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# General Purposes Committee

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TUESDAY, 10TH MARCH, 2009 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, LONDON N22 8LE.

MEMBERS: Councillors Griffith (Chair), Rahman Khan (Vice-Chair), Aitken, Bloch, Diakides, Whyte and Vanier

## AGENDA

### 1. APOLOGIES FOR ABSENCE (IF ANY)

### 2. URGENT BUSINESS

The Chair will consider the admission of any of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be dealt with at items 11 and 14 below).

### 3. DECLARATIONS OF INTEREST

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

**4. DEPUTATIONS/PETITIONS**

To consider any requests received in accordance with Part 4, Section B, paragraph 29 of the Council's constitution.

**5. MINUTES (PAGES 1 - 6)**

To confirm the unrestricted minutes of the meeting of the General Purposes Committee held on 29 September 2008.

**6. CAPABILITY, GRIEVANCE AND HARASSMENT & BULLYING PROCEDURES (PAGES 7 - 40)**

Report of the Assistant Chief Executive – People and Organisational Development. – To seek the Committee's approval to the revised Capability, Grievance and Bullying & Harassment Procedures

**7. PENSIONS POLICY STATEMENT - USE OF DISCRETIONS IN THE SCHEME. (PAGES 41 - 54)**

Report of the Assistant Chief Executive – People and Organisational Development. – To review the Council's Pensions Policy Statement on the use of its discretionary powers

**8. UPDATE ON EQUAL PAY (PAGES 55 - 60)**

Report of the Assistant Chief Executive – People and Organisational Development – To note progress on implementation of the Equal Pay/Single Status package agreed with the Unions in September 2008

**9. AN EVALUATION OF CONTROLLED STREET DRINKING AREAS WITHIN THE LONDON BOROUGH OF HARINGEY (PAGES 61 - 90)**

Report of the Director of Urban Environment – To advise the Committee of all current street drinking control zones within the London Borough of Haringey, and to seek instruction with regard to future proposals for designated street drinking control zones.

**10. RESTRUCTURING ENVIRONMENTAL CRIME - URBAN ENVIRONMENT. (PAGES 91 - 100)**

Report of the Director of Urban Environment – To advise the Committee of an outline proposal for the restructuring of the Environmental Crime service, in the Urban Environment Directorate, to create a new Street Enforcement Service.

**11. NEW ITEMS OF UNRESTRICTED URGENT BUSINESS**

To consider any items admitted at item 2 above

**12. EXCLUSION OF THE PUBLIC AND PRESS**

Items 13 & 14 are likely to be the subject of a motion to exclude the press and public from the meeting as they contain exempt information as defined in Section 100a of the Local Government 1972; namely information likely to reveal the identity of an individual, and information relating to any individual.

**13. MINUTES (PAGES 101 - 102)**

To confirm the exempt minutes of the Special meeting of the General Purposes Committee held on 4 November 2008.

**14. NEW ITEMS OF EXEMPT URGENT BUSINESS**

To consider any items admitted at item 2 above

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2 March 2009

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**MINUTES OF THE GENERAL PURPOSES COMMITTEE  
MONDAY, 29 SEPTEMBER 2008**

Councillors Griffith (Chair), Khan (Vice-Chair), Aitken, Bloch, Diakides and Whyte

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>
<b>GPCO15.</b>	<p><b>APOLOGIES FOR ABSENCE (IF ANY)</b></p> <p>There were no apologies for absence.</p>
<b>GPCO16.</b>	<p><b>URGENT BUSINESS</b></p> <p>Members agreed to the admittance of the report of item 7, Annual Governance Report being admitted as a late item. The item was urgent as the date of the meeting was the latest possible date for the Committee to sign off the Annual Governance Report.</p>
<b>GPCO17.</b>	<p><b>DECLARATIONS OF INTEREST</b></p> <p>Cllr Khan declared a personal interest in respect of item 7, Annual Governance Report, by nature of being a Member of the Pensions Committee.</p>
<b>GPCO18.</b>	<p><b>DEPUTATIONS/PETITIONS</b></p> <p>With the consent of the Chair, the committee received an informal deputation from the Trade Unions, which was considered as part of the following item, Sickness Trigger Levels.</p>
<b>GPCO19.</b>	<p><b>SICKNESS TRIGGER LEVELS</b></p> <p>The Chair agreed to vary the order of business to allow for the taking of this item together with an informal deputation.</p> <p>The committee received this report to approve a revision of the Council's trigger levels for when managers formally needed to review an employee's sickness absence.</p> <p>The Trade Unions stated they were unhappy with the proposal as it currently stood, citing both equalities implications and a perceived lack of evidence of likely impact on the Council's overall sick rate.</p> <p>Officers informed Members that the proposed measures were not intended to be punitive, but were designed to encourage a dialogue between <a href="#">the manager</a> and employees on the issue of sickness. It was re-iterated that the measures contained no disciplinary element; they merely amended the milestones for Managers to have conversations with the staff over the issue of sickness levels.</p> <p>The impetus for the change stemmed partly from the fact that <a href="#">currently there were 3 different trigger levels which some managers found confusing</a>. As a result appropriate action to discuss sickness was not taking place. Officers had</p>

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	<p>consulted with the Unions and planned to issue guidance to Managers on the new measures, with emphasis on their supportive nature.</p> <p>Members noted that the five days per year measures, as proposed in the report, would make the authority one of the tightest in London by the Council's own benchmarking, and, whilst supporting the thrust of the measures, agreed to vary the number of trigger days to six. It was stated that this would strike a balance allowing the management of sickness absence in a supportive environment, without seeming to be excessively punitive.</p> <p><b>RESOLVED:</b></p> <p>That amendment of the Council's trigger level for formally monitoring an employee's sickness levels to at least 6 days absence in a rolling 12 month period, or earlier if there is cause for concern, with the arrangement being pro rata for part time staff.</p>
<p><b>GPCO20.</b></p>	<p><b>MINUTES</b></p> <p><b>RESOLVED:</b></p> <p>That the minutes of the meeting held on 26<sup>th</sup> June 2008 be confirmed and signed.</p>
<p><b>GPCO21.</b></p>	<p><b>MINUTES OF GENERAL PURPOSES SUB-BODIES</b></p> <p><b>RESOLVED:</b></p> <p>That the minutes of the Council &amp; Employee Joint Consultative Committee meeting held on 21<sup>st</sup> July 2008 be noted.</p>
<p><b>GPCO22.</b></p>	<p><b>ANNUAL GOVERNANCE REPORT</b></p> <p>The committee was presented with the statutory Annual Governance Report of Grant Thornton, which reported on the annual audit of the Council's statutory accounts, value for money and other relevant information. Representatives from the Auditors presented their findings to the committee, stating that they expected an unqualified opinion on the accounts to be given.</p> <p>With regards to the issue of the Alexandra Palace Trust, the Auditors stated that the controls the Council had instigated over the Trust were of a sufficiently temporary nature not to adversely affect the Council's long-term financial position. The Auditors were satisfied that sufficient test of control had been applied, and that action was being undertaken to address past weaknesses. They also stated that they would be formally writing to the Council on this issue in due course. Nonetheless, some Members of the committee stated their unhappiness with regards the stated position towards Alexandra Palace.</p> <p>Members sought clarification on matters relating to the Local Area Agreement Grant, and were informed that although specific arrangement had yet to be put in place with regard to it, Officers were confident that it would ultimately be overseen by a robust management arrangement.</p>

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	<p>Members noted that the Bernie Grant Centre Partnership accounts, although not strictly a part of the Council, were due to be made available in due course.</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That the recommendations of the report be agreed.</li> <li>2. That Councillors Aitken, Bloch and Whyte note their unhappiness about the information within the report relating to Alexandra Palace.</li> </ol>
<p><b>GPCO23.</b></p>	<p><b>THE 2007/08 EMPLOYMENT PROFILE</b></p> <p>The committee received this report to advise them on the key workforce statistics for the financial year 1 April 2007 to 31 March 2008.</p> <p>Members enquired as to the <a href="#">process that led to the successful redeployment of 19 people in the profile period</a>. Officers informed them that those who were <a href="#">in a redeployment situation</a> were skills-matched <a href="#">against appropriate vacant positions across the council and redeployees could also self select opportunities</a>. In either <a href="#">scenario</a> they had the first opportunity to apply, <a href="#">before external applicants</a>, when appropriate vacancies arose in the Council.</p> <p>Officers stated that although they were pleased with the general ethnic make-up of the Council, work was on-going to encourage minority applicants to senior positions <a href="#">through a variety of development schemes</a>.</p> <p>The Director of Urban Environment informed the committee that the above-average rate of sickness in his directorate was partly as a result of the outdoor nature of much of the work undertaken. Proactive support to staff was being provided, and Officers were beginning to see the benefits of this in terms of decreasing sickness levels.</p> <p>Officers stated that they were pleased in the reduction of agency staff employed by the Council, but were aware of the lack of accurate information surrounding agency figures for school support staff.</p> <p><b>RESOLVED:</b></p> <p>That the report be noted.</p>
<p><b>GPCO24.</b></p>	<p><b>COMMISSION FOR LOCAL ADMINISTRATION INVESTIGATION REPORT INTO COMPLAINT NO 06/A/12508</b></p> <p>The committee received this report to consider the investigation of the Local Government Ombudsman and to determine action to be taken in the light of the finding of maladministration and the Ombudsman's recommendations.</p> <p>Members noted that the allegations referred to in the case dated from 2005, and were assured by Officers that processes and systems relating to Homelessness had been significantly improved. It was also noted that there were a number of mitigating factors in the case under consideration.</p>

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	<p>Officers informed Members that Homeless people were not now placed in Temporary Accommodation until a decision had been made, with noticeable improvements taking place in the processing of Homelessness Applications in the previous six months.</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That recommendation 4.3 of the report be amended to read: <p style="margin-left: 40px;"><i>That the guidance to officer on the issues raised by the complaint be reviewed in the light of the 2006 Homelessness Code of Guidance, and that clear-cut good practice guidance be in place at all times.</i></p> </li> <li>2. That the recommendations of the report be agreed, subject to the above amendment.</li> </ol>
<p><b>GPCO25.</b></p>	<p><b>PEOPLE STRATEGY FOR HARINGEY COUNCIL 2008-2018</b></p> <p>The committee received a report seeking approval of the People Strategy 2008-16 and Action Plan. The committee noted that the People Strategy set out a vision for the development of the workforce and organisation, building on activities undertaken in the preceding five years.</p> <p>Members were informed that effective staff consultation had been achieved through the use of focus groups taken from a cross-section of the Council's workforce, as well as the utilisation of information from the Staff Survey.</p> <p>Members were informed that funding for the Strategy was provided through existing budgets, with the Chief Executive's Management Board to look at any monetary gaps which emerged.</p> <p>In response to a Member question about recruitment practices for top jobs, officers informed the committee that specialist recruitment agencies were used where justified and that psychometric tests were used very restrictive.</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That the report make clear in section 7.1 Introduction, that 70% of residents <u>who responded</u> stated that the Council was "doing a good job".</li> <li>2. That mention be made in the Strategy of "accountability".</li> <li>3. That, subject to the above, GP approval to the Strategy be given.</li> </ol>
<p><b>GPCO26.</b></p>	<p><b>EQUAL PAY REVIEW AGREEMENT</b></p> <p>The committee received a report outlining the package of conditions agreed with the unions for the implementation of 'Single Status' in the Council in accordance</p>



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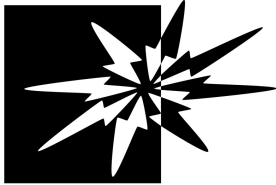
	<p>with the NJC for Local Authorities Staff 2004 National Pay Settlement.</p> <p>The committee noted that the collective bargaining agreement had been agreed at the meeting of the Council &amp; Employee Joint Consultative Committee which had taken place on 11<sup>th</sup> September 2008.</p> <p>It was noted that, being a separate entity, Homes for Haringey was not directly effected by the new agreement, although the Head of Human Resources had been working closely with the ALMO, and discussions for a similar package were currently in their latter stages.</p> <p>Members noted that the package broadly followed the trends negotiated by equivalent London boroughs, with the Council having also devised its own scale level for lower paid workers. Officers believed this would be a source of good practice for other boroughs.</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That the committee formally convey their thanks to the Head of Human Resources and his team for their hard work on this issue.</li> <li>2. That the terms of employment outlined in the report be implemented.</li> </ol>
GPCO27.	<p><b>RECRUITMENT PANEL FOR ASSISTANT DIRECTOR, STRATEGY AND BUSINESS IMPROVEMENT, URBAN ENVIRONMENT DIRECTORATE</b></p> <p>The committee received a report to establish a recruitment panel for the post of Assistant Director, Strategy and Business Improvement in the Urban Environment Directorate. It was noted that this was the final Assistant Director post within the directorate to be recruitment, and that it would complete the senior management structure for Urban Environment.</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That a panel of three Members be appointed for recruitment to the post of AD – Strategy and Business Improvement, Urban Environment Directorate be appointed in the manner set out in the recommendations to the report.</li> <li>2. That Officers ensure they work with party Whips when setting the date and Membership of this and future panels.</li> </ol>
GPCO28.	<p><b>NEW ITEMS OF URGENT BUSINESS</b></p> <p>There were no such items.</p>
GPCO29.	<p><b>EXCLUSION OF PRESS AND PUBLIC</b></p> <p>The following item was subject to a motion to exclude the press and public from the meeting as it contained information classified as exempt under the Local</p>

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	Government Act 1985 in that it contained information relating to a particular employee.
<b>GPCO30.</b>	<b>MINUTES OF MEMBER-LEVEL APPEALS</b>  <b>RESOLVED:</b>  1. That alternative standard wordings for appeal panel minutes be investigated.  2. That the minutes of the following appeal panels be noted: <ul style="list-style-type: none"><li>- 27 May 2008</li><li>- 7 August 2008</li><li>- 12 September 2008</li></ul>
<b>GPCO31.</b>	<b>NEW ITEMS OF EXEMPT URGENT BUSINESS</b>  There were no such items.

Councillor EDDIE GRIFFITH

Chair



**Haringey** Council

**[No.]**

Agenda item:

**General Purposes Committee**

**On 10 March 2009**

Report Title. **Capability, Grievance, Bullying & Harassment Procedures Review**

Report of **Stuart Young, Assistant Chief Executive (People & OD)**

Date 26/2/09

Contact Officer : **Steve Davies, Head of Human Resources, 020 8489 3172**

Wards(s) affected: **ALL**

Report for: **Key decision**

**1. Purpose of the report**

1.1. To approve the revised Capability, Grievance and Bullying & Harassment Procedures.

**2. Introduction by Cabinet Member – Cllr Charles Adje**

2.1. Following the review of the Capability, Grievance, Bullying and Harassment policies this report recommends agreement to new procedures and as such Members are asked to agree the recommendations contained within the report

**3. State link(s) with Council Plan Priorities and actions and /or other Strategies:**

3.1. Links with People Strategy – Ways of Working theme to get the best out of our people and support continued and sustained improvement in performance.

**4. Recommendations**

4.1. To agree the attached revised Capability, Grievance, and Bullying & Harassment procedures (appendix A, B and C) with an implementation date of 6 April 2009 to tie in with removal of the statutory grievance and disciplinary processes.

**5. Reason for recommendation(s)**

5.1. A review of a number of the Council's formal employment procedures concluded that the grievance and capability procedures needed to be revised to improve them for the benefit of both staff and managers to use.

**6. Other options considered**

6.1. During the course of negotiations with the unions to change the procedures a number of changes have been made to the policies/ procedures. There are no viable alternatives to having these procedures.

**7. Summary**

7.1. A review of a number of the Council's formal employment procedures – grievance, capability, disciplinary and sickness management - was conducted during the summer/ autumn of 2007. The review was based on an investigation of monitoring processes and interviews with a number of key stakeholders including the trade unions, HR officers, managers, and elected members who have sat on formal procedures appeals panels.

7.2. The outcome of the review concluded that the grievance and capability procedures needed to be revised to improve them for the benefit of both staff and managers to use. The review also concluded that improvements should be made to the monitoring and management of the capability, grievance/ bullying & harassment, disciplinary and sickness procedures.

**8. Chief Financial Officer Comments**

8.1. There are no direct financial implications arising from this report

**9. Head of Legal Services Comments**

9.1. The Head of Legal Services has been consulted on the content of this report. From April 2009 procedures dealing with grievances and poor performance should comply with the general principles outlined in the statutory Code of Practice on Disciplinary and Grievance Procedures published by ACAS. In addition the procedures must be capable of determination as being reasonable in relation to the case law based on the statutory provisions. The determination of the reasonableness and effectiveness of a contractual grievance procedure will depend upon ensuring that all appropriate stages are carried out without undue delay. There is no overriding legal requirement for an effective grievance procedure to consist of more than two formal meetings. A fair procedure for dealing with capability/competency matters must include a clear indication of the standards to be achieved and a reasonable timescale allowed for their

achievement. A clear warning should be issued where failure to reach the required standard at the penultimate stage of the capability proceedings could lead to dismissal. Criteria should be established to ensure that the review stage of the capability procedure envisaged is applied consistently and fairly. Procedures for dealing with cases of bullying and harassment will enable the Council to meet its common law and statutory duties regarding the health and safety of its employees as well as setting out the way in which any unlawful and discriminatory harassment will be considered. The procedures referred to in this report meet the requirements of the relevant statutory frameworks. Change to the current procedural arrangements for dealing with grievances and capability matters, which are contractual in effect, will require a lawful variation of contract, which allows for variation to such incorporated contractual terms by means of a collective agreement. The Legal Service should be consulted concerning the proposed scheme to monitor capability, harassment and grievance matters by reference to religion or belief or sexual orientation so as to ensure that such a scheme is compliant with the Human Rights Act 1998.

