part of our engagement with representatives from all Job Families, colleagues within the ‘People Manager’ Job Family were asked what people want/need from their leadership development programmes. What we learn from this is:</p> <ul style="list-style-type: none"> - There is a need for an induction programme/support for managers when they first start the job. - There needs to be greater clarity around essential/mandatory training and regular reminders of updates required. - A programme of events for the Leadership Forum, to discuss areas that affect all managers. - It can be challenging for managers to undertake training and development due to workload. - There is a need for managers to feel confident and competent in having performance conversations. - There’s a need for a varied approach to training delivery – as online is more convenient for diaries and can host larger numbers; but “In person, you get more of a chance to speak to others within the organisation over coffee breaks etc. That is not the same when online.” - There’s a desire for more networking and peer support opportunities to bring shared challenges, develop solutions, share best practice and build a supportive network. - There’s a desire for dedicated CPD time.
Frontline Engagement	Autumn/Winter 2021/22	<p>To improve the experience of appraisal for frontline employees, intensive engagement was undertaken with employees, supervisors and managers from across different frontline operational areas. The experience of appraisal is mostly poor or non-existent, with some employees reporting never having had an appraisal, and others experiencing it as a ‘tick box’ annual event. An online self-appraisal form has been developed for frontline colleagues to complete and for the results to be shared with their line manager to form the basis of a holistic appraisal conversation, which brings in their performance, behaviours against our Guiding Principles, feedback for their manager, their personal development and career aspirations, and their health, safety and wellbeing. Feedback from both employees and managers so far is very positive and we look forward to rolling this out more widely. It is clear from the feedback that this tool must be supported by training for supervisors in the skills needed by appraisal conversations, for example in Giving & Receiving Feedback and in how to use the digital tools to capture the results, to ensure that frontline employees get a consistently good experience and supervisors feel competent and confident in carrying out this aspect of their role.</p>

<p>Trade Union Engagement</p>	<p>2021-22 weekly DUE Meetings, Engagement on policies, informal engagement</p>	<ul style="list-style-type: none"> • Managers need the support and development to be able to do a good job • There needs to be a focus on supporting employees who are absent due to ill health – communication, occupational health referrals and a focus on wellbeing • Managers should seek an informal approach to people policies wherever possible in the first instance • Management practice is varied – there are some very good and some that could/should undertake further training • Sometimes managers have a tendency to ‘tell’ rather than empowering their team • Managers should involve staff at the earliest opportunity – seek their views and feedback and even empower to own and contribute to changes • Communication by managers in some areas / cases could be improved • Managers should have regular 1:1s and team meetings focussed on wellbeing, development and support for the individual – that they have built good relationships based on trust
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Appendix B: How we plan on developing a coaching culture

	All employees	All People Managers	Internal Coaching Pool	Aspiring/Inspiring Leaders	Chief Officers	People & Organisational Development Advisers
Learning Intervention to develop coaching	Introduction to Coaching (2 hour internally delivered workshop)	Leader and Manager as coach (1 day externally delivered workshop / co-delivery with internal People Development Advisers, moving to full delivery by People Development Advisers)	2.5 day workshop in ILM Level 3 Coaching and Mentoring (with option to undertake additional modules and complete to achieve ILM Level 3 certificate)		3 x Masterclasses for Senior Leadership	ILM Level 5 in effective coaching and mentoring
Coaching available to this group	Any employee can request access to an internal or external coach	Can request access to an internal or external coach	Mentoring and supervision provided as standard.	Internal or external coaching will be provided for their own development	Executive Coaching (as required)	Peer coaching and external supervision through the North East Learning Collaborative

Intended outcomes	Develop team coaching and organisational learning	Leaders support coaching endeavours Coaching becomes the dominant style of managing	Develop Internal coaching capacity	Develop team coaching and organisational learning	Leaders support a coaching culture and champion endeavours Coaching becomes how we work with stakeholders Coaching becomes the dominant style of managing	Develop External coaching capacity Embed in HR and performance processes
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ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance
DATE	3 October 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Employer Pension Discretions Policy – Local Government Pension Scheme
REPORT NUMBER	CUS/22/158
DIRECTOR	Andy MacDonald – Director – Customer Services
CHIEF OFFICER	Isla Newcombe – Chief Officer – People and Organisational Development
REPORT AUTHOR	Kirsten Foley – Employee Relations and Wellbeing Manager
TERMS OF REFERENCE	2.5

1. PURPOSE OF REPORT

- 1.1 This report seeks approval for the Council’s revised Employer Pension Discretions Policy in respect of the Local Government Pension Scheme.

2. RECOMMENDATIONS

That the Committee: -

- 2.1 Approves the Council’s revised Employer Pension Discretions policy as attached at Appendix A, which details the Council’s declared policy on the specified pension discretions in respect of the Local Government Pension Scheme;
- 2.2 Notes the delegation of decisions in respect of application of certain of the specified discretions in Appendix A, to the appropriate Chief Officer, in consultation with the Chief Officer People and Organisational Development and the Chief Officer Finance, where it is indicated that individual cases will be considered on their merits or where a decision is required (unless the authoriser is specified); and
- 2.3 Notes the delegation of decisions in respect of application of other non-specified discretions to the Chief Executive or nominated deputy on a case-by-case basis.

3. CURRENT SITUATION

- 3.1 The Local Government Pension Scheme Regulations contain a number of regulations over which the employer has discretion.

- 3.2 Following changes to the Local Government Pension Scheme Regulations in 2018, all employers in the Scheme are now required to review and update their Pension Discretions Policy, as held by the North-East Scotland Pension Fund.
- 3.3 The Pension Discretions Policy outlines how the Council, as an employer of the Fund, will administer the Local Government Pension Scheme (LGPS) in respect of application of the various discretions.
- 3.4 The North-East Scotland Pension Fund informed Aberdeen City Council that the exercise to review and update employer Pension Discretions policies was delayed due to the Covid-19 pandemic and resourcing issues.
- 3.5 The Fund have since indicated that they are now able to complete the exercise and have provided a Pension Discretions Policy template and a Guide to employers in the Scheme to help them to prepare their revised policy.
- 3.6 The Council's existing policy was agreed at the Finance, Policy, and Resources Committee of 9 June 2015 as part of the introduction of the new Local Government Pension Scheme. A previous version of the policy had applied before that date.
- 3.7 The LGPS regulations state the requirement to have a policy position in the following areas in relation to the scheme:
- Additional Pension Contributions (Discretion 1)
 - Flexible Retirement (Discretions 3 and 4)
 - Rule of 85 (Discretion 5) *
 - The waiver, in whole or in part, of an actuarial reduction on benefits which a member voluntarily draws early (Discretions 6 and 7)
 - Granting additional pension in certain circumstances (Discretion 8)

* The "85 year rule" is referred to throughout and is summarised below for ease of reference.

If a member voluntarily draws benefits before their Normal Pension Age and they were a member of the Scheme on 1 December 2006, then some or all of their benefits could be protected from the normal actuarial reduction applied to benefits paid early under what is called the "85 year rule". The 85 year rule is satisfied if the member's age at the date they draw their benefits and their scheme membership (each in whole years) add up to 85 or more. If they are part-time, their membership counts towards the 85 year rule at its full calendar length. Not all membership may count towards working out whether a member meets the 85 year rule – see the 85 year rule document on the LGPS website for more information: <http://scotlgpsregs.org/resources/guidesetc.php>

- 3.8 In addition to the above, it is also necessary to compile a list of discretions for post-31 March 2009 / pre-1 April 2015 scheme leavers; to maintain a list of

discretions in respect of the 1998 Scheme in relation to pre-1 April 2009 scheme leavers; and to maintain a specific discretion in respect of the 1987 Scheme in relation to pre-1 April 1998 scheme leavers; as the employer still has to publish a policy in respect of its discretions for each of these.

- 3.9 It is also necessary to publish a policy on certain discretions in accordance with the regulations relating to the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998.
- 3.10 Also included in the policy are certain other discretions that employers are not compelled to have a policy position on, but it is advisable for employers to have written down. These are:
- Contributions (Discretions 11 and 12)
 - Shared Cost Additional Voluntary Contribution (SCAVC) arrangements (Discretion 13)
 - Assumed Pensionable Pay (Discretion 17)
 - Aggregation of Benefits: Election not to aggregate (Discretion 19)
 - Aggregation of Benefits: Election to aggregate (Discretion 20)
 - Transfers in (Discretion 28)
- 3.11 The recommended policy position on each pension discretion is shown in Appendix A for consideration and noting by Committee. Where a decision is required in respect of application of a specified discretion, including where it indicates that individual cases will be considered on their merits (unless the authoriser is specified), it is recommended in this report that Committee notes that authority is given to the relevant Chief Officer to decide on this, following consultation with the Chief Officer People and Organisational Development and the Chief Officer Finance.
- 3.12 In addition to the above, there are several employer discretions that do not require a written policy but are listed nonetheless in the pension scheme regulations. It is recommended in respect of application of these non-specified discretions that Committee notes that the policy position will be decided on a case-by-case basis by the Chief Executive or nominated deputy.
- 3.13 The Chief Officer Finance and Chief Officer Governance were both consulted in the compilation of the revised policy, as were the local trade unions.
- 3.14 Each employer is required to compile, publish, and keep under review a policy in relation to the application of various pension discretions and send this to the North-East Scotland Pension Fund, the administering authority.
- 3.15 Employees and former employees who are, or were, in the LGPS must be able to access the policy.

- 3.16 Once the policy is agreed, it will be published on the Council's intranet and on its external website and a copy send to the North-East Scotland Pension Fund.

4. FINANCIAL IMPLICATIONS

- 4.1 With regard to certain of the pension discretions in Appendix A, where a decision is required in respect of application of a specified discretion, including where it indicates that individual cases will be considered on their merits, it is recommended in this report that the authoriser be the relevant Chief Officer, in consultation with the Chief Officer People and Organisational Development and the Chief Officer Finance (unless otherwise specified). It is the expectation that the application of these discretions would be infrequent, with financial, operational, or compassionate issues being considered before a final decision is made. The same would be the case in respect of application of the non-specified discretions.

Where a discretion is applied, there may be a cost associated with it. It is not possible to quantify such potential future costs of application. Where a discretion is applied, any associated cost would require to be met from the budget of the Cluster in which the employee is employed.

- 4.2 In respect of certain other discretions in Appendix A the policy position recommended is that the Council will not agree to apply the particular provision. In these cases, no costs will be incurred.

5. LEGAL IMPLICATIONS

- 5.1 Each employer in the Scheme is required to formulate and publish a policy under regulation 51A of the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998 and regulation 58 of the Local Government Pension Scheme (Scotland) Regulations 2018. It is also necessary to keep the policy under review.
- 5.2 There are no other direct legal implications arising from the recommendations of this report.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There are no direct environmental implications arising from the recommendations of this report.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	No significant risks identified	N/A	N/A	N/A
Compliance	Formulating and publishing a pension discretions policy is a legal requirement and as such failure to undertake this would mean that the Council was not complying with its statutory obligations as a Scheme employer.	The Council's revised Employer Pension Discretions policy attached to this report details its declared policy on the specified pension discretions, as required by the legislation. The policy is based upon the Pensions Discretions Policy template provided by the North East Scotland Pension Fund.	L	Yes
Operational	No significant risks identified.	N/A	N/A	N/A
Financial	The application of certain of the pension discretions involve a cost, and so in setting the discretions there is a risk of the Council	In the compilation of the revised pension discretions, attention has been given to balancing affordability with fairness to help ensure that the policy is cost effective as well as providing scheme members/former members with fair provisions. It has been	M	Yes

	incurring increased costs inadvertently, if the effect of application of the discretions are not understood.	consulted on with the Chief Officer - Finance to ensure that the effects of setting the discretions are understood and affordable.		
Reputational	No significant risks identified.	N/A	N/A	N/A
Environment / Climate	No significant risks identified.	N/A	N/A	N/A

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
Impact of Report	
<u>Aberdeen City Local Outcome Improvement Plan</u>	
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 an affordable and fair revised pensions discretion policy in place, should help to confirm the Council's reputation as an employer applying good employment practices and may contribute to the retention of trained and valued employees. This would mean that they can continue in post 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 a revised pensions discretion policy in place which is affordable and fair, should assist in the support of Council employees who are members of the Local Government Pension Scheme. This may indirectly benefit employee mental health and wellbeing allowing staff to function both in employment and at home.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	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.
Other	N/A

10. BACKGROUND PAPERS

10.1 The North-East Scotland Pension Fund 'Guide to Discretions – May 2022' was referred to in the preparation of this report and is attached as Appendix B.

11. APPENDICES

11.1 Appendix A – The Council's revised Employer Pension Discretions Policy.

11.2 Appendix B – North-East Scotland Pension Fund 'Guide to Discretions – May 2022'.

12. REPORT AUTHOR CONTACT DETAILS

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Aberdeen City Council



Employer Discretions Policy

This policy on discretions applies with effect from 3/10/22 and sets out our policy on the way in which we are likely to exercise our discretions as a Scheme employer under the Local Government Pension Scheme in Scotland.

The document begins by setting out the position in so far as it relates to the current Scheme, but for former members of the Scheme a number of other key provisions remain relevant depending on when they were a member and these are detailed further later on.

Where a decision is required in respect of the application of a specified discretion, including where it indicates that individual cases will be considered on their merits (unless the authoriser is specified), authority is given to the relevant Chief Officer, in consultation with the Chief Officer People and Organisational Development and the Chief Officer Finance to decide on this.

If you have any queries on this policy, please contact the Employee Relations and Wellbeing Team, People and Organisational Development by email: employeerelations@aberdeencity.gov.uk

PLEASE NOTE THAT IF A DISCRETION IS IN BOLD THIS MEANS A WRITTEN POLICY REGARDING IT MUST BE MAINTAINED

Current discretions including those applicable to the current career average revalued earnings (CARE) Scheme

The following table sets out discretions under the current Local Government Pension Scheme which is governed by the Local Government Pension Scheme (Scotland) Regulations 2018. In some cases, the equivalent discretions under Local Government Pension Scheme (Scotland) Regulations 2014 will apply instead and so some entries in the table make reference to both sets of regulations. The Scottish Government has clarified that 2018 Regulations did not create a new scheme.

The following regulations are referred to for this purpose:

- the Local Government Pension Scheme (Scotland) Regulations 2018 [prefix R]¹
- the Local Government Pension Scheme (Scotland) Regulations 2014 [prefix R2]²
- the Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014 [prefix TP]
- the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008 [prefix A]
- the Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008 (as amended) [prefix B]
- the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008 [prefix T]
- the Local Government Pension Scheme (Scotland) Regulations 1998 (as amended) [prefix L]

Discretion	Regulation	Aberdeen City Council's policy on the exercise of this discretion
1. Whether, how much, and in what circumstances to contribute to a shared cost APC scheme.	R16(2)(e) & R16(4)(d)	The Council does not have a general policy to contribute to a shared cost APC scheme but may do so if exceptional circumstances can be proved. Each case will be considered on its merits.
2. Whether to extend 30-day deadline for member to elect for a shared cost APC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve force service leave).	R16(16)	The Council may extend the deadline in exceptional circumstances where it can be shown that members may not have been informed of the requirement for this decision within 30 days of return.
3. Whether all or some benefits can be paid if an employee reduces their hours or grade from age 55 onwards (flexible retirement).	R29(7) & TP11(2) ³	The Council will consider requests on a case-by-case basis under its flexible retirement policy.

¹ The 2018 Regulations (R) apply to post 01.06.2018 active members and post 01.06.2018 leavers and discretions in the table under the 2018 Regulations only apply to those persons

² The 2014 Regulations (R2) apply to members who left the scheme between 01.04.2015 and 31.05.2018 and discretions in the table under the 2014 Regulations only apply to those persons

³ TP11(2) refers to R2~29(6): this reference is understood to have been carried forward to R29(7) by R102(2)

<p>4. Whether to waive, in whole or in part, any actuarial reduction on benefits paid on flexible retirement.</p> <p><u>Note:</u> any resultant strain cost from the exercise of this discretion will be charged to the employer regardless of the member's age at date of retirement.</p>	R29(9) and TPSch 2, para 2(1)	The Council will not waive, in whole or in part, the actuarial reduction on the benefits paid due to flexible retirement.
<p>5. Whether to apply the 85-year rule for a member voluntarily drawing benefits, with employer consent, on or after age 55 and before age 60 (other than on the grounds of flexible retirement).</p>	TPSch 2, paras 1(2) and 2(1) ⁴	The Council will not agree to apply the 85-year rule where members choose to voluntarily draw their benefits on or after age 55 and before age 60 except in circumstances where the Council considers it is in its financial or operational interests to do so. Each case will be considered on the merits of the financial and / or operational business case put forward, and will require the approval of the Chief Executive or nominated deputy.
<p>6. Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age, other than on the grounds of flexible retirement (where the member only has post 31/3/15 membership).</p> <p><u>Note:</u> any resultant strain costs due to the exercise of this discretion will be charged to the employer regardless of the employee's age.</p>	R29(9) or R2 29(8)	The Council will not generally waive the actuarial reduction applied to benefits paid before a member has reached Normal Pension Age.
<p>7. Whether to waive, in whole or in part, any actuarial reduction on pre and post April 2015 benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1/4/15 and post 31/3/15 membership).</p>	TP3(1), (5) and (12), TPSch 2, para 2(1) ⁵	The Council will not generally waive the actuarial reduction applied to benefits paid before a member has reached Normal Pension Age.
<p>8. Whether to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (by up to a prescribed cap).</p>	R30	The Council does not have a general policy to grant additional pension to a member (the overall cap on the maximum amount which can be granted was initially set in 2015 at £5,000 and increases annually).

⁴ Discretion applicable to all scheme members to whom the 2018 or 2014 Regulations apply.

⁵ Discretion applicable to all scheme members to whom the 2018 or 2014 Regulations apply.

9. Decide which employees to nominate for membership (admission bodies).	R3(1)(b)	All employees who are eligible to join the scheme will be nominated for membership in accordance with the Council's admission agreement with NESPF.
10. Whether, in respect of an admission body providing a service in respect of outsourced work, to set off against payments due to that body any sums due from that body to the Fund.	RSch 2, Part 2, para 12(c)	The Council will consider any application of this discretion on a case-by-case basis on its individual merits.
11. Determine the rate of employee's contributions.	R9(1) to R9(4)	<p>The employee's rate of contributions will be determined in accordance with these Regulations and from the guidance issued by the Scottish Ministers.</p> <p>The Council will reassess a member's contribution rate and apply this for the remainder of the financial year, where a permanent and material change comprises an increase or decrease in a member's pensionable pay of over £4000 per annum (pro rata for part-time).</p>
12. Determine intervals at which employees' contributions are to be made.	R9(8)	Employees' contributions will be aligned to the Council's set pay periods.
13. Whether and in what circumstances to contribute to a shared cost AVC scheme.	R17(1) & definition of SCAVC in RSch 1	It is not the Council's policy to establish a shared cost AVC scheme. The only such scheme will be a salary sacrifice scheme.
14. Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership (where AVC arrangement was entered into before 30/6/05).	TP15(1)(b) & L65(8) & former L65(9)(b) ⁶	The Council will not have a general policy to allow late application to convert scheme AVCs into membership credit but may do so if exceptional circumstances can be demonstrated, such as the member being unaware of this right. Each case will be considered on its individual merits.
15. No right to a return of contributions due to an offence of a fraudulent character or grave misconduct unless the employer directs a total or partial refund is to be made.	R19(2)	The Council will not direct a return of contributions in the event of an offence of a fraudulent character or grave misconduct.

⁶ Discretion applicable to all scheme members to whom the 2018 or 2014 Regulations apply.

<p>16. Specify in an employee’s contract what other payments or benefits, other than those specified in R20(1)(a) and not otherwise precluded by R20(2), are to be pensionable.</p>	R20(1)(b)	Elements of pay received by an employee other than those specified in these regulations and not otherwise precluded will only be pensionable if specified as such in the member’s contract of employment.
<p>17. In determining Assumed Pensionable Pay (APP), whether a lump sum payment made in the previous 12 months is a “regular lump sum”.</p>	R21(5)	The exercise of this discretion will be considered on a case-by-case basis on its merits, with due regard given to all circumstances relating to the calculation of a member’s APP.
<p>18. Where in the Employer’s opinion, the pensionable pay received in relation to an employment (adjusted to reflect any lump sum payments) in the 3 months (or 12 weeks if not paid monthly) preceding the commencement of Assumed Pensionable Pay), is materially lower than the level of pensionable pay the member would have normally received, decide whether to substitute a higher level of pensionable pay having had regard to the level of pensionable pay received by the member in the previous 12 months.</p>	R21(6)	Where pensionable pay in the 3-month period prior to commencement of APP is materially lower than the level of pay that would normally have been received, the Council will not normally substitute this with a higher level of pensionable pay, except when determining calculations for ill health retirement or death in service when the Council will consider each case on its merits.
<p>19. Whether to extend the 12-month option period for a member to elect that post 2015 deferred benefits should <u>not</u> be aggregated with an ongoing concurrent employment.</p>	R22(7)(b)	The Council will not normally extend the 12-month time limit but may do so if exceptional circumstances can be demonstrated. Each case will be considered on its merits.
<p>20. Whether to extend the 12-month option period for a member to elect that post 2015 deferred benefits should <u>not</u> be aggregated with a new employment.</p>	R22(8)(b)	The Council will not normally extend the 12-month time limit but may do so if exceptional circumstances can be demonstrated. Each case will be considered on its merits.
<p>21. Whether to extend the 12-month option period for a member to elect that pre 2015 deferred benefits for a member who re-joined post 31 March 2015 can be aggregated to purchase an amount of CARE pension.</p>	TP10(6) ⁷	The Council will not normally extend the 12-month time limit but may do so if exceptional circumstances can be demonstrated. Each case will be considered on its merits.
<p>22. Whether to use a certificate produced by an Independent Registered Medical Practitioner (IRMP) under the 2009 Scheme for the purposes of making an ill health determination under the 2015 Scheme.</p>	TP12(4)	The Council will not have a general policy regarding this issue.

⁷ Discretion applicable to all scheme members to whom the 2018 or 2014 Regulations apply.

23. Whether to apply to Scottish Ministers for a forfeiture certificate (where member is convicted of a relevant offence).	R86(1) & (8) or R2 89(1) & (8)	After considering each case on its individual merits, the Council may apply for a forfeiture certificate where a member is convicted of a relevant offence.
24. Where a forfeiture certificate is issued, whether to direct that benefits are to be forfeited (other than rights to GMP – but see R89/ R2 92 below).	R86(4) or R2 89(4)	Following the issue of a forfeiture certificate, the Council may direct that benefits are to be forfeited.
25. Whether to recover from the Fund any monetary obligation or, if less, the value of the member's benefits (other than, transferred in pension rights or AVCs/ SCAVCs) where the obligation was incurred as a result of a grave misconduct or a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left the employment.	R87(2) or R2 90(2)	After considering each case on its individual merits, the Council may recover from North-East Scotland Pension Fund the amount of loss in cases of criminal, negligent or fraudulent acts by a member.
26. Whether, if the member has committed treason or been imprisoned for at least 10 years for one or more offences under the Official Secrets Acts, forfeiture under R86/ R2 89 or recovery of a monetary obligation under R87/ R2 90 should deprive the member or the member's surviving spouse or civil partner of any GMP entitlement.	R89 or R2 92	The Council may consider whether there should be forfeiture under R 86 or recovery of a monetary obligation under R 87, the member or the member's surviving spouse or civil partner should be deprived of any Guaranteed Minimum Pension entitlement. Each case will be considered on its individual merits.
27. Decide whether to issue a Certificate of Protection if the member does not request one within 12 months of a reduction or restriction in pay.	R90(5) or R2 93(4A)	The Council will normally issue a Certificate of Protection of pension benefits if requested by the employee within twelve months of the date of reduction. A certificate may be issued on application from the member out with the 12-month period specified in the regulations if exceptional circumstances can be demonstrated, such as the employee being unaware of this facility.
28. Agree to bulk transfer payment.	R93(1)(b) or R2 96(1)(b)	The Council will consult with NESPF and the fund actuaries in this regard.
29. Extend normal time limit for acceptance of a transfer value beyond the 12-month time limit from joining the LGPS.	R95(6)	The Council will not generally extend the normal time limit for acceptance of a transfer value beyond 12 months from joining the scheme but may do so where exceptional circumstances can be proved. Each case will be considered on its individual merits including if there would be any financial impact on the Council and/or the Pension Fund.

