

REVIEW OF HUMAN RESOURCES POLICIES

EXECUTIVE MEMBER: Gillian Troughton
LEAD OFFICER: Darienne Law, Head of Corporate Resources
REPORT AUTHOR: Zoe Pluckrose, Head of People Management

Summary and Recommendation: This report reports to members the successful outcome of negotiations on a revised version of the Council's Smoke Free Policy, Adverse Weather Conditions Guidance and Social Networking Guidance.

RECOMMENDATION That

- a) the amendments to the Smokefree Policy be recommended to the Executive for approval; and
- b) the introduction of the Guidance notes (Adverse Weather and Social Networking) be noted and approved for implementation.

1. INTRODUCTION

1.1 The following Policy and Managers Guidance Documents are in response to developments in technology and the recent weather conditions that have been experienced in the local area.

1.2 The documents were taken to the Corporate Leadership Team meeting on the 14th August 13 and to the Single Table Trades Union Group on the 22nd August 13 for comments from the Unions by Friday 4th October 13.

2. Smokefree Policy

2.1 The Council has had a Smokefree Policy since July 07. This amendment to the Policy addresses the developments in E-Cigarettes and their use in the workplace. The Policy stipulates that 'Copeland Borough Council prohibit the use of e-cigarettes in the workplace. If anyone is found using e-cigarettes, this will result in disciplinary action.'

3. Adverse Weather Guidance

3.1 There have been occasions recently when employees have experienced difficulty travelling to work due to bad weather conditions. This guidance gives advice to managers and employees on a corporate approach to any situations which may arise in the future.

4. Social Networking Guidance

4.1 There has been an increase in the use of Social Media with Facebook and Twitter etc as a method of keeping in touch with friends and acquaintances. This management guidance outlines the responsibilities of employees when using the internet to access these sites.

5. CONCLUSION

5.1 Members are asked to

- A) recommend the Smokefree Policy to the Executive, and
- B) approve the introduction of the Managers Guidance for Adverse Weather Conditions and Social Networking.

6. STATUTORY OFFICER COMMENTS

6.1 **The Monitoring Officers comments are:** These policies require approval by Personnel Panel and subsequently Executive where necessary.

6.2 **The Section 151 Officers Comments are:** The proposed changes are necessary to update our HR policies

6.3 **EIA Comments:** The Council seeks to promote equality of opportunity for employees including through the use of appropriate policies and procedures.

6.4 **Policy Framework Comment:** HR policies and procedures are integral part of the Council's corporate policy framework.

List of Appendices: **Appendix 1 – Smokefree Policy**
 Appendix 2 – Adverse Weather Guidance
 Appendix 3 – Social Networking Guidance



PURPOSE

This policy has been developed to protect all employees, service users, customers and visitors from exposure to secondhand smoke and to assist compliance with the Health Act 2006.

Exposure to secondhand smoke increases the risk of lung cancer, heart disease and other serious illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

POLICY

It is the policy of Copeland Borough Council that all our workplaces are smokefree and all employees have a right to work in a smokefree environment. The policy shall come into effect on Sunday 1 July 2007. Smoking is prohibited in all enclosed and substantially enclosed premises in the workplace. This includes company vehicles and vehicles driven by employees to convey colleagues for work-related purposes. This policy applies to all employees, consultants, contractors, customers, Members and visitors.

IMPLEMENTATION

Overall responsibility for policy implementation and review rests with the Chief Executive. However, all staff are obliged to adhere to, and support the implementation of the policy. The person named above shall ensure that all existing employees, consultants and contractors are informed about the policy and their role in the implementation and monitoring of the policy. They will also ensure that all new employees are given a copy of the policy on recruitment/induction.

Smoking will only be permitted in specially designated places. At the Copeland Centre the smoking area is in the grounds to south of the building, equipped with benches or the cycle/smoking shelter; at Moresby Parks in the smoking shelter in the car park. In all other places, including outside around entrances, it is banned.