#### **10. Head of Procurement Comments –[ Required for Procurement Committee]**

10.1. Not applicable.

#### **11. Equalities &Community Cohesion Comments**

11.1. A summary of equality impact assessments made for each procedure is shown in appendix D.

#### **12. Consultation**

12.1. The review was based on an investigation of monitoring processes and interviews with a number of key stakeholders including the trade unions, HR officers, managers, and elected members who have sat on formal procedures appeals panels.

12.2. Following this Human Resources officers embarked on negotiations with the unions to change the procedures/ policies. These have been ongoing for the past 12 months.

#### **13. Service Financial Comments**

13.1. There are no additional financial implications arising out of the changes proposed in this report. However, if the changes outlined in this report can be made to the grievance and capability procedures they should make these processes more efficient and therefore productivity savings will be realised in officer time.

**14. Use of appendices /Tables and photographs**

- 14.1. Appendix A – new Capability Procedure
- 14.2. Appendix B – new Grievance Procedure
- 14.3. Appendix C – revised Harassment & Bullying policy
- 14.4. Appendix D – Summary of Equality Impact Assessments for the capability, grievance, and harassment & bullying procedures.

**15. Local Government (Access to Information) Act 1985**

No documents that require to be listed were used in the preparation of this report

## 16. Equalities Impact Assessment

- 16.1 A summary of equality impact assessments made for each procedure is shown in appendix D.
- 16.2 The analysis shows that for each of the procedures there are not any significant areas of concern in terms of usage of the procedures. However, reference and emphasis will be made to equalities related issues, in particular ethnicity and disability issues, in the training/ learning and guidance that will be given to managers as part of implementation of the new procedures
- 16.3 A brief summary of the analysis is outlined below.
- 16.4 **Capability procedure** – The small number of capability cases (8) make statistical analysis unreliable. However, there appears to be a high proportion of disabled and Asian cases, but these cases have been reviewed and there is nothing to indicate these cases were dealt with inappropriately.
- 16.5 **Grievance procedure** – The grievance procedure analysis showed a high proportion of disabled cases and a greater proportion of men taking out grievances. In terms of age and ethnicity these broadly matched the council profile.
- 16.6 **Harassment & Bullying procedure** – A high proportion of disabled cases and a greater proportion of Black staff took out cases. The cases were reviewed and there is nothing to indicate that these cases were dealt with inappropriately.
- 16.7 The analysis has been undertaken of the usage of the procedures. There is no question that it is necessary to have good and workable procedures to both manage staff and handle their complaints. The procedural revisions attached reflect good practice and improvements based on consultation with users of these procedures.
- 16.8 Nevertheless, the proposals in the report outline the need for improved monitoring and management arrangements to be applied to all the Council's formal employment policies – grievance, harassment & bullying, capability, disciplinary and sickness. This will include monitoring of ethnicity, gender, disability and age. Separate monitoring arrangements will be put in place to monitor sexual orientation and religious belief.

## 17. Review Recommendations

- 17.1 The review concluded that the grievance and capability procedures needed to be revised to improve them for the benefit of both staff and managers to use.
- 17.2 Improved monitoring and management systems should be introduced for all employment procedures. This includes - setting timescales from the outset for completing investigations and operating a review process of timescales at directorate management team level to ensure the timely progress of issues.
- 17.3 The review also recommended regular monitoring to assess whether there is an adverse impact in terms of equality considerations on staff.

17.4 For the capability and grievance procedures the review recommended a number of changes should be made. A summary of the issues and principles on which negotiations have been undertaken with the unions to revise the procedures is outlined below.

### **17.5 Capability procedure**

#### **Current issues**

- It takes a long time to complete the process because of the number of stages – 5.
- At present the procedure is more aligned to disciplinary so have to issue written warnings at each stage.
- For the above reasons the procedure is seldom used by managers.

#### **Principles for change**

- Model the review stages of the capability procedure on those of the sickness procedure as opposed to the disciplinary procedure. Therefore instead of issuing a written warning a period of review will be determined with clear standards of work/performance/ competence outlined for the employee to attain.
- In line with sickness there will be three stages – formal, review, final – but note that the review stage can be used more than once, as with the current sickness procedure.
- At each stage a meeting will take place with the employee and rep. Managers will agree clear work standards and/or competencies to be attained. Timescales for improvement will be reasonable and take account of the job role and working environment. Appropriate support to be given. As a guide a review period will typically be between 1-3 months depending on the nature and complexity of the job.
- Timescales to be agreed at each stage. A review period should outline reasonable timescales for improvement and set clear work standards and/or competencies to be attained
- Appeals will be allowed for dismissal, demotion to another post and relegation sanctions. Appeals to Member panel as at present.

### **17.6 Grievance Procedure**

#### **Current Issues**

- The timescales for each stage are too short to deal with many of the grievance issues raised making it impractical for managers to respond.
- Notwithstanding the above point management do not complete grievance reviews in reasonable timescales.
- Complaints are rarely resolved.
- Stage four with Members is a complete re-hearing so many staff see the earlier stages as simply part of the journey.



## Principles for change

- Three stages instead of four
- Stage 1 - Local manager; Stage 2 - Senior manager; Stage 3 – A member panel conducting a review of the case.
- A grievance will be considered if it is a matter of substance that constitutes a serious complaint about an issue relating to the employment conditions/ relationship of the individual employee. If the issue is minor or petty e.g. grading claim, non approval of holiday, etc. it will not be considered under the full 3 stage procedure, but a simplified two-stage statutory grievance procedure will be used instead.
- Any issues other than the original complaint that arise en-route during progress through the stages will be wrapped up in the ongoing process.
- Timescales will be determined in discussion with the aggrieved party & will be dependent on the complexity of the case. As a guide timescales will usually be 1 month for a standard case and 2-3 months for a complex case involving a number of issues and a number of parties to investigate/ hold discussions with. For example, a complex case involving a number of issues and a number of parties to investigate/ hold discussions may need a number of weeks to reach a conclusion. If a written response cannot be given within the agreed deadline a revised deadline must be agreed with the employee. If the employee believes the grievance is not being dealt with in a reasonable timescale s/he is entitled to request a response within the next 10 working days. A failure to respond allow the employee to proceed to the next stage.
- Remove the automatic right to progress the grievance to the next stage for failing to adhere to timescales but instead the employee can trigger a time dependant completion of the process before moving to the next stage. (See above).
- It will only be possible to go to stage 3 once a response is provided at stage two (subject to stage two completing in a reasonable timescale).
- Stage 3 will be a review of the earlier investigation and will include the aggrieved party in a meeting.
- Introduce the option of mediation referral for all grievances. The option would be to use this mechanism to resolve the grievance at any stage. Mediation will be provided by a pool of internally trained Mediators, or via external Mediation services.
- Mediation must have been considered by stage 3 or a reason provided as to why it is inappropriate.
- Ensure that all grievance cases (including informal stage) are routinely notified to HR and recorded – at present HR tend not to become aware of such cases until Stage 2 of the process

- The directorate management team should periodically review the progression and outcome of grievance cases within the directorate with a view to ensuring that these cases are managed in timely manner

### **17.7 Bullying & Harassment policy**

There is no proposal to change the principles and substance of this policy. However, where a matter needs to be taken up formally by an individual they will be referred to the Grievance procedure and its processes to do this. This will not detriment the employee in anyway and will ensure consistency of investigation and process.

### **18 Implementation and communication**

The effective date of the new procedures will be completion of the approval process by committee. The new revised procedure will supersede previous procedures.

For employees part way through the former Capability procedure this will continue. Alternatively the new Capability procedure will be applied from the beginning.

In relation to the Grievance and Harassment & Bullying procedures, where employees are at stage one of the process under the old procedures they will continue from stage 2 onwards on the new procedures. Where they are beyond stage 1 they will continue through the old procedure until completion.

The revised procedures will be implemented and communicated to managers and staff through a variety of channels and forum. This will include the following actions

- Identifying a pool of internal staff to be trained in Mediation techniques
- Summarising and publicising the key changes to all staff.
- Notification of the new procedures using all available staff communication channels, including where copies can be found.
- Changes to the new procedures relevant to managers communicated via briefing sessions and guidance for managers.
- Guidance notes for managers to be provided for each procedure.

## **CAPABILITY AT WORK PROCEDURE**

### **INTRODUCTION**

The Council's Capability at Work Procedure was approved by XX on XX.

The aim of the procedure is to enable managers to address sub-standard working with employees by putting in place clear standards and improvement measures so that performance can be raised to the required standards. All employees are provided with a copy of the procedure as part of their induction pack.

Integral to the Council's emphasis on service standards and quality services is the ability of employees to work to an acceptable standard.

Sub-standard working weakens service delivery and detrimentally affects morale within the workplace. It is therefore essential to address sub-standard working for the benefit of all parties and to do so at the earliest opportunity.

### **SCOPE AND DEFINITIONS**

This procedure applies to all permanent Council employees, except those teachers directly employed by the Council and all staff appointed by schools operating under the Local Management of Schools, which have their own procedure and Directors/Assistant Directors or equivalent levels.

Employees who are unable to carry out their duties because of unacceptable levels of sickness absence or for health reasons which affects their ability to do their job are dealt with under the Council's Sickness Absence Monitoring & Control Procedure.

Employees serving their Probationary period will be subject to the Probationary Procedure.

### **GENERAL PRINCIPLES**

1. Managers are responsible for setting and monitoring standards of work. It is their role to deal with sub-standard work immediately it becomes apparent.
2. As soon as concerns about the work standards are identified the manager should use the standard setting framework as outlined on page 5 to discuss these with the employee, either as part of a regular review meeting (1:1 or appraisal) or, separate meeting.

3. Employees must understand that if their standard of working falls below an acceptable standard, managers will seek to address this and the employee cannot raise a grievance as a result.
4. Managers have a responsibility to support employees whose work falls below standard. Employees have a responsibility to work at the standard expected and should do their best to meet that standard, responding to any corrective measures that are identified.
5. The manager must give a copy of this procedure to an employee when he/she decides to formally address sub-standard working under stage 1 of this procedure.
6. Generally, it is usual to follow a number of stages. However, if an employee was working well below the expected standard, and this had a serious consequence to the Council it could be that the initial stages were omitted. Very serious error or omission where the Council could not risk a recurrence may be treated as gross misconduct.
7. There may be circumstances where a disciplinary/ grievance/ harassment & bullying case and a capability matter are related. In these circumstances it is normal for the processes to run in parallel with each other. However, there may be exceptions, depending on the circumstances of the case where one process is put on hold until the other process has been completed.
8. Where an employee is subject to the capability procedure and subsequently has a period of absence from work, then on the return to work of that employee the procedure will continue at the stage it was at before the employee commenced their absence.
9. Employees have the right to be accompanied by a trade union representative or work colleague at all formal meetings they attend (stages 1-3) and have the right to be represented at the Final Meeting (stage 3).
10. Timescales for improvement will be determined at each stage. These shall be reasonable and take into account the job role, working environment and the appropriate support to be given. As a guide a review period will normally be between 1-3 months depending on the nature and complexity of the job (note this timescale can be longer if deemed necessary e.g. to allow for agreed actions/training to be completed).
11. Where an employee's performance has not improved within the review period the manager will move to the next stage of the procedures.
12. Where the employee's performance has improved to an acceptable standard the manager will acknowledge the progress made, encourage the employee to sustain this and will continue to monitor their performance. Notes of this meeting must be kept and copied to the employee. If further concerns are identified at a later date (within a 12 month period of the last meeting) then the procedures will not revert back to the beginning.
13. If at any stage the desired level of achievement is reached then the manager will

send the employee a letter to acknowledge this.

14. The manager can use his/her discretion and decide to conduct more than one Intermediate Formal Meeting (stage 2) where they believe it to be appropriate.
15. The review of an employee's capability at all stages of the procedure would usually be carried out by the employee's line manager. However, it is not unusual for different levels of management to be involved at the higher stages. At the final stage, where dismissal could be the outcome, the meeting must be conducted by a 1st, 2nd or 3rd Tier manager or, by a manager empowered by a Director and must be graded higher than the employee under review.
16. Where it is evident that the employee will not be able to improve their work standards to an acceptable level then relegation or demotion can be considered earlier than stage 3. This can only be considered if it is practical to do so (e.g. the manager has a suitable vacancy at a lower grade) and all parties are in agreement.

#### **EQUALITIES AND DIVERSITY**

17. Capability cases will be monitored by gender, disability, ethnicity, religion, age and sexual orientation (religion & sexual orientation will be monitored separately).

#### **MANAGEMENT GUIDANCE**

18. Managers must read the 'Management Guidance – Capability Procedure' before taking action under this procedure. This document can be found on Harinet along with appropriate training courses.

#### **STANDARD SETTING FRAMEWORK**

1. The manager should explain why he/she is concerned about the employee's work standards and detail where he/she falls short of the expected standard. The impact on the service/organisation needs to be explained.
2. Once the Manager has explained why he/she is concerned, the employee should be given the opportunity to respond. If there is a need for the manager to clarify certain points, this should take place, especially if the employee does not immediately accept that his or her work is below standard.
3. The manager will have regard for the employee's work history and record, length of service, disciplinary record etc, and will take this into account when deciding on what action to take.
4. If, in the past, the standard of work has been totally satisfactory, it may be that the fall in standards is due to specific short term problems. Managers need to tactfully explore whether there have been any personal issues or other circumstances that have resulted in the fall in standards. If this is the case appropriate advice/support should be offered, with agreement to review the situation within a set timescale.

5. If the employee fails to offer an acceptable explanation for not reaching the expected standard of working, the manager needs to:
  - a) Explain the employee's expected duties, including any timescales in which to carry them out. Confirm with the employee that he/she fully accepts these duties and the timescales,
  - b) Explain the reasons why his/her work is considered to be below standard and agree the steps that need to be taken to bring the work back up to standard.
  - c) Identify additional supervisory requirements that may be placed on the employee.
  - d) Identify any training, development or other support that may help in raising the employee's standard of work and arrange for this to be provided at the earliest possible opportunity.
  - e) Encourage the employee to improve his/her work standard.
  - f) Advise the employee of the consequences of failing to respond positively.
  - g) Advise the employee of the impact that their work performance is having on service delivery and their colleagues.
  
6. Notes of the meeting must be kept and copied to the employee.

For guidance on review and monitoring timescales please refer to points 10, 11 & 12 in the general principles section.

### **STAGE 1 – CAPABILITY FIRST FORMAL MEETING**

If the manager considers that there has not been improvement following the implementation of the measures set at the standard setting meeting the manager will arrange a meeting with the employee and their representative giving them at least 5 working days written notice. The letter should detail why he/she is concerned about the employee's work standards and, where available, enclose relevant documentary evidence to support both the original concerns and of subsequent failure to achieve the required improvement. Details of the support the manager has given the employee to date and in particular, the support that has been provided as identified at the standard setting meeting will also be provided. These might also include for example training records/1:1 notes/appraisal notes.

The employee or his/her representative should provide the manager with any of their supporting documentation they wish to be considered at the meeting at least 2 working days before the meeting.

At this meeting the manager will explain the concerns regarding the employee's performance, the impact this has on service delivery and their colleagues, the support offered to improve it and provide evidence of the subsequent failure to achieve the required improvement. Notes of the previous meetings and supporting documentation will be referred to.

The employee will be given an opportunity to respond during the meeting.

The employee will be advised of the improvement required and the timescale to achieve it. The employee will be invited to identify any additional support they believe

might assist. The manager must encourage the employee to improve and offer any reasonable support or training that will assist this improvement (as per paragraph 5 of the standard setting framework). The manager will advise the employee that his/her performance will continue to be monitored and that this could result in further action in accordance with the capability procedure and ultimately dismissal if the required standard is not achieved on a sustained basis.

For guidance on review and monitoring timescales please refer to points 10, 11 & 12 in the general principles section.

Notes of the meeting must be kept and copied to the employee along with a letter from the manager confirming the outcome of the meeting.

### **STAGE 2 – CAPABILITY INTERMEDIATE FORMAL MEETING(S)**

The manager will in effect repeat the actions in Stage 1, and advise the employee that if there is not an appropriate improvement in their work performance within the agreed timescale then they will be referred for a Final Meeting – Stage 3 – which could result in their dismissal.

For guidance on review and monitoring timescales please refer to points 10, 11 & 12 in the general principles section.