<p>30. Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending in the 10 years prior to leaving and ending on the anniversary of the date of leaving.</p>	<p>TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & B11(2)⁸</p>	<p>The Council will allow a member to select final pay for fees to be any three consecutive years ending 31st March in the 10 years prior to leaving. The Council agree that this will automatically be done by NESPF.</p>
<p>31. Issue a certificate of protection of pension benefits where eligible non-councillor member fails to apply for one (pay cuts / restrictions occurring pre-1.4.15)</p>	<p>TP3(1)(a), A43(5)⁹</p>	<p>The Council will issue a certificate of protection of pension benefits if requested by the employee within twelve months of the date of reduction. A certificate may be issued on application from the member out with the 12-month period specified in the regulations if exceptional circumstances can be proved such as the employee being unaware of this facility.</p>

Formulating and publishing a policy under the 2014 and 2018 Regulations

The employer must formulate, publish and keep under review a statement of their policy. A copy of the policy must be sent to the relevant administering authority.

If the employer decides to amend the policy, they must send a copy to the relevant administering authority within one month of the date of the decision to amend the policy.

In formulating and reviewing its policy an employer is required by the Regulations to have regard to the extent to which the exercise of their discretionary powers could lead to a serious loss of confidence in the public service.

⁸ Discretion applicable to all scheme members to whom the 2018 or 2014 Regulations apply.

⁹ Discretion applicable to all scheme members to whom the 2018 or 2014 Regulations apply.

Discretions specific to scheme members who ceased active membership on or after 01 April 2009. and before 01 April 2015

Discretion	Regulation	Aberdeen City Council policy on the exercise of this discretion
Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early.	B30(5)	The Council will not generally waive, in whole or in part, the actuarial reduction on deferred benefits paid early. The Council may consider waiving the actuarial reduction on compassionate grounds with each case considered on its merits.
Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership.	TSch1 & L65(8) & former L65(9)(b)	The Council will not have a general policy to allow late application to convert scheme AVCs into membership credit but may do so if exceptional circumstances can be demonstrated, such as the member being unaware of this right. Each case will be considered on its individual merits.
No right to a return of contributions due to an offence of a fraudulent character or grave misconduct unless the employer directs a total or partial refund is to be made.	A42(2)	The Council will not direct a return of contributions in the event of an offence of a fraudulent character or grave misconduct.
Employer may issue a certificate of protection where an employee fails to apply for one.	A43(5)	The Council will issue a certificate of protection of pension benefits if requested by the employee within twelve months of the date of reduction. A certificate may be issued on application from the member out with the 12-month period specified in the regulations if exceptional circumstances can be proved such as the employee being unaware of this facility.
Whether Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund.	A45(1) & (2)	The Council will consider each case on its merits.
Whether to extend six-month period to lodge a stage one Internal Dispute Resolution Procedure (IDRP) appeal (where employer is the person making the stage one IDRP decision in the case of a pre-01.04.15 leaver).	A54(7)(b)	The Council will consider each case on its merits.
Whether to apply to the Scottish Ministers for a forfeiture certificate (where a member is convicted of a relevant offence).	A66(6)	The Council may apply for a forfeiture certificate where a member is convicted of a relevant offence
Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited.	A66(2)	Following the issue of the forfeiture certificate, the Council may direct that benefits are to be forfeited.

Where forfeiture certificate is issued, whether to direct interim payments out of the Pension Fund until a decision is taken to either apply the certificate or to pay benefits.	A67(1) & (2)	Following the issue of a forfeiture certificate, the Council may direct interim payments out of the Pension Fund until a decision is taken to either apply the certificate or to pay benefits.
Whether to recover from the Fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in pension rights or AVCs/SCAVCs) where the obligation was as a result of a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left the employment.	A68(2)	After considering each case on its individual merits, the Council may recover from North-East Scotland Pension Fund the amount of loss in cases of criminal, negligent or fraudulent acts by a member.
Whether to recover from the Fund any financial loss caused by fraudulent offence or grave misconduct of an employee (who has left because of that) or amount of refund if less.	A70(2) & (3)	After considering each case on its individual merits, the Council may recover from North-East Scotland Pension Fund the amount of loss caused by fraudulent offence or grave misconduct of the employee (who has left because of that) or the amount of refund if less.
Whether to allow a member to select a final pay period for fees to be any 3 consecutive years ending with 31 st March in the 10 years prior to leaving.	B11(2)	The Council will allow a member to select final pay for fees to be any three consecutive years ending 31 st March in the 10 years prior to leaving. The Council agree that this will automatically be done by NESPF.

Formulating and publishing a policy under the 2009 Scheme Regulations

The employer must formulate, publish, and keep under review a statement of their policy. A copy of the policy must be sent to the relevant administering authority.

If the employer decides to amend the policy, they must send a copy to the relevant administering authority within one month of the date of the decision to amend the policy.

In formulating and reviewing its policy an employer is required by the Regulations to have regard to the extent to which the exercise of their discretionary powers could lead to a serious loss of confidence in the public service.

Discretions under the Local Government Pension Scheme (Scotland) Regulations 1998 (as amended) specific to pre 01.04.2009 scheme leavers

Discretion	Regulation	Aberdeen City Council policy on the exercise of this discretion
Grant application from a post 31.3.98. / pre-1.4.09. leaver for early payment of benefits on or after age 50 and before age 60 (see Important Note below this table).	30(2)	The Council will consider each case on its merits and consult with NESPF.
Waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31.3.98. / pre-1.4.09. leaver. <i>Note:</i> any resultant strain cost from the exercise of this discretion will be charged to the employer regardless of the member's age at date of retirement.	30(5)	The Council will not waive, in whole or in part, the actuarial reduction on the benefits paid before normal pension age.
Pre 1.4.09 optants out only to get benefits paid from Normal Retirement Date (NRD) while in service if employer agrees.	30(7A)	The Council has determined not to exercise its discretion to allow an employee who has opted out of the LGPS, to access their benefits at normal retirement age if they continue to be employed by the Council.
Allow member to select final pay period for fees to be a period of not less than 3 or more than 5 years back from date of leaving [Note: to all intents and purposes this discretion is now spent].	21(1)(b)	The Council will consider each case on its merits.
Decide, in the absence of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership (post 31.3.98 / pre 1.4.09 leavers).	33(1)(b)	The Council may exercise this discretion in partnership with NESPF.
Consent to a member's former employer assigning to the new employer rights under any SCAVC life assurance policy.	70(7)(a)	The Council will consider any instance of this position on its merits.
Agree dates on which instalments under reg 79(5) (Employer's Further Payments) are due.	79(7)(b)	The Council may exercise this discretion in partnership with NESPF.

No right to return of contributions due to offence of a fraudulent character unless employer directs a total or partial refund is to be made (pre-1.4.09. leavers).	87(2)	The Council will not direct a return of contributions in the event of an offence of a fraudulent character or grave misconduct.
Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund (pre-1.4.09. leavers).	91	The Council will consider each case on its merits.
Forfeiture of pension rights on issue of Secretary of State's certificate (pre-1.4.09. leavers).	111(2) & (5)	After considering each case on its merits, the Council may apply for a forfeiture certificate where a member is convicted of a relevant offence.
Where forfeiture certificate is issued, direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits (pre-1.4.09. leavers).	112(1)	Following the issue of a forfeiture certificate, the Council may direct that benefits are to be forfeited.
Recovery from Fund of monetary obligation owed by former employee or, if less, the value of the member's benefits (other than transferred in pension rights) (pre-1.4.09. leavers).	113(2)	The Council will consider each case covered by this regulation on its merits.
Recovery from Fund of financial loss caused by employee, or amount of refund if less (pre-1.4.09. leavers).	115(2) & (3)	The Council will consider each case covered by this regulation on its merits.

Note: benefits paid on or after age 50 and before age 55 are subject to an unauthorised payments charge and, where applicable, an unauthorised payments surcharge under the Finance Act 2006. Also, any part of the benefits which had accrued after 5 April 2006 would generate a scheme sanction charge.

Formulating and publishing a policy under the LGPS (Scotland) Regulations 1998

The employer must formulate, publish and keep under review a statement of their policy. A copy of the policy must be sent to the relevant administering authority.

If the employer decides to amend the policy, they must send a copy to the relevant administering authority within one month of the date of the decision to amend the policy.

In formulating and reviewing its policy an employer is required by the Regulations to have regard to the extent to which the exercise of their discretionary powers could lead to a serious loss of confidence in the public service.

Discretions under the Local Government Superannuation (Scotland) Regulations 1987 (as amended) specific to pre 01.04.1998. scheme leavers

Discretion	Regulation	Aberdeen City Council's policy on the exercise of this discretion
1. Grant application from a pre-1.4.98 leaver for early payment of deferred benefits on or after age 50 on compassionate grounds (see Important Note below this table).	E2(6)(b)	The Council will consider each case on its merits and consult with NESPF.

Note: benefits paid on or after age 50 and before age 55 are subject to an unauthorised payments charge and, where applicable, an unauthorised payments surcharge under the Finance Act 2006. However, as the benefits had accrued prior to 6 April 2006, they would not generate a scheme sanction charge.

Discretions specific to the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998 (as amended)

Under Regulation 51A of the Discretionary Payments Regulations, there is a general obligation on schedule body Scheme employers to formulate and keep under review a policy which applies in respect of exercising their discretions under these regulations. In practice this facility is open to admitted body scheme employers wishing to offer benefits under these regulations. Those wishing to do so also need to maintain such a policy.

Mandatory discretions

The following table sets out mandatory discretions which should be included in such a policy:

Discretion	Regulation	Aberdeen City Council's policy on the exercise of this discretion
Power to increase statutory redundancy payments above statutory weekly pay limit	4(1)	The Council's policy in relation to those employees whose weekly basic pay exceeds the statutory maximum payment is to be paid the statutory maximum plus 33% of the difference between the statutory maximum payment and the employee's basic weekly pay.
To award compensatory added years to an individual on retirement on efficiency / redundancy grounds	8(1)	The Council's policy is that it will not normally exercise its discretion to award added years to employees who are seeking early retirement. It is only in cases where there are exceptional circumstances determined by the Chief Executive in consultation with the Convenor of the appropriate Committee on recommendation of the relevant Director, shall added years be considered and granted.
How to apportion any surviving spouse's annual compensatory added years payment where the deceased person is survived by more than one spouse.	20(2)	The Council will consider each case on its merits.
If, under the preceding decision, the authority's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual compensatory added years payment should be	20(4)	The Council will consider each case on its merits.

reinstated after the end of the remarriage, new civil partnership or cohabitation.		
Whether, in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998, the normal pension suspension rules should be disapplied during a period of remarriage or new civil partnership i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid.	20(6)	The Council will consider each case on its merits.
Whether, in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries or cohabits or enters into a civil partnership with another person who is also entitled to a spouse's or civil partners annual CAY payment, the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or co-habitation lasts, should be disapplied i.e. whether the spouses' or civil partners' annual CAY payments should continue to be paid to both of them.	20(6)	The Council will consider each case on its merits.
How it will decide to whom any children's annual compensatory added years payments are to be paid where children's pensions are not payable under the LGPS (because the employee had not joined the LGPS) and, in such a case, how the annual added years will be apportioned amongst the eligible children.	26(2)	The Council will consider each case on its merits.
Intervals at which instalments of annual compensation are payable (paying authority may agree to pay at different intervals to that on which LGPS pension is payable).	29(1)	The Council may exercise this discretion in partnership with NESPF.
To award lump sum compensation of up to 104 weeks' pay instead of compensatory added years	35	The Council's policy is that a lump sum Voluntary Severance Payment can be made in appropriate cases under the Voluntary Severance/Early Retirement Scheme, based on age and completed years of service in accordance with a ready reckoner (in the Scheme) offering a payment of up to a maximum of 82.5 weeks' pay. This is regardless of whether the employee is a member of the Local Government Pension Scheme.
To award a lump sum of up to 30 weeks' pay in cases where, in the case of a member of the LGPS who has 2 or more years membership, the employer terminates employment on the	49B	The Council will award a lump sum of up to 30 weeks' pay in cases where, in the case of a member of the LGPS who has 2 or more years membership, the employer terminates employment on the grounds of ill health or infirmity of

grounds of ill health or infirmity of mind or body but does not terminate the employment under regulation 34 of the LGPS Regulations (Scotland) 2018.

mind or body but does not terminate the employment under regulation 34 of the LGPS Regulations (Scotland) 2018. The employee must have been medically assessed for a Tier 1 or 2 ill health retirement in advance and been deemed not to meet the set criteria for ill health retirement.

Formulating and publishing a policy under regulation 51A of the Discretionary Payments Regulations 1998

Each employer obliged to maintain a policy statement under these regulations must formulate, publish, and keep this under review.

If the employer decides to amend the policy, a new written statement must be published within a month of when the employer decided on the amendment(s). No change can come into effect until one month has passed since the date the amended policy statement was published.

In formulating and reviewing its policy an employer is required by the Regulations to:

- have regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service, and
- be satisfied that the policy is workable, affordable, and reasonable having regard to the foreseeable costs.

Disclaimer: This document has been prepared based on a standard form document provided by the North-East Scotland Pension Fund (NESPF). The standard form on which this document is based represented NESPF's understanding of the information available at the time that document was published including the relevant statutory Instruments governing the Local Government Pension Scheme in Scotland and associated overriding legislation. Changes to rules and regulations can happen at short notice. It is acknowledged that employers should take their own legal/ financial advice on the interpretation of any particular piece of legislation. It is further acknowledged and should be noted that no responsibility whatsoever will be assumed by NESPF for any direct or consequential loss, financial or otherwise, damage or inconvenience, or any other obligation or liability incurred by employers or readers relying on any information contained in this document.

ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance Committee
DATE	3 October 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Corporate Health and Safety Policy
REPORT NUMBER	COM/22/214
DIRECTOR	Gale Beattie
CHIEF OFFICER	Vikki Cuthbert
REPORT AUTHOR	Colin Leaver
TERMS OF REFERENCE	3.1

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval of the Corporate Health and Safety Policy.

2. RECOMMENDATIONS

That Committee:-

- 2.1 approves the Corporate Health and Safety Policy as attached at Appendix A which from 4th October 2022 will replace the previous policy.

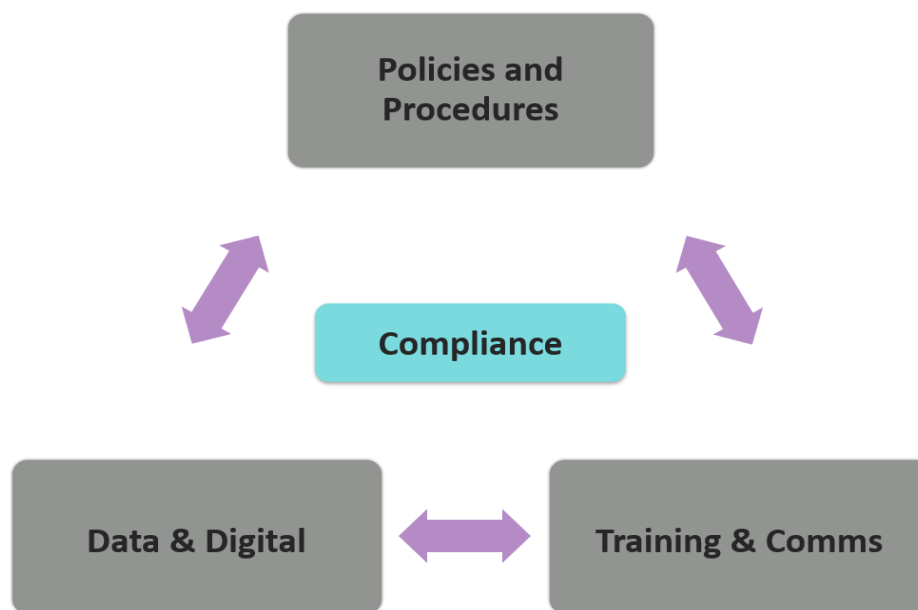
3. CURRENT SITUATION

- 3.1 Section 2(3) of the Health and Safety at Work etc Act 1974 requires every employer “to prepare and as often as may be appropriate revise a written statement of his general policy with respect to the health and safety at work of his employees and the organisation and arrangements for the time being in force for carrying out that policy”.

- 3.2 The Corporate Health and Safety Policy is set out to meet those three requirements of the 1974 Act within the sections on policy statement, responsibilities and supporting procedures and documentation. The policy was last approved by the Committee on 12th April 2021 and has been reviewed in accordance with the requirement for an annual review. The changes are summarised below:

- At the start of the document, the Policy Statement sets out how the Council intends to manage health and safety issues and meet health and safety requirements.
- The policy sets out the positions and duties of those within the organisation who have specific responsibility for health and safety. This section is largely unchanged, but some additions have been made, covered below.

- The visuals within the policy at section 3.1 have been altered to include the Function Health and Safety Groups with section 3.3. outlining the role of these groups in the safety management system.
- The role of health and safety champions has been included, to recognise the need to support Chief Officers in meeting their responsibilities. These are informally in place within a number of Clusters, and provide a conduit between the Chief Officer and the Corporate Health and Safety Team. The main elements of this role are set out within section 3.12 of the policy. No previous experience or training would be required for the role as the Corporate Health and Safety Advisors would meet regularly on a one-to-one basis to review progress and give guidance. This all helps to build a healthy culture around health and safety, with responsibilities shared across the organisation.
- The responsibilities of the Premises Responsible Person at section 3.7 have been altered to be aligned to the Corporate Landlord's proposed procedure for this role.
- The Corporate Health and Safety Team's responsibilities have been amended at 3.10 to set out their three key activity areas, which will act as the framework for the safety management system:



- The final clarification within the Policy is at 4.2. Clusters are responsible for monitoring that their own Safety Management System is managing their risks as the Health and Safety Policy and Corporate Procedures requires. The Corporate Health and Safety Team has a responsibility for monitoring Cluster compliance with their own high risk local procedures, as well as their own corporate procedures which across the workforce act as an additional source of assurance to that which should be provided by Chief Officers.

3.3 There has been consultation with Clusters and Trade Unions through attendance at both Function health and safety groups where the above changes were explained and the opportunity to provide comment and feedback given.

The reviewed Policy document was also shared following that meeting to allow the groups further opportunity to provide feedback.

3.4 The Assurance Manager and Corporate Health and Safety Lead also attended the Director Union Engagement (DUE) meeting to provide an explanation on the 3 lines of defence model used for risk management within the Council and how this is represented in health and safety. This also included a brief update on the health and safety policy and provided a further opportunity for feedback and comment from trade union colleagues.

3.5 As part of this review of the health and safety policy, work has been undertaken to provide further explanation to all levels of staff. To assist managers, checklists for each level have been developed setting out practical guidance on actions required, which supports the current e-learning course on safer management which is mandatory for all managers to complete.

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. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications arising from the recommendations of this report.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	There are no strategic risks identified.		L	Yes
Compliance	There is the risk that any injury or	All tasks are risk assessed and the controls	L	Yes

	<p>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.</p>	<p>implemented and supervised by line managers.</p> <p>All employees are trained to a level where they are competent to carry out the work.</p> <p>Analysis of the causes of the incidents, near misses and work-related absences and resultant improvements to 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>		
Operational	<p>The risk is that any health and safety incident can lead to an</p>	<p>If the task has been risk assessed; employees are trained, competent and supervised then there should be less likelihood of incidents.</p>	L	Yes

	<p>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>Reducing the number of incidents will reduce the number of absences and the subsequent costs to the Council.</p>		
Financial	<p>The risk is that any incident has the potential to bring a reduction in the overall budget in place to provide service delivery.</p>	<p>As per compliance above.</p>	L	Yes
Reputational	<p>Local and National press coverage of</p>	<p>Should be provided by each Function having a robust safety management system in place. There are</p>	L	Yes

	any incident can present reputational damage to the organisation.	many facets to this which are important starting from ensuring employees are trained and competent, every hazard is risk assessed and employees are up to carrying out investigation of near misses to ensure controls are reviewed to consider whether remedial actions are required.		
Environment / Climate	There are no environmental risks identified.			Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
Aberdeen City Local Outcome Improvement Plan	
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 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.
UK and Scottish Legislative and Policy Programmes	The Health and Safety at Work etc Act 1974

9. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Full impact assessment not required

Data Protection Impact Assessment	Not required
Other	None

10. BACKGROUND PAPERS

N/A

11. APPENDICES

Appendix A – Corporate H & S Policy

12. REPORT AUTHOR CONTACT DETAILS

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Corporate Health and Safety Policy

Approved by Committee on 3 October 2022
with an implementation date of 4 October
2022

Document Control

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Implementation Date	4 October 2022
Policy Number	Request from Assurance Team
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Date and Changes:	
<p>24/06/22 – Section 3.1 visuals updated to include Function H & S Groups.</p> <p>24/06/22 – section 3.3 added to explain role of Function H & S groups.</p> <p>24/06/22 – section 3.5, bullet e) added re nomination of H & S champions in each Cluster.</p> <p>24/06/22 – section 3.7 premises responsible person responsibilities amended to reflect new Corporate Landlord procedure.</p> <p>24/06/22 – section 3.10 Corporate Health and Safety Team responsibilities changed to reflect new approved activities.</p> <p>24/06/22 – section 3.12 added to outline responsibilities of Cluster H & S champions.</p> <p>24/06/22 – section 4.2 visual changed to outline CHST (Corporate Health and Safety Team) responsibility to check local high-risk procedures.</p>	

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1 Why does the Council need this Policy?

- 1.1** This policy defines the control environment and key principles adopted by the Council to manage the health and safety of Aberdeen City Council (the Council). It details the general policy statement together with the arrangements required for its implementation. The statement supports the requirements of Section 2(3) of the Health and Safety at Work etc. Act 1974 (“the Act”). The purpose of this policy is to set out the responsibilities and arrangements which will allow the Council to mitigate the risks of non-compliance with their health and safety obligations.

2 Application and Scope Statement

- 2.1** This policy applies to every aspect of the Council’s business including all educational, commercial, residential, recreational and management activities. It describes:
- a) the Council’s **commitment** to discharge its duties of care under the Act to anyone potentially impacted by its undertakings.
 - b) the **roles and responsibilities** of specified employees, agency workers and contractors to support the Council’s efforts to provide a safe and healthy workplace; and
 - c) the **arrangements** in place to secure the health, safety, and welfare of all people to whom it owes duties under the Act.

3 Responsibilities

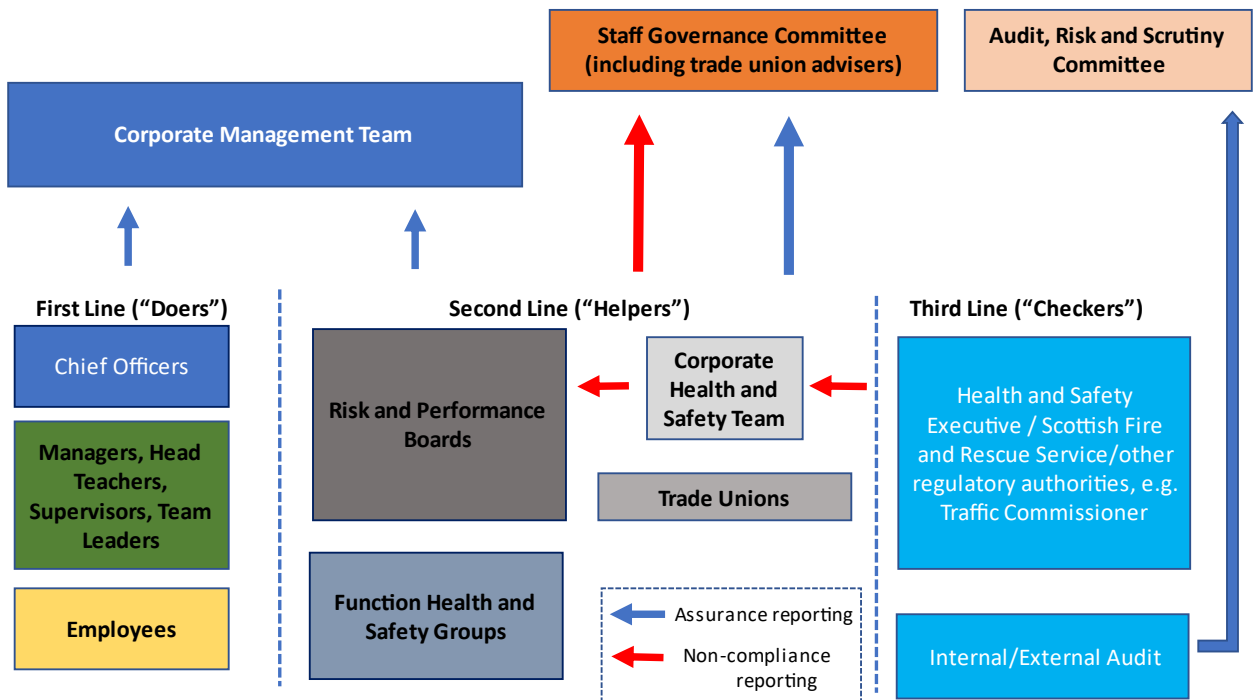
3.1 Health and Safety Management

The Council’s system of risk management recognises that there are three lines of defence in operation to ensure that risk, including health and safety risk, is managed effectively. This allocates responsibility across the first, second and third lines (doers, checkers, and helpers) for controls which protect the Council from threats to health and safety compliance.