Appropriate 'no-smoking' signs will be clearly displayed at the entrances to and within the premises, and in all Council vehicles.

NON-COMPLIANCE

Managers are responsible for informing the employees, contractors and representatives of partner organisations that they come into contact with about the Council's smoking policy. Managers are also responsible for taking appropriate action if the policy is breached.

Local disciplinary procedures will be followed if a member of staff does not comply with this policy. Those who do not comply with the smokefree law may also be liable to a fixed penalty fine and possible criminal prosecution.

HELP TO STOP SMOKING

The NHS offers a range of free services to help smokers give up. Visit gosmokefree.co.uk or call the NHS Smoking Helpline on 0800 169 0 169 for details. Alternatively you can text 'GIVE UP' and your full postcode to 88088 to find your local NHS Stop Smoking Service.

E-CIGARETTES IN THE WORKPLACE

Electronic cigarettes ("e-cigarettes") are battery-powered products that release a visible vapor that contains liquid nicotine that is inhaled by the user.

Copeland Borough Council prohibits the use of e-cigarettes in the workplace. If anyone is found using e-cigarettes, this will result in disciplinary action.

We have taken the decision to exclude e-cigarettes because some models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to police, and creating an impression for visitors, customers or other employees that it is acceptable to smoke.

The British Medical Association (BMA) has published a briefing on e-cigarettes (available on the BMA website). It states that the BMA believes that existing smoke-free legislation should be extended to e-cigarettes. While admitting that electronic cigarettes may help some smokers to give up, the BMA points to the lack of evidence on the health risks that they pose to the individual using them and those in close proximity.

Policy updated 15 February 2013 (hr/tej)



Adverse Weather Guidelines

INTRODUCTION:

Copeland Borough Council recognises that adverse weather conditions can prevent employees from reaching their normal place of employment.

All employees are expected to make every reasonable effort to attend for work, but without compromising their health and safety.

The purpose of these guidelines are to provide guidance and outline the responsibilities for employees and managers for attendance at work in the event of adverse weather conditions and/or major disruptions to public transport or air/sea travel.

SCOPE:

The guidelines are applicable to all employees directly employed by the Council. It does not apply to contractors, elected members, agency employees or volunteers, except where the recommendations cover issues relating to health and safety.

The policy provisions will be deemed to apply when there are severe weather conditions or disruptions to public transport or air or sea travel that prevent an employee from attending work.

AIMS:

In applying the guidelines, the Council recognises the need to safely maintain services during adverse weather conditions, whilst properly discharging its duty of care to employees.

The manager's decision will seek to take account of any advice issued or sought from the police; weather centre; public transport and monitoring organisations in relation to prevailing weather conditions and the advisability of travel.

PRINCIPLES:

It is appreciated that there may be operational and service delivery considerations in working during periods of adverse weather. Managers are expected to ensure that employees are treated in an equitable and consistent manner and that the safety of employees is not compromised in any way.

Managers also need to consider individual requests from people with a disability and/or caring responsibilities that may prevent additional barriers to attendance at work in bad weather conditions or disruptions to public transport, etc.

RESPONSIBILITIES:

During bad weather conditions managers should ensure that employees do not take unnecessary risks to get to work, and should encourage remote working wherever operationally possible.

Employees should make every effort to attend work in all circumstances. However, they should not put themselves at unnecessary risk when trying to do so.

Employees who are unable to attend for work as expected should notify their line manager as soon as possible.

Absence From Work

If any employee has made all reasonable efforts to attend work but has failed to do so because of severe weather conditions or disruptions to public transport, the line manager should make a decision as to whether the employee should:

- Take the time as annual leave or flexi leave, or
- Make up the lost time at a later date, or
- Take unpaid leave, or
- Work from home or remotely.

Severe conditions or disruptions occurring during the course of the working day

Any general decision to allow staff to leave work early will be made by the Chief Executive.