It is possible to repeat this stage (stage 2) if further reviews are deemed necessary.

Notes of the meeting must be kept and copied to the employee along with a letter from the manager confirming the outcome of the meeting.

### **STAGE 3 – CAPABILITY FINAL MEETING**

If any employee reaches this stage it will be despite considerable effort by management to try to improve his/her standard.

The manager will arrange a final meeting with the employee and their representative giving them at least 10 working days written notice informing them of which Senior Manager will be chairing the meeting and that this meeting could lead to their dismissal.

The letter should detail why the manager is concerned about the employee's work standards and enclosing all the relevant documentary evidence to support the concerns (including the documentation from the previous stages), plus any documents detailing the support the manager has given the employee to date e.g. training records/1:1 notes/appraisal notes etc.

The employee or his/her representative should provide the manager with any of their supporting documentation at least 2 working days before the meeting.

At this meeting the manager should explain the actions taken to date and the employee/representative will have an opportunity to respond.

The Senior Manager chairing the meeting will then decide on the appropriate course of action:

- i) to dismiss the employee with notice on the grounds of capability. The appropriate Notice will normally be paid in lieu rather than worked.
- ii) To consider relegation as an alternative where it is a practical proposition. *Relegation* means being transferred to a different post with different duties on a lower grade.
- iii) to consider demotion for a specified period or permanently where it is a practical proposition. *Demotion* means removal of duties from the employee's current job description that will result in not more than one grade lower.
- iv) to keep the situation under review for a defined period (no more than 12 months) at the end of which a decision will be taken on the appropriate course of action which could include dismissal.

Notes of the meeting must be kept and copied to the employee. A letter from the manager confirming the outcome of the meeting must be sent to the employee within 3 working days of the meeting. If the decision was to dismiss, relegate or to demote then the letter needs to outline the employee's right of appeal.

## APPEAL

Employees who are dismissed, demoted or relegated have a right of appeal against this decision. An appeal must be made in writing within 10 working days of the date of the dismissal, demotion or relegation letter and must outline the employee's reasons for appealing. The appeal should be addressed to:

The Head of Human Resources  
Alexandra House, Level 4  
10 Station Road  
Wood Green, London, N22 7TR

*Appeal hearings will be heard by a Member panel and will be a review of the case. This will be arranged as quickly as practicable and employees will be advised as soon as possible when their appeal will be heard.*



## GRIEVANCE

### Introduction

The Council's Grievance Procedure was approved by XX on XX.

The Grievance Procedure provides the formal mechanism for the Council to deal with complaints from employees about their conditions of service, work or working conditions. All new employees are provided with a copy of the procedure.

### Scope and Definitions

This procedure applies to all Council employees, except those teachers directly employed by the Council and all staff appointed by schools operating under the Local Management of Schools, which have their own procedure.

Grievances raised by employees who are on a probationary period will be considered under the simplified grievance procedure.

### Roles and Responsibilities

When an employee raises a grievance it is management's responsibility to ensure that the grievance is investigated and responded to in a timely and effective manner. The manager is also responsible for notifying Human Resources of all formal grievances. Human Resources are responsible for giving management appropriate advice and for recording and monitoring formal grievances.

### What constitutes a grievance?

A grievance may cover any issue relating to an employee's conditions of service, work or working conditions, about which that individual feels dissatisfied.

A grievance should not be brought in the first instance and will not be considered where it is raised in direct response to the application of another procedure or where it can be raised under another procedure e.g. grading as a result of a job evaluation, an appeal against a disciplinary sanction etc.

Where an employee feels they are being harassed or bullied they should also refer to the Harassment and Bullying Policy, but note that if an issue of harassment and bullying needs to be raised formally the grievance procedure should be used.

The Council operates a simplified approach to deal with basic grievances for single employment issues for example non approval of all types of leave, flexi/toil arrangements, equal pay, change of workplace location etc.

For grievances that are of a more serious/complex nature then the Council's Full Grievance Procedure should be used.

It will be confirmed at the stage one meeting which procedure will be used.

The employee has the right for her/his grievance to be considered under the simplified approach.

### **General Principles**

1. The efficient and fair handling of employee complaints and grievances at work can contribute significantly to the creation and maintenance of good employee relations. Sensitive handling by management can in some cases avoid minor problems turning into major disputes.
2. Where employees have a grievance relating to their employment, they have the right to express it. In the first instance they should raise their complaint informally with their line manager or another appropriate manager. Only where the matter cannot be resolved or in certain circumstances where this approach may not be appropriate should the employee move to the Council's Grievance Procedure.
3. Employees are entitled at any time to take up a grievance themselves or to ask a trade union official or work colleague to handle it for them. They also have the right to be accompanied or represented at any meeting they attend as part of the formal grievance procedure. Again this will be by a trade union official or work colleague. Grievances should be submitted no later than 3 months following the incident complained of.
4. Where a grievance is raised by a group of employees then that group must nominate one or two employees to represent the group alongside the trade union representative(s) (if applicable). The outcome of a group grievance will apply to all individuals aggrieved where their grievances are similar and they have agreed to have their grievance considered as a group grievance. Where an employee declines to be included in the group grievance the same manager will investigate the individual and group grievance.
5. There may be circumstances where a disciplinary/sickness/capability case and a grievance are related. In these circumstances it is normal for both processes to run in parallel with each other. However, there may be exceptions, depending on the circumstances of the case where one process is put on hold until the other process has been completed. In the event that a grievance and a harassment & bullying case are related then these two processes would be merged.
6. Any grievances in addition to the original grievance that arise en-route during progress through the stages will be wrapped up in the ongoing process.
7. The manager at each stage may agree remedies subject to appropriate authorisation.

8. The option of mediation to resolve the grievance can be considered under either the simplified or full procedure at any stage of the grievance and if not considered earlier must be considered during stage 2 unless a reason is provided as to why it is inappropriate.
9. The investigating manager will decide how to conduct the investigation and how to construct the written response to the employee.
10. It is important that both the aggrieved person and the person against whom the grievance has been lodged are kept informed of progress and when things are going to happen.
11. In the event that an employee lodges a counter grievance on the same subject matter the same manager would normally investigate/consider both grievances.
12. If the employee who has raised the grievance or their representative cannot attend the meeting and if there is a prolonged delay because of this then the timescales for a response will automatically be extended.
13. The grievance procedure is a confidential process and those participating in it must not disclose the nature of the grievance or the outcome to any person who is not a party to the process except when seeking appropriate legal advice and/or if required to do so by law. This may include appropriate parties making enquiries of a number of employees to establish the facts of the case. If a disclosure is made that is in any way malicious or inappropriate to the circumstances of the grievance, this may lead to disciplinary action under the Councils Disciplinary Procedure.
14. If following the investigation it is concluded that there was a breach of the Council's Code of Conduct and Disciplinary rules then this will be dealt with under the Disciplinary Procedure.
15. If an employee feels they are unable to produce a written grievance, for example because of language or disability related issues s/he may get an appropriate person such as her/his trade union representative, workplace colleague, Human Resources, Equalities or manager if appropriate to write the grievance on their behalf.

### **Equalities and Diversity**

16. Grievances will be monitored by gender, disability, ethnicity, religion, age and sexual orientation (religion and sexual orientation will be monitored separately).

### **Management Guidance**

17. Investigating Managers must read the 'Management Guidance – Grievance Procedure' before investigating a grievance. This document can be found on Harinet along with appropriate training courses.

## Simplified Grievance Procedure (Basic Complaints)

**This procedure should be used for current employees who have a basic complaint for single employment issues for example non approval of all types of leave, flexi/toil arrangements, equal pay, change of workplace location etc.**

### Stage 1

The employee or her/his representative must set out her/his grievance and the basis for it in writing to her/his manager or, if this is not appropriate to their line manager's manager (copied to HR).

Management will on receipt of the grievance arrange to meet the employee and her/his representative ideally within 10 working days of receipt of the written grievance, to discuss the grievance and the possible remedy. Management will conduct a full investigation and shall then consider the grievance and decide whether or not to uphold it, giving their response in writing within 28 calendar days of the written grievance.

The option of mediation to resolve the grievance can be considered at this stage if appropriate.

Any timescale within this procedure may be altered by mutual agreement.

### Stage 2

If the employee is not satisfied with the written response then s/he has a right of appeal. The employee or her/his representative must put the reasons for her/his appeal in writing to her/his Senior Manager or, where this is not appropriate to another Senior Manager (copied to HR) within 10 working days of the date of the written decision at stage 1. A further meeting will be arranged with the employee and her/his representative ideally within 10 working days of receipt of the complaint. This meeting will be with a different manager or preferably a more Senior Manager than the person who carried out stage 1, giving their response in writing ideally within 28 calendar days.

Mediation must be considered at this stage or a reason provided as to why it is inappropriate (unless it has already been tried and been unsuccessful at stage 1).

Any timescale within this procedure may be altered by mutual agreement.

## The Full Grievance Procedure (Complex/Serious Complaints)

### Stage 1

Employees, or her/his representative should advise her/his line manager or, if this is not appropriate, a more senior manager within the service or Human Resources that s/he wishes to take out a grievance. The grievance should be set out in writing or can be taken by other means. All grievances should be copied to Human Resources.

Should the grievance relate to the conduct of another employee, then that person will be notified of the terms of the complaint and have an opportunity of being heard.

Management will on receipt of the grievance arrange to meet the employee and her/his representative ideally within 10 working days of receipt of the written grievance, to discuss the grievance and the possible remedy.

The option of mediation to resolve the grievance can be considered at this stage if appropriate.

Management will conduct a full investigation and shall consider the grievance and decide whether or not to uphold it, giving their response in writing normally within 28 calendar days of the written grievance unless agreed otherwise at the outset. If a written response cannot be given within the agreed deadline the investigating manager must agree a revised deadline with the employee.

If the case is of a complex nature involving a number of parties to investigate/hold discussions with then it is likely the timescale will be longer and as a guide the written response time can be up to 2-3 months.

If the employee considers the grievance is not being dealt with in a reasonable timescale and this can be justified s/he is entitled to request a response within the next 10 working days. A failure to respond will then allow the employee to proceed to stage 2.

### Stage 2

If the employee is not satisfied with management's response from Stage 1 or has not received a response within the timescales described above and wishes to take the matter further, s/he (or her/his representative) should set this complaint out in writing to her/his Senior Manager. The complaint must be received within 10 working days of the date of the written response at Stage 1 and must identify which part or parts of the Stage 1 decision the employee is dissatisfied with and the reasons for her/his dissatisfaction. A complaint raised outside this timescale will not normally be considered unless there are good reasons for the delay.

A Senior Manager will on receipt of the complaint arrange to meet the employee and her/his representative ideally within 10 working days of receipt, to clarify why they are

dissatisfied, whether there are any new issues to be considered and to discuss any possible remedies.

Mediation must be considered at this stage or a reason provided as to why it is inappropriate (unless it has already been tried and been unsuccessful at stage 1)

The Senior Manager will review the documentation from the previous investigation and will have the right to further investigate if necessary, giving their response in writing.

Timescales will be determined in discussion with the aggrieved party and will be dependent on the complexity of the case. As a guide timescales will usually be 1 month for a relatively straight forward case and 2-3 months for a complex case involving a number of issues and a number of parties to investigate/hold discussions with. If a written response cannot be given within the agreed deadline the investigating manager must agree a revised deadline with the employee. If the employee considers the grievance is not being dealt with in a reasonable timescale and this can be justified s/he is entitled to request a response within the next 10 working days. A failure to respond will then allow the employee to proceed to stage 3.

### Stage 3

Where the employee is not satisfied with the management response at Stage 2 or has not received a response within the timescales described in stage 2 and wishes to take the matter further, s/he (or her/his representative) should set out the complaint in writing to the Head of Human Resources. The complaint must be received within 10 working days of the date of the written response at Stage 2 and must identify which part or parts of the Stage 2 decision the employee is dissatisfied with and the reasons for her/his dissatisfaction. There must be clear reasons for moving to stage 3 for example there is dissatisfaction with the findings or remedies outlined in stage 2 or new issues are being raised. A complaint raised outside this timescale will not normally be considered unless there are good reasons for the delay.

The Head of Human Resources will refer the grievance to the Committee Secretariat Team to make the necessary arrangements for the grievance to be heard by a Member panel which will be a review of the case. Every effort will be made to convene this panel as soon as possible.

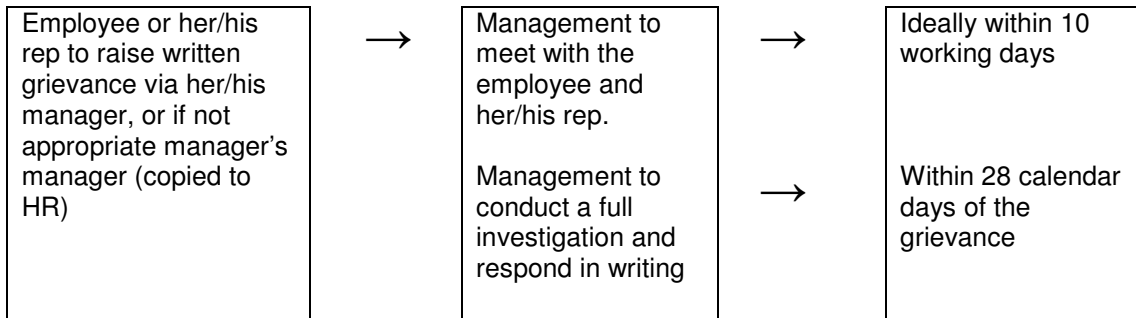
**THE SIMPLIFIED GRIEVANCE PROCEDURE  
FLOWCHART**

**Procedure Steps**

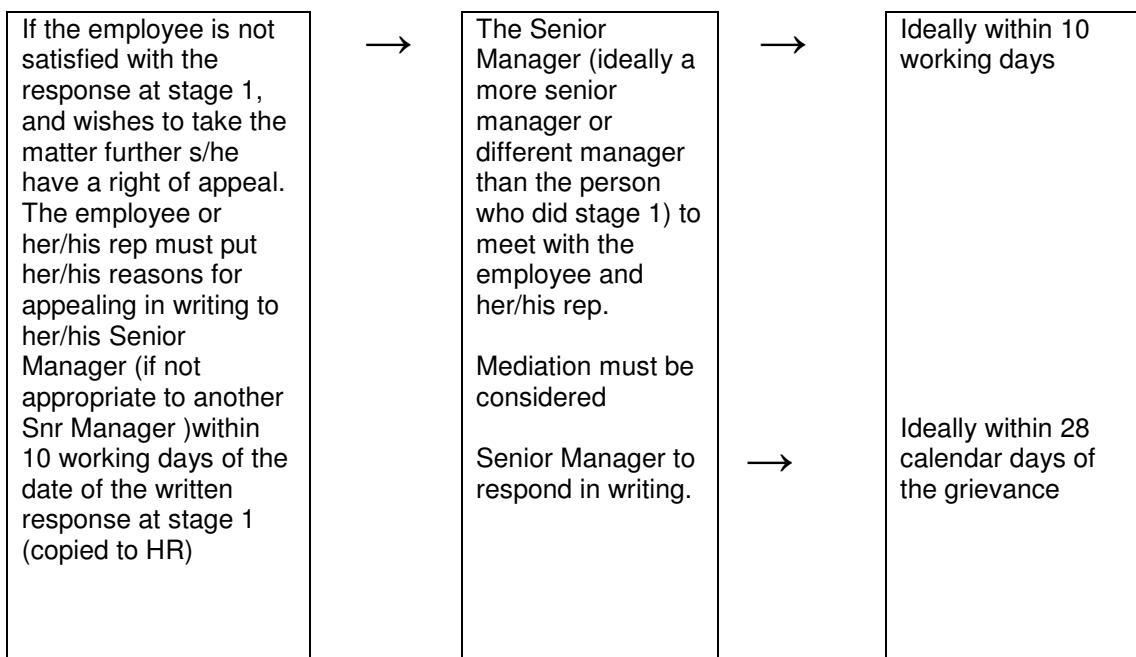
**Action**

**Timescales**

**1<sup>st</sup> Stage**



**2<sup>nd</sup> Stage**



**THE FULL GRIEVANCE PROCEDURE  
FLOWCHART**

**Procedure Steps**

**Action**

**Timescales**

**1<sup>st</sup> Stage**

Employee or her/his rep to raise written grievance via her/his line manager or, if not appropriate, a Senior Manager or Human Resources (copied to HR)



Management to meet with the employee and her/his rep.

Management to conduct a full investigation and respond in writing



Ideally within 10 working days

Normally within 28 calendar days of the grievance unless agreed otherwise at outset (complex cases may be longer e.g. 2-3 months)

**2<sup>nd</sup> Stage**

If the employee is not satisfied with the response at stage 1, and wishes to take the matter further the employee or her/his rep must put her/his complaint in writing to her/his Senior Manager within 10 working days of the date of the written response at stage 1 outlining her/his reasons for her/his dissatisfaction (copied to HR).



The Senior Manager to meet with the employee and her/his rep.

Mediation must be considered

The Senior Manager to review the case, further investigate if necessary, consider mediation and respond in writing.