1. The **first line of defence** is formed by managers and employees within each Function, Cluster and service area who are responsible for identifying and managing risk as part of their roles. Each Function or Cluster ensures that their own health and safety management system is working effectively. This is done by management levels checking that their direct subordinates are completing their roles effectively. In practice it involves checking that local procedures are developed, risk assessments are completed, incidents and near misses are investigated and any remedial actions implemented.
2. The **second line of defence** provides the policies, frameworks, tools, techniques, and advice to enable health and safety to be managed in the first line. This includes the Corporate Health and Safety Team which sets corporate policy and

corporate procedure that apply to all staff. The Corporate Health and Safety Team also monitors how effectively the first line is operating. This is achieved through a series of agreed compliance and audit checks which provide an evaluation on the effectiveness of governance, risk management, and internal control to the organisation.

3. The **third line of defence** is provided by internal audit, external audit, and other relevant agencies. This line is to ensure that health and safety in the first two lines of defence are operating effectively and advise how they could be improved.



3.2 Role of Elected Members

The Staff Governance Committee is the Council’s safety committee as required within section 2 (7) of the Health and Safety at Work etc. Act 1974. This committee acts as a consultative forum for discussion between management, elected members and trade unions to keep under review the measures taken to ensure the health and safety of the Council’s employees and is a strategic decision-making body within the Council’s Scheme of Governance. Trade unions are represented by local appointees from each organisation in an advisory capacity.

Through collective responsibility for providing leadership and direction, elected members have a significant part to play in health and safety matters. Though not responsible for managing health and safety on a day-to-day basis, elected members must understand the impact of strategic decisions they make on operational health

and safety. Through the Staff Governance Committee, they will monitor performance and compliance with health and safety policy and legislation, as well as ensuring implementation of recommendations made by external inspection bodies. The Audit, Risk and Scrutiny Committee receives assurance from internal and external audit that the health and safety control environment is operating effectively.

3.3 Function Health and Safety Groups

Each of the Function Health and Safety Groups are set up to act as Safety Committees in terms of the Safety Representatives and Safety Committees Regulations 1977 and provide a channel of communication, co-operation and involvement between the Council, employees and trade union representatives on all relevant health and safety matters. As Safety Committees their remit includes:

- a) To consider matters relating to health, safety, and welfare of all employees of Operations and those who may be affected by the Council's acts or omissions, work activities and/or service delivery.
- b) To help create and maintain a positive health and safety culture which secures the commitment and participation of all employees.
- c) To provide a means of communication and promote co-operation between line management, health, and safety representatives (employee and trade unions) and employees in the effective management of health and safety.
- d) To actively reinforce health, safety and wellbeing roles and responsibilities amongst employees.
- e) To scrutinise, monitor and review health and safety policy implementation, effectiveness of health and safety arrangements, performance, trends, and improvements to determine levels of health and safety legal compliance.
- f) To discuss facts in an impartial way, consider what precautions / controls might be taken, recommend and agree appropriate action.
- g) To review leading and lagging trends and statistics and identify the root causes to identify improvement areas.
- h) To monitor compliance with identified recommendations and actions to close out.
- i) To promote the integration of health and safety and good management practice and procedures in service delivery at an operational and strategic level.
- j) To report to the Staff Governance Committee, as appropriate, enforcing authority intervention and identified actions.

- k) To encourage good health in employees by supporting suitable health and wellbeing promotional activities.
- l) To consider reports of unresolved concerns referred from workplace meetings and make recommendations for action where necessary.

3.4 Chief Executive and Directors

The Chief Executive retains overall responsibility for the Council's Health and Safety Policy and will provide effective leadership and direction for its implementation.

The Directors are accountable to the Chief Executive for ensuring the health, safety, and welfare of everyone affected by the work activities in their Functions and will demonstrate clear commitment to achieving high standards of health and safety management.

3.5 Chief Officers

The Chief Officers are accountable to the Directors for ensuring the health, safety, and welfare of everyone affected by the work activities in their Clusters and will demonstrate clear commitment to achieving high standards of health and safety management.

In this respect, Chief Officers are operating in the first line of defence. Assistance can be sought at any time from the Corporate Health and Safety Team or where relevant service health and safety advisers.

Chief Officers will be responsible for the following within their own Cluster:

- a) Developing a positive attitude towards health and safety by encouraging the participation and involvement of employees in health and safety matters and visibly demonstrating a commitment to the achievement of high standards of health and safety within the Cluster.
- b) Ensuring adequate resources are allocated to achieve a safe working environment, safe equipment and trained competent staff.
- c) Ensuring all foreseeable hazards are identified and risk assessments completed and recorded by line managers. Work is not to take place where a hazard has been noted and where no remedial action has been taken to reduce that risk to an acceptable level. Risk assessments are to be reviewed at regular intervals or if there is a reason to suspect that they are no longer valid and/or if there is a change to the circumstances to which they relate. Method statements recording a safe system of work must also be completed for tasks that pose a significant risk to health and safety.

- d) Ensure that a health and safety management system is implemented and maintained within their cluster to help ensure the effective planning, organisation, control, monitoring and review of the preventative and protective measures necessary to eliminate or control risks and prevent accidents and ill health.
- e) Consider nominating a Health and Safety Champion to assist in the coordination of the health and safety management system within their Cluster, including liaising with the Premises Responsible Person.
- f) Ensure that where required, suitable local occupational health and safety procedures are developed and maintained to provide effective implementation of the Corporate Policy and Procedures.
- g) Designate a named officer (Premises Responsible Person) to be responsible for the management of buildings which only their Cluster occupies and to do so in conjunction with other Chief Officers and/or organisations where it is occupied by more than one Cluster or organisation.
- h) Submit to the Chief Officer, Governance and the Corporate Health and Safety Lead, copies of any prosecutions, prohibition notices, improvement notices, notification of intention to serve improvement notices and/or notification of any contravention within 24 hours of their receipt.
- i) Ensure that line managers have arranged for the provision to all employees of the necessary information, instruction, training, and supervision necessary to enable them to discharge their individual safety responsibilities and to carry out their tasks in a safe manner. During the recruitment process, any health and safety responsibilities outlined for the post are to be documented and communicated to the candidates.
- j) Ensure that arrangements for consultation between management, trade union safety representatives and/or representatives of employee's safety are in place for their Cluster. Where it is considered appropriate to have Cluster safety committees, they should meet at intervals appropriate to the needs of the Cluster.
- k) Ensure that their line managers record accidents, incidents and near misses at work in accordance with the corporate system. In such instances, ensure that those reporting managers take steps to ensure an investigation is completed and that any actions resulting within their Cluster are monitored to completion using data provided for this purpose.
- l) Ensure a thorough investigation is carried out, including the development of action plans, where there is a reported breach of health and safety legislation from enforcing authorities, trade unions or employees.

- m) Ensure that contractors carrying out work for the Council comply with their statutory duties and any Council specific requirements.
- n) Ensure that any work carried out within buildings which their Cluster occupy has had the approval of the Corporate Landlord.
- o) Ensure that there are sufficient arrangements including first aid cover, within each of the Cluster locations covering all shifts and activities.
- p) Ensure that line managers have appropriate procedures in place to detect the early signs of work-related ill health of employees exposed to particular health risks in the workplace and that those employees have been included in the health surveillance programme and will receive surveillance to monitor the specific risks they are exposed to, and the control measures that are in place.

3.6 Chief Officer (Capital); Chief Officer (Corporate Landlord)

The Chief Officers for Capital and Corporate Landlord will, within their areas of responsibility, be accountable for approving and overseeing all works by or on behalf of the Council on its building fabric and services.

They will ensure that:

- a) All applications to carry out work on Council owned or managed building fabric or services or infrastructure are considered in a timely manner by a suitably competent person.
- b) All duty holder appointments required by the Construction (Design and Management) Regulations 2015 (CDM Regulations) are made for relevant approved projects (including any approved projects that will be locally managed (i.e., outside of the Capital or Corporate Landlord function) and that the appointed duty holders are competent to fulfil their appointed role.
- c) All projects subject to Capital and/or Corporate Landlord approval are managed by a suitably competent person.
- d) Adequate resources are available to enable the Council to manage construction works in accordance with legislative and policy requirements.
- e) Premises Responsible Persons are provided with adequate information about routine works that Corporate Landlord and Capital contractors will be carrying out in their areas.
- f) Where there is sufficient reason to believe that a project cannot be undertaken safely then the project work should be halted.

3.7 Premises Responsible Persons

A Premises Responsible Person (PRP), who will have sufficient authority and competence to manage health and safety, will be identified for every non-domestic Council premises by the relevant Chief Officer(s). The PRP will:

- a) be the main point of contact for health and safety on the premises and related workplace inspection, the subsequent actions and checking effectiveness of controls.
- b) ensure effective communication of health and safety risks and associated controls, including between occupants.
- c) ensure suitable arrangements for fire evacuation and first aid for the premises are in place.
- d) ensure security of the premises and prevent unauthorised access.

The PRP will also ensure that regular Health and Safety inspections are carried out to ensure that the building occupants are safe from the above risks.

3.8 Managers, Head Teachers, Supervisors and Team Leaders

All managers are responsible for managing health and safety in their area of responsibility and in this respect operate as part of the first line of defence. Support is available from the Corporate Health and Safety Team and service specific health and safety advisers (where appointed) although managers will be ultimately responsible. In particular:

- a) Managers must undertake risk assessments of all identified hazards related to work undertaken. Where reasonably practicable this will result in the elimination of these risks but where this cannot be achieved then suitable and sufficient control measures, based on these assessments, should be implemented to reduce, and manage, so far as is reasonably practicable, the risks to our employees and others.
- b) Make sure that all employees under their management are familiar with relevant local health and safety arrangements.
- c) Set up and maintain within their service area safe and healthy working conditions.
- d) Develop and implement safe systems of working, identify and implement significant findings arising from risk assessments, and ensure the necessary control measures are brought to the attention of employees.

- e) Audit and monitor their own health and safety arrangements, verifying control measures are working effectively and taking whatever remedial actions necessary where concerns are identified.
- f) Consider safety procedures when designing, buying, and using all new plant and equipment.
- g) Carry out investigations for incidents and near misses in their area of responsibility and ensure that any remedial actions identified are implemented.
- h) Carry out safety inspections (including housekeeping) to identify hazards.
- i) Make sure that all employees, including health and safety representatives, are able to carry out their responsibilities and encourage them to work with managers to promote an attitude of safe working across the Council.
- j) Review and maintain safe systems of work where corrective actions have been identified in investigations or through safety inspections.
- k) Provide or arrange sufficient training and instruction for employees under their management.
- l) Ensure that all employees are aware of the local arrangements which are in place to implement any corporate policy or procedure and any local procedure.
- m) Ensure the relevant checks are in place for all contractors with regard to health and safety competence so as to minimise the risks to all who may be affected by their activities or omissions. Undertake continuous monitoring and assessment of contractors' health and safety performance.

3.9 Employees

All employees and those operating on behalf of the Council, e.g., agency workers, consultants will be expected to cooperate in the implementation of this health and safety policy within the first line of defence by:

- a) Acting with reasonable care for their own occupational health and safety and that of others who may be affected by something they do or their omissions.
- b) Complying with the relevant policies and procedures, including any risk assessments and safe systems of work which are in place as a result.
- c) Cooperating with and participating in, so far as is necessary, any activity that will assist the Council in complying with any requirements as a result of health and

safety legislation. This includes the need to participate in health and safety training.

- d) Correctly using all work items, equipment, and machinery in accordance with the training and instruction received.
- e) Not intentionally interfering with or misusing anything provided in the interests of health, safety, or welfare.
- f) Reporting any safety concerns to their line manager.
- g) Reporting all accidents, incidents and near misses.

3.10 Corporate Health and Safety Team

The Corporate Health and Safety Team (CHST) will manage the risk of non-compliance with health and safety law and guidance through three activities:

Policies and Procedures	Set the framework and requirements to ensure compliance with H&S (Health & Safety) law and guidance, including roles, responsibilities, and governance.
Training and Comms	Provide the organisation with information on the requirements, including their roles and responsibilities and the part they must play.
Data and Digital	Ensure that the organisation is monitoring its adherence to the requirements and provide end-user capability to increase compliance.

The Team acts within the second line of defence by

- a) Setting the health and safety framework for the rest of the organisation to adhere to. This framework includes this policy, as the overarching corporate health and safety policy, as well as corporate procedures and guidance. The Team also advises Clusters on the requirement for, and content of, local health and safety procedures and audits compliance with this policy and corporate procedures and higher risk local procedures.
- b) Providing guidance and procedures for corporate-wide areas of risk.
- c) Preparing regular reports for Staff Governance Committee and Function Health and Safety Groups that inform and evaluate the Council's health and safety performance. Insofar as possible, this is done using near-live data which takes

advantage of digital methods of data capture and manages demand for continual performance monitoring.

- d) Advising services on their health and safety training requirements and delivering health and safety communications to ensure all services are clear on their responsibilities and how to meet these.
- e) Coordinating all serious incident investigations and liaising with external agencies as and where required.
- f) Reporting to the Risk Board on any areas of non-compliance and to the Performance Board on corporate health and safety performance.

Corporate health and safety advisers will provide advice, support, and guidance to managers and in particular will:

- a) Advise on the interpretation and application of health and safety legislation and guidance.
- b) Assist managers in investigations to identify the cause and circumstances of serious accidents and incidents.
- c) Develop health and safety standards and where required write these into procedures and guidance.
- d) Audit compliance with corporate procedures and higher risk local procedures.
- e) Support and advise Premises Responsible Persons in complying with their duties.
- f) Advise on training requirements and advise and support managers in the risk assessment process.
- g) Liaise with external agencies in respect of health and safety matters.
- h) As required inspect and audit Council premises and activities where the level of risk requires. Where necessary, direct Clusters to take action to protect the health, safety, and wellbeing of employees and those who may be affected by the actions of the Council.
- i) Contribute to the development of corporate occupational health and safety arrangements. (outlined at section 6.4 below)

3.11 Cluster Compliance Officers

Where compliance officers are employed by a service, they will work in conjunction with the CHST (Corporate Health and Safety Team) to ensure council objectives are being achieved.

3.12 Cluster Health and Safety Champions

Chief Officers may seek additional support from employees within their Cluster to help them to coordinate some of their health and safety activity, and can include the following:

- a) Assist the Chief Officers to communicate corporate policy and procedures to managers and employees within a Cluster.
- b) Act as a point of contact with the CHST re health and safety matters related to their Cluster, including liaison with Premises Responsible Persons, where appropriate.
- c) Assist the Chief Officer in the coordination of the safety management system within their Cluster.

3.13 Health and Safety Representatives

This policy uses the term 'Health and Safety Representative' to apply to both appointed (Trade Union representatives) and elected representatives (Council staff representatives). They are responsible for:

- a) Promoting a sensible, responsible, and proportionate approach to health and safety.
- b) Joint working with line managers and employees in "championing" health and safety in the workplace.
- c) Undertaking functions as per the [Safety Representatives and Safety Committees Regulations 1977 \(as amended\)](#) or the [Health and Safety \(Consultation with Employees\) Regulations 1996 \(as amended\)](#).
- d) Independently of line managers, representing the workforce on health and safety generally, or making representations on potential hazards and dangers.
- e) Attending and actively participating at relevant health and safety consultation groups and committees.

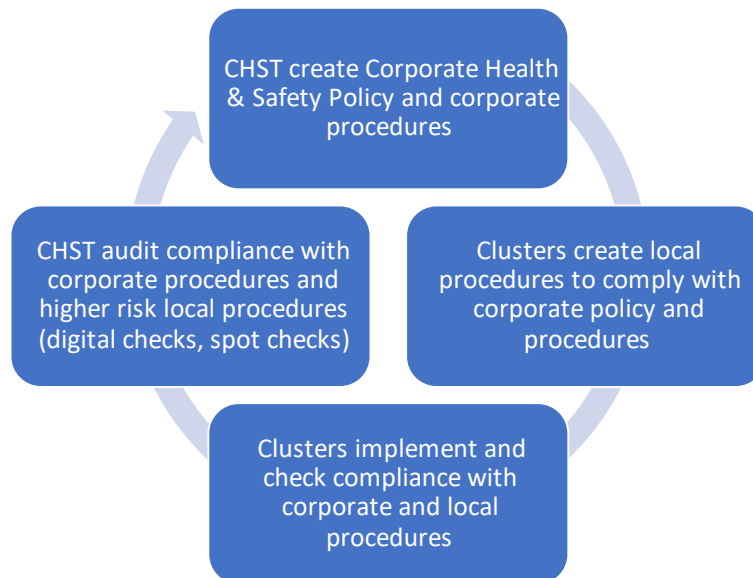
3.14 Commissioned Services

Contractors and suppliers of commissioned services are required to provide evidence of health and safety competence prior to undertaking any work on behalf of the Council. This process identifies that contractors and suppliers will have the correct qualifications, skill set, safe systems of work, risk assessments and insurances in place. Periodic inspections should be carried out on contracted works by the service area

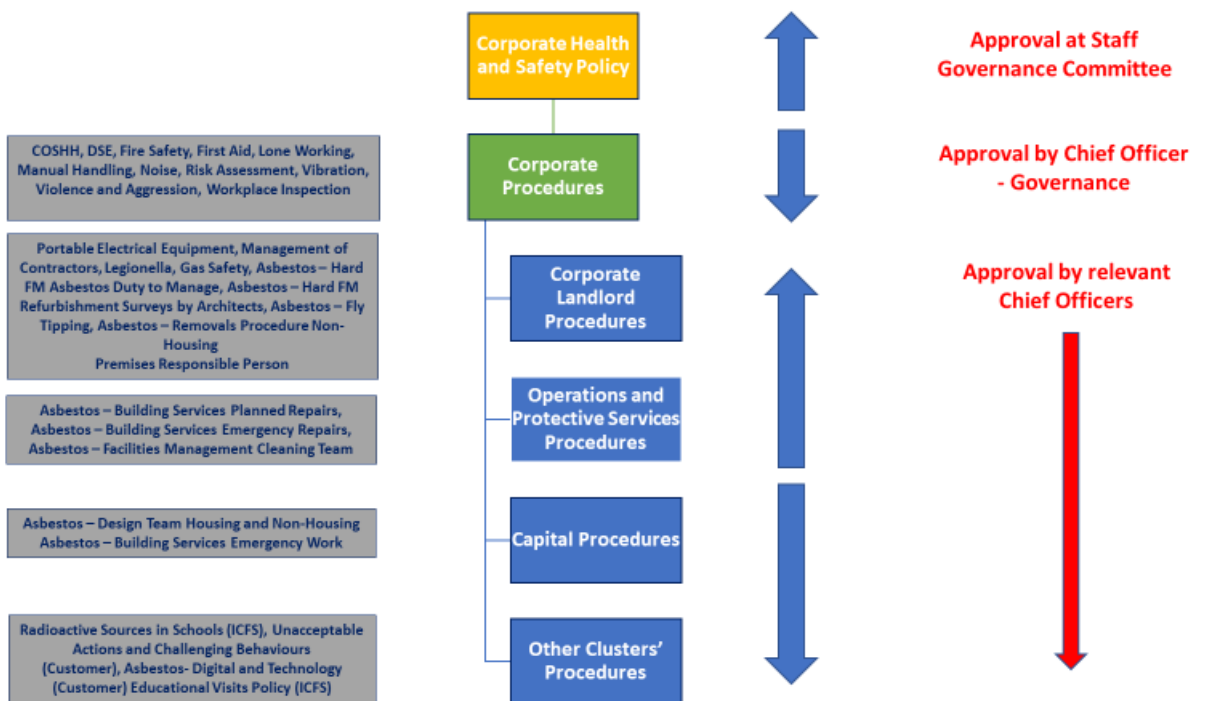
overseeing the work. The commissioning service is responsible for ensuring a competent person is in place to conduct the checks on the documentation and competence and for the periodic inspection of the works to ensure that the health and safety management system is being followed.

4 Supporting Procedures & Documentation

- 4.1** The safety management system for the Council starts with the corporate health and safety policy and below that sit a suite of corporate procedures to implement the commitments made in the policy statement in section 4 of this document. These corporate procedures, developed by the CHST, provide greater detail to assist managers in their understanding of key corporate risks and how to control them. It may be necessary or desirable for Clusters to create their own local procedures to document how they manage these risks at a local level. There may be other risks that are relevant to one Cluster only. Again, in such circumstances, such Clusters may draft their own local procedures to control such risks.
- 4.2** The Clusters and service areas are responsible for implementing the requirements of any policies and procedures. A risk-based periodic audit process is undertaken to ensure that the corporate policy and procedures and high-risk local procedures have been implemented effectively. The figure below shows the process which is followed to ensure that the risk is being managed appropriately.



4.3 The figure below highlights how the key documents in the Council’s health and safety management system fit together and the approval mechanisms in place through the Powers Delegated to Officers. The corporate procedures are those which apply to all areas across the Council. In addition to these, each Cluster will publish supplementary procedures to help control any local risk not covered by corporate procedure and the Cluster must ensure appropriate compliance with these including risk assessments where appropriate. In some instances, corporate arrangements may need to be adapted to suit local needs or to comply with specific external requirements (e.g., Asbestos); however, this should only be with the agreement of the Chief Officer and should not lead to a reduction in the overall standard of health and safety protection.



4.4 General Health and Safety Arrangements

Supporting Corporate Procedures

4.4.1 Risk Assessment

The Council has a corporate procedure which requires managers to undertake risk assessments of all identified hazards related to work to be undertaken. Risk assessments should eliminate these risks wherever possible but where this cannot be achieved, suitable and sufficient control measures must be identified, based on these assessments, to reduce and manage, so far as is reasonably practicable, the risks to employees and others. Risk assessments should be completed with the assistance of

employees who undertake the task, and the results of all completed risk assessments must be made known to employees and be available for their reference. Risk assessments should be reviewed annually and updated as required. They are also reviewed whenever circumstances have changed and following the investigation of any accidents or incidents that may occur.

4.4.2 Display Screen Equipment

The Council provides standard Display Screen Equipment (DSE), and all users must be given information about the correct adjustment of their workstation, whether at work or at home, and the correct posture for using it. All staff who are considered as display screen users must complete a DSE self-assessment and where these identify issues, work to resolve them or further advice must be sought. There is an obligation to provide employees with eyesight tests and corrective spectacles for DSE work if necessary.

4.4.3 Working from Home

A risk assessment is carried out in conjunction with the Line Managers for each employee who is regularly working from home to identify any potential risks. A Display Screen Equipment (DSE) assessment must be completed for all staff regularly home working in accordance with current Council Procedures. Where working from home is temporary it is not necessary to carry out a full risk assessment and employees will be provided with information on working safely at home.

4.4.4 Lone Working

The Council employ people who may, as part of their duties, have to work alone for all or part of the working period. The risks to which these employees are exposed must be identified with the aim of eliminating these risks wherever reasonably practicable and reducing lone working activities to a minimum. Where lone working does take place safe systems and controls must be identified and implemented to ensure that safe working and communication exists between the lone worker and their management. Affected workers must be notified of arrangements for the management of their lone working activities and that they are required to notify management of their concerns in this area so that the ability to make work operations and travel safer for them is improved.

4.4.5 Manual Handling

Where employees must manually handle loads, the risks to their health will be assessed. Where possible the need for manual handling should be eliminated, by providing mechanical handling equipment or by introducing alternative measures. Where this is not possible, work-related training and instruction in manual handling

techniques will be provided including instructions to employees not to attempt to lift items beyond their capabilities.