Outside any decision made by the Chief Executive, managers have discretion, in consultation with their Head of Service, to decide on a case-by-case basis whether it is appropriate for individual employees to leave work early. In taking the decision, they should take appropriate account of the employee's circumstances (e.g. distance to travel, mode of transport), issues of health and safety and business need.

Closure of normal place of work

In extreme circumstances, the Chief Executive may decide to close a Council office or other place of work at the beginning or during the working day.

Staff who are able to work remotely (from home or another Council building) will be expected to do so during the closure.

Employees whose normal place of work is closed may be required to attend an alternative Council workplace to carry out some or all of their duties.

EMPLOYEES STRANDED ABROAD AFTER A HOLIDAY:

Employees stranded overseas due to air or sea travel disruptions, who cannot return to work on the expected date, should make every effort to notify their manager at the earliest opportunity. They should also make every reasonable effort to return to the UK at the earliest opportunity.

The normal arrangements for dealing with an additional period of absence in such circumstances will be for the employee to:

- Take the time as annual or flexi leave, or
- Make up the lost time at a later date, or
- Take unpaid leave.

The precise arrangements will be decided by the line manager after consultation with the employee and taking into account their personal circumstances. It may be possible to offer a combination of options.

ARRIVING LATE:

Where the line manager is satisfied that an employee has genuinely been prevented from attending work by his/her normal starting time, as a result of adverse weather, any lateness will not be penalised in terms of sanctions under any of the Council's policies. Any loss of time should be managed by giving consideration to use of the appropriate options detailed above.

ABSENCE DUE TO CHILDCARE COMMITMENTS BECAUSE OF SCHOOL CLOSURES:

As a result of school closures, some employees may need to take time off to care for their dependent children. The Council want to support staff with nursery and school age children in the event of weather related school closures. In these circumstances, a combination of paid and unpaid leave, building on the existing carer's leave provisions may be more appropriate than homeworking. It should not be forgotten that the statutory right to take time off to deal with unforeseen events regarding dependents does not provide the right to take extended leave, but only the right to take off what time is reasonable to allow the employee to deal with the unforeseen event. Similar principles should be followed in relation to other dependents, and older or disabled relatives. We need to strike a balance between the need to maintain services and the pressure that fall on employees who have childcare and other caring responsibilities.

EMPLOYEES WHO ABUSE THE SYSTEM:

If there is a reason to suspect that an employee is abusing our flexible approach to lateness or absence, we will investigate the employee's reasons for their absence to find out the true extent of the transport disruption and the impact on others who travelled from the same area. If abuse is established, we will treat this absence or lateness in the same way as other unauthorised absence.

FAIRNESS AND CONSISTENCY IN EXERCISE OF POLICIES:

Manager's should implement the policy fairly and consistently, while taking into account the particular needs and circumstances of individual staff members.

REVIEW AND DATE:

These guidelines will be reviewed in August 2014.

Document Control:

Title:

Adverse weather guidelines

Applicable To:

All Staff

Date Last Reviewed:

August 2013

Procedure Owner:

Human Resources

This guidance regarding social networking websites is intended to supplement the Council's existing MIS policy on email and internet use (Social Media Acceptable Use Policy November 2010).

INTRODUCTION:

The widespread availability and use of social networking applications bring opportunities to understand engage and communicate with our audiences in new ways. It is important that we are able to use these technologies and services effectively and flexibly. However, it is also important to ensure that we balance this with our duties to our service users and partners, our legal responsibilities and our reputation as a Local Authority.

The requirements in this document aim to provide this balance to support innovation whilst proving a framework of good practice.

GENERAL:

As employees are aware, the internet is provided, primarily, for business use. The Council recognises that many employees use the internet for personal purposes and that many employees participate in social networking on websites such as Facebook, Twitter, You Tube, MySpace, and Bebo.

The purpose of this document is to outline the responsibilities of employees using the internet to access social networking websites.