Ideally within 10 working days

Timescales for a response to be determined with the employee but will normally be 1 month for a relatively straight forward case and 2-3 months for a complex case.

**3<sup>rd</sup> Stage**

If the employee continues to be dissatisfied and wishes to take the matter further the employee or her/his rep must put her/his complaint in writing to the Head of Human Resources within 10 working days of the date of the written response at stage 2 outlining her/his reasons for her/his dissatisfaction



The Head of Human Resources will refer the grievance to the Committee Secretariat Team who will convene a Member panel to hear the grievance which will be a review of the case.



As soon as reasonably practical



## The use of Mediation in the grievance procedure

**The option of mediation to resolve the grievance can be considered at any stage of the grievance and if not considered earlier must be considered during stage 2 of the full procedure or a reason provided as to why it is inappropriate.**

### **What is Mediation?**

Mediation involves the parties meeting and discussing the issues with an independent person who has not been involved previously. Mediation is a voluntary activity and must be entered into with the agreement of all involved parties. Mediation may be provided by the Council using either its own staff or specialist agencies.

#### Key principles of mediation

- A way of sorting out disagreements or disputes without having to go through formal procedures. A neutral third person works with those in disagreement or dispute to help them reach an agreement that will sort out their problems.
- Voluntary – you only take part if you want to.
- Confidential - nothing you tell the mediator will be passed on to anyone else unless you agree and nothing said in mediation can be used in any later Council procedures or court action.

The aim is to maintain the working relationships if at all possible and so mediation is about the future, and not about who was right or wrong.

### **The mediation process**

The employee who has raised the grievance/the manager considering the grievance/any employee whose conduct is referred to in the grievance can request that they enter into the mediation process.

If all parties agree then the manager considering the grievance should, as soon as is reasonably practicable, arrange for all relevant parties to attend a mediation meeting.

The mediation meeting shall be chaired by a mediator (to be selected on rotation from a panel of internal staff maintained by HR or from an outside specialist Agency) and shall take place on a confidential, without prejudice basis. For the avoidance of doubt this means that the matters discussed at that meeting cannot be referred to in any resumption of the grievance process (should mediation fail to achieve a resolution), or in any subsequent legal proceedings.

The purpose of the mediation meeting is to endeavour to reach a negotiated outcome to the employee's grievance. The role of the mediator is to facilitate the discussion not to suggest or impose a solution or express any opinion on the validity or not of the grievance.

If a resolution is reached, it shall be recorded in writing and this is the only document from the mediation process that may be referred to in any further proceedings. The resolution is confidential.

If mediation fails, the grievance procedure will resume from the point it was suspended.

## HARASSMENT AND BULLYING POLICY

### Introduction

The Council's Harassment and Bullying Policy was approved by XX on XX. and provides the formal mechanism for the Council to deal with harassment and bullying complaints from employees.

All employees have a right to be treated with dignity and respect at all times. In Haringey we are committed to promoting a working environment free from all forms of harassment and bullying.

We will not tolerate harassment or bullying at work in any form and will strive to ensure that all employees are protected against such behaviour. Proven allegations of harassment/bullying will be treated in accordance with the Council's Disciplinary Procedures.

### Scope and Definitions

This policy applies to all council employees except those teachers directly employed by the Council and all staff appointed by schools operating under the Local Management of Schools which have their own procedure. There is a separate procedure for outside contractors, voluntary workers or agency workers who wish to raise a harassment and bullying complaint.

(The Council's Violence at Work Policy covers harassment of staff by service users).

### General Principles

1. Everyone has a responsibility to create an environment free from harassment and bullying by treating their colleagues and people with whom they come into contact, with dignity and respect. Employees can do much to discourage harassment by making it clear that such behaviour is unacceptable, by supporting colleagues who experience such treatment and who are considering making a complaint.
2. If an employee witnesses incidents of harassment/bullying s/he is encouraged to report the occurrence and offer supporting evidence in any investigations.
3. Managers at all levels have a responsibility to set an example in this matter, to ensure that complaints are dealt with seriously, swiftly and confidentially. Sensitive handling by management can in some cases avoid minor problems turning into major disputes. Equally, managers have a duty to manage staff effectively including dealing with difficult issues when these arise such as conduct

and capability matters. Good management practice is expected and will be supported by the Council.

4. Where an employee believes that s/he is being harassed or bullied s/he has a right to express it. In the first instance s/he should raise her/his complaint informally by using one of the three options outlined on pages 5 & 6 to resolve the issues. The informal stage can be omitted where serious allegations are being raised or where it is not appropriate. In these circumstances or, where the informal process has not resolved the matter the employee should raise a formal complaint using the Council's Grievance procedure. This should be done at the earliest reasonable opportunity to maximise potential for resolution but should be submitted no later than 3 months following the incident complained of.
5. Managers must be responsible and supportive to anyone who complains of harassment and/or bullying. They should provide clear advice on the procedure to be followed and inform employees of their right to contact their trade union representative, Equalities Officer or Human Resources Adviser for support and advice.
6. All cases/allegations of harassment and/or bullying must be recorded and investigated where applicable. Employees must be confident that they will be protected against victimisation or retaliation for bringing a complaint.
7. The Council will make reasonable efforts to ensure that investigating officers are representative of the nature of complaints brought, for example race or gender.
8. Some allegations of harassment and/or bullying although not formally reported may appear to the manager to be so severe that he/she feels it necessary to initiate formal action in accordance with the Council's Disciplinary Code of Conduct and Rules, even though an employee has not complained or where it is not the complainant's wish. This could mean that the alleged harasser is suspended pending a full investigation. This however will depend on the nature of the alleged offence.
9. Managers must take appropriate action to ensure that there are no further instances of harassment and/or bullying or any victimisation after a complaint has been addressed. Failure to respond appropriately compounds harassment.
10. At any stage of the procedures if there is evidence of a disciplinary offence whether it be harassment and/or bullying or victimisation/retaliation against the complainant because they have made the complaint then the appropriate action will be taken in accordance with the Council's Disciplinary procedures which may result in dismissal.
11. At any stage, the complainant or the alleged harasser or bully may apply to receive counselling. The Occupational Health & Welfare Service can provide this. In certain situations it may be possible to seek a resolution of the problems through mediation between the parties, if they agree to it (please refer to the Grievance Procedure for more information)
12. Whether a complaint is upheld or not, consideration may be given to relocation or transfer of one party, where this is operationally possible. If the complaint is

upheld wherever practicable and appropriate, the complainant should be given first choice whether s/he wishes to stay in their existing job or be relocated and, if so, where. Where a transfer occurs it should not lead to any disadvantage for the complainant.

13. When dealing with an harassment and/or bullying case it is a confidential process and those participating in it must not disclose the nature of the complaint or the outcome to any person who is not a party to the process except when seeking appropriate legal advice and/or if required to do so by law. This may include appropriate parties making enquiries of a number of employees to establish the facts of the case. If a disclosure is made that is in any way malicious or inappropriate to the circumstances of the complaint, this may lead to disciplinary action under the Council's Disciplinary Procedure.
14. If the complainant has maliciously raised a complaint then disciplinary action may be taken against her/him.
15. Failure to comply with this Policy and its spirit and intention could result in disciplinary action being taken.
16. Harassment and Bullying cases will be monitored by gender, disability, ethnicity, religion, age and sexual orientation (religion & sexual orientation will be monitored separately).
17. The effectiveness of this Policy will be monitored and reviewed, by gathering information from Human Resources. The ongoing monitoring will allow for trends to be identified at the earliest opportunity ensuring that harassment and bullying is dealt with accordingly. It is therefore important to record and monitor details of any complaints raised and report these to Human Resources.
18. An annual report on the use of this Policy should be presented to the Management Board and the Council and Employee Joint Consultative Committee.

### **Management Guidance**

19. Investigating Managers must read the 'Management Guidance – Grievance Procedure' before investigating a grievance. This document can be found on Harinet along with appropriate training courses.

### **What is Harassment and Bullying**

Harassment/bullying are defined as inappropriate action, behaviour, comments or physical contact that causes offence or is objectionable. This includes inappropriate behaviour, which makes the recipient feel threatened, humiliated or patronised, and/or creates an intimidating working environment. It can be direct or indirect, verbal or physical.

**Harassment** is unacceptable behaviour, which focuses on a person's race, religion or belief, gender, ethnic origin or nationality, sexual orientation, disability, age, marital status, health status, membership of a union or personal dislike. This is not an exhaustive list.

Anyone who is perceived as different, who is in a minority, or who lacks organisational power, runs the risk of being harassed/bullied. Harassment can occur between people of the same or opposite sex.

Harassment is conduct, which : -

- is unreasonable and offensive and causes the recipient to feel threatened humiliated, intimidated or distressed. Such conduct may be persistent or a one-off incident of a serious nature.
- is unreasonable and offensive and leads to undermined confidence, interferes with job performance, and undermines job security and/or personal safety.
- can create a threatening or intimidating environment. .

**Bullying** is an abuse of power against an individual or groups of individuals, which undermines confidence and effectiveness. Power tends to be conferred by organisational structure, personal qualities, or by group dynamics. It follows that bullying may involve the misuse of power in any of these circumstances. Bullying at work is repeated abuse or harassment that destroys self-confidence and creates harmful stress.

It is often more junior employees who are subject to bullying by senior employees although it can take place among colleagues where personal influence is used in an unacceptable way, also a group may bully an individual or the individual being bullied can then bully someone else.

The Council encourages good management including dealing with issues that may not be comfortable for employees. The Council requires that managers address people management issues in line with the Council's Management Standards and support will be provided to managers dealing with these matters. Such actions are expected to be based on objective service reasoning and in accordance with the Council's Human Resources Procedures and Policies. Bullying is a difficult concept and must not be confused with managers seeking to tackle genuine people management issues such as conduct and capability matters. However, a bullying management style cannot be defended because "it achieves the necessary results". A strong management style can become bullying if it is destructive rather than constructive in its intent and/or effects. Good management action will be justifiable against objective business reasons, whereas bullying tends to lack reasonable justification.

Challenging a bullying management style or behaviour is important in progressing cultural change towards a supportive environment.

### **Forms of Harassment**

Harassment can take many forms. They may include the following but this list is not exhaustive: -

- Physical contact ranging from touching to serious assault.
- Verbal and written harassment through offensive language, gossip, slander, letters, sexual innuendo, racist language etc. (written harassment can occur through the inappropriate use of email or computer system).
- Inappropriately blocking promotion/access to training.
- Creation of an inappropriate working environment.
- Making assumptions based on stereotyping.
- Exclusion/Victimisation.
- Victimisation directed at an individual for their willingness to challenge harassment.
- Threats of violence.

### **Forms of Bullying**

Forms of bullying may include the following behaviours portrayed either by groups or individuals, as single actions or repeated patterns. The list is not exhaustive: -

- Shouting at employees to get things done
- Undermining (belittling) a person in front of colleagues
- Unreasonable and Inaccurate accusations about quality of work
- Setting unachievable deadlines or unequal workloads
- Persistent criticism of one person particularly in public.
- Deliberately ignoring or excluding an individual. i.e., not allowing them to participate/contribute in meetings.
- Use of profane language.
- Making someone the butt of jokes.

### **The effects of Harassment and Bullying**

Harassment and bullying can be a cause of stress, depression and illness, which can result in absence from work. Symptoms of illness caused by harassment and/or bullying are numerous and can include anxiety, headaches, ulcers, high blood pressure, sleeplessness, loss of self-esteem and self-confidence and other types of illness. The result can interfere with job performance, reduce job and personal security, or promotion prospects. Vulnerability of the employer to legal challenge tends to increase in such cases.

The experience of the aggrieved person is often compounded where complaints of harassment or bullying are not taken seriously and/or not investigated in a timely manner.

## **How to make a complaint of Harassment and Bullying**

Where an employee believes that s/he is being harassed or bullied s/he has a right to express it. In the first instance s/he should raise her/his complaint informally by using one of the 3 options outlined below to resolve the issue. The informal stage can be omitted where serious allegations are being raised or where it is not appropriate. In these circumstances or, where the informal process has not resolved the matter the employee should raise a formal complaint using the Council's Grievance procedure.

### **Informal Process**

Employees are advised to keep a note of the incident(s) including the date, time, names of witnesses present, location of the incident(s) and the way in which it has affected them, such as causing a change to her/his pattern of work or social life. Any action taken under this stage should be recorded.

#### **Option 1 – The employee to take a direct approach:**

A direct approach is more likely to be effective in cases where the alleged harasser or bully is genuinely unaware of the effect of the behaviour.

The employee can choose to approach the alleged harasser or bully either in person or in writing, outlining that the behaviour is unacceptable, and the harassment or bullying must stop. The alleged harasser should be told that failure to do so could lead to a formal complaint.

It is strongly recommended that the employee seeks advice and considers being accompanied. If the approach is made in writing the employee should keep a copy of the correspondence.

#### **Option 2 - Arrange an approach through a third Party**

The employee may ask an appropriate person such as work colleague, trade union representative or manager to approach the alleged harasser or bully about her/his behaviour and the impact it has on the employee. It should be explained that her/his behaviour is unacceptable and must be stopped. Where appropriate a suitable third party can mediate between the two parties.

### **FORMAL PROCEDURE**

Where after the informal process the matter is not resolved or in certain circumstances where this approach may not be appropriate the employee should raise the matter formally by using the Council's Grievance Procedure. This should be done at the earliest reasonable opportunity to maximise potential for resolution but should be submitted no later than 3 months following the incident complained of.

Summary of the Equalities Impact Assessments for the Grievance, Harassment and Capability Procedures

Capability Procedure Equality Impact Assessment Summary

Age	Disability	Ethnicity	Gender	Religion or Belief	Sexual Orientation
<p>Although the number of cases are small, there is a broadly proportional split of the cases age.</p> <p><b>Way forward</b> Reduce the number of stages involved.</p> <p>Base the capability procedure on a similar basis to sickness reviews</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>Two individuals have a disability, which appears to be a high percentage of disabled cases. However, the reasons for taking them through the procedure was because of poor work that could not be attributed to their disability.</p> <p><b>Way forward</b> Reduce the number of stages involved.</p> <p>Base the capability procedure on a similar basis to sickness reviews</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>Two Asian people were appropriately taken through the procedures. This represented 25% of cases but that is because only 8 capability cases were recorded. The reasons were due to poor work not their ethnicity.</p> <p><b>Way forward</b> Reduce the number of stages involved.</p> <p>Base the capability procedure on a similar basis to sickness reviews</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>Although the number of cases are small, there is a broadly proportional split of the cases by gender.</p> <p><b>Way forward</b> Reduce the number of stages involved.</p> <p>Base the capability procedure on a similar basis to sickness reviews</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>Not monitored currently. Plans in place to start monitoring.</p> <p><b>Way forward</b> Reduce the number of stages involved.</p> <p>Base the capability procedure on a similar basis to sickness reviews</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>Not monitored currently. Plans in place to start monitoring.</p> <p><b>Way forward</b> Reduce the number of stages involved.</p> <p>Base the capability procedure on a similar basis to sickness reviews</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>



## Grievance Equality Impact Assessment Summary

Age	Disability	Ethnicity	Gender	Religion or Belief	Sexual Orientation
<p>There is a broadly proportional split of the cases by age group.</p> <p><b>Way forward</b> Reduce the number of stages involved.</p> <p>Make timescales for handling cases realistic to achieve a resolution</p> <p>Introduce mediation as a standard part of the process.</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>There is a high percentage of disabled cases (25%) compared with the council profile of 5%. Although the reasons for the grievance do not relate to disability in most cases. However handling of disability related cases will be covered in the training, learning and guidance that will be given to managers.</p> <p><b>Way forward</b> Reduce the number of stages involved.</p> <p>Make timescales for handling cases realistic to achieve a resolution</p> <p>Introduce mediation as a standard part of the process.</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>Compared to the employee profile the total number of cases were very similar proportionally to the profile</p> <p><b>Way forward</b> Reduce the number of stages involved.</p> <p>Make timescales for handling cases realistic to achieve a resolution</p> <p>Introduce mediation as a standard part of the process.</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>37% of men, took out a grievance compared to the employee profile of 27%. Although no firm inferences should be taken from this comparison it will be monitored.</p> <p><b>Way forward</b> Reduce the number of stages involved.</p> <p>Make timescales for handling cases realistic to achieve a resolution</p> <p>Introduce mediation as a standard part of the process.</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>Not monitored currently. Plans in place to start monitoring.</p> <p><b>Way forward</b> Reduce the number of stages involved.</p> <p>Make timescales for handling cases realistic to achieve a resolution</p> <p>Introduce mediation as a standard part of the process.</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>Not monitored currently. Plans in place to start monitoring.</p> <p><b>Way forward</b> Reduce the number of stages involved.</p> <p>Make timescales for handling cases realistic to achieve a resolution</p> <p>Introduce mediation as a standard part of the process.</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>

## Harassment & Bullying Equality Impact Assessment Summary

Age	Disability	Ethnicity	Gender	Religion or Belief	Sexual Orientation
<p>Although the number of cases are small, there is a broadly proportional split of the cases by age.</p> <p><b>Way forward</b> The Harassment &amp; Bullying policy should be revised to bring it into line with changes to the grievance procedure.</p> <p>Appropriate communications and briefings will be given to managers and staff about using the new procedures.</p>	<p>Seven cases involved staff with a disability. This is a high percentage of disabled cases compared with the council profile of 5%. Where allegations of harassment and bullying were found proven appropriate action was taken against the perpetrators. There is nothing to indicate these cases were managed within the procedure inappropriately, however handling of disability related cases will be covered in the training, learning and guidance that will be given to managers during implementation of the new procedure..</p> <p><b>Way forward</b> The Harassment &amp; Bullying policy should be revised to bring it into line with changes to the grievance procedure.</p> <p>Appropriate communications and briefings will be given to managers and staff about using the new procedures.</p>	<p>A total of 21 cases were recorded. Asian cases (10%) were proportional to the employee profile at 8%. There was a greater proportion of Black staff taking out harassment and bullying complaints – 52% against an employee profile of 34%. The cases were reviewed and there is nothing to indicate that these cases were managed within the procedure inappropriately, although where allegations of harassment and bullying were found proven appropriate action was taken against the perpetrators.</p> <p><b>Way forward</b> The Harassment &amp; Bullying policy should be revised to bring it into line with changes to the grievance procedure.</p> <p>Appropriate communications and briefings will be given to managers and staff about using the new procedures.</p>	<p>Of the 21 cases 81% were women compared to an employee profile of 73%. This is broadly proportional to the employment profile.</p> <p><b>Way forward</b> The Harassment &amp; Bullying policy should be revised to bring it into line with changes to the grievance procedure.</p> <p>Appropriate communications and briefings will be given to managers and staff about using the new procedures.</p>	<p>Not monitored currently. Plans in place to start monitoring.</p> <p><b>Way forward</b> The Harassment &amp; Bullying policy should be revised to bring it into line with changes to the grievance procedure.</p> <p>Appropriate communications and briefings will be given to managers and staff about using the new procedures.</p>	<p>Not monitored currently. Plans in place to start monitoring.</p> <p><b>Way forward</b> The Harassment &amp; Bullying policy should be revised to bring it into line with changes to the grievance procedure.</p> <p>Appropriate communications and briefings will be given to managers and staff about using the new procedures.</p>



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Haringey Council

Agenda item:

[No.]