4.4.6 First Aid

The Council takes action to provide suitable first aid arrangements for employees whilst at work and visitors who may be affected by our activities. Managers must assess the reasonable level of first aid provision required for their business areas and make the appropriate arrangements.

The Council has provision for mental health first aid, as part of the Council's mental health action plan, with trained employees located across every service area within the organisation. These trained employees champion mental health awareness, provide peer support and signpost employees to various existing corporate and external support services.

4.4.7 Control of Substances Hazardous to Health

The Council uses a number of potentially hazardous substances during its undertakings. Some are used in such small quantities that they present no risk to health. All the chemicals and substances that are used and where there are potential risks must be assessed, suitable control measures implemented, and clear instruction and information provided to employees.

Where horticultural chemicals and pesticides are used, that must be approved only for professional use. They must be handled and used only by people trained in accordance with the requirements of relevant legislation.

4.4.8 Fire Safety

The Council undertakes a rolling 5-year process of fire risk assessment on all of the Council's property portfolio with the frequency of assessment determined by the overall fire risk.

Based on the results of the Fire Risk Assessment, adequate means of raising the alarm, fighting the fire and means of escape will be identified to ensure the safe evacuation of employees, and others who may be affected in the event that a fire occurs on all domestic and non-domestic property.

Designated Fire Marshalls will be appointed for office premises to assist with the safe and timely evacuation of all Council facilities.

Where the Council office is part of a multi-tenanted building, the relevant Cluster will coordinate and co-operate with the Corporate Landlord and other Premises Responsible Persons within the building to ensure that fire safety regulations are met.

Maintenance of the fire detection and alarm system will be conducted by a competent, specialist contractor under contract through the Council's Corporate Landlord. All fire safety arrangements will be tested to the level required by the relevant statutory provisions and/or British Standard.

Where an employee has difficulty in using the ordinary means of escape, either permanently or temporarily, a personal emergency evacuation plan must be developed with their input and communicated to fire wardens and those that need to know. Any persons required to assist in their evacuation must receive suitable training.

4.4.9 Hand Arm Vibration

The regular exposure to continuous vibration from work activities that have the potential to cause long term ill health due to a range of occupational diseases is collectively known as hand–arm vibration syndrome (HAVS). The risks to health from exposure to continuous levels of vibration must be assessed and effective control measures introduced to ensure levels of exposure to HAVS are eliminated or reduced to its lowest levels.

4.4.10 Violence and Aggression

The Council recognises it has a duty to reduce, so far as is reasonably practicable, the risks of violence and aggression that employees may be exposed to in the workplace. The implementation of an effective risk assessment process and appropriate physical security controls, safe working practices and staff training must be in place to significantly contribute to its management and reduce the likelihood and impact of such events.

4.4.11 Asbestos

The Council recognises the health hazards arising from exposure to asbestos and is committed to ensuring that an effective policy and associated procedure is in place in order to manage the risks to employees, pupils, visitors, and other people working in Council properties. In order to meet legal obligations, the Council will conduct or organise a survey to establish whether there is any asbestos in their properties and to determine any action necessary in relation to its removal or regular inspection. Any asbestos requiring removal must be removed by qualified personnel and the inspection routines, as identified within its management strategy must be followed. Information about any asbestos on Council premises will be provided to maintenance staff and any external contractors, as appropriate. The corporate asbestos management plan identifies and lists asbestos procedures, which are in place within the relevant Clusters to ensure that controls are in place to manage the risks from exposure to asbestos.

4.4.12 Noise at Work

The Council acknowledges and accepts its duty under the Noise at Work Regulations to reduce risks to the hearing of our employees and others from noise encountered in the workplace. Risk assessments must be carried out to identify areas where noise is a hazard and if unable to remove the risk, measures must be implemented to mitigate the risk of damage to hearing from excessive noise.

Other supporting arrangements

Several other general arrangements also give practical effect to the Policy and sit with equal importance to the procedures above. In some cases, this will be supported with guidance and written processes. Clusters will have the local procedures identified in the figure at 4.3 where the risk or controls are unique to their Cluster.

4.4.13 Consultation

The Council recognises its duty to consult with its workforce on matters affecting their health, safety, and welfare whilst at work. To meet this obligation managers are required to consult with employees and Trade Unions about work-related health, safety, and welfare issues. There are Function health and safety groups where managers, trade unions and employees meet in a forum created to allow discussion of these health and safety matters.

4.4.14 Incident and Near Miss Reporting and Investigation

The corporate procedure requires all employees to report all personal injury incidents and near misses that happen in the course of their work. All incidents must be recorded in the corporate electronic system and investigated, and where identified by this investigation additional control measures or a safer system of work are implemented.

The Council understands its duties to report incidents under statutory regulations within the appropriate timescales.

4.4.15 Training

For the Council to operate efficiently and effectively a trained and competent workforce is required. Where possible employees with the specific skills and qualifications appropriate for their job should be recruited. On starting work they must be given induction training and be provided with any additional training that is or may become necessary. All training is recorded.

4.4.16 Equipment

The Council endeavours to ensure that all equipment used in the course of its business is maintained in good condition, serviced and is safe to use. The workforce is provided with suitable and sufficient information and training to enable them to use work equipment safely. Employees must not use equipment unless they have been properly trained in its use, including any safety related devices, and guarding.

Employees have been given responsibility for ensuring that equipment issued to or used by them is checked prior to its use to ensure that it is in good order. They have been told to report any defects or problems to their manager. It is our policy that defective equipment will be withdrawn from use until repaired or replaced.

Where equipment, such as pressure vessels and lifting equipment, is used which requires statutory examination at specified frequencies the required arrangements must be made.

4.4.17 Purchasing

When the Council purchases or hires new work equipment and materials, the health and safety implications of its use must be considered.

Safety Data Sheets for substances and similarly, technical data and instructions for work equipment must be obtained. The hazard and risk data that is provided must be considered and employees informed and trained, as necessary.

4.4.18 Personal Protective Equipment

Some of the work the Council undertakes requires use of personal protective equipment (PPE) where identified by the risk assessment. This includes assessing the risk to those employees who work outdoors and are exposed to the sun or inclement weather, as well as staff who are exposed to the risk of respiratory infections. Appropriate PPE and replacements free of charge must be provided. Employees will be instructed and are expected to use any PPE identified, as necessary. Employees are responsible for the day-to-day care of the PPE issued to them, to report damage and to request replacements.

4.4.19 General Ventilation

All Council workplaces will be provided with an adequate supply of fresh air. This will be provided by natural ventilation, from doors, windows etc. or controlled, where air is supplied and/or removed mechanically.

5 About this Policy

5 Policy Statement

- 5.1 The Council attaches the greatest importance to the health, safety, and welfare of its employees and to those for whom it provides a service. The Council's [Risk Appetite Statement](#) states that it is cautious to any risks which may have a negative impact on health and safety, and averse to any risks that will result in non-compliance or breaches in statutory obligations, regulations, and law. The Council also fully accepts its responsibilities not to endanger the employees of other employers or members of the public and is totally committed to the creation and maintenance of a positive health and safety culture throughout the organisation.
- 5.2 The Council will endeavour to ensure that so far as is reasonably practicable, its operations and services are conducted in such a manner as to prevent harm, injury or damage to people, plant, materials, property, and the environment, and to promote continuous improvement in health safety and welfare standards.
- 5.3 The Council will take every reasonable measure to discharge its responsibilities by:
- The provision, where reasonably practicable, of the necessary resources to meet the requirements of this policy.
 - Aiming to provide a safe and healthy place of work and working environment, including access and egress, across the entire range of staff occupations.
 - Protecting the safety of members of the public when they are on Council premises or are affected by its activities.
 - Undertaking risk assessments and implementing their controls.
 - Providing and maintaining safe working systems, plant, and equipment.
 - Providing information, instruction, training, and supervision to enable employees and others to work safely, to recognise and minimise risks and to contribute positively to health and safety at work.
 - Co-operating with employees in the appointment of health and safety representatives.
 - Cooperating and engaging with Trade Unions to ensure that a collaborative approach is taken to risk management.
 - Establishing and maintaining an effective health and safety reporting structure.
 - Providing suitable and sufficient welfare facilities.
 - Providing a process where employees can report any health and safety issues.
- 5.4 Health and safety is the direct concern of employees at all levels, and they are charged under the Act to take reasonable care for their own safety, the safety of fellow workers, and of any other person affected by the Council's work activities. Employees also have a duty under the Act to co-operate with the Council to enable it to carry out its health

and safety responsibilities. Therefore, the Council looks to every employee to maintain continuous safety awareness and to be alert to existing and potential hazards and the need to minimise and report them. This is reflected in the Council's Capability Framework for all staff.

- 5.5** The Council recognises that the management of health and safety is an integral part of modern management practice at all levels. Without detracting from the primary responsibility of managers and supervisors for ensuring safe working practices and conditions, the Council provides a Corporate Health and Safety Team. The Team advises line managers and supervisors in their roles and ensures that training needs are identified, and that training is made available to support employees in discharging their responsibilities under health and safety law and guidance.
- 5.6** The Council will provide information and guidance to all employees on its health and safety duties and responsibilities and the organisational arrangements necessary to discharge them. This information and guidance will be brought to the attention of all employees and others to whom it may apply through the corporate and Cluster induction and health and safety training programme.

6. Risk

- 6.1** The policy and supporting documentation specified within Section 4 details how the Council implements its health and safety risk management activities at all levels in order to accept, reduce and/or eliminate risks across the Council.
- 6.2** There are no unintended effects, consequences or risks directly resulting from the introduction or update of the policy.
- 6.3** The risks identified by the Council through its health and safety risk management activities will be managed in accordance with the supporting document specified within Section 6.4.
- 6.4** The health and safety policy and supporting documentation will support the Council's legal obligations for health and safety risk management and compliance by setting out the standards required allowing Council staff and Elected Members to identify and manage risks through effective mitigation controls.

7. Environmental Considerations

- 7.1** When changes/ alterations to working practices/ equipment/ materials/ technologies are considered for health and safety reasons, the impact that such changes/ alterations could have on the environment needs to be considered. These should aim to have no negative effects on the environment and to provide a positive effect wherever possible.

8. Policy Performance

- 8.1** The effectiveness of the policy and supporting documentation will be determined by the reduction or elimination of the negative impacts of unplanned health and safety events which could damage employees, citizens, assets, finances, reputation, or service delivery.
- 8.2** Performance against this policy and associated processes will be monitored in a number of ways, including -
- a) Quarterly reporting of corporate health and safety performance to the Staff Governance Committee.
 - b) Quarterly reporting of health and safety risks, patterns, and trends to Function health and safety groups.
 - c) Periodic reporting to the Performance and Risk Boards to ensure compliance where required.

9. Design and Delivery

- 9.1 This policy and supporting documentation fully support the delivery of the strategic outcomes contained in the LOIP (Local Outcome Improvement Plan). The Council's risk management activities, including health and safety, focus on the risks that may prohibit or hinder achievement of the outcomes.

10. Housekeeping and Maintenance

- 10.1 The supporting documentation specified within this policy will be reviewed and updated as and when required. All corporate procedures are consulted on with Clusters and signed off by Chief Officer, Governance. Any local procedures developed are reviewed by CHST and signed off by the relevant Chief Officer.
- 10.2 Unless otherwise required, this policy will be subject to a planned annual review. Any proposed updates will be presented to the Staff Governance Committee where required.
- 10.3 This policy updates the Health and Safety Policy approved by the Staff Governance Committee on 12 April 2021.

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 (5).
- 11.2 The policy and documentation will be available on the organisation's shared areas on the intranet.
- 11.3 A communication plan will be developed to assist with embedding the policy into the organisation, which will include training on managers' responsibilities.

12. Information Management

- 12.1 Data generated by this policy will be stored and managed in accordance with the Council's Corporate Information Policy and supporting Management Information Handbook. Corporate Health and Safety Procedures which support this policy will set out roles and responsibilities in relation to the management of the data generated by them.

13. Definitions and Understanding this Policy

There are a number of terms which are used across the document which are explained below:

Aberdeen City Council – the Council.

Access and egress - refers to the means of entry and exit to a workplace or work area.

Dangerous Occurrence - one of a number of specific, reportable adverse events, as defined in the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

Display Screen User – an employee who habitually uses display screen equipment, e.g., computer, in the office or at home, for continuous or near-continuous spells of an hour or more at a time daily.

Hazard - the potential to cause harm, including ill health and injury, damage to property, plant, products or the environment, production losses or increased liabilities.

Incident - an event that results in injury or ill health.

Management Function - It is the responsibility of management to see that essential

activities are done efficiently (in the best possible way) and effectively (doing the right thing). The management process consists of four primary functions that managers must perform: planning, organising, leading, and controlling.

Method statement - documents that detail exactly how to carry out work safely.

Near Miss - an event that, while not causing harm, has the potential to cause injury or ill health.

Policy statement - a declaration of the intention of an employer to safeguard the health and safety of its employees.

Responsibilities – sets out who is responsible for specific actions to achieve the aims set out in the policy statement.

Responsible persons - someone in an organisation who is given the responsibility to carry out a health and safety process within the workplace.

Risk - The level of risk is determined from a combination of the likelihood of a specific undesirable event occurring and the severity of the consequences (i.e., how often is it likely to happen, how many people could be affected and how bad would the likely injuries or ill health effects be?)

Root cause - an initiating event or failing from which all other causes or failings spring. Root causes could be planning or organisational failings.

Safety Management System - a systematic approach to managing safety, including the necessary organisational structures, accountabilities, policies, and procedures.

Safe working systems/safe systems of work –a systematic examination of work to identify the hazards. It defines safe methods of working which eliminate those hazards or minimise the risks associated with them. Simply put a defined method of doing a job in a safe way.

Section 2(3) of the Health and Safety at Work etc. Act 1974 - places a duty on all employers (except those employing fewer than five employees) to prepare and revise, as often as may be appropriate, a written statement of general policy with respect to the health and safety at work of their employees and the organisation and arrangements which are in force to carry out that policy.

So far as is reasonably practicable – judgment exercised in balancing the reduction of risk against what it costs to achieve it.

Supporting Corporate procedures – documents which contains the detail of what the Council are going to do in practice to achieve the aims set out in the policy statement.

ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance Committee
DATE	03 October 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Corporate Health and Safety – April – June 2022
REPORT NUMBER	COM/22/213
DIRECTOR	Gale Beattie
CHIEF OFFICER	Vikki Cuthbert (acting)
REPORT AUTHOR	Colin Leaver
TERMS OF REFERENCE	3.3

1. PURPOSE OF REPORT

- 1.1 The appendix to this report summarises statistical health and safety performance information for the 3-month reporting period April to June 2022 to provide the Committee with the opportunity to monitor compliance with health and safety legislation.

2. RECOMMENDATION

That the Committee:

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

3. CURRENT SITUATION

- 3.1 The appendix to the report contains a dashboard of the statistical information in relation to health and safety activities for the three-month reporting period April – June 2022. The statistical information also contains an analysis of the key figures in each of the incident and near miss sections.

The Reporting of Injuries, Diseases and Dangerous Occurrences 2013 (RIDDOR) places 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, which have historically been the main reason for Aberdeen City Council's reports to HSE.

This report addresses the following matters:

- All incidents involving employees and members of the public (serious and minor)
- HSE Reportable Incidents
- Reportable Diseases
- Near Miss Information
- Enforcement Interventions
- Fire Risk Assessment
- Health and Safety Audits
- Compliance Monitoring
- Health and Safety Policies, Procedures and Guidance

3.2 Incidents (Apr-Jun 2022)

All incident and near miss information in the appendix to this report has been provided to Cluster level in the appendix. However, within the Operations Function these have also been reported to Service area level.

Incident information

3.3 The figures are reported to Cluster level for both employee and third-party incidents. Causation figures are also included within the appendix. There is also now comparison for each of the three years prior to this reporting period so the Committee has sight of the last reporting year prior to the pandemic.

3.4 When an incident is reported the corporate system generates an investigation report which the reporting officer is required to complete. This investigation report highlights categories of criteria which require to be considered including root cause, actions identified and completion dates. Figures on the completion of these investigation reports are provided to the Functional Health and Safety groups with actions raised there against Chief Officers and service managers to ensure any issues are closed out effectively. Any outstanding issues are also escalated to the Performance Board which has oversight of compliance.

3.5 Page six of the appendix details the breakdown of incidents within the Operations function which shows that the largest number of incidents within Operations occur within the Education Service.

These incidents often involve children/young people where a social, emotional, mental health need (SEMHN) has been identified. A [service update](#) was provided to the Committee on the level and types of training which Education provided to staff as part of the process to prevent or reduce the number of these incidents.

Schools follow the staged intervention procedure, whereby support is accessed using school-based, community, and city-wide supports.

The Health and Safety Sub-Group, which was formed, with a membership of Education staff, Trade Unions and Corporate health and safety, to undertake analysis of health and safety data generated by schools, informs the direction of the overall workstream. This also ensures that appropriate support is made available to schools if required.

HSE Reportable incidents (Apr-Jun 2022)

- 3.6** The table in the Appendix also shows the number of RIDDOR reportable incidents. During the reporting period between April-June 2022 eight incidents involving an employee required to be reported to the Health and Safety Executive. One of the incidents is due to injury sustained as a result of a pupil's distressed behaviour and seven of the eight reports were as a result of a slip, trip or fall with and of those 5 required to be reported as the employee was absent from work for a period of more than 7 days due to a work-related incident. The remaining two reports were due to the slip, trip, fall resulting in a broken bone (rib, elbow).
- 3.7** All RIDDOR incidents are followed up by the Corporate Health and Safety Team to get assurance that the correct causation and remedial actions have been identified and that any identified remedial actions have been implemented.

Incident (reportable employee) frequency rates

Period – Quarterly	Reportable Incidence rate	Reporting period
Apr-Jun 2022	1.0	2022/23

- 3.8** The above figures are calculated using the formula:

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

- 3.9** The figure for the corresponding period last year (Apr -Jun 2021) were three RIDDOR reportable incidents and a reportable incident rate of 0.37.

Reportable Diseases

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

Near Miss Information

- 3.11** 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 by allowing processes and systems to be altered before an incident occurs.
- 3.12** Reporting managers are required to investigate the near miss to identify the root cause and implement any new identified controls, where possible, to reduce the likelihood of any reoccurrence.

- 3.13** The appendix shows information on the number of near miss figures for this reporting period and again a comparison with the three previous reporting years.
- 3.14** Page nine of the appendix gives a breakdown of near misses within the Operations function. As with incidents, the majority are within the Education services. Similar to incident figures, these are mainly as a result of distressed behaviours evident in some children with additional support needs. Risk assessments are reviewed after every near miss to consider any actions which can be taken to prevent or reduce the risk of reoccurrence.

Three-year comparison

- 3.15** The annual comparative figures are now starting to show an increase in reporting in comparison with previous years, which indicates the return to more normal working practices post-pandemic and in certain areas the impact of the pandemic on service users.

Regulator interventions (HSE / SFRS)

- 3.16** 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.
- 3.17** There were no interventions with HSE in this reporting period. No site visits from SFRS were made as part of their annual audit of ACC properties.
- 3.18** Any identified actions from any audit visits undertaken are added to the fire risk actions database and allocated to the responsible manager. These are followed through the fire action dashboard to close out. Any actions which were to pass their compliance date are raised with the relevant Chief Officer and reported to the Risk Board.

Fire risk assessments

- 3.19** Fire risk assessments have been recommenced and are completed on a rolling 5-year programme. A total of 31 fire risk assessments, including 2 Bon Accord Care sites, were completed during this reporting period. The overall average compliance score was 85%. The issues identified are across the range of topics considered in the assessment process. These issues are given a priority level dependant on the resultant risk which requires an action within a timeframe which effectively removes the risk to buildings and the occupants before it would place anyone at greater risk.
- 3.20** Any identified actions are included into the fire risk actions database and monitored to a close. This database is available to all Chief Officers on the managers' portal, which shows live data on open, closed, and non-complied with actions. Should an action pass the compliance date these are escalated to the Chief Officer; with this dashboard also to be provided to the Performance Board to help achieve compliance.

Health and Safety Audits

- 3.21** Compliance visits have been undertaken on various topics / premises within the ACC estate. Topics included Radiation Protection across 9 sites with an overall compliance of 86%, First aid compliance was checked across 15 locations with 82% compliance. Again, all action points raised are included in an action log, which is reviewed weekly and reported to the relevant Chief Officer. Managers who have had actions allocated to them are given access to the action log to record the action taken to remove the risk and also to record the date completed. Follow up visits are also carried out to ensure actions have been completed and that controls continue to be suitable and sufficient and are being followed. Again, the actions are given a compliance date based on the level of risk which ensures that the risk is removed before it places anyone in greater danger.
- 3.22** Line Manager responsibility is one strand of the review of the health and safety policy. Compliance monitoring continues to be undertaken to understand the level of line managers' understanding of the health and safety responsibilities placed on them by the Council. The overall score on average is 75%. The results of these compliance visits identify areas where managers require support and perhaps additional explanation or training to close that gap. Several areas have been identified as requiring action including risk assessment training, completion of a first aid needs assessment and understanding and complying with the workplace inspection procedure. Having identified the areas requiring further improvement and those managers who require that additional support the CHST are currently providing training to all management levels, and where required specific 1-2-1 training on manager responsibilities, risk assessment and reporting/investigating incidents.
- 3.23** Where actions in any audit or compliance process are not closed out on time these are initially raised with the relevant Chief Officer and reported through the relevant Function Health and Safety Group and the Risk and Performance Boards.

Health and safety policies, procedures and guidance

- 3.24** The latest iteration of the corporate health and safety policy is being presented to this sitting of the Committee. There are no substantial changes to the policy. The changes are mainly to explain further the responsibilities of several groups, e.g., the Function health and safety groups and the corporate health and safety team.
- 3.25** The role of health and safety champion has been added to provide a contact and coordinating role within each Cluster and Service where a Chief Officer identifies the need for this role.
- 3.26** Other health and safety procedures are scheduled for review across the year. Corporate procedures are reviewed by the Corporate Health and Safety Team (CHST) whilst local procedures, specific to a service, are reviewed by the service with advice and input from the CHST.

3.27 Work continues to be carried out on a number of corporate and local procedures which, when complete and approved by the relevant Chief Officer, will be updated on the Health and Safety section of the intranet.

4. FINANCIAL IMPLICATIONS

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

5. LEGAL IMPLICATIONS

5.1 The Health and Safety at Work etc Act 1974 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 a requirement to report these under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 which provides a potential for the Enforcing Authorities to 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 employee.

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications as a result of this report.