PERSONAL CONDUCT:

The Council respects an employee's right to a private life. However we must also ensure that confidentiality and its reputation are protected. It therefore requires employees using social networking sites to:

- Refrain from identifying themselves as working for the Council;
- Ensure that they do not conduct themselves in a way that is detrimental to the Council; and
- Take care not to allow their interaction on these websites to damage working relationships between members of staff or service users of the Council.

MONITORING OF INTERNET ACCESS AT WORK:

The Council reserves the right to monitor employees' internet usage, but will endeavour to inform an affected employee when this is to happen and the reasons for it. The Council considers that valid reasons for checking an employee's internet usage include suspicions that the employee has:

- Been spending an excessive amount of time viewing websites that are not work-related; or
- Acted in a way that damages the reputation of the Council and/or breaches confidentiality.

DISCIPLINARY ACTION:

Any communications or content published by employees that causes damage to the Council, any of its employees or any third party's reputation may amount to misconduct or gross misconduct. If appropriate, disciplinary action will be taken in line with the Council's Disciplinary Policy.

SECURITY AND IDENTITY THEFT:

Employees should be aware that social networking websites are a public forum, particularly if the employee is part of a 'network'. Employees should not assume that their entries on any website will remain private. Employees should never send abusive or defamatory messages.

Employees must also be security conscious and should take steps to protect themselves from identify theft, for example by restricting the amount of personal information that they give out. Social networking websites allow people to post detailed personal information such as date of birth, place of birth and favourite football team, which can form the basis of security questions and passwords. In addition, employees should:

- Ensure that no information is made available that could provide a person with unauthorised access to the Council and/or any confidential information; and
- Refrain from recording any confidential information regarding the Council on any social networking website.

LEGAL INFORMATION TO BE AWARE OF:

What you write in emails or on the intranet could seriously damage your own or another person's reputation, you could lose your job and you and the Council could be sued, fined or even imprisoned. ***Stop and think before you click.***

Anything written in an email has the potential for public exposure (for example, if the email is forwarded to others). ***Stop and think before you click.***

Posting on the internet is essentially making a public statement (for example, when commenting on social media sites, blogs or other electronic forums). ***Stop and think before you click.***

Failing to take care about what you write can have serious personal, disciplinary and/or financial implications. ***Stop and think before you click.***

Even if you are emailing or using other forms of online communication in your own time, if you refer to people at work or work related matters, you and the Council could get into trouble. ***Stop and think before you click.***

Emails and internet postings can be used against you or the Council in legal proceedings, disciplinary meetings or other regulatory investigations. ***Stop and think before you click.***

Don't be hurtful or spread rumors:

- Never send emails or post content online that could be thought of as obscene, racist, sexist, bullying or hurtful;
- Never lie, exaggerate or make a false or inaccurate statement about another organisation or person. You could be sued even if an e-mail was only sent to one person;
- Forwarding an email can be just as serious as writing the original – you could be sued even if the original was sent or forwarded to only one person.

Do not send or view offensive or unknown material:

- Monitor what arrives in your inbox, especially if you do not recognize the sender or the title of the email seems odd;
- If there is a risk that an email may contain a virus, do not open it and inform the IT Department immediately;
- You could be disciplined or even dismissed for forwarding inappropriate emails or accessing inappropriate websites at work. In severe cases, it could also be a criminal offence. ***Stop and think before you click.***

Avoid Unproductive Usage:

- Copeland Borough Council allows light personal internet and email usage as long as it does not interfere with your work duties. However, excessive, unproductive usage is not permitted and may be treated as gross misconduct. ***Stop and think before you click.***

- Emails can often be a waste of time. Think carefully before copying someone in on an email, especially if there is a long chain of emails attached. ***Stop and think before you click.***

REVIEW AND DATE:

This guidance will be reviewed in November 2013

Document Control:

Title:

Social Networking Guidance

Applicable To:

All Staff

Date Last Reviewed:

August 2013

Procedure Owner:

Human Resources