General Purposes Committee

On 10<sup>th</sup> March 2009

**Report Title:** Pensions Policy Statement

**Report of Assistant Chief Executive People and Organisational Development**

Signed

Dated 26/2/2009

**Stuart Young Assistant Chief Executive People and Organisational Development**

**Contact Officer :** I M Benson Pensions Manager 0208 489 3824

**Wards(s) affected:** All

**Report for:** Non Key Decision

**1. Purpose of the Report (That is, the decision required)**

1.1 To review the Council's Pensions Policy Statement on the use of its discretionary powers.

**2. Introduction by Cabinet Member**

If members were minded to adopt the recommendations under the new regulations, officers exercising delegated powers, should report all discretionary additional Awards to the relevant Service Cabinet Member and the Cabinet Member for Resources and subsequently to Committee for noting. Officers should exercise caution with the implementation of these regulations as they would no doubt add additional pressures to Service budgets and ultimately to the Pension fund.

**3. State links with Council Plan Priorities and actions and / or other Strategies**

3.1 Although Council policy is to review the Pensions Policy Statement every three years, there were a number of issues which could not be dealt with last year pending receipt of guidance from the Government Actuary's Department (GAD). Advice is still pending on partial flexible retirement and this will be revisited when the GAD advice is issued.

3.2 This report seeks approval for limited use of discretions provided to local government employers which can assist in managing change within the workforce.

**4 Award of Additional Membership (augmentation) (Regulation 12)**

4.1 The new scheme rules allow the Council to award up to 10 years added membership to active members. Added membership can be awarded at any time prior to a member leaving or retiring.

4.2 The Council's policy is not to award additional membership where a member's service is terminated on grounds of redundancy. Additional membership has been

awarded in exceptional circumstances where the member is retired for business efficiency reasons and additional flexibility is required to manage change in the workforce.

4.3. The capital cost to the pension fund of awarding of added membership is met from Service / Business Unit budgets

4.4 The cost of awarding added membership is dependant age, sex, salary and membership in the scheme using factors agreed by the Fund actuary. (**See example Appendix 1**).

### **5 Award of Added Pension (Regulation 13)**

5.1 This is a new provision which allows the Council to award units of annual pension of £250 a year up to a maximum of £5000. Added Pension can be awarded in addition to increased membership under para.4 above.

5.2 The capital cost to the pension fund of awarding of added membership is met from Service / Business Unit budgets

5.3 The cost of awarding added pension is dependant age, sex, and membership in the scheme and is calculated using factors provided by the Government Actuary's Department (GAD).The lower cost of awarding additional pension reflects the fact that there is no additional survivor pension due, and the additional pension is subject to an actuarial reduction even if the main benefits are not. (**See example Appendix 1**)

### **6 Compensation for loss of Office**

6.1 The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 allows the Council to award up to 104 weeks pay on termination of employment. An award of compensation is not permitted where additional membership under para.4 above applies.

6.2 Payments under these provisions are not chargeable to the Pension Fund. The cost of any such award would be charged to Service / Business Unit budgets.

### **7 Policy Decision**

7.1 The award of additional membership , additional pension or monetary compensation could be considered as part of a package to manage change where exceptional circumstances require additional flexibility.

7.2 To avoid contravention of Age Discrimination Legislation, each case would be considered on its merits within the framework set by the scheme regulations and actuarial guidance. Approval is delegated to the Chief Financial Officer and Head of Human Resources except for tier one and tier two officers which will require Member approval.

### **8 Miscellaneous Updates**

The current policy statement has been updated to reflect:-

- a) the policy decision of Pensions Committee 18<sup>th</sup> September 2008 on disregarding breaks in education for a Child's Pension and
- b) the reinstatement of the policy regarding the release of Deferred Benefits early) by Urgent Action 5 November 2008. The policy has been amended to reflect current advice that a member with Deferred Benefits which began before 1<sup>st</sup> April 2006 can request early payment from age 50 subject to employer consent.
- c) Confirmation that the Council does not provide a Shared Cost AVC scheme.

### **9 Recommendations**

- 9.1 That an award of Added Membership (Regulation 12) and or Added Pension (Regulation 13) and or Monetary Compensation be considered as part of a package where exceptional circumstances require additional flexibility to manage change within the workforce. Each case to be considered on its merits within the framework of the LGPS and Compensation Regulations and actuarial guidance.**
- 9.2 That the capital costs of an award under 7.1 above be charged to the relevant Service / Business Unit budget.**
- 9.3 That each is referred to the Chief Financial Officer and Head of Human Resources for approval except for tier one and tier two Officers which require Member approval.**
- 9.4 That the draft updated Policy Statement at Appendix 2 is noted.**

## **10 Reason for Recommendations**

- 10.1 The scheme rules provide employers with discretion to enhance a member's termination package within limits set by HM Revenue and Customs. The recommendations above allow the Council, in exceptional circumstances, to take advantage of these flexibilities .

## **11 Other options considered**

- 11.1 None

## **12 Summary**

- 12.1 This report seeks approval for limited use of discretions provided to local government employers which can assist in managing change within the workforce.
- 12.2 The discretions allow the Council to award Added Membership or Added Pension or Monetary Compensation. The cost of such awards would be charged to the relevant Service / Business Unit budget.
- 12.3 Awards will require approval by the Chief Financial Officer and Head of Human Resources and awards for tier one and tier two Officers will require Member Approval.
- 12.4 The Policy Statement is updated to include the decision by Pensions Panel on disregarding breaks in education for a Child's Pension, the reinstatement of the Council's policy on releasing Deferred Benefits Early and confirmation that the Council does not provide a Shared Cost AVC scheme.

## **13 Chief Financial Officer Comments**

- 13.1 Costs incurred by the exercise of the discretions detailed in this report will be charged to service budgets. Budget holders will need to manage any costs within approved budgets. The Chief Financial Officer agrees with the Service Financial comments set out in section 16 of the report.

## **14 Head of Legal Services Comments**

- 14.1 The Head of Legal Services has been consulted on the content of this report, which identifies accurately the discretionary powers available to the Council as employer under the Regulations indicated. The consideration of any individual case must take into account the provisions of the Employment Equality (Age) Regulations 2006 and, as appropriate, a decision made in such a case should be capable of justification as a proportionate means of achieving a legitimate business objective

## **15 Head of Procurement**

15.1 Not Applicable
<b>16. Equalities &amp; Community Cohesion Comments</b> 16.1 The recommendations in this report have had regard to the Employment Equality (Age) Regulation 2006
<b>17 Consultation</b> 17.1 The Employees Side have been consulted on the content of this report.
<b>18 Service Financial Comments</b> 18.1. The Council's Section 151 officer will ensure that a sound business case supports any recommendations for the exercise of the discretions referred to above as well as ensuring that the Pension Fund is properly protected.
<b>19 Use of appendices / Tables and photographs</b> 19.1 Appendix 1 shows examples of the Capital Costs for Added membership and Added Pension.
<b>20 Local Government (Access to Information) Act 1985</b> ( List background documents) Draft Pensions Policy Statement Advice from LGPC on early release of Deferred Benefits



**Capital Cost for (a) Added membership (b) Additional Pension:**

**Scheme Member Age 55 Final Pay £30,000**

**OPTION (a) One year of additional membership equates to extra pension of £500 p.a.  
(£30000 ÷ 60 = £500)**

**Capital Cost: (Age 55) £14359**

**Capital Cost: (Age 60) £9334**

**OPTION (b) Purchase of Additional Pension of £500.**

**Capital Cost (Age 55): £6,320**

**Capital Cost ( Age 60): £7280**

The lower cost attached to Option (b) reflects the fact that additional pension is subject to an actuarial reduction irrespective of the reason for leaving and makes no provision for survivor benefits.

**Appendix 2**

**POLICY STATEMENT ON THE USE OF ITS DISCRETIONARY POWERS:**

Reviewed and updated by General Purposes Committee on 10<sup>th</sup> March 2009

Part 1

**The Local Government Pension Scheme (Benefits, Membership and Contributions) (Amendment) Regulations 2007.**

**The Local Government Pension Scheme (Administration) Regulations 2008 Regulation 66**

**The Council and its employing bodies are required to make decisions on the use of the discretionary powers granted under relevant legislation as set out below.**

**Scheme members not employed by the Council must refer to the Policy Statement issued by their employing body.**

**Councillor Members should refer to Part 2**

((Employee Members).

**1. Choice of early payment of pension (Regulation 30)**

A member who leaves a local government employment before entitlement to immediate payment of benefits may choose to receive payment of them once he/she has attained age 55. (age 50 for members on 31<sup>st</sup> March 2008 who make an election before 31<sup>st</sup> March 2010).

For a member under age 60, an election is ineffective without the consent of his/her employer.

Unless the member is a 'protected member', the member's pension will be subject to an actuarial reduction if claimed before age 65. The Council can determine on 'compassionate grounds' that the actuarial reduction will not apply. (see paragraph 5 below)

**Policy Decision:**

**The Council's policy is to allow early payment of benefits as provided by Regulation 30 where there is a clear financial or operational advantage to the Council in doing so.**

**The Council will consider waiving any actuarial reduction on 'compassionate grounds' as defined in Paragraph 4 of the Policy Statement below.**

**Each case will be considered on its merits and will be subject to approval by the Chief Financial Officer acting under delegated powers.**

**Any Capital Cost arising will be met from Service / Business Unit budgets and will be paid into the Fund within a three month period.**

**First and second tier Officers will require Member approval.**

**2. Early Retirement on Redundancy and Business Efficiency**

Members age who has attained age 55 and who are retired on redundancy or efficiency grounds have entitlement to immediate payment of unreduced benefits. A member in the scheme at 31<sup>st</sup> March 2008 retains the right to immediate payment of benefits having attained age 50 provided they are retired on redundancy or business efficiency before 1<sup>st</sup> April 2010.

The scheme rules allow the Council to award added membership and or added pension at retirement. Compensation regulations preclude the award of added membership where monitory compensation is paid.

**Policy decision:**

**Any Capital Cost arising from an early retirement on redundancy or business efficiency will be met from Service/Business Unit budgets and must be paid into the Fund within a three month period.**

**Members retired on redundancy will not be awarded added membership but in exceptional circumstances, be considered for an award of additional pension.**

**.Members retired on business efficiency grounds will, in exceptional circumstances, be considered for an award of additional membership and or pension.**

**Each case will be considered on its merits and will be subject to approval by the Section 151 Officer acting under delegated powers.**

**First and second tier Officers will require Member approval**

**3 Early payment of Deferred Benefits (Regulation 30)**

Deferred Benefits apply to members who leave the Local Government Pension Scheme early with at least 3 months' membership or transferred-in membership. They become payable at age 65.

The Scheme Rules allow early payment of benefits before age 65 but between ages 55 -59\*, require employer's consent.

Benefits claimed before age 65 may be subject to a reduction unless the Council agrees to waive the reduction on 'Compassionate Grounds' (see 5 below).

\*(Deferred Member benefits which began before 1<sup>st</sup> April 2006 can be claimed from age 50. Deferred Member benefits for a member which began after 1<sup>st</sup> April 2006 can be claimed from age 50, provided the election is made before 1<sup>st</sup> October 2010.)

**Policy Decision:**

**The Council's policy is to allow early payment of Deferred Benefits only if the case can be considered on 'Compassionate Grounds' as defined in paragraph 5 below or otherwise where there is no financial disadvantage to the Council for doing so.**

**Each case will be considered on its merits and will be subject to approval by the Section 151 Officer acting under delegated powers.**

**4 Flexible retirement (Regulation 18)**

**The Council will consider applications for Flexible Retirement from scheme members age 55 and over. Flexible Retirement is linked to the Council's existing policies on Flexible Working and extending employment beyond age 65. It provides opportunities for re-skilling and redeploying older workers across the workforce as well as retaining skills and experience as part of a transition towards retirement.**

**Flexible Retirement allows scheme members age 55 and over to apply to transfer to a lower graded post or to reduce hours of employment and at the same time access their retirement benefits. Both the transfer to a lower graded post or reduction in hours of work and the early release of retirement benefits is an employer discretion. As a minimum requirement, a member's pay must reduce by at least four spinal points or the equivalent in reduced hours.**

**In considering Flexible Retirement both the needs of the member and the Service must be taken into account. Initial approval rests with the Service Chief Officer e.g. Assistant Director or equivalent with final approval by the Deputy Head of Personnel.**

**The early release of benefits before age 65 has the potential to incur an actuarial reduction in benefits. The Council's Section 151 Officer has delegated authority to waive any actuarial reduction, but only in exceptional circumstances that benefit the business and operational needs of the service. The cost to the Fund will be met from the Service budget.**

**Acceptance of Flexible Retirement debars the member from changing their job to a post offering higher pay within the Council or from returning to employment on higher pay with the Council for a period of not less than three years.**

**5 Discretion to waive an actuarial reduction under Regulation 30**

The Council has discretion to waive an actuarial reduction arising from Regulation 30, on compassionate grounds.

**Policy Decision:**

**Although the term compassionate grounds is not defined in the regulations, the Council's policy is to apply the following definition:-**

**'Compassionate Grounds means that the scheme member is required to look after a sick dependant relative on a whole time basis, is therefore unable to take up gainful employment, and in consequence is suffering financial hardship.'**

**In addition, the Council will satisfy itself that the sick dependant relative has a permanent long-term condition with a reasonable life expectancy having regard to his/her age.**

**Each case will be considered on its merits and will be subject to approval by the Section 151 Officer acting under delegated powers.**

**6 Payment of Death Grants for Active Members Regulation 23, Deferred Members Reg.32 and Pensioner Members Regulation 35,**

**A death grant will usually be paid in accordance with the member's nomination or, where there is no nomination, to the legal personal representatives. However where it is considered that:**

- a) an existing nomination may no longer reflect the member's intentions (for example there is a subsequent marriage, divorce or children) or,**
- b) there is a deserving recipient (who must be have been his relative or dependant at some time) who would otherwise be excluded by payment to the Estate or,**
- c) payment to the Estate may be inappropriate for other reasons (for example where inheritance tax may be a factor if payment were made to the Estate).**

**Payment may be made in the manner and proportions the Council believe appropriate in the circumstances of the case.**

**In all cases, the release of the Death Grant is delegated for approval to the Section 151 Officer.**

**7 Disregarding a break in full-time education for a Childs Pension payment to continue.**

- a. Where there is a break in full-time education or training, the Chief Financial Officer will decide whether such a break can be ignored on the child's return to full-time education or training**
- b. The Section 151 Officer will have regard to the circumstances of each case within the guideline that the break should not generally extend beyond 12 months from the beginning of one academic year to the end of one academic year, or include periods of full-time employment of more then three months**
- c. Where the gap extends beyond the 12 month limit as described above, the child must be able to clearly demonstrate a clear intention to return to full-time education or training and has not undertaken paid employment as an alternative career option to returning to fill-time education or training**
- d. Where the Section 151 Officer deems it appropriate to ignore a break in full-time education or training, the child's pension will be reinstated from the re-commencement of full-time education or training or such earlier date as the Chief Financial Officer deems appropriate based on the individual circumstance of the case.**
- e. The exercise of this discretion will be reported to the Pensions Committee.**

**8 Abatement (reduction) of pensions on re-employment**

The pension payable to pensioner members who return to employment covered by the Local Government Pension Scheme is subject to an abatement at the Council's discretion.