7. RISK

Risk Appetite

The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement

Management Of Risk

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) <small>*taking into account controls/control actions</small>	*Does Target Risk Level Match Appetite Set?
Strategic Risk	N/A	N/A		
Compliance	There is the risk that any injury or serious health and safety	Corporate Procedures require all tasks to be risk assessed and the controls implemented and supervised by line managers.	L	Yes

	<p>incident could result in focus from the Health and Safety Executive which could result in enforcement action in the form of notices or prosecution.</p>	<p>All employees are trained to a level where they are competent to carry out the work.</p> <p>Analysis of the causes of the incidents, near misses and work-related absences and resultant improvements to prevent, where possible, reoccurrences, can reduce the financial exposure to the Council.</p> <p>This 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>		
Operational	<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</p>	<p>The task has been risk assessed; employees are trained, competent and supervised then there should be less likelihood of incidents.</p>	L	Yes

	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.			
Financial	The risk is that any incident has the potential to bring a reduction in the overall budget in place to provide service delivery.	As per compliance above	L	Yes
Reputational	Local and National press coverage of any incident can present reputational damage to the organisation.	Each Function should have 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 employees are up to carrying out investigation of near misses to ensure controls are reviewed to consider whether remedial actions are required.	L	Yes

Environment / Climate	N/A	N/A	N/A	
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8. OUTCOMES

<u>Aberdeen City Local Outcome Improvement Plan</u>	
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 Criminal 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.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Full Impact assessment not required
Data Protection Impact Assessment	Not required

10. BACKGROUND PAPERS

10.1 N/A

11. APPENDICES

11.1 Quarterly staff governance Health and safety report April to June 2022

12. REPORT AUTHOR CONTACT DETAILS

Name	Colin Leaver
Title	Corporate Health and Safety Lead
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Tel	01224 523092

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SGC-H&S-Report-Visuals-V3

[View in Power BI](#) ↗

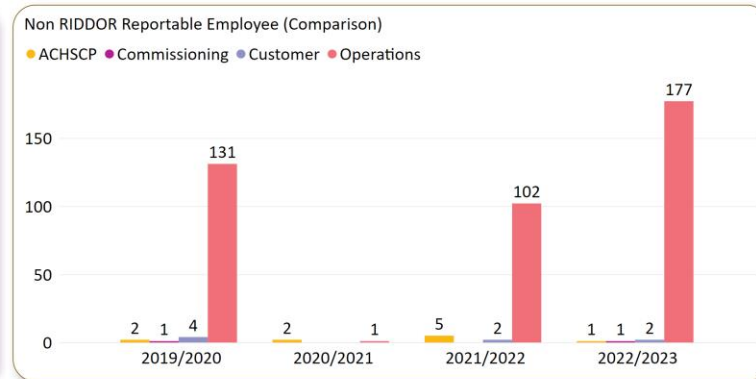
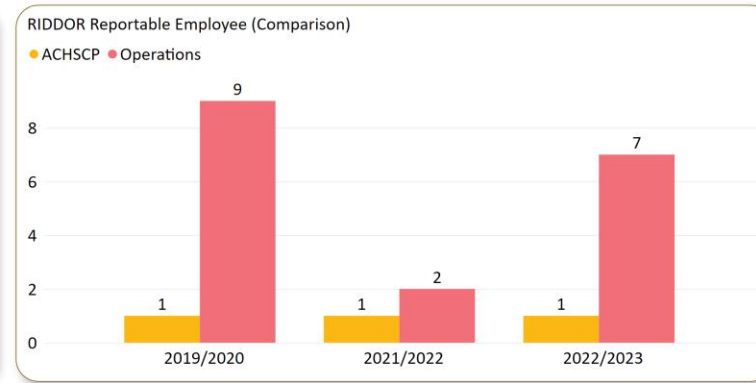
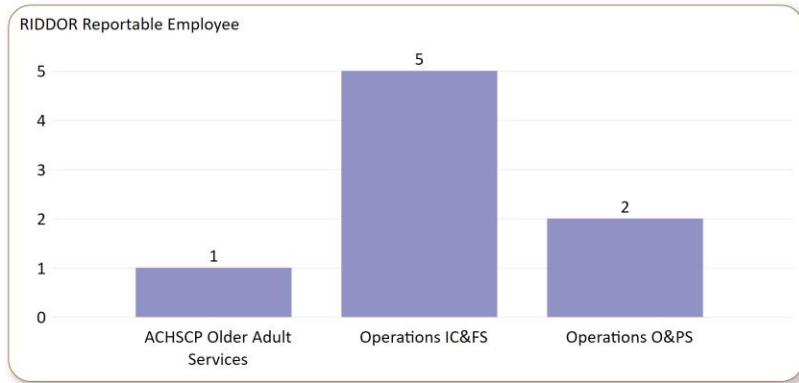
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Staff Governance Health & Safety Report Quarter 1 2022/2023 (Apr 22 to Jun 22)

Reported H&S Incidents (Employee) Between Apr to Jun 2022

The following tables give breakdown of all employee incidents across all Functions and Clusters in Aberdeen City Council. The tables on the left initially show the number of incidents for each Cluster this reporting period with those on the right giving a quarter 1 comparison for each Function from 2019/20 to 2022/23.



Employee Incident Information

Top 3 causes of injuries in Operations were to members of staff were: Lifting and handling (5), struck by object (4), Slips and trips (3).

Where an increase in injuries due to manual handling has been identified, Team Leaders are reassessing these tasks jointly with the CHST.

A report for both incidents and near misses has been produced sent to all Service managers on their Service health and safety performance. The Operation and Protective Services compliance Group discuss and have set up a virtual team where information and advice is shared between services.

Education

Distressed behaviours amongst children continues to be the largest number of incidents within Education. There are several strands of work being continued, firstly the medium, long-term process of working with the children to reduce the root causes of those distressed behaviour. Alongside that the short-term process of keeping staff safe continues with the training process for which the Committee received a service update following last quarter.

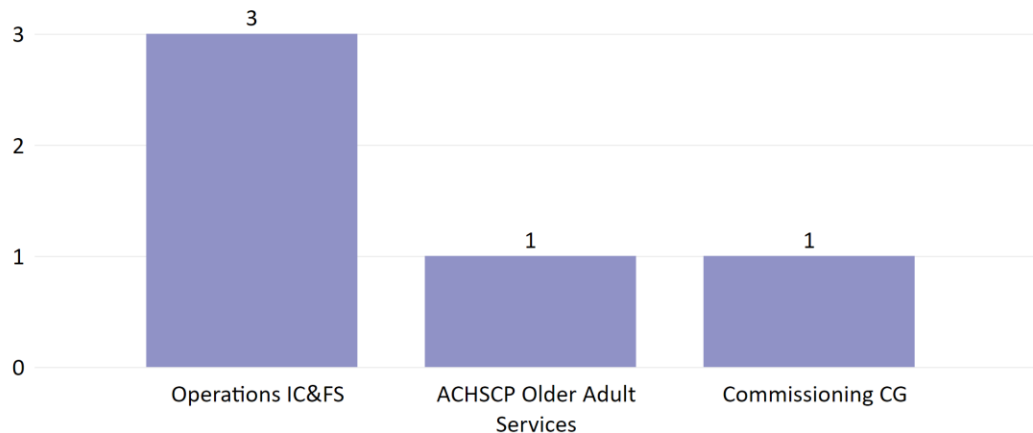
Riddor

There were 8 RIDDOR reports this quarter with slips, trips and falls accounting for 7 of these. 5 resulting in absences over 7 days and two resulting in shorter absences but as a result of broken bones (ribs, elbow).

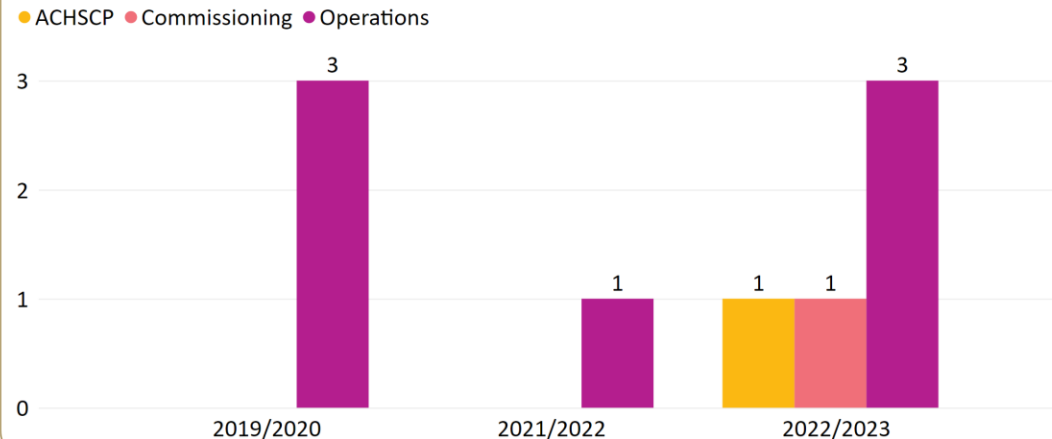
Reported H&S Incidents (Third Party) Between Apr to Jun 2022

The tables below give information on those non-employee incidents which happened across all Functions and Clusters. Again the tables on the left show the current period for each Cluster, with those on the right giving a quarter 1 comparison for each function from 2019/20 to 2022/23.

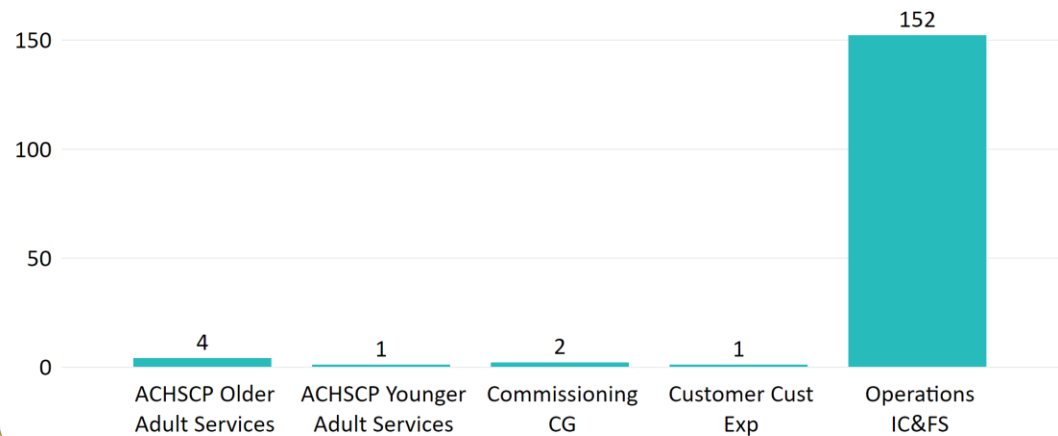
RIDDOR Reportable Non Employee



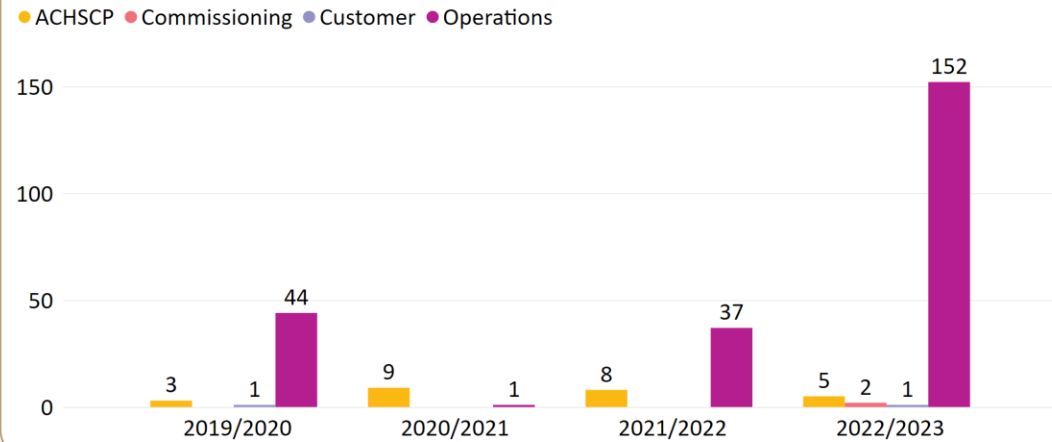
RIDDOR Reportable Non Employee (Comparison)



Non RIDDOR Reportable Non Employee

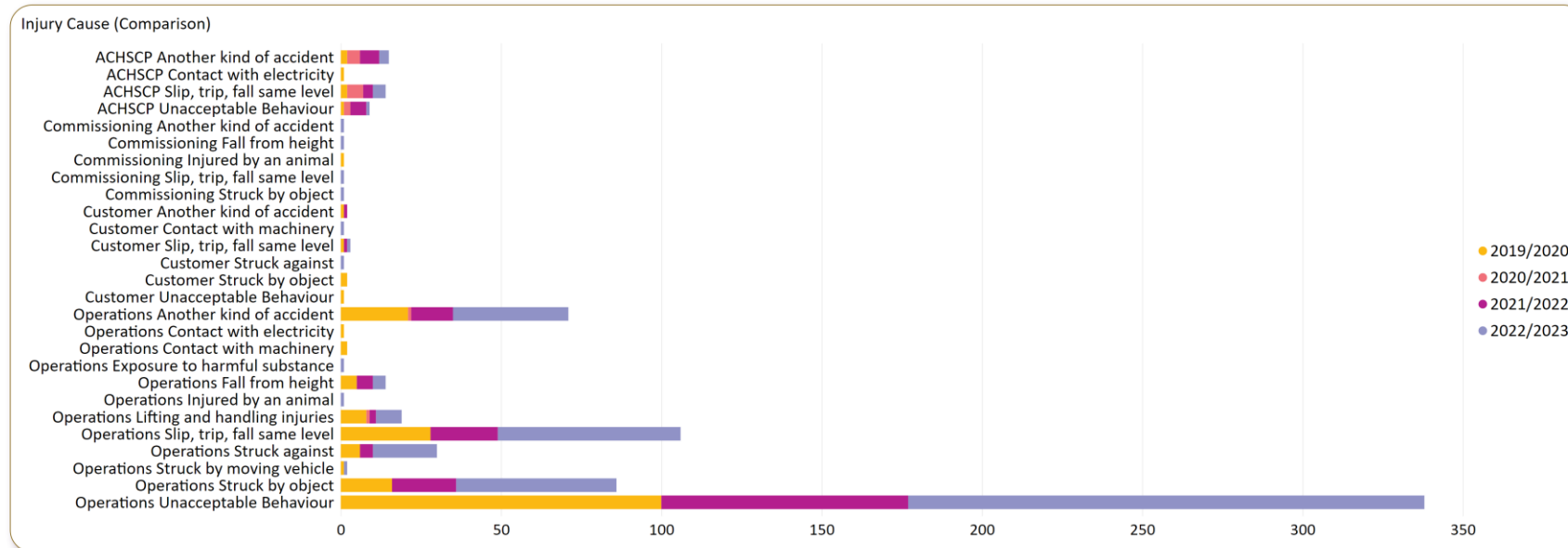
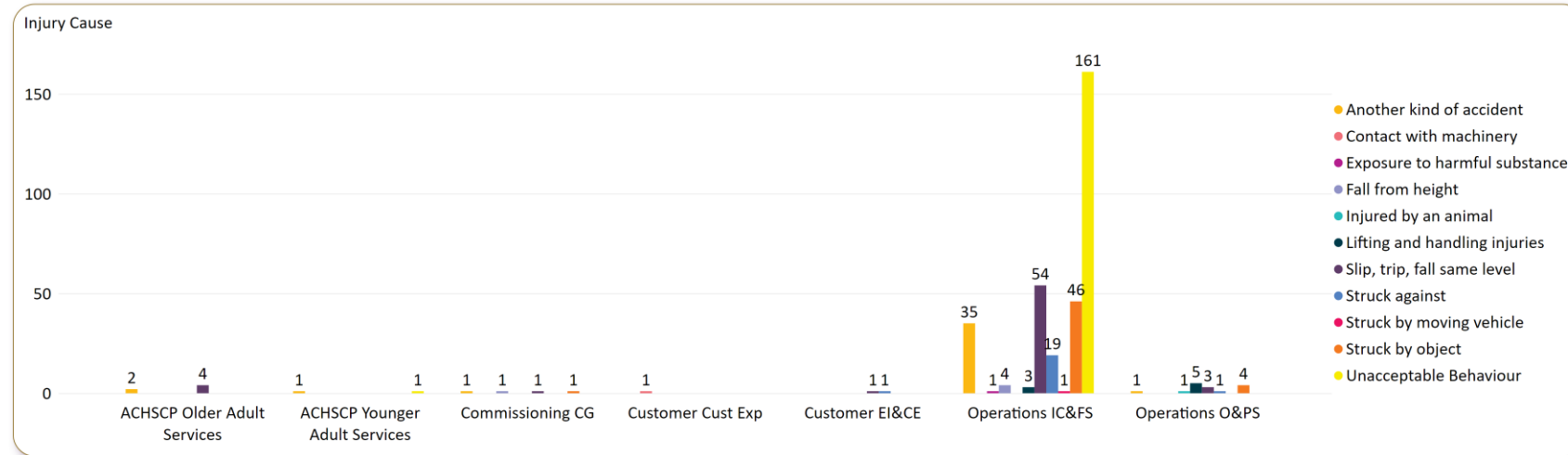


Non RIDDOR Reportable Non Employee (Comparison)



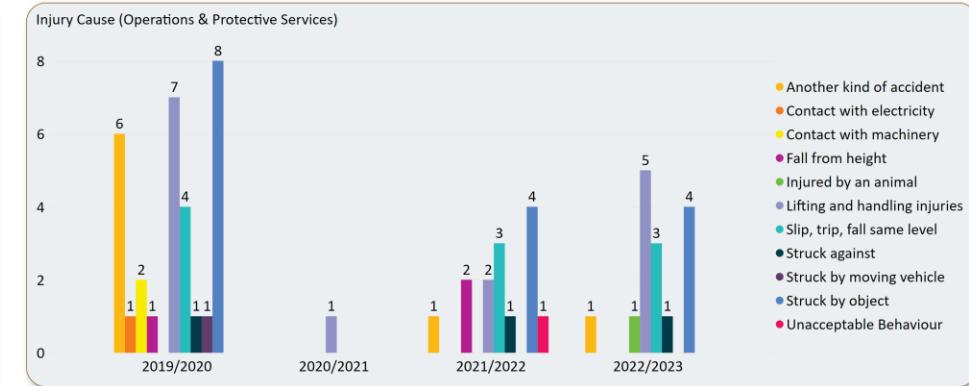
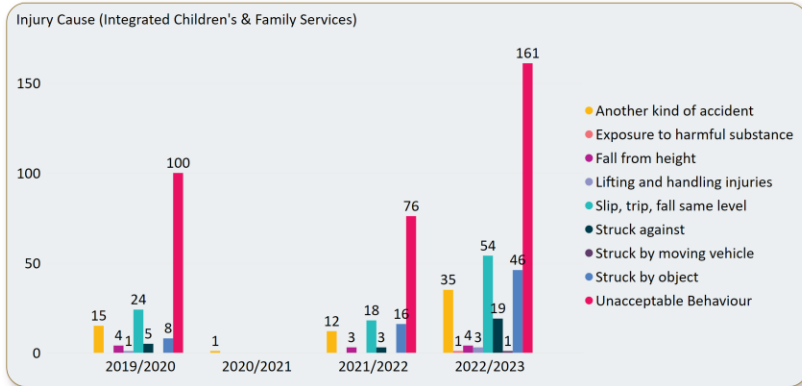
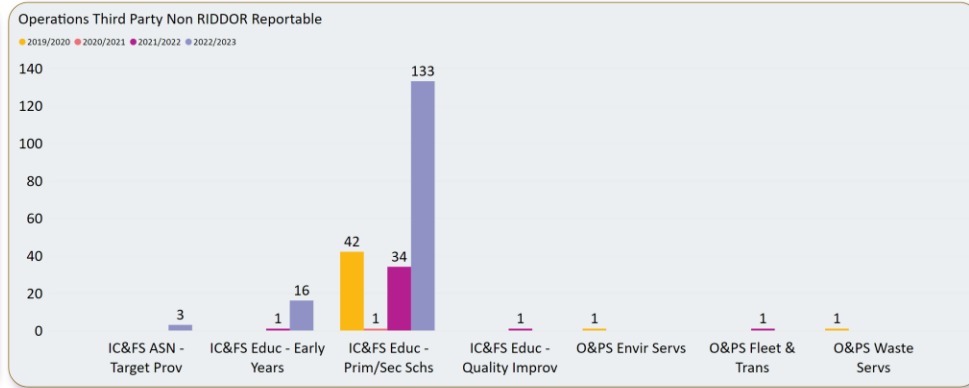
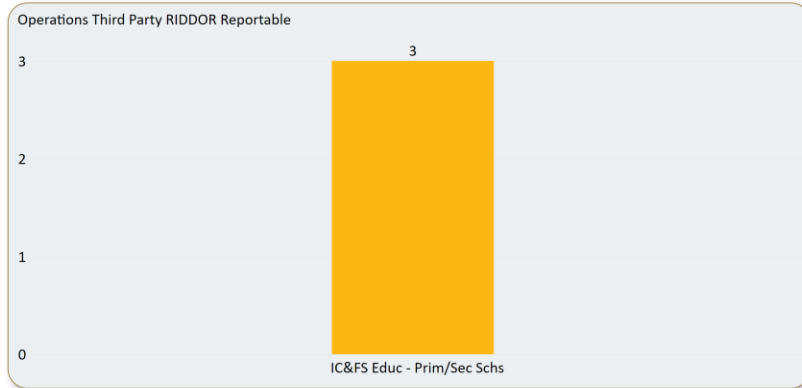
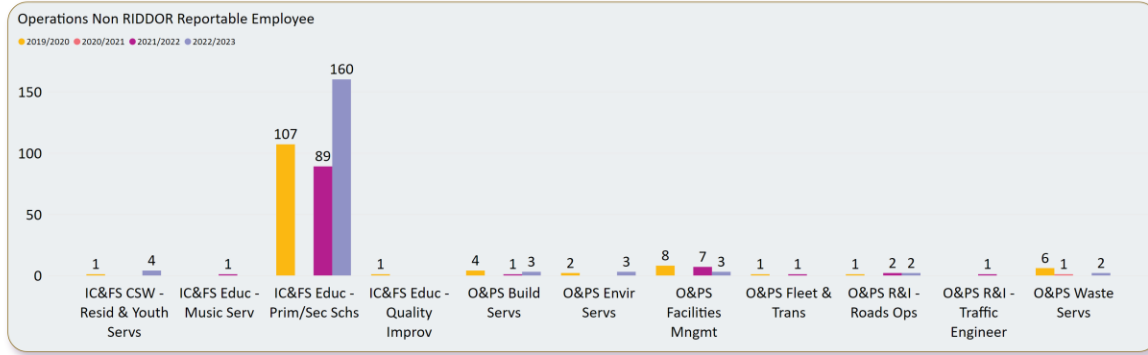
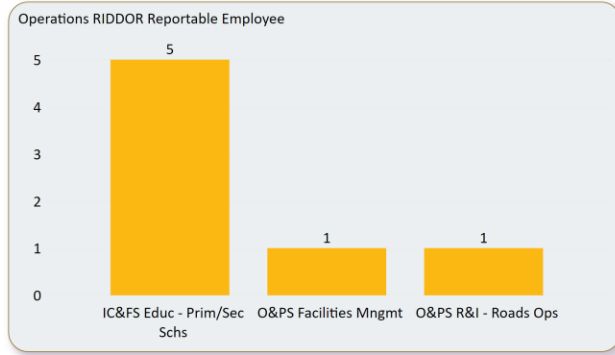
H&S Incident Causation Reported between Apr to Jun 2022

The top table shows incident causation for each Cluster colour-coded against the key for this reporting period, and bottom table a quarter 1 comparison of the types of incidents from 2019/20 to 2022/23.