The abatement rule allows a reduction in pension if the pension plus salary in the new employment is more than the salary at date of retirement.

The Council's policy is to abate a pension where the member retired on medical grounds and returns to employment or Office covered by the LGPS.

Abatement is also applied on re-employment or return to Office with Haringey Council or its employing bodies in circumstances where the member has retired early with no percentage reduction to the retirement benefits

### **Policy Decision:**

**Members of the Fund who commence re-employment or who return to Office after 31<sup>st</sup> March 1998 will be liable for an abatement in their pension in the circumstances described below.**

**The abatement will be calculated in accordance with the provisions of Schedule 5 to the Local Government Pension Scheme Regulations 1995.**

**Pensioner members who commence re-employment or return to Office in local government following retirement on medical grounds. or re-employment or return to Office with Haringey Council or its employing bodies in circumstances where the member has retired early with no percentage reduction to the retirement benefits will be subject to an abatement except in cases of Flexible Retirement agreed in accordance with Regulation 18.**

### **8 Waiving of time limits**

The Council's policy is to waive time limits set within the Pension Scheme Regulations where it is satisfied that the individual could not have known of the requirement to make an election at the proper time.

### **9 Medical clearance to purchase Additional Pension ( ARCs) Regulation 23 ( administration) Regulations**

**An application to purchase additional pension will only be accepted if the member makes a declaration that he/she is in reasonably good health and has not been seen by a medical practitioner within the last 12 months or otherwise where the member provides a report by a registered medical practitioner of the results of a medical examination undertaken at the member's own expense.**

### **10 Attributing salary bands**

The New Look LGPS moves from a flat rate 6% contribution to a rate based on the member's salary band. (see On-Line Guide Thinking of Joining)

Attributing a member to a salary band is an employer decision.

On 1<sup>st</sup> April 2008, the Council will attribute salary bands based on the member's basic annual pensionable pay on 1<sup>st</sup> April plus variable pensionable pay (bonus, sleeping-in allowance etc) earned over the last twelve months.

New starters will be attributed to a salary band on appointment.

No interim changes will be made to attributed salary bands to take account of promotions or reductions but a review will take place on the 1<sup>st</sup> April in each year. The exception will be back dated pay awards to 1<sup>st</sup> April.

This approach is not expected to have any adverse effect on achieving the target income from employee contributions of 6.3% although the position will be reviewed in the light of experience over the forthcoming inter-valuation period. Informal advice from the Council's actuary anticipates an income of 6.7% based on the 2007 valuation data.

To ensure the smooth implementation of this change any variations to this policy are delegated to the Head of Personnel subject to approval at the next available meeting of General Purposes Committee.

### **Policy decision:**

**That salary bands are attributed on 1<sup>st</sup> April based on basic annual pensionable pay plus variable pensionable pay over the last twelve months.**

New starters to be attributed a salary band on the first day of membership based on basic annual pensionable pay.

That with the exception of back-dated pay awards to 1<sup>st</sup> April, no variation will be made to a member's attributed salary band other than at each annual review date on 1<sup>st</sup> April of each subsequent year.

To ensure the smooth implementation of this change any variation to this policy is delegated to the Head of Human Resources subject to approval at the next available meeting of General Purposes Committee.

## **11 Shared Cost Additional Voluntary Contribution Scheme**

The Council's policy is not to make use of this discretion at the present time.

### **Part 1B**

#### **Discretions exercised by Haringey Council in accordance with provisions of**

The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended) and the Local Government (Discretionary Payments) Regulations 1996 as amended

**Staff of Employing Bodies should ask their Personnel Officer for a copy of their Policy Statement regarding the discretions listed below.**

#### **1 Compensation for Redundancy**

Compensation on redundancy will be based on ; 1 weeks pay for each complete year of service up to a maximum of 20 years total service.

#### **2 Increase of 1996 Act Redundancy Payments**

The redundancy payment is based on the actual weekly rate of pay at the relevant date. (This is usually but not always, the date notice is given).

#### **3 Compensation for termination of employment on Business Efficiency Grounds**

**3.1 That an award of Monetary Compensation of up to 104 weeks pay be considered as part of a package where exceptional circumstances require additional flexibility to manage change within the workforce. Each case to be considered on its merits within the framework of the LGPS, Compensation Regulations and actuarial guidance.**

**3.2 That the capital costs of an award be charged to the relevant Service / Business Unit budget.**

**3.3 That each case is referred to the Section 151 Officer for approval except for tier one and tier 2 Officers who require Member approval**

#### **4 Injury Allowances: Summary of current Policy**

An Injury allowance may be paid to an employee who sustains an injury or contracts a disease as a result of anything he/she was required to do in carrying out their work; and either:-

Is certified as being permanently incapacitated and ceases employment. or

Suffers a reduction in pay.

In deciding on the amount of Injury Allowance payable, the Council takes into account all the circumstances of the case.

The maximum amount payable is 85% of Final Pay.

Injury Allowances in payment are reviewed annually, and at age 65.

Each case is referred for a decision to the Section 151 Officer acting under delegated authority.

#### **5 Gratuities for Non- Pensionable Service: Summary of current Policy:**

Gratuities are paid to retiring employees for service with the Council during which they were not eligible to join the Local Government Pension Scheme.

Part Time employees who worked at least 15 hours per week for 35 weeks a year can count service up to 31/3/1987 for gratuity entitlement.

Part Time employees who worked less 15 hours per week can count service up to 16/8/1993.

Gratuity payments do not apply to casual employment

The payments are calculated on 3.75% of Annual Pay for each year of gratuity service as described above.

The employee can choose between a once off lump sum or an annuity payment.

A Death Gratuity is also paid if an employee dies in Service.

The Death Gratuity is paid to an employee's dependants. It is calculated on 3.75% of Annual Pay for all local government service up to 31/3/1987. It is payable to members of the Local Government Pension Scheme and non-scheme members alike.

### **Contact information:**

**Contact the Pensions Team at:-  
Alexandra House 10 Station Road London N22 7TR**

Tel Number 020 8489 5916

**E-Mail Pensions.Mailbox@haringey.gov.uk**

Important Note:

*Nothing stated above confers any statutory rights or overrides the provisions of the Local Government Pension Scheme and Compensation Regulations<sup>1</sup> or related legislation.*

In the event of any dispute over your pension benefits, the appropriate legislation will prevail

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<sup>1</sup> The main scheme regulations referred to are :-

The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended)

The Local Government Pension Scheme (Administration) Regulations 2008 (as amended)

The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 (as amended)

The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended).

## **Part 2 (Councillor Members)**

**COUNCIL'S POLICY STATEMENT ON THE USE OF ITS DISCRETIONARY POWERS:**  
The Local Government Pension Scheme Regulations 1997 (as amended) Regulation 106

The Council is required to make decisions on the use of the discretionary powers granted under relevant legislation as set out below.

The policy was updated by Pensions Panel on 10<sup>th</sup> October 2005

### **1. Voluntary early retirement from age 50 (Regulations 31)**

**Subject to the Council's consent, the Scheme Rules allow councillor members who cease to be a member of the Council between the ages of 50 – 65 to claim immediate payment of benefits. Early payment of benefits in these circumstances incur a cost to the Fund.**

**Policy Decision:**

**The Council will not exercise its discretion to release retirement benefits early to councillor members who cease or have ceased to be a member of the Council age 50 and under 65.**

### **2. Early payment of Benefits from age 65 (Regulations 31)**

**If on ceasing to be a member of the Council the member's age and membership<sup>1</sup> equate to 85 or more, benefits are payable immediately and in full. If not, they are reduced by reference to tables produced by the Government Actuary.**

**The Council has discretion to waive this reduction.**

**If the benefits are left in the fund until age 65, they are paid without any actuarial reduction.**

**Waiving the actuarial reduction in these circumstances incurs a cost to the Fund**

**Policy Decision:**

**That the Council will not exercise its discretion to waive the actuarial reduction for councillor members who cease to be a member of the Council and claim immediate payment of benefits.**

### **3. Re-employed pensioners – Abatement of pensions (Regulation 109)**

**The pension payable to pensioner members who return to employment or Office covered by the Local Government Pension Scheme is subject to an abatement at the Council's discretion.**

**All members of the Fund who commence re-employment or who return to Office will be liable for an abatement in their pension except where Regulation 18 (Flexible Retirement ) applies. The abatement will be calculated in accordance with the provisions of Schedule 5 to the Local Government Pension Scheme Regulations 1995. In general terms, this requires abatement where pensionable earnings and pension on re-employment / return to Office, exceed pensionable earnings on retirement.**

**Policy Decision:**

**The Council's policy is not to abate a pension in all cases except of :-**

**re-employment or return to Office in local government following retirement on medical grounds. or**

**re-employment or return to Office with Haringey Council or its employing bodies in circumstances where the member has retired early with no percentage reduction to the retirement benefits.**

### **4. Waiving of time limits**

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<sup>1</sup> For councillor members, this means membership as a councillor member in the Haringey Council Pension Fund



The Council's general policy is to waive time limits set within the Pension Scheme Regulations where it is satisfied that the individual could not have known of the option at the proper time. Each case is considered on its merits having regard to the interests of the employee and the Council's trusteeship of the pension fund.

**Policy Decision:**

That the time limits set within the Pension Scheme Regulations will be waived where the member could not have known of the requirement to make an election at the proper time.

**Waiving restriction on entry to the Fund Regulation 7 (9)**

The regulations permit elected members to opt in and opt out of the scheme. The regulations restrict the right to opt in if a member has opted out more than once. The Council has discretion to waive this restriction.

**Policy Decision**

The Council's policy is not to restrict re-entry to the Fund where a member has previously elected to opt out more than once.

Important Note:

*Nothing stated above confers any statutory rights or overrides the provisions of the Local Government Pension Scheme and Compensation Regulations<sup>2</sup> or related legislation.*  
In the event of any dispute over your pension benefits, the appropriate legislation will prevail

**For more information contact the Pensions Team at:-**

Alexandra House 10 Station Road London N22 7TR

*Tel Number 020 8489 5916*

**E-Mail [Pensions.Mailbox@haringey.gov.uk](mailto:Pensions.Mailbox@haringey.gov.uk)**

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<sup>2</sup> The main scheme regulations referred to are :-

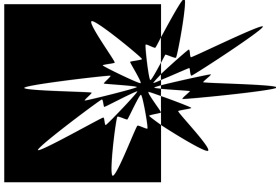
The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended)

The Local Government Pension Scheme (Administration) Regulations 2008 (as amended)

The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 (as amended)

The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended).

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**Haringey** Council

**[No.]**

Agenda item:

**General Purposes Committee**

**On 10 March 2009**

Report Title. **Update on Equal Pay/ Single Status Implementation**

Report of **Stuart Young, Assistant Chief Executive (People & OD)**

Date 27/2/09

Contact Officer : **Steve Davies, Head of Human Resources, 020 8489 3172**

Wards(s) affected: **ALL**

Report for: **Key decision**

**1. Purpose of the report**

- 1.1. To note progress on implementation of the Equal Pay/ Single Status package agreed with the unions in September 2008.

**2. Introduction by Cabinet Member – Cllr Charles Adje**

- 2.1. Members are asked to note progress on implementation of the equal pay package.

**3. State link(s) with Council Plan Priorities and actions and /or other Strategies:**

- 3.1. Links with People Strategy – Great Place to Work theme to promote Haringey as a place where people want to work. We want to attract, reward and retain a wide range of talented staff whose makeup is representative of the community we serve.

**4. Recommendations**

- 4.1. To note progress on implementation of the equal pay and conditions package.

**5. Reason for recommendation(s)**

5.1. The equal pay and conditions package is being implemented and Members asked to be updated with progress on implementation.

**6. Other options considered**

6.1. The council need to implement the equal pay package to mitigate any risk against equal pay claims. There is no viable alternative.

**7. Summary**

7.1. The council's equal pay and conditions package was agreed with the unions and approved by committee in September 2008. Since then officers from HR have been implementing the agreed package and consulting with various stakeholders, as appropriate, about changes to the employees pay and conditions.

**8. Chief Financial Officer Comments**

8.1. The Chief Financial Officer has been consulted over the contents of this report and can confirm that the increased budget provision highlighted in section 13.0 has been factored into budgets. No further significant budgetary implications are expected to arise from the final evaluation processes.

**9. Head of Legal Services Comments**

9.1. The Head of Legal Services has been consulted on the content of this report. The package recommended for agreement has been designed to provide justifiable grades and conditions of service for Council staff in relation to considerations of general gender equality and the impact of the Equal Pay Act 1970 and related legislation

**10. Head of Procurement Comments –[ Required for Procurement Committee]**

10.1. Not applicable.

**11. Equalities &Community Cohesion Comments**

11.1. The package ensures that equality of employment conditions is free from gender bias. In developing the package an assessment has been undertaken to ensure that the proposals do not adversely affect any of the council's equality themes.

**12. Consultation**

12.1. The package was developed in extensive negotiations and consultation with trade unions, Members and management.

12.2. Consultation with unions, staff and management has continued during implementation and will continue until such time as the package has been fully implemented.

### **13. Service Financial Comments**

13.1. The recurring revenue costs of the grade changes arising out of the agreed package are estimated at £3.82 million. This cost is shared as follows:

- General fund £2.40 million
- Schools £0.87 million
- Catering £0.55 million

13.2. A central contingency has been set aside to address the general fund pressure; schools have a provision to cover back dated pay and are committed to building in budget to cover the increased on-going costs whilst the catering costs will be met through the overall trading account.

13.3. The figures are higher than those reported to General Purposes Committee previously (a total of 2.8m of which General fund was 1.8m) because an improved and updated benchmark of job cost changes was used to calculate the likely impact of grade changes on the budget.

13.4. However, this revised estimate has been discussed with the Chief Financial Officer and considered as part of the budget process and appropriate provision has already been factored into budgets. The costs assume that savings are made in allowances and overtime, both of which feature in the agreed single status package. There are number of other unknowns in terms of the evaluation process that may impact on the final figures, but these should not be significant.

### **14. Use of appendices /Tables and photographs**

14.1. Not applicable

### **15. Local Government (Access to Information) Act 1985**

No documents that require to be listed were used in the preparation of this report

## 16. Equal Pay Review implementation progress

16.1 A summary of key actions and milestones in implementing the agreed package is outlined below.

- 29 September 2008 – Package agreed at General Purposes Committee
- October 2008 – A Variation of Contract letter was sent to all employees summarising the new package of pay and conditions and identifying changes including annual leave, notice periods, bonus changes and overtime pay arrangements.
- October 2008 – A briefing note was sent to all managers advising them of the changes to pay and conditions.
- December 2008 – 912 ex-manual workers re-grading and backdated pay was processed and received in their December salary.
- December 2008 – Managers were advised to issue employees with their new annual leave entitlements
- January 2009 – 563 ex-manual workers re-grading and backdated pay was processed and received in their January salary.
- January 2009 – 383 employees were written to advising them that they had qualified for a long service award under the new criteria i.e. 20 years Haringey Council Service
- January 2009 – 2 weekly meetings have been set up with the trade unions to discuss matters arising from implementation of this package
- February 2009 – 47 ex-manual workers re-grading and backdated pay was processed and received in their February salary
- February 2009 – Managers/Headteachers were written to asking them to update outstanding Job Descriptions for evaluation

**17. Ongoing implementation timetable**

17.1 The ongoing timetable for job evaluation and grading of posts is outlined below.

<b>Evaluation Group</b>	<b>Evaluation Timetable</b>	<b>Effective date of re-grade</b>
Remaining manual workers, School & Children Centre positions identified in appendix B of the package	March/April 2009	1 April 2007
Remaining positions identified in appendix B	April/May 2009	1 April 2007
Other jobs graded PO2 or below not identified in appendix B	June/August 2009	1 April 2008
PO3-PO8 grades	August 2009/March 2010	1 April 2009

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Haringey Council

[No.]

Agenda item:

General Purposes Committee

On 10 March 2009

Report Title: An evaluation of controlled street drinking areas within the London Borough of Haringey

Report of Niall Bolger, Director of Urban Environment

*N Bolger 26/2/09*

Contact Officer : Robert Curtis, Service Manager Environmental Crime

Telephone: 0208 489 5283 robert.curtis@haringey.gov.uk

Wards(s) affected: ALL

Report for: **Key decision**

**1. Purpose of the report**

- 1.1. To inform members of all current street drinking control zones within the London Borough of Haringey.
- 1.2. To report on police activity for all designated control zones.
- 1.3. To provide an evaluation of the effectiveness of Designated Street Drinking Control zones.
- 1.4. To seek Member instruction with regard to future proposals of Designated Street Drinking Control zones

**2. Introduction by Cabinet Member**

(N/A)

**3. State link(s) with Council Plan Priorities and actions and /or other Strategies:**

- 3.1. Street drinking control contributes to the achievement of priority two of the Council's five priorities which are "Creating a Better Haringey: Cleaner, Greener and Safer.
- 3.2. Designated street drinking control zones are designed to support the Council's alcohol reduction strategy.
- 3.3. Designated street drinking control zones are part of the Anti Social Behaviour Strategy Action Plan actions for addressing the correlation between alcohol and anti social behaviour.

#### **4. Recommendations**

- 4.1. That members note the findings of the report and indicate if they are prepared to receive further reports for extension of controlled street drinking zones.

#### **5. Reason for recommendation(s)**

- 5.1. An evaluation of the effectiveness of controlled street drinking zones within the London Borough of Haringey was requested by the General Purposes Committee at their meeting of 11<sup>th</sup> March 2008. At this meeting several new designated street drinking control zones were agreed for designation. The committee was persuaded by the report to make an order formally designating these areas for the purpose of street drinking control orders.
- 5.2. Evaluation at that stage had been limited to the collection of information from the police on their use of powers and successes arising. It was felt that further information was required before fully evaluating the impact that the use of these powers has had on street drinking, where this has been identified as a problem. Further consultation and site evaluation has now been undertaken.

#### **6. Other options considered**

- 6.1 No other options have been considered for this report.

#### **7. Summary**

- 7.1. Appendix 1 provides maps that show current designated areas.
- 7.2. Police provide monthly statistics to show their use of street drinking powers for each Safer Neighbourhood Police Teams (SNTs) that operate in a designated area. This commenced in May 2008 and reflects the implementation of the first tranche of new designations reported on 11<sup>th</sup> March. The statistics confirm that all of the 11 SNTs that are enforcing the designated zones are using these new powers frequently, although none have reported use of the power of arrest. These statistics are provided as Appendix 2.
- 7.3. All of the Safer Neighbourhood Team police sergeants that enforce the current street drinking controlled zones have been consulted on the impact the new powers have had. All have reported that the new powers are an effective tool to reduce anti-social behaviour which results from irresponsible drinking in a public place. It was expressed by the SNT sergeants that there was a positive perception from local residents and that street drinking designated orders made a difference and reduced anti-social behaviour. Results of this consultation are provided as Appendix 3
- 7.4. Haringey Advisory Group on Alcohol (HAGA) was also consulted and reported that there was a need for an impact assessment to ascertain the degree of displacement the current zones that had been put in place were causing over a period of time. HAGA believe that the displacement has an impact potential on their "detox" budget. Many eastern European males have been identified as requiring support and treatment, however, due to these individuals not having national insurance numbers it is sometimes difficult to gain access to funding to

support them. In short HAGA has found the designated areas to be effective and have supported the Street Designation implementation Team. As stated there is no evidence of displacement in the short term but this may develop over a longer period of time.

- 7.5. To establish whether an area is suitable to be identified as a designated street drinking control zone an extensive evaluation process is carried out by enforcement services. This process consists of eleven separate criteria by which the anti social behaviour/nuisance is measured in correlation to alcohol consumption in a specified area which is under review. If the identified area satisfies the criteria and the consultation process it will be proposed for designation and put before the General Purposes Committee for consideration.
- 7.6. In October 2007 eleven wards with Street Drinking control zones within them were evaluated using the eleven point criteria. In January 2009 the same evaluation criteria and process was used to evaluate all eleven wards. From the evidence gathered there is a significant fall in anti social behaviour/nuisance relating to alcohol consumption within the street drinking control zones. This would suggest that the designated control zones have been effective in reducing alcohol related anti social behaviour/nuisance. See evaluation results in appendix 4.
- 7.7. The Community Safety Team were consulted regarding the effectiveness of Street Drinking Control Zones to reduce anti social/nuisance behaviour relating to alcohol. Community Safety produced statistics based on "DARIS" calls to the Police concerning four wards: Noel Park, Northumberland Park, Tottenham Green and Seven Sisters which are all street drinking control zones. The following graphs in appendix 5 show how street drinking and rowdy/inconsiderate behaviour DARIS<sup>1</sup> calls to the police fluctuated between May 07 and Dec 08. The levels in the Controlled Drinking Zone areas (blue line) has been measured against the rest of the borough (pink).
- 7.8. The graphs in appendix 5 clearly show that although there was a slight rise in street drinking calls and rowdy behaviour in the Controlled Drinking Zone over the summer of 2008, the rise in the rest of the borough was much more pronounced. Street drinking calls in the Control Drinking Zone area increased by 35.6% in May-Aug 08 compared with the previous four months, but increased by 81.2% over the same period in the rest of the borough. Similarly, rowdy/inconsiderate behaviour calls increased by 9.3% in the Controlled Drinking Zone area over the same period, but increased by 29.4% in the rest of the borough.
- 7.9. Community Safety stated that within statistics gathered by the Anti Social behaviour board for Haringey it was evident that Street Drinking Control Zones had had a positive impact in the reduction of phone calls / complaints received by the Police concerning street drinking issues. Under code 34 of the statistical data base it is shown that between October –June 2007 there were 491 calls made to the police concerning anti social behaviour regarding street drinking. In October 07 – June 08 there 355 calls to the Police. This is a significant reduction of 38 %. This would imply that Street Drinking Control Zones have had a positive effect on alcohol related anti social behaviour that occurs in public places.

- 7.10. Waste Management were consulted regarding any effects the extended implementation of controlled street drinking zones may have had on their service provision. Statistically waste management were able to provide information on two wards. Tottenham Green and Seven Sisters wards were chosen as each ward was fully designated. Waste Management concluded that in Seven Sisters ward waste issues relating to alcohol related anti social behaviour stood at 17 %. In July 2008 this evaluation process was applied again by waste management and had reduced to 10 %, significant reduction in street drinking related waste issues within the Seven Sisters ward.
- 7.11. Tottenham Green ward was also evaluated by waste management in April 2008. It was found that 17 % of waste issues in that ward were as a result of street drinking. In June 2008 the evaluation process was carried out again by and a reduction of 2 % was recorded. Using this information it may be argued that street drinking control zones have contributed to the reduction in waste issues for two wards within the Borough.
- 7.12. Ward Members that had street drinking control zones within their wards were consulted on the effectiveness of the control zones, what their local residents thought about the street drinking control zones and any other comments. Generally the local ward members thought that the street drinking control zones were effective and had made a difference. The feed back was that local residents felt that the drinking control zones had had a positive effect in reducing alcohol related anti social behaviour. Some ward councillors expressed the view that the signage was too small and required constant monitoring. Another member felt that the street drinking control zone around Tottenham Hotspur football ground should be more rigidly enforced by police on match days. No ward member that had been contacted expressed any concerns about the civil rights of any person affected by the control zones. Ward members comments are tabled in appendix 6.
- 7.13. A consultation was carried out with relevant residents associations and organisations which were identified by Neighbourhood Management. Eighteen of these groups were contacted by e-mail and telephone. Nine of the groups responded making up 50 % of the groups consulted. Generally there was positive feedback form the resident groups stating that the Street Drinking Control zones had made a positive difference. On group representative for West Green felt that the zones had been ineffective. Resident Associations and groups comments are in appendix 7.

**8. Chief Financial Officer Comments**

This report does not give rise to any significant financial implications for the Council.

**9. Head of Legal Services Comments**

- 9.1. The general effect of the Street Drinking Control Order is to give additional powers to the Police. If a Police Constable reasonably believes that a person has been consuming alcohol in a designated public place, or intends to do so, the Constable can require the person (i) not to consume alcohol in that place, and (ii) to surrender any such alcohol, including any container, to the Constable. The Constable has to warn the person concerned that it is an arrestable offence to fail to comply with a requirement under (i) or (ii) above unless there is a reasonable excuse. The penalty on conviction for such an offence is a fine not exceeding level 2 on the standard scale, currently £500.
- 9.2. The other legal implications are set out in the body of the report.

**10. Head of Procurement Comments – [ Required for Procurement Committee**

10.1. N/A

**11. Equalities & Community Cohesion Comment**

- 11.1. Street drinking that causes anti-social behaviour affects everyone who lives, works and visits a particular area. Specific groups who may be adversely affected by this are the vulnerable and elderly. The review has identified that there is evidence that among men from some ethnic groups within Haringey, drinking outside is more of a social norm than it may be for others. Enforcement activity here will therefore have a greater impact on these groups.

**12. Consultation**

- 12.1. The Police have been consulted throughout this process. Detailed statistics have been provided for evaluation since the implementation of the new street drinking control zones. The Police sergeants that manage the local SNTs enforcing the zones have been interviewed and consulted.
- 12.2. HAGA have been consulted regarding the evaluation implementation of Street Drinking Zones within Haringey.
- 12.3. Ward Councillors, residents and local service providers have been consulted as part of the evaluation process.

**13. Service Financial Comments**

13.1. There are no financial implications of this report.

**14. Use of appendices /Tables and photographs**

Appendix 1 – Maps showing current designated areas

Appendix 2 – Table showing police use of powers per SNT

Appendix 3 – Police SNT sergeant comments

Appendix 4 – Evaluation criteria / Evaluation results of eleven wards that have control zones within them

Appendix 5 – DARIS calls to the Police between May 07 – Dec 08

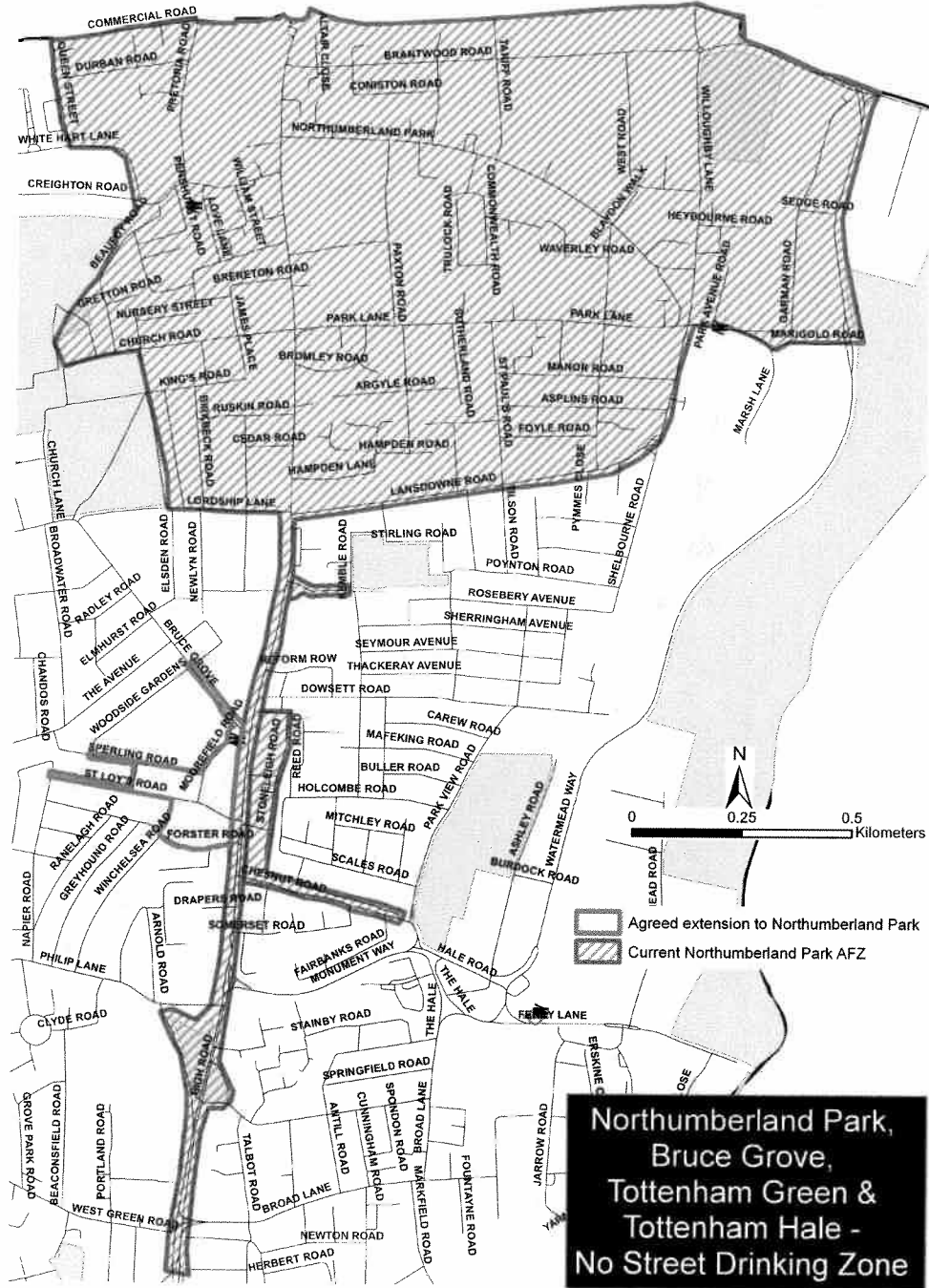
Appendix 6 – Ward Member comments

Appendix 7 – Residents Associations/Group Comments

**15. Local Government (Access to Information) Act 1985**

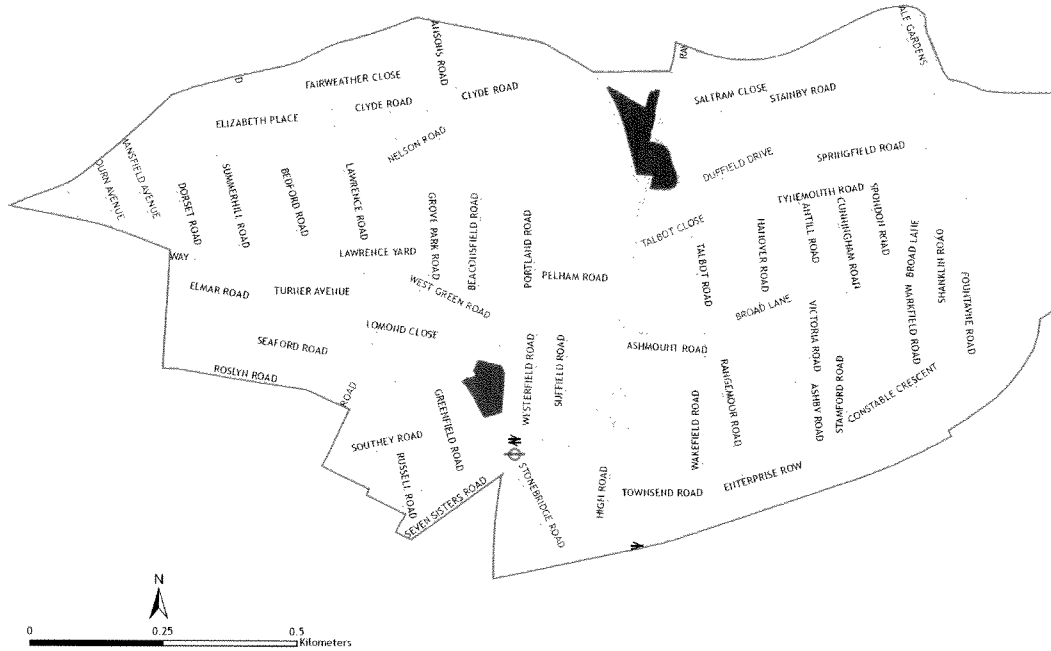
15.1. Consultation responses from Police SNTs.