Operations Reported H&S Incidents
Between Apr to Jun 2022

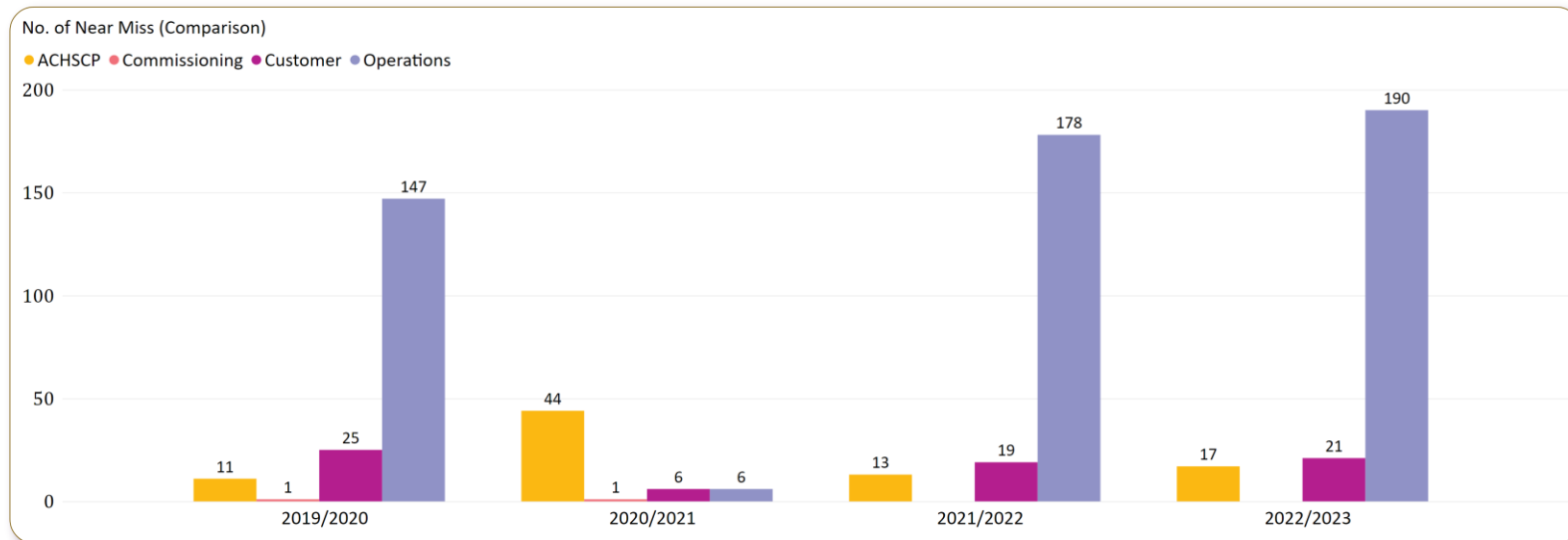
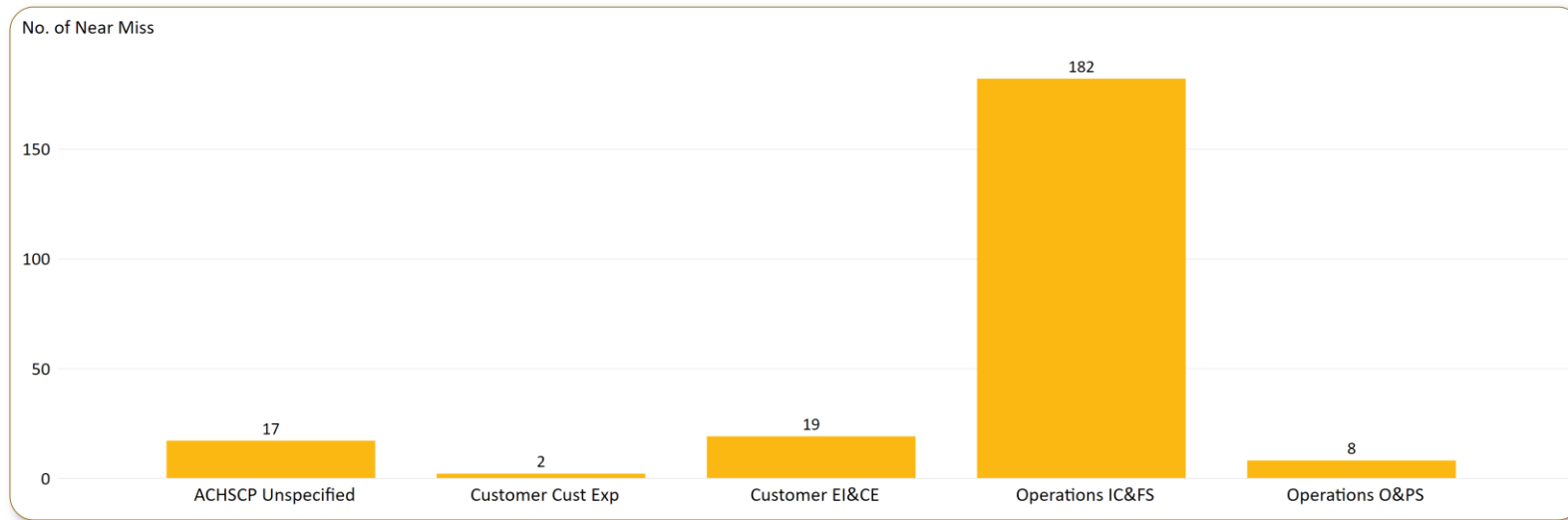
The following tables give a breakdown of **Operations** incidents (Employee and Third Party) down to service level, and in terms of injury cause a quarter 1 comparison from 2019/20 to 2022/23.



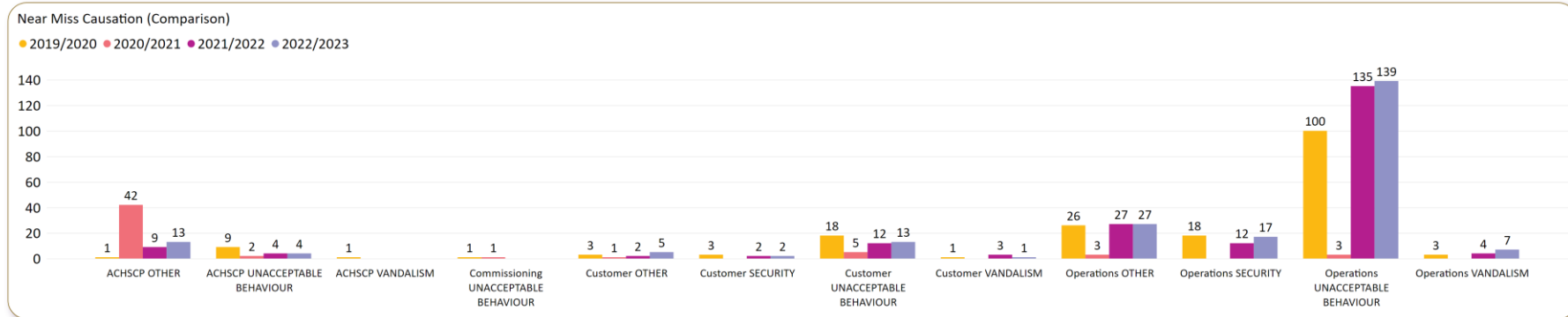
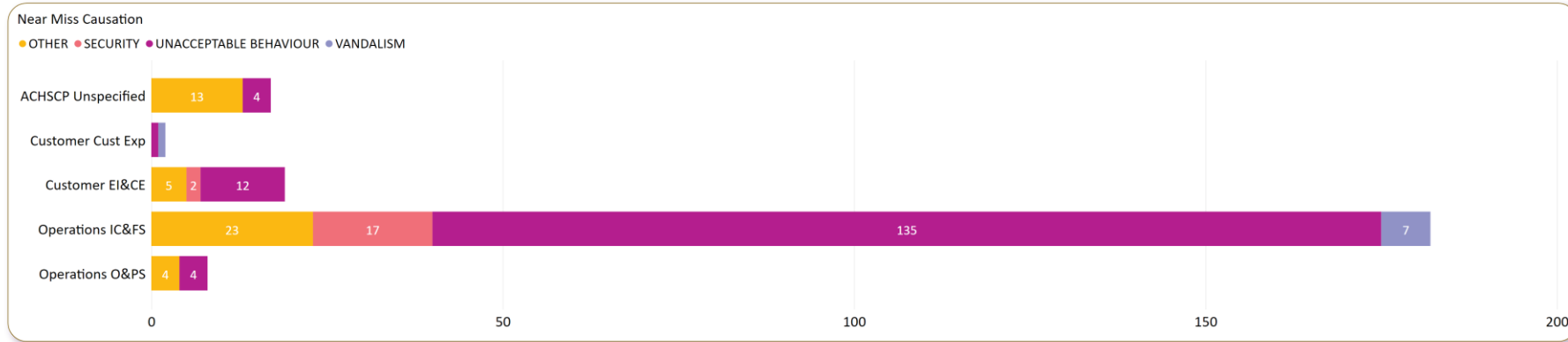
Reported H&S Near Miss Between Apr to Jun 2022

The tables below show information to a Function and Cluster level for employee and non-employee near misses.

Top table: Total near misses for this reporting period for each Cluster. Bottom table: quarter 1 comparison of near misses for each Function from 2019/20 to 2022/23.



The tables below show information to a Function and Cluster level for employee and non-employee near misses. Top table: Near miss causation for reporting period for each Cluster. Bottom table: Near miss causation quarter 1 comparison for each Cluster from 2019/20 to 2022/23.



Near Miss

Customer – 57% (1 - Customer Experience and 11 - Early Intervention and Community Empowerment) of near misses reported involved inappropriate communication (verbal abuse) and violent, threatening behaviours towards staff during face to face communication with the customer / service user and during telephone calls. All Services involved had appropriate and suitable processes in place which were followed by staff. Two of the incidents were reported to the Police who dealt with the individuals concerned. Services have taken remedial actions, which include: written warning letters send to individuals, person alerts recorded on the system to warn staff of behaviours and the action that should be taken and access to services withdrawn from a customer because of their behaviour towards staff.

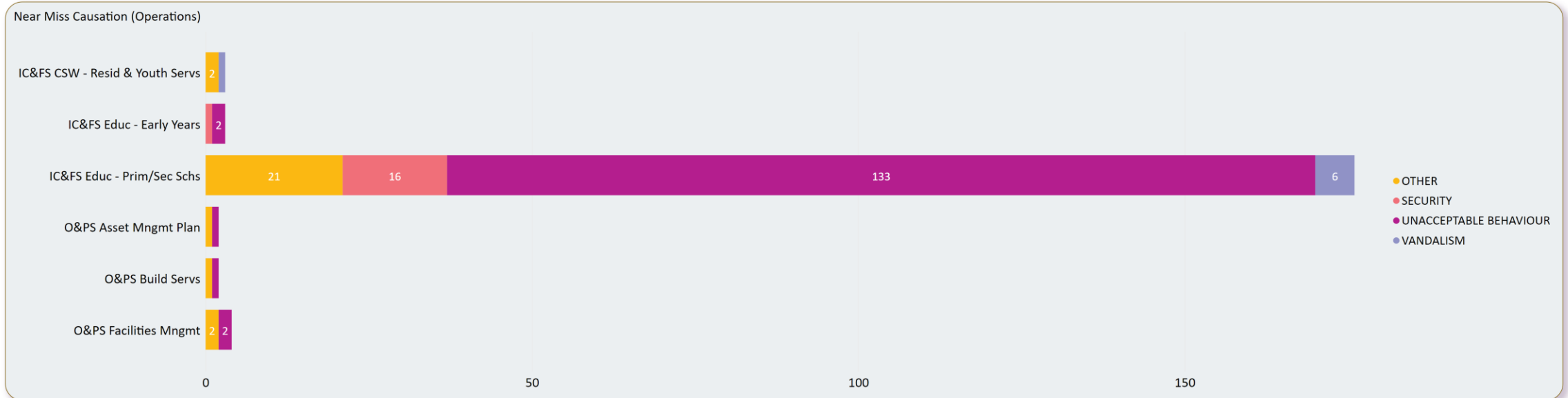
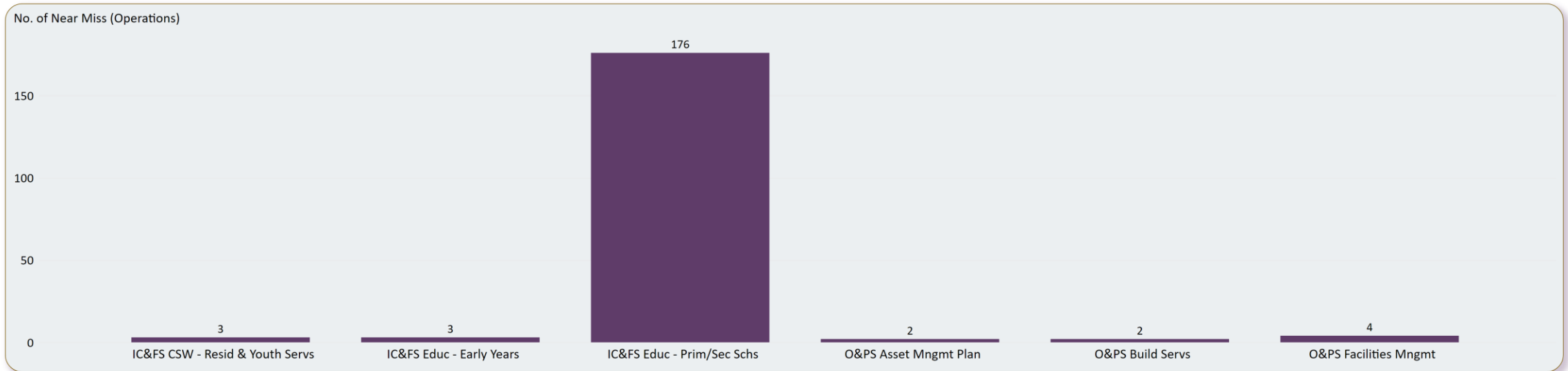
AH&SCP – 76% (13) were in connection with the administration of medication. The medication protocol was followed and appropriate action has been taken with the staff involved. Taking into account the number of medications administered within the service, the error rate is small. However, the service continues to review how this can be addressed. There is a rigorous training process for staff who deliver medication. In the event of a medication error, there is a process of reflection, re-training, and supervision.

Risk Assessment

The relevant line managers in 26 of the 38 occasions (68%) have indicated that a review of the existing risk assessment/s following the near miss incidents was carried out and that a risk assessment was in place. There has been a continued improvement over a number of periods. There is a corporate incident and near miss system training session which is available for managers and a good number have attended. To try to receive full compliance the CHST will report numbers of managers attending the session measured against the number of available managers in a Cluster to the Function H & S group from next quarter.

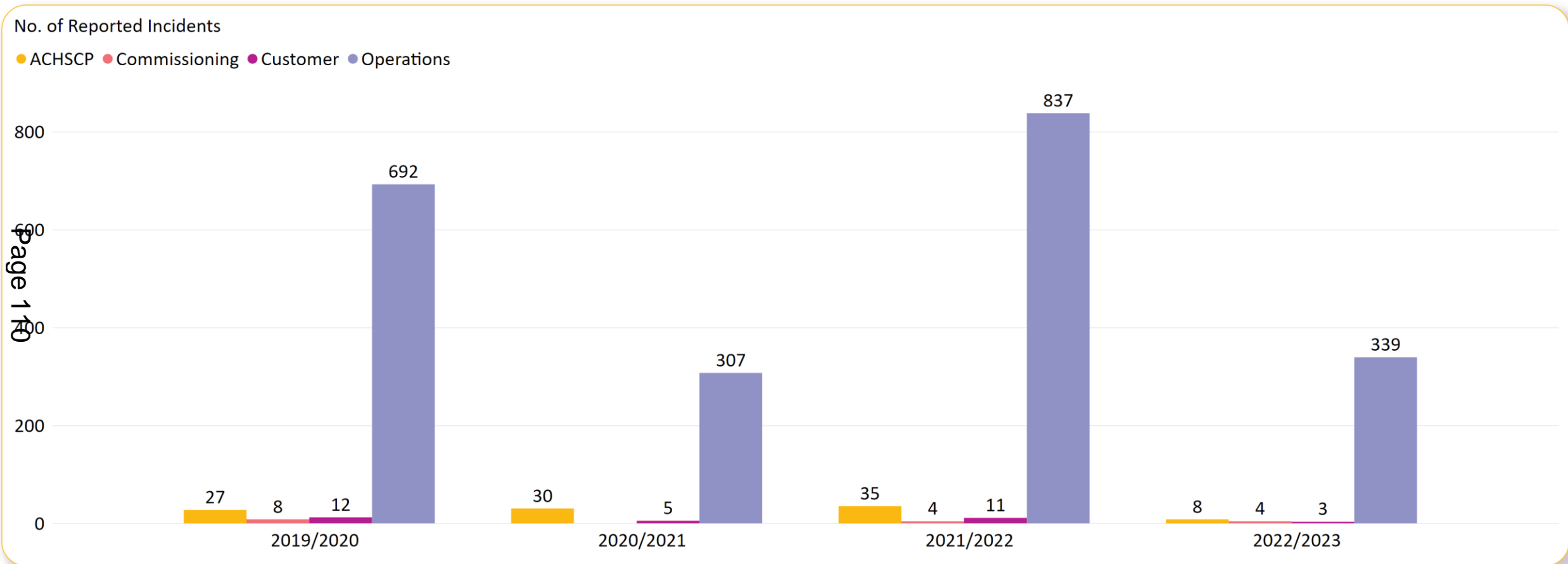
Operations Reported H&S Near Miss Between Apr to Jun 2022

The following tables give a breakdown of **Operations** Near Miss down to service level.



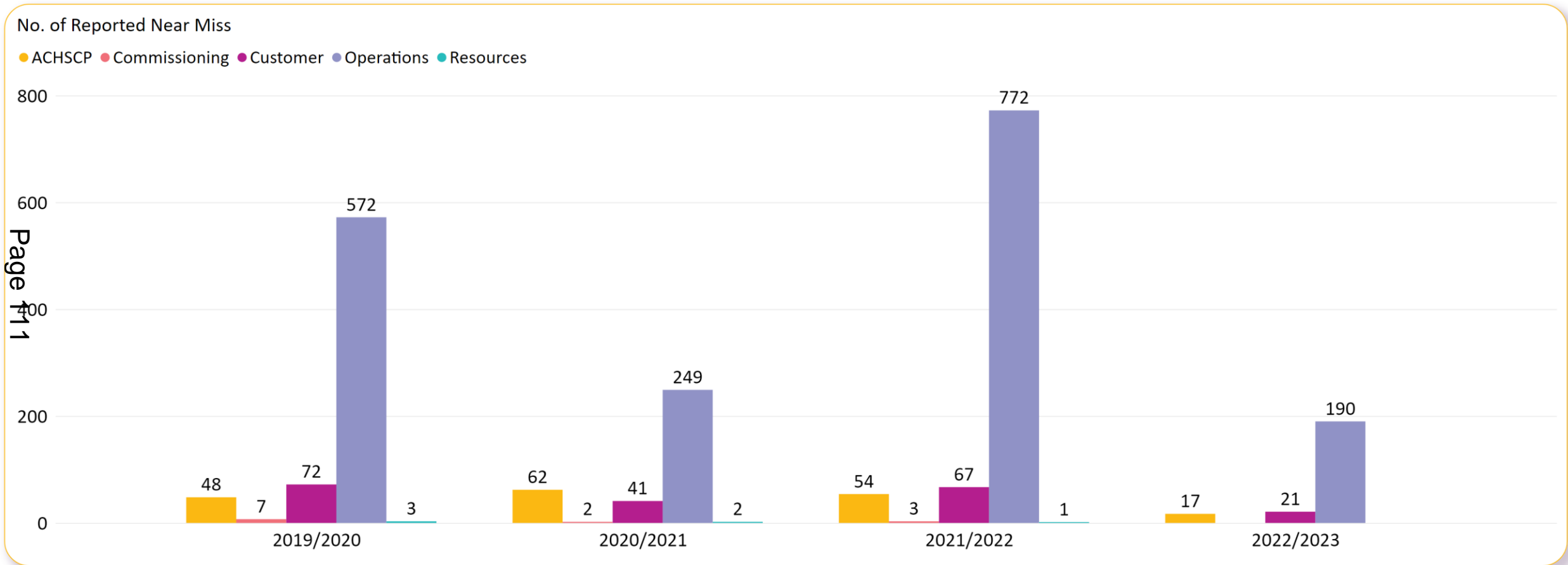
Reported Incidents From 2019/20 to 2022/23 YTD

The table provides information on the **total number** of incidents for the last four reporting years (including current year to date) to Function level.



Reported Near Miss From 2019/20 to 2022/23 (YTD)

The table provides information on the **total number** of near misses for the last four reporting years (including current year to date) to Function level.



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ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance
DATE	3 October 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	EAS Six Monthly Update January 2022 – June 2022 Occupational Health and Absence update January 2022 – June 2022
REPORT NUMBER	CUS/22/217
DIRECTOR	Andy MacDonald, Customer
CHIEF OFFICER	Isla Newcombe, People and Organisational Development
REPORT AUTHOR	Kirsten Foley, Employee Relations and Wellbeing Manager
TERMS OF REFERENCE	2.7

1. PURPOSE OF REPORT

- 1.1 This report updates the Committee on utilisation of the Employee Assistance Service (EAS) provided by Time for Talking during the last 6 monthly period January 2022 to June 2022 and provides a 6 monthly update on the Occupational Health and Absence figures for the same period.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 notes the report and provide comment on the performance and trends; and
- 2.2 notes the ongoing support including the proposal to introduce reasonable adjustment passports.

3. CURRENT SITUATION

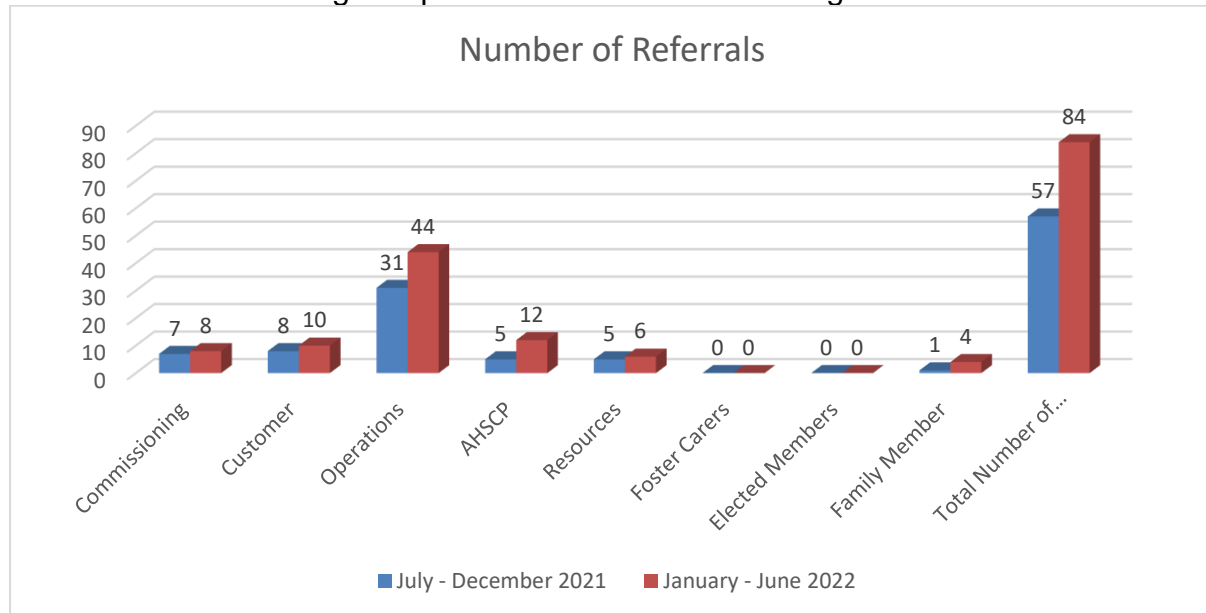
- 3.1 Following a joint tender evaluation process with Aberdeenshire Council, Therapeutic Counselling Services Ltd. (Time for Talking) were awarded the Employee Assistance Service (EAS) contract. The contract commenced on 01 January 2017 and is for the duration of 3 years and with the option of a 1-year extension which was taken up in January 2020. A report was taken to Strategic Commissioning Committee in November 2020 and approval was given to renew the contract until June 2024, with a further option to extend for two years at the end of this period.
- 3.2 The Council's Employee Benefits provider is VIVUP. One of the services they offer is an Employee Assistance Service, however we had not signed up to this service in the past due to the level of additional cost. During the process of negotiating additions to the Employee Benefits contract with VIVUP, we were offered the opportunity to roll out their Employee Assistance Programme for no

additional cost. This programme exceeds the provisions of the existing Time for Talking programme, and will accrue a significant cost saving to the Council. There will be an initial period during which the programmes run concurrently, to allow a full communication process and a smooth transition for staff, with the transition being completed by mid October 2022.

- 3.3 The VIVUP EAP service offers the same level of individual counselling for employees and their dependants as the previous provider offered, and in addition includes a wide range of self-help materials, including workbooks, podcasts and blogs, free registration for My Mind Pal, Debt Advice, Advice on utility bills/money management and Domestic Abuse support.
- 3.4 All of the support offered by the VIVUP EAP service is easily accessible on a single sign on platform, which employees can access on either work or personal devices, and which also includes access to other benefits that could be of assistance to staff, particularly at this time of increased living costs. Examples of these other benefits include discounts at large retailers, including supermarkets, financial advice and access to affordable loans through Salary Finance and salary sacrifice options on large purchases such as household appliances at rates that are lower than high street credit.
- 3.5 VIVUP are providing replacement communication/marketing materials, including wallet cards for all staff, at no cost to ACC, thus the costs in terms of managing the transition and publicising this are only in terms of staff time; there will be no cost in terms of producing printed materials.
- 3.6 International SOS (formerly known as Iqarus) were awarded the Occupational Health Contract which commenced in August 2018 for a period of 3 years with the option of a further two years. Following discussion with Aberdeenshire Council, who are part of the joint contract, the option to extend the contract for a period of 2 years was taken up in August 2021, with the contract being extended until July 2023.
- 3.7 This report contains Employee Assistance Service utilisation information on the 6-month reporting period and information relating to Absence and Occupational Health (January 2022 – June 2022).
- 3.8 An effective EAS service supports individuals with difficulties in their lives; sometimes these problems can affect an individual's ability to function fully at work or at home. This in turn may impact on their mental health and wellbeing which may also impact on their productivity, attendance and associated costs. Both direct and indirect costs require to be considered.
- 3.9 The longer an employee is off work, the more challenging it becomes to manage their health problems and less likely that they will return to work. Long-term absence is costly. There is mutual benefit if we can proactively support employees in the workplace and help employees avoid long waiting times for e.g., counselling or psychological therapy.

3.10 Employee Assistance Service Utilisation – 6 monthly reporting period January 2022 to June 2022

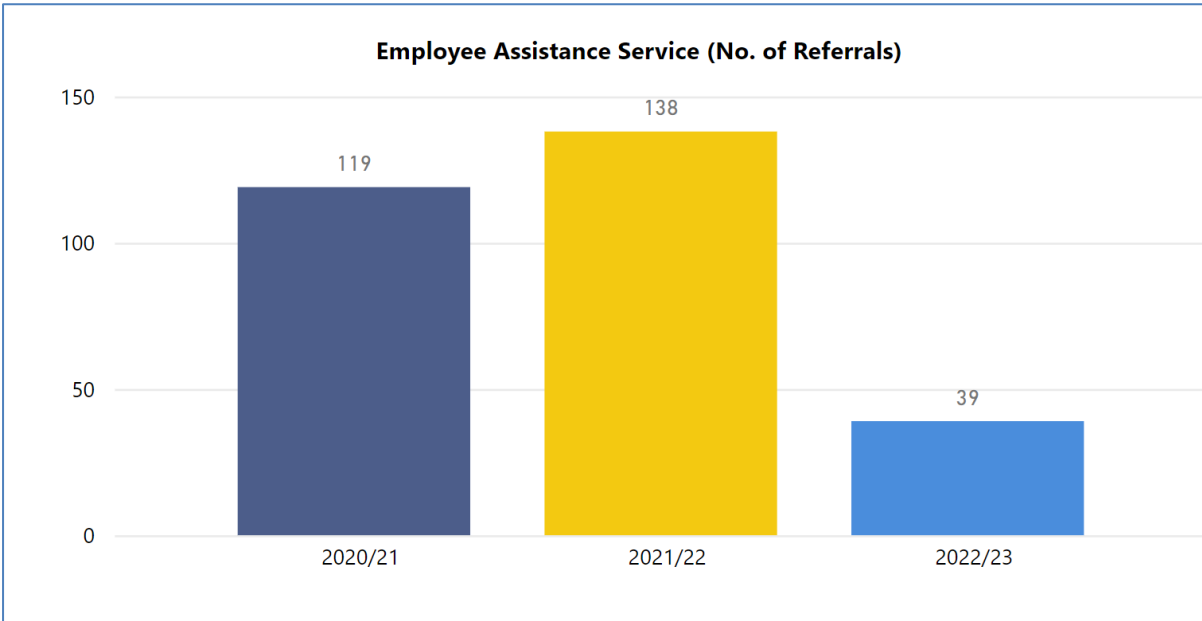
3.10.1 A total of 84 referrals were made during the 6-month period (1 January 2022 to 30 June 2022) comprising of 80 employees and 4 family members. The overall figure is significantly higher than the previous 6-month period of July to December 2021) of 57 referrals comprising of 56 employees and 1 family member showing an upward trend in staff accessing the service.



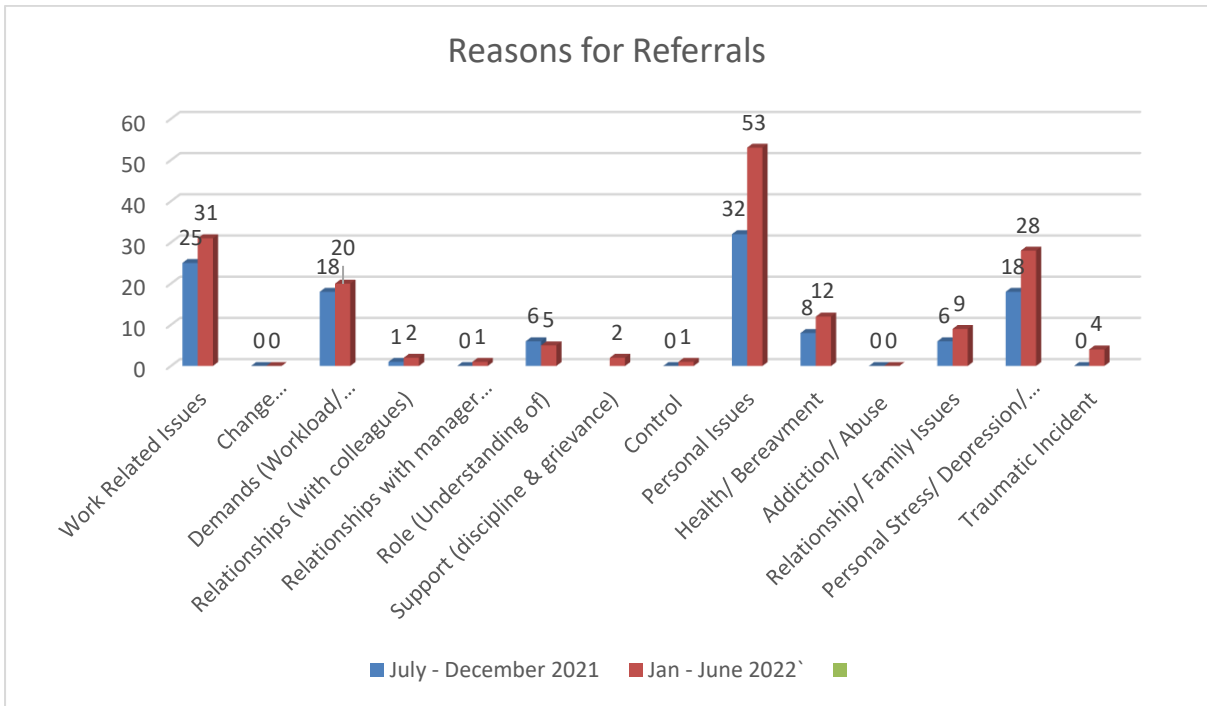
3.10.2 This increase was expected where individuals with mental health problems reported an increase in the degree of challenges they were facing during the pandemic with increased concerns about what the future holds and taking into account the traumas that people have been facing throughout the pandemic. This could explain some of the reason for the increasing number of employees seeking support.

3.10.3 In addition, the increased work to promote the employee assistance service across the organisation along with the increased regular blogs and communications could also be a contributing factor for the steady rise we are seeing in the number of referrals to the Employee Assistance Programme. This is reflected in the steady increase over the last three financial year periods with this years' projected figures being in line with a further increase in activity.

3.10.4 Furthermore, this increase in numbers are in line with findings with Employee Assistance Programmes across the UK. The [Employee Assistance Professionals Association \(EAPA\)](#) undertook research which found that 347,000 more employees used an EAP in October 2021 than they did a year earlier. This data was based on evidence from information provided by 3,200 HR professionals. The research concluded that higher EAP usage was here to stay for the foreseeable future.



3.10.5 There were a higher number of referrals relating to Personal Issues (53) compared to Work Related Issues (31) in this reporting period. Overall, the utilisation of the service has increased (84) compared to the previous six-monthly period (57). The highest category in this reporting period is Personal Issues, with 63% of all referrals being from this category and with more than half of these referrals being from the Personal Stress/Depression/Anxiety/Anger category. This shows a similar trend to the last six-monthly reporting period where 57% of all referrals were from the Personal Issues category and where more than half of these (57%) were from the Personal Stress/Depression/Anxiety/Anger category. These figures can be seen in the tables below.



3.10.6 In addition to the above, there has been an increase in the number of employees accessing the service for Work Related Issues since the last period. Of these work-related issues, Demands (Workload/Stress/Anxiety) remained consistently the most common reason for utilisation for Work Related Issues, with 24% of all work related issues being identified as due to Demands.

3.10.7 A breakdown of the figures per cluster and issues can be seen in the table below for the period January to June 2022.

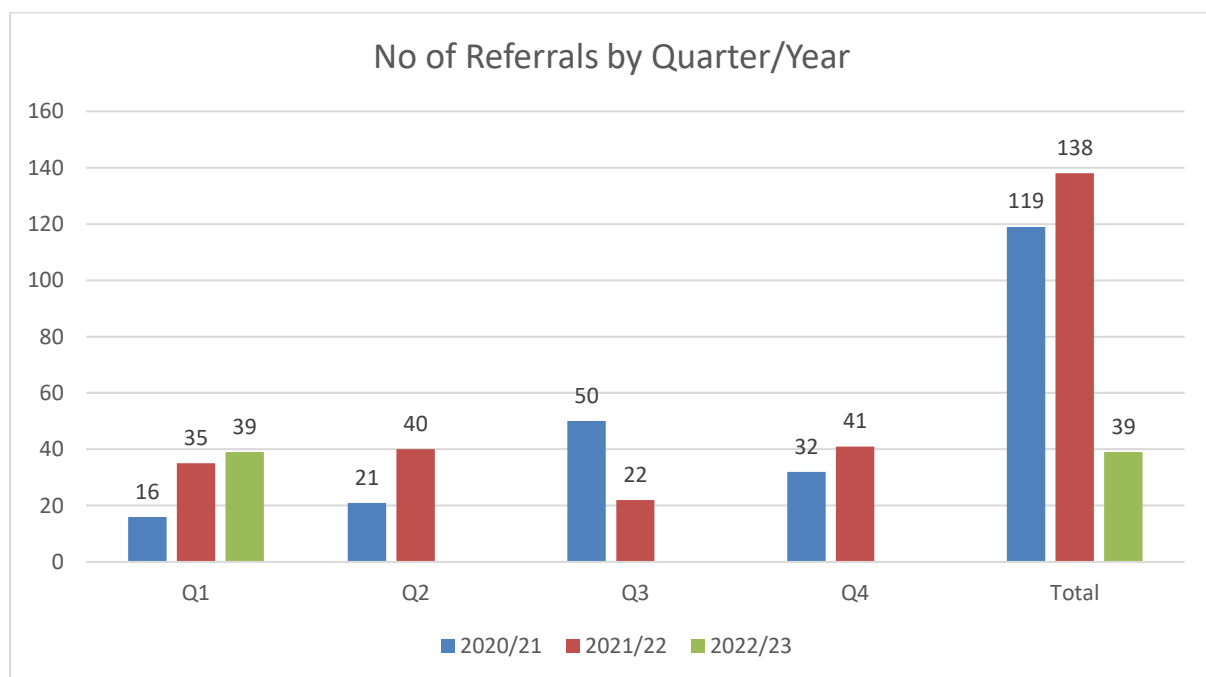
Functions	Work Related Issues	Change (Organisational/ redundancy)	Demands (Workload/Stress/ Anxiety)	Relationships (with colleagues)	Relationships with manager (Bullying)	Role (Understanding of)	Support (discipline & grievance)	Control	Personal Issues	Health/Bereavement	Addiction/Abuse	Relationship/Family Issues	Personal Stress/Depression/Anxiety/	Traumatic Incident
Commissioning			<5							<5		<5	<5	
Customer			<5			<5				<5		<5	<5	
Operations			9	<5	<5	<5	<5	<5		6		4	14	<5
Health & Social Care Partnership			<5	<5						<5		<5	<5	<5
Resources			<5							<5			<5	<5
Foster Carers														
Elected Members														
Family Member										<5		<5	<5	
Total Number of Referrals/C'ling	31	0	20	<5	<5	5	<5	<5	53	12	0	9	28	<5

3.10.8 A further breakdown of the figures by cluster for the period January to June 2022 is shown in the table below:-

January - June 2022																						
	Clusters Totals	Commercial and Procurement	Data and Insights	ALEO's	Governance	Strategic Place Planning	City Growth	Customer Experience	Early Interv and Comm Emp	Digital and technology	External Communications	Children's & Family Services	Operations and Protective Services	Aberdeen Health & Social Care Partnership	Finance	Capital	People and Organisation	Corporate Landlord	Foster Carers	Elected Members	Family Member	
Commissioning	8	<5			<5	<5	<5															
Customer	10						<5	6		<5												
Operations	44											24	20									
AHSCP	12													12								
Resources	6																<5	<5	<5			
Foster Carers	0																			0		
Elected Members	0																				0	
Family Member	4																					4
Total	84																					

3.10.9 As shown below, the number of referrals for the last 3 years (April to March) are starting to show a steady increase in staff accessing the employee assistance service. This is not unexpected as the country continues to exit out of the Covid-19 pandemic, and demands for services continue to increase.

3.10.10 A large volume of work has been undertaken during the pandemic to increase awareness of the service, for example posters have been displayed in all workplaces, information leaflets have been produced and distributed to all our front-line employees, regular wellbeing blogs have been circulated via the intranet and more information has been made available on our People Anytime with the different ways made available to contact the service. The steady increase in numbers of people accessing this service (as illustrated in the table below) should be seen positively as we seek to reduce the stigma around mental health and encourage staff to access all available support mechanisms. The detail of the support available across the organisation can be seen in the [Mental Health and Wellbeing](#) update report which was submitted to Staff Governance Committee in January 2022.



3.10.11 The percentage of the Council's workforce that used the service is detailed below, along with similar sized local authorities' industry averages for comparison for the annual reporting period:

Comparison of Service Usage Against Other Councils	
Aberdeen City Council	1.49%
Council B	1.09%
Council C	1.41%
Council D	2.61%

3.10.12 Both full-time (63) and part-time (17) employees are using the service (19 (29%) male; 1 (1%) non-binary and 64 (70%) females). 63 full-time employees and 17 part-time employees accessed the services. The majority of employees have been at work (57) compared to those absent from work (23) when receiving support.

3.10.13 This is a slight increase in employees from the last six month reporting period of those who were absent from work (21). There was an increase of family members accessing the service from 1 in the last six month reporting period to 4 in the period January to June 2022.

3.10.14 A project to promote the Employee Assistance Service along with other support available is being undertaken jointly with the Trade Unions to ensure frontline employees have access to information about accessing this vital service. This will include our predominantly male workforce in our Operations Service. Work was recently undertaken to promote the service to our frontline cleaning teams and information on the services available are also now shared with all new employees during Employee Induction.

Full details are shown in the table below:

Demographics	Male	Non-Binary	Female	Full Time	Part Time	Currently at work	Absent from work
Total	19	<5	64	63	17	57	23

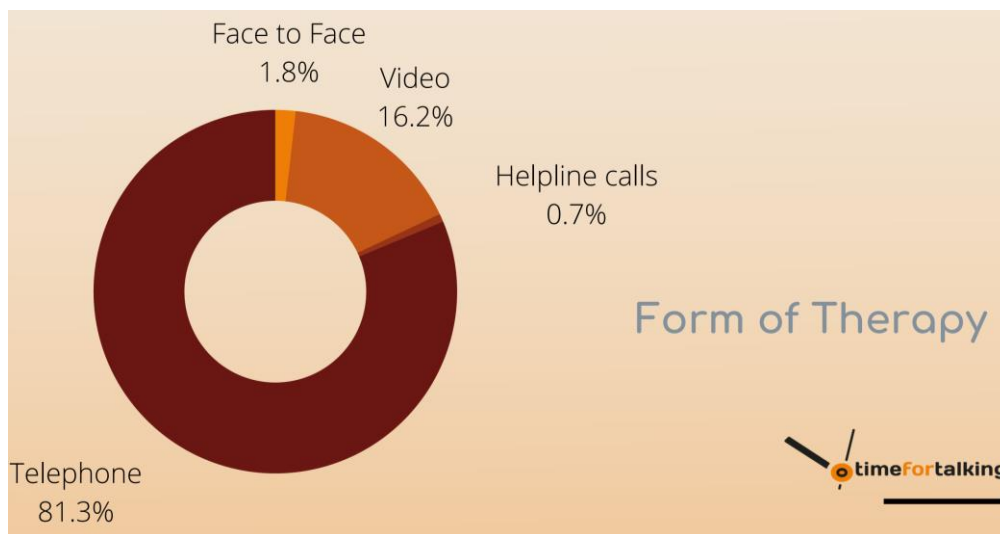
3.10.15 In the reporting period the assistance provided was mainly via telephone counselling (49) along with face-to-face counselling (12), Information/Advice Only (20), CBT Counselling Sessions (0) and Live Zilla Counselling Sessions (12) which allows face to face counselling to be done through a video call.

3.10.16 Face to face counselling has increased (12 compared to 4) and telephone counselling has significantly increased (49 compared to 37) from the last six month period. This is may be reflective of the restrictions on meeting face to face during the pandemic being lifted, and people becoming more comfortable with alternative ways of accessing support.

3.10.17 Figures can be seen in the table below:

Assistance Provided	Information/ Advice Only	Telephone Counselling	Face to face (incl. video)	CBT Counselling	No Contact from Client	On-line discussion
	20	49	12	0	3	0

3.10.18 The overall preferred method of receiving counselling is via the Telephone as shown in the diagram below:



3.10.19 Service users are offered the opportunity to provide feedback on the service via a short questionnaire. Feedback on the service delivered by the provider was positive and responders valued the confidentiality and the space to speak and be listened to in a sensitive setting.



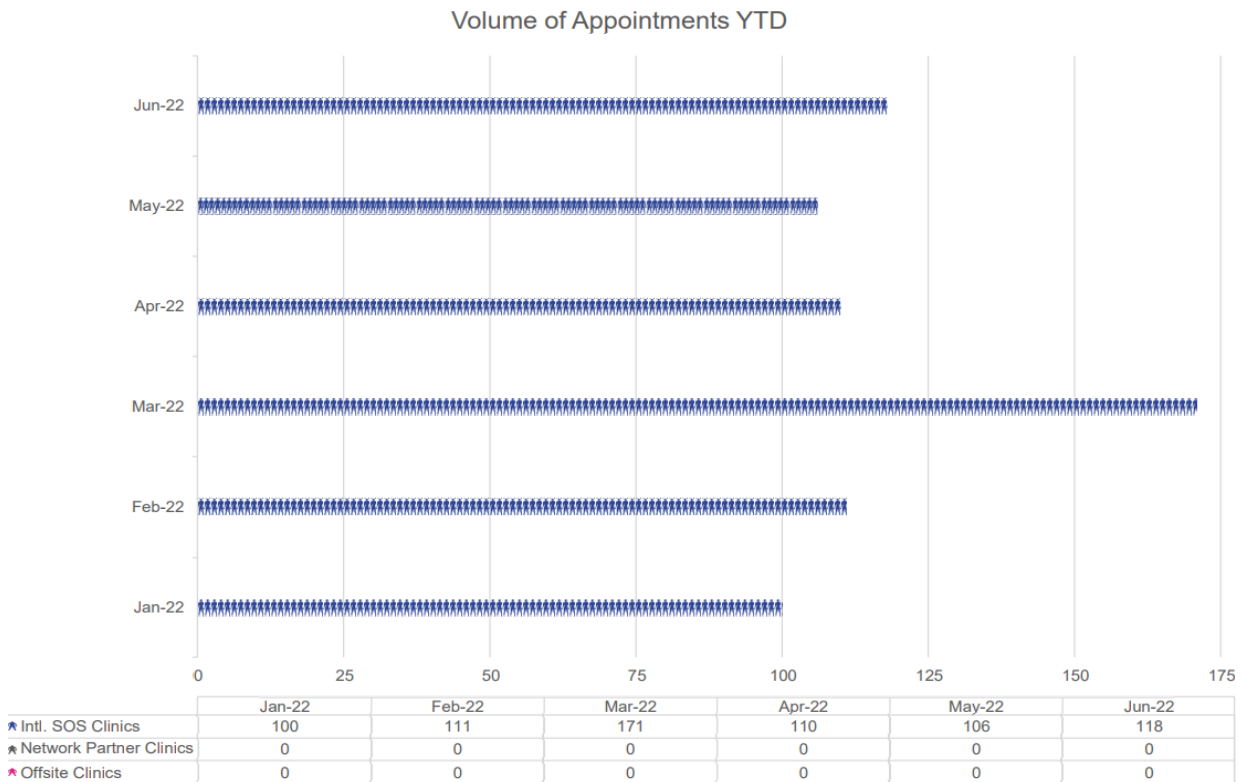
3.10.20 Our employee assistance programme will be moving from our current supplier (Time for Talking) to our new supplier 'Vivup' with a transition period running from 1 September until mid October. Our new contract is with our current

employee benefits provider who will deliver a 'like for like' service where employees can continue to feel supported and valued and have access to essential counselling support when they need it.

3.10.21 The new provider (Vivup) sits under the umbrella of wider employee benefits contract. Vivup has no direct cost to the organisation and therefore presents a significant reduction in costs as well as the continuation of our valued employee assistance. The service will be subject to on going monitoring.

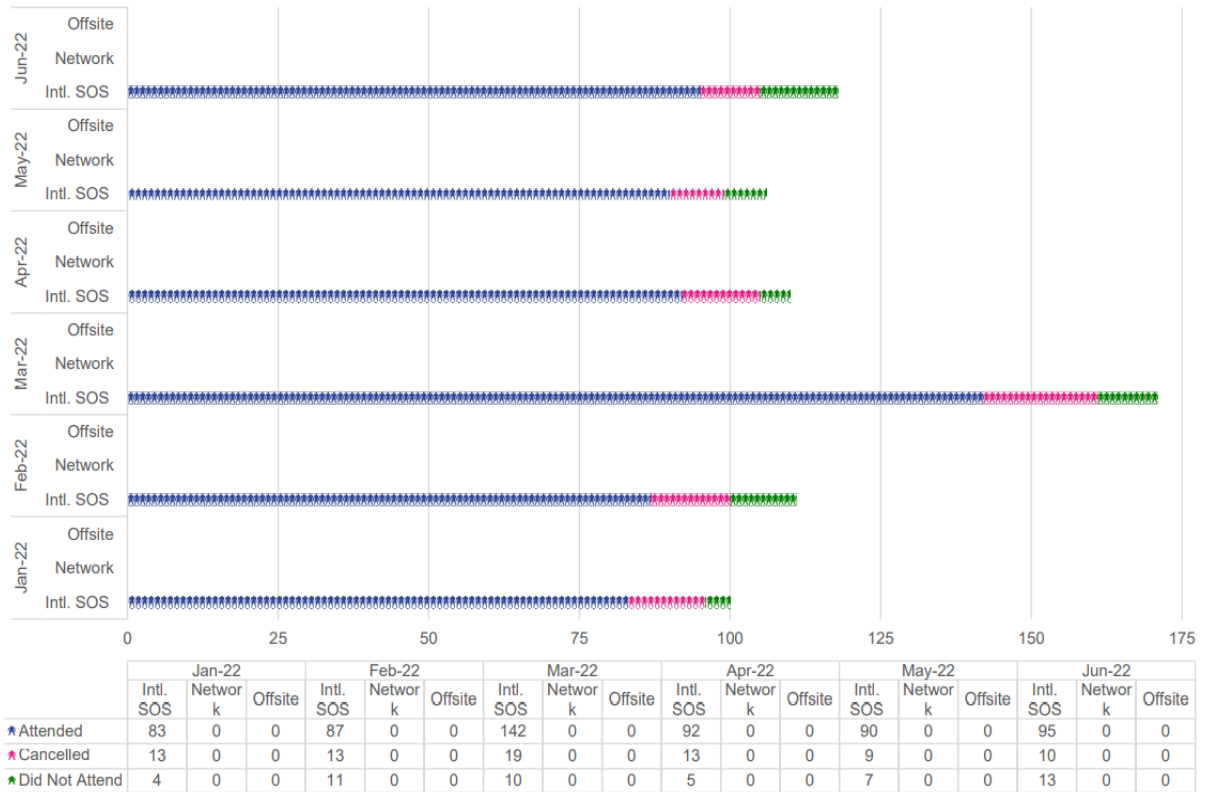
3.8 Occupational Health Service Utilisation – 6 monthly reporting period January 2022 to June 2022

3.8.1 As illustrated in the graphic below, the number of referrals to the Occupational Health service has remained steady throughout the first 6 months of the year, with the exception of March where there was a spike in referrals.



3.8.2 The graphic below shows the level of attendance at appointments. The reason given for the majority of the did not attend appointments was technical issues/failure of the employee to answer the phone. In some of these cases the employee reported that the call had not been received at the arranged time, and they were unable to answer the call when it was made. This is being addressed with the Occupational Health provider, to ensure that in future the employee is kept informed of any changes to the time they should expect the call and that the appointment is rescheduled should the new time not be suitable.

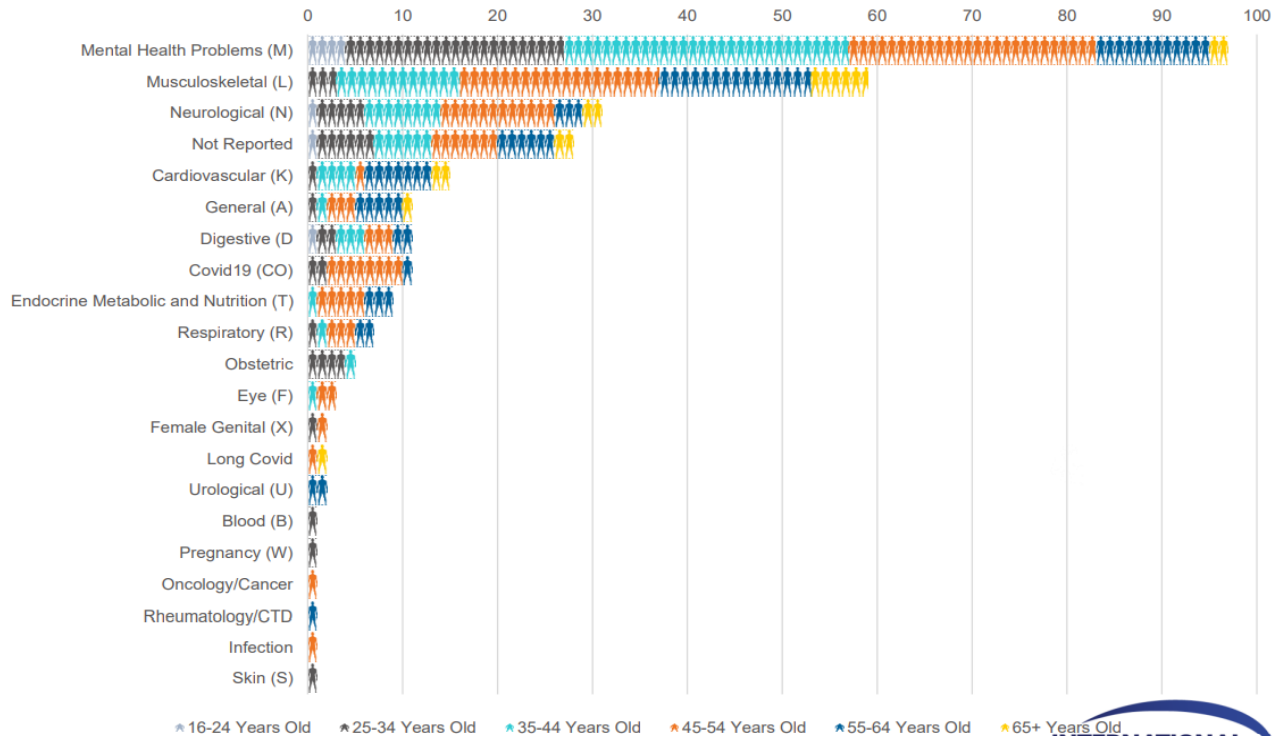
YTD Attendance



3.8.3 The graphic below shows the diagnosis resulting from management referrals over the 6 months period, broken down by diagnosis and age group. The highest number of referrals were related to mental health conditions with musculoskeletal being the second most prevalent condition leading to referrals. This is in line with the overall absence figures for the period

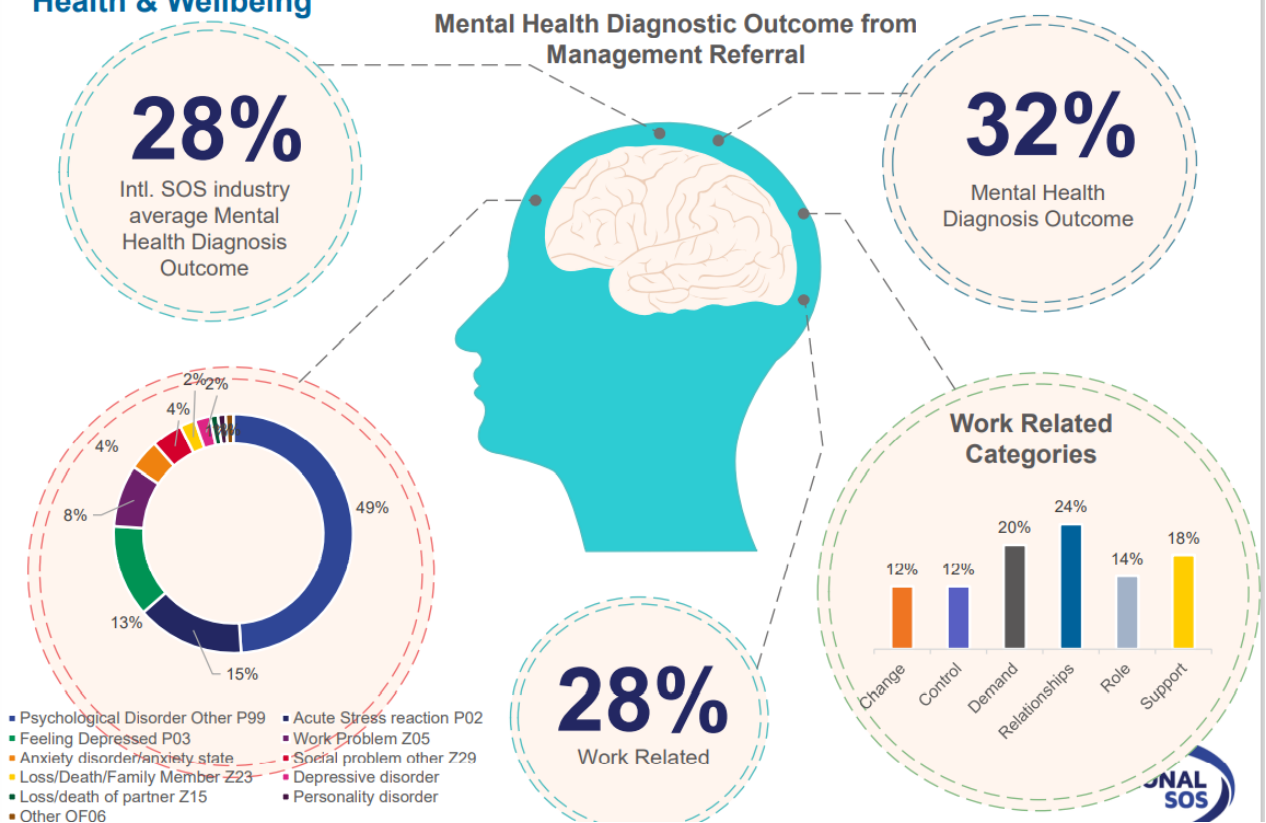
NB The total number of referrals in the graph below does not match the total number of appointments as detailed in paragraphs 3.8.1 and 3.8.2 above, as the total appointments include health surveillance checks.

Physical Diagnostic Outcome from Management Referral – per age group



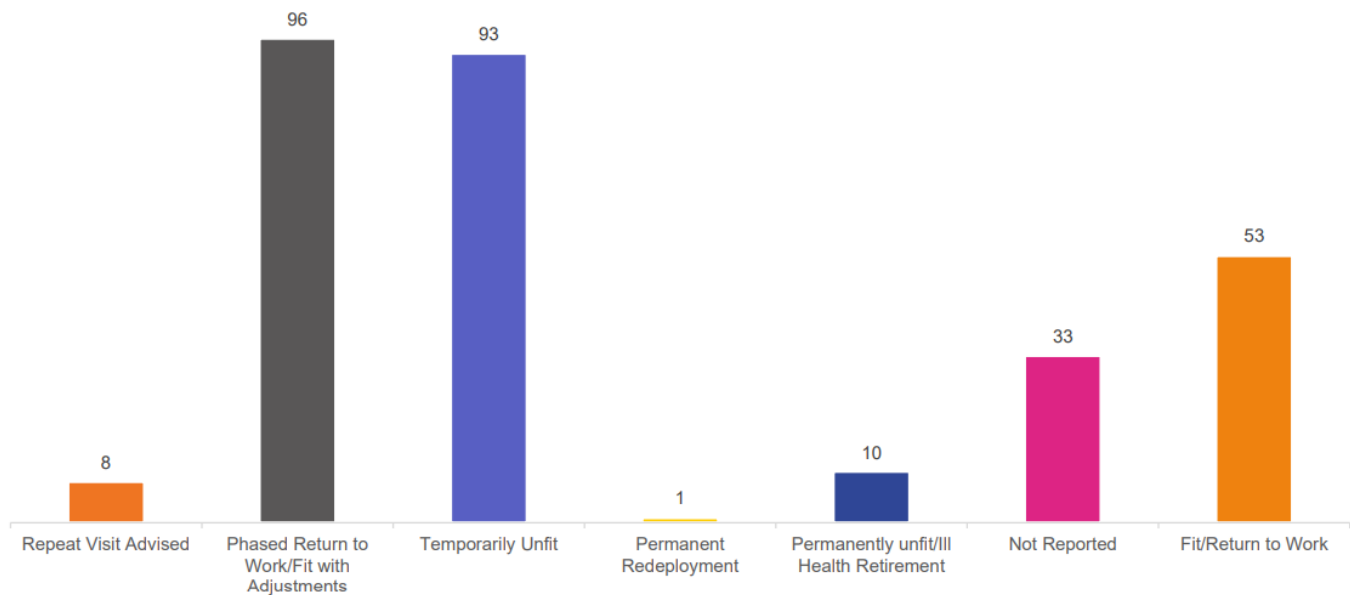
3.8.4 A further analysis of the mental health referrals gives the detail identified in the graphic below. As can be seen, 28% of the mental health referrals were attributed to work related issues, with the biggest category being due to relationships in the workplace (24%) closely followed by demand (20%) and support (18%). This data will inform the ongoing review and development of the mental health action plan and management support and development.

Health & Wellbeing



3.8.5 The graphic below shows the outcome of the management referrals over the 6 month reporting period. The not reported category reflects those employees who exercised their right not to have their medical information shared with the employer.

Management Referral Outcome



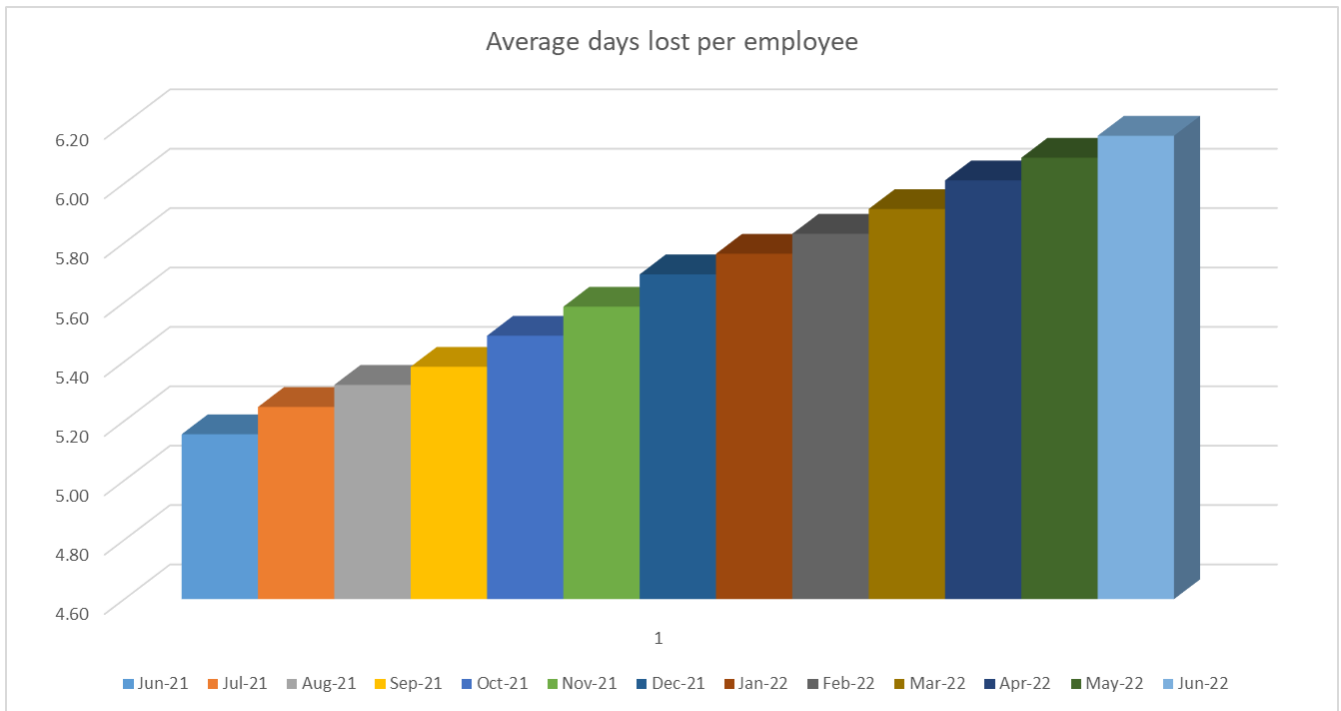
3.9 Sickness Absence

3.9.1 Absence levels

3.9.2 The table below shows the average number of days lost per employee over the past 12 months. This shows a steady increase in absence levels to the June level of 6.16 days in a rolling 12 month period.

The most recent ONS data available, which is the 2021 data released in April 2022, ([Sickness absence in the UK labour market - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peopleinwork/sicknessabsence/bulletins/sicknessabsenceintheuklabourmarket/2021)), identifies the average number of days lost per employee across the UK as 3.8 per annum, with the public sector figure being 5.4 days per annum.

Sickness Absence continues to be an area of focus and is reported on a regular basis to the Performance Board.



3.9.3 Absence Categories

3.9.4 The table below shows the main sickness absence categories over the last 6-month period.

3.9.5 Psychological and musculoskeletal absence remain the most common reasons for absence. The level of psychological absences rose in the middle of this reporting period, and it has remained the highest reason for absence throughout the reporting period. As previously reported to Committee, a significant number of resources continue to be made available to staff to support mental health and wellbeing and the impact of this support will continue to be monitored as we roll out the provisions of the Mental Health Action Plan, which was reviewed at Committee in February 2022.

[Employee Mental Health Action Plan Review and Annual Progress Update - RES/22/030](#)

3.9.6 Musculoskeletal absences remain the second highest category of absence. The ongoing Absence Improvement Plan includes ongoing support, training and preventative measures being put in place for musculoskeletal conditions, including promoting the physiotherapy provision included as part of the occupational health contract.

3.9.7 The increase in the number of absences categorised as “other” has been noted; further work has been undertaken with services around the accurate recording of absence categories in order to ensure that the best possible support can be provided to employees. This has resulted in a decrease in the number of absences being categorised as “other” from 17.49% of absences in January 2022 to 5.59% of absences in June 2022.

January 2022 – June 2022

SNAPSHOT_ MONTHYEAR	Jan 2022	Feb 2022	Mar 2022	Apr2022	May 2022	Jun 2022
SICKNESS_CATEGORY	MONTH_ DAYS	MONTH_ DAYS	MONTH_ DAYS	MONTH_ DAYS	MONTH_ DAYS	MONTH_ DAYS
Psychological	22.47%	22.65%	25.36%	24.52%	22.97%	23.19%
Musculoskeletal	19.33%	21.14%	19.36%	21.59%	19.41%	20.84%
Other	17.49%	13.65%	7.94%	7.05%	6.27%	5.59%
Respiratory	10.69%	10.63%	12.11%	9.24%	11.57%	9.84%
Hospitalisation	7.45%	7.17%	8.33%	10.09%	8.89%	9.37%
Gastro-intestinal	5.85%	7.45%	7.46%	6.48%	8.99%	8.40%
Neurological	5.63%	6.17%	5.69%	5.61%	6.17%	6.30%
Malignancy	3.26%	2.86%	2.56%	3.73%	3.32%	3.51%
Cardiovascular	1.36%	1.48%	1.72%	2.38%	2.16%	2.44%
Dermatological	1.30%	0.75%	0.94%	1.15%	0.69%	0.99%
Covid-19 Related	1.19%	1.18%	1.53%	1.64%	1.86%	1.44%
Gynaecological	1.18%	1.14%	1.82%	1.94%	2.10%	1.80%
Viral	1.10%	1.51%	2.34%	2.01%	2.20%	2.13%
Urological	0.53%	0.89%	1.32%	0.99%	0.99%	1.20%
Bacterial	0.45%	0.56%	0.69%	0.87%	1.19%	1.36%
Ophthalmic	0.42%	0.51%	0.52%	0.30%	0.76%	1.10%
Endocrine	0.03%	0.03%	0.06%	0.17%	0.23%	0.24%
Total	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

3.10 Reasonable Adjustment Passport (RAP).

3.10.1 Colleagues in the Trade Unions have been engaging closely with the services to explore how best to support employees who live with ongoing medical conditions.

In addition to marking the Unison sponsored [Year of the Disabled Worker](#) (2022), it is proposed that we engage with staff, managers and trade unions to implement reasonable adjustment passports, which are being promoted by the GMB, across the organisation along with a Council-wide campaign to help raise awareness of the vast variety of disabilities you may come across in the workplace. We will aim to upskill managers with the crucial knowledge they require to be able to positively support disabled colleagues.

3.10.2 The RAP is a record of the adjustments agreed between a worker who is disabled or who has a health condition and their manager. The passport acts as a live document about agreed changes in the workplace. The RAPs will ensure consistency across the organisation and save disabled workers having to continually explain their disability and the adjustments that have been put in place. This will provide employees with dignity in the workplace and prevent the distress of having to continually reexplain the nature of the disability that they have, as well as ensuring that, should the employee move into a new role, there is clarity around any adjustments that might be required.

- 3.8.3 The implementation of RAPs is being carried out with input from the Disability Working Group, to ensure its fit for purpose. A set of guidelines will be developed to support consistency of completion across the organisation and these will also ensure employees and managers are aware of all potential reasonable adjustments for consideration.
- 3.8.4 Research is currently being gathered to develop the passports in line with best practice and an example of these passports can be found at **Appendix I**.

4. FINANCIAL IMPLICATIONS

- 4.1 The direct financial costs associated with sickness absence relate to the payment of occupational sick pay and cover of essential services. The indirect costs relate to impact on service delivery.
- 4.2 There is also the potential for employment tribunal associated costs if an employee were to make an employment related claim against the Council.
- 4.3 The saving accruing from changing providers for the Employee Assistance Scheme will be incorporated into the next Council Financial Performance report.

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) equally, employees (civil claims) are more likely to succeed following as 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; 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.
- 5.3 The provision of an EAS is in line with guidance produced by the HSE as one of the measures to control that risk. One person in four in the UK will experience a mental health problem in their lives.
- 5.4 HSE potential prosecution (criminal) can attract fines, imprisonment and remedial orders. There is also the possibility of employee claims (civil). Provision of an EAS can be used as mitigation against potential claims from employees exposed to work related stress.

6. ENVIRONMENTAL IMPLICATIONS

6.1 None

7. RISK

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

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) <small>*taking into account controls/control actions</small>	*Does Target Risk Level Match Appetite Set?
Compliance	Compliance with legal requirements ensures the health and safety of employees. Poor management of the risks and lack of support has the potential to attract enforcement action (criminal and civil).	The provision of Assessment of risk via stress and Quality of Working Lives risk assessments with identification and implementation of safe working arrangements. Functions acting on utilisation, trend and root cause information to develop and implement controls to prevent a reoccurrence. Completion of Line Manager Competency Indicator Tool (HSE) by line managers acting on feedback. Provision of specialist support / advice.	M	Yes
Operational	Risk to service delivery if absence processes are not applied and	As above. Provision of information, instruction and training as	M	Yes

	<p>staff are not appropriately supported to return to work timeously.</p> <p>Risk to staff morale and wellbeing if they feel that they or their colleagues are not being provided with appropriate support, thus, impacting on workloads of colleagues.</p>	<p>identified in Job Profiles, skills and training matrices and in risk assessment. Open and clear two-way communication at all levels within the organisation. Non-judgmental and proactive support provided to employees who experience mental health problems. Good self-management of personal wellbeing and resilience.</p>		
Financial	<p>If no action is taken to support individuals and address trends, then the organisation will incur both direct and indirect costs.</p>	<p>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. Review and identification of EAS use and related absence to act on lessons learned. Corporate and individual awareness of mental health in the workplace. Active monitoring of workloads.</p>	M	Yes
Reputational	<p>Without ensuring suitable employee support there is a</p>	As above.	M	Yes

	risk of the organisation not being seen as an employer of choice and having recruitment and retention issues..			
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8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
	Impact of Report
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.
Council Delivery Plan	The Council Delivery Plan identifies areas of action to support the capacity of the organisation to deliver its purpose, including mental health and wellbeing of the workforce.
Workforce Plan	As set out in the Workforce Plan, the emphasis on developing internal capacity and the need for flexibility and efficiency in our reducing workforce, there is a need to focus on supporting employee health and wellbeing.

9. IMPACT ASSESSMENTS

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

10. BACKGROUND PAPERS

[Health Adjustment Passports – GOV.UK](#)
[Reasonable Adjustment Passports – TUC and GMB](#)

11. APPENDICES

Appendix I - Reasonable Adjustment Passport Template Example

12. REPORT AUTHOR CONTACT DETAILS

Name	Kirsten Foley
Title	Employee Relations and Wellbeing Manager
Email Address	kfoley@aberdeencity.gov.uk
Tel	01224 522913

Reasonable adjustments disability passports



SECTION 3

A model reasonable adjustments passport

The information provided in the reasonable adjustment passport is confidential to the worker and their line manager and HR. It should not be shared with anyone without the written consent of the worker.

A copy of the passport should be held by both the worker and their manager and, if appropriate, HR.

Name of worker:	
Worker/payroll number:	
Worker's signature:	Date:
Name of line manager:	
Managers signature:	Date:
Team/unit/department:	
Directorate:	

Reasonable adjustments details

My health condition or impairment interacts with barriers within and/or outside the workplace to create the following impact(s) on me at work:

This could include:

- › effect on co-ordination, dexterity, or mobility
- › effect on mental health
- › effect on hearing, speech or visual impairment
- › effect on my ability to interact socially with colleagues
- › effect of particular working environments (for example open-plan offices)
- › attending medical or counseling appointments*

An example of a response might be:

'If my role requires me to stand for long periods of time, then this will create a barrier for me due to my coordination/dexterity/mobility condition.'

The following reasonable adjustments have been agreed between me and my manager:

<p>Has any additional advice been given or requested? If so, from whom and what date was it requested/given: (Please attach any such information to the back of this document).</p>	
<p>Date of implementation:</p>	

My condition or impairment and work

Please complete this section if you have a fluctuating condition:

On a good day, I believe that my disability or condition interacts with barriers within or outside the workplace to have the following impact on me at work:

When things are not so good, I believe that my disability or condition interacts with barriers within or outside the workplace to have the following impact on me at work:

Therefore, I might need the following further reasonable adjustments:

Emergency contacts

Below is a section for **optional** emergency contact details.

You are under no obligation to provide these details but can choose to fill out contact details for **one, none or all** of the suggested boxes or provide contact details for groups not suggested here.

If I'm not well or there are any urgent concerns about my wellbeing, I'm willing for my manager/management to contact any of the following emergency contacts in the order of preference indicated below.

(Please add, amend or delete contact types as appropriate or when there are any changes.)

Relative, partner or family member (preference number:.....)	
Name:	
Relationship to you:	
Telephone numbers	
Home:	Mobile:
Friend (preference number:.....)	
Name:	
Telephone numbers	
Home:	Mobile:

Specialist/care co-ordinator/support worker/general practitioner/nurse (preference number:.....)	
Name:	
Relationship to you:	
Telephone numbers	
Home:	Mobile:
Other (please specify) (preference number:.....)	
Name:	
Relationship to you:	
Telephone numbers	
Home:	Mobile:

Review

The passport and agreed reasonable adjustments should be reviewed six months after the worker's adjustments have been put in place to ensure they are removing any identified workplace barriers. Where they have not been put in place or have not proved to be useful to the worker, this meeting would ensure adjustments can be actioned or new adjustments could be agreed.

Further reviews will be at the worker's request, or if there is any change to a worker's job, which might create additional barriers, to ensure the adjustments are still appropriate and effective in eliminating workplace barriers.

The worker has the right to be accompanied by their union rep at these review meetings.

I believe there have been the following changes in my condition/impairment (and/or changes to my situation which impact on my condition/impairment) and require the following changes to be made to the current agreed adjustments:

Review date	Line manager's signature	Worker's signature

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