15.2. General Purposes Committee report and minutes for 11<sup>th</sup> March 2008.



All boundary lines on the map show that both sides of the road are included in the designation

**Tottenham Green - No Street Drinking Zone**

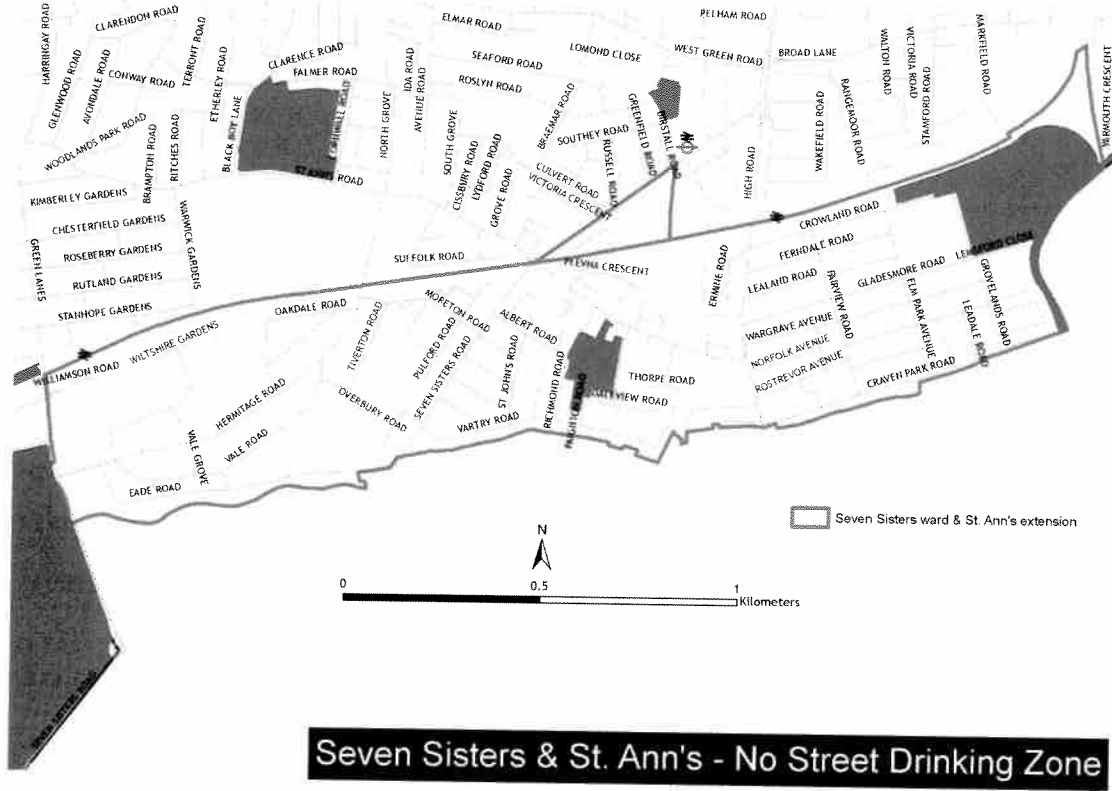


All boundary lines on the map show that both sides of the road are included in the designation

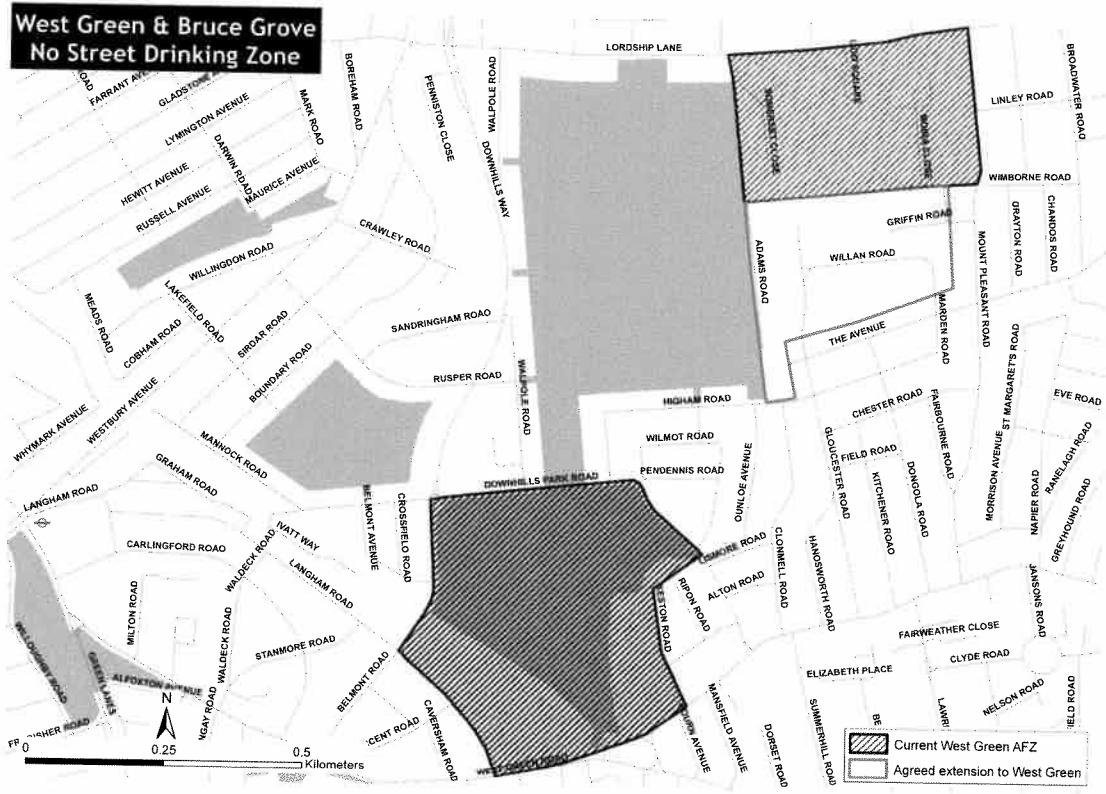




All boundary lines on the map show that both sides of the road are included in the designation



All boundary lines on the map show that both sides of the road are included in the designation



All boundary lines on the map show that both sides of the road are included in the designation

Appendix 2

	MAY			JUNE			JULY			AUGUST			SEPTEMBER			OCTOBER			NOVEMBER			DECEMBER			
	warn/advice	seizure	arrest	warn/advice	seizure	arrest	warn/advice	seizure	arrest	warn/advice	seizure	arrest	warn/advice	seizure	arrest	warn/advice	seizure	arrest	warn/advice	seizure	arrest	warn/advice	seizure	arrest	
Bounds Green	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bruce Grove	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Harringay	40	35	0	14	8	0	25	17	0	0	3	0	2	7	0	6	2	0	19	24	0	24	13	0	12
Noel Park	20	43	0	26	36	0	0	0	0	0	31	0	3	45	0	5	37	0	18	8	0	3	0	4	1
Northumberland Park	0	0	0	3	10	0	4	8	0	4	9	0	9	2	0	15	9	0	7	12	0	18	8	0	25
St Ann's	0	7	0	0	23	0	5	15	0	0	7	0	4	5	0	8	8	0	8	8	0	6	6	0	2
Seven Sisters	0	20	0	28	28	0	19	12	0	6	0	2	5	0	19	10	0	19	10	0	12	7	0	8	8
Tottenham Football	-	-	-	-	-	-	-	-	-	-	-	-	-	Supplied direct	-	-	-	-	-	-	-	-	-	-	-
Tottenham Green	7	28	0	4	29	0	3	26	0	0	18	0	0	20	0	6	30	0	6	30	0	0	18	0	0
Tottenham Hale	10	5	0	8	13	0	21	17	0	12	23	0	8	12	0	21	14	0	18	14	0	18	14	0	16
West Green	0	1	0	0	8	0	0	6	0	8	0	0	8	12	0	23	9	0	17	0	0	17	0	0	0
Woodside	0	5	0	0	8	0	0	33	0	0	28	0	0	40	0	34	0	0	40	0	10	35	0	15	
MONTHLY TOTAL	77	144	0	84	163	0	77	135	0	24	157	0	36	159	0	122	177	0	115	113	0	115	113	0	99

TOTAL TO DATE	
Warn/advice	420
Seizure	935
Arrests	0

**POLICE SAFER NEIGHBOURHOOD TEAMS COMMENTS OB STREET  
DRINKING CONTROL ZONES**

POLICE SERGANT	WARD	COMMENTS
Sergant Andrew Underwood	Noel Park	<p>We within Noel Park SNT make frequent use of the street drinking zone. We average around 30 seizures of alcohol a month. Wood Green is a busy commercial and retail area that is one of the busiest High Roads in north London. The ward particularly around Morrisons is frequented by several street drinkers who have been in situ for many years. They generally don't commit criminal offences however they do drink and make the area unsightly. We also have a smaller problem with eastern European drinkers in and around the High Road</p> <p>In my opinion the Street Drinking zone is an essential tool for the police to use to combat antisocial behaviour in around the public places of Wood Green.</p> <p>Not sure about the stakeholders question really.....and it would be good to have some decent signs with the correct legislation printed on it.</p>
Sergant Mark Pearce	West Green	<p>Since the drinking zone has been in place in Downhills Park we have regularly seized alcohol from 3-4 people per week. This has been mainly early to late evenings and from eastern European males. Throughout the summer we have had parents etc informing us that they were pleased that police were seizing alcohol and felt safer attending the park with their young children.</p>
Sergant Paul Minihane	Woodside	<p>The no drinking zones in the Woodside ward have been well received by majority of the residents around living around Stuart Crescent, Pellatt Grove, Ewart Grove and High Road N22 area. Prior to the no drinking zones there were many complaints from residents around the Stuart Crescent Junction High Road N22 area about the park opposite the Civic center. Members of public often complained about being intimidated walking through the park due to the amount of alcoholics drinking and being rowdy. There were also instances where alcoholics were seen vomitting, defecating, urinating and also littering in the park by residents living front of the park. There have been 72 stop and accounts completed since July 1st of July 2008. Majority of the occasion's alcohol were seized, confiscated and disposed off by officers from the Woodside SNT. We did provide names and details of residents who were willing to give statements whilst applying for the drink zones but do not have any details at the moment. But are in the process of obtaining some.</p>

Pc Darren Green	Bruce Grove	<p>As Discussed before the no drinking zone was implemented we where having problems with a large amount of Congolese males hanging around The junction of Moorefield road and St loys road. As the no drinking zone has only been in for a couple of weeks in early days to say as what impact it is having on the area. Whilst on patrols officers from Bruce Grove SNT have made a significant amount of alcohol seizures. However we are still getting a lot of complaints from residents. At the present time Claude Sylvester from the Asbat team has been speaking to local residents and is in the process of taking statements from the residents.</p>
Sergant Paul McGregor	Seven Sisters	<p>Before the zones were put into place, I had daily grief in respect of ASB connected to street drinking. This ASB took the form of gardens/ public areas being used as toilets, broken glass, litter generally, noise/ fighting until the early hours, Groups causing intimidation. Briefly, since its inception, I can report that a slow start occurred in its implementation, on my Ward. I took this stance. A period of education took place. This is because most of my street drinking population are of Eastern European origin. Together with warnings, and whilst waiting for appropriate signage to go up, they were educated, through communication verbally and supported by written Polish/ English material.</p> <p>After several weeks grace, the process of enforcement occurred. This has caused a marked decrease in instances of Street drinking which co-insides with anti social behaviour, from occurring. It has been most effective in South Tottenham, where, those residential areas that were plagued by ASB connected to street drinking have seen a marked improvement. Visual audits support this, with sporadic pockets of toilet/litter activities. Non urgent calls to the SNT phone have dropped by 40%.</p> <p>It has also been effective in Hermitage Road N4. This is where a cafe- said to be supplying alcohol (no evidence of this) was attracting members of the community that fraternise there. They were buying alcohol in a nearby off licence and consuming it on the street near to the venue. Public perception was that the venue was selling. Without enforcement under licensing legislation, I was able to use the legislation to cause a cease in consumption (so far).</p> <p>It has, to date, been un-necessary to utilise powers of arrest.</p> <p>My Ward panel have received news of the use of the powers to their successful effect.</p> <p>The Chair can be contacted, if so desired, and some residents without priming- I will seek their permission if you would wish to contact them.</p>

Sergant Stuart Randall	Tottenham Hale	<p>Since May 2008 until present my team has given 51 warnings and 58 seizures, no arrests.</p> <p>Before the zones were in place it was common place to encounter groups of drinkers congregating in areas in the High Street and they could at times be very inebriated and causing problems for passers-bys. This could be in the form of begging, abuse and threats; they at times could be very intimidating.</p> <p>Since the implementation of the zones in my area the incidents of groups forming has been greatly reduced, we still get people drinking in the street, but normally on an individual basis. When approached they have always cooperated and the power of arrest has not been used. The problem is that at times they wait until we disappear and go and get some more or as my zones are very restricted, i.e. High Road, Stoneleigh Road, Chesnut Road and Scotland Green we simply disperse the drinking to surrounding streets causing a different group of residents to suffer. The only way to combat this would be to widen the zones to cover the area as is the case in Northumberland Park Ward.</p> <p>The one problem we do have, with the latest zones, is the minimal number of signs indicating the areas covered, the drinkers protest their ignorance and feel they are being victimised due to the lack of info.</p> <p>With regards to stakeholders, many affected are small businesses or residents and the complaints we receive are invariably anonymous and those who make themselves known, do not want to be identified and put pen to paper.</p> <p>My team is of the opinion that the zones we have are very effective for the quality of life in the High Road; however their restricted coverage lowers the quality in the surrounding areas and will never help to tackle the problem over in the long term for the Ward as a whole.</p>
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Sergant Nicholas day	St Annes	<p>I am writing to update you regarding the effectiveness of the current alcohol control zone. As you are aware the alcohol control zone takes in a small geographical area on the east side of the ward. I am also responsible for the policing of the dispersal order outside Wickes in Seven Sisters Road and this involves patrols in the roads opposite Wickes which are situated on Tottenham Green Ward.</p> <p><b>Wickes and Dispersal Area</b>  The dispersal order outside Wickes has been extended until Jan 09. I consider the alcohol control zone to be intricate in the policing of this area. We have made a number of seizures in the area and this has been part of our tactics when dealing with the street drinking which can occur due to the number of males who regularly gather. Though we can use the dispersal order to move the males out of the zone prior to the introduction of the order we were unable to take positive action to prevent the street drinking. By seizing alcohol and enforcing the dispersal order we are impacting on later anti-social behaviour that can occur through excessive alcohol consumption.</p> <p>In the process of obtaining the dispersal order we have engaged local residents, businesses and commuters to obtain information. Street drinking was often raised as an issue. Since the introduction of the alcohol control zone I have noticed a reduction in the amount of complaints to St Ann's SNT around street drinking.</p> <p>Prior to the introduction of the order I received a series of complaints by phone and e mail regarding a small seating area in Culvert Road close to the junction with Seven Sisters Road. This would attract street drinkers. After the introduction of the order we regularly carried out seizures and have reduced the problem. I can measure this success by the reduction in complaints by residents and less evidence of beer cans etc in the bin adjacent the seats.</p> <p>The alcohol control zone has provided Police with an effective tool in dealing with what can often appear to the community to be low level anti-social behaviour. On a number of occasions when carrying out street seizures passing members of the community have reacted favourably to police action.</p>
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Sergant Iain Williams	Tottenham Green	<p>I am writing to update you regarding the effectiveness of the current alcohol control zone.</p> <p>Since the introduction of the powers on the ward of Tottenham green we have made numerous alcohol seizures. Prior to the legislation my ward was suffering open drinking and associated anti social behaviour in a number of areas. I will summarise the effectiveness of the powers as follows:</p> <p><b>Outside Seven Sisters BR Station-High Road entrance</b>  This area was attracting between 10 and 15 street drinkers on a regular basis. These individuals were drinking heavily, begging from passers by, intimidating visitors to the local area and urinating in the street. My team have been regularly targeting this group and seizing their alcohol. The group no longer frequent the area as a result.</p> <p><b>Outside Apex House, Seven Sisters Road, N15</b>  We were receiving a number of complaints against a group of 5 males begging and street drinking outside the housing office next to public toilets. I was receiving e mails and phone calls from local residents stating they crossed the road to avoid the nuisance and intimidation. We again utilised the powers and asked the individuals to move from the area. The group are now not seen in the area.</p> <p><b>Outside Seacole Court, N15</b>  I was receiving daily phone calls from residents in the block complaining about groups sitting on the walls, street drinking, urinating and causing a noise nuisance. We visited the area and seized alcohol from the males at the location. I now very occasionally receive complaints from the local residents.</p> <p><b>Outside Cordell House, Broad lanes, N15</b>  This area is a paved square surrounded by shops. There are a number of seats that in the past have been frequented by street drinkers. They were leaving litter in the area, shouting, preventing people from sitting in the area. In my opinion this would have had an effect on the local businesses. We have informed the group of the legislation and after 3-4 seizures the group no longer frequent the area.</p> <p><b>Jansons Road, N15</b>  There is a green area that attracted a number of eastern European workers during the day. The males would drink at the location, block the pavement, throw their cans on the green area and cause duress to local residents. I personally visited this site and was met by 10 males drinking and shouting, on the green was in excess of 50 empty beer cans. I confiscated alcohol from them and explained the legislation and the effect on the community. The group agreed to pick up all the</p>
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<p>Sergant Iain Williams (continued)</p>	<p>Tottenham Green</p>	<p>empty alcohol cans and deposited them in a nearby bin. Again since this intervention we very rarely receive complaints regarding Jansons Road, N15.</p> <p><b>Brunswick park, N15</b> This area is near to West Green Road and often attracted groups of mainly males drinking alcohol in the early evening. There are other issues with the park however the Alcohol control zone is certainly making an impact with any alcohol related ASB. This area was subject to the first seizure of alcohol where a crate of lager was seized from a group of polish males who were sitting near to a children's park drinking. After the legislation was explained they agreed with the reasoning behind the seizure.</p> <p><b>West green Road, N15</b> This area has often had links with assaults and violence. We would often see young males walking on the street carrying opened bottles of alcohol or loitering outside newsagents drinking bottles of alcohol. The area is known to be frequented by Turkish gang members and other documented nominal. The fear is that if a confrontation ensues in the area it is very easy for an individual to use a bottle of alcohol as an effective weapon. Whenever the team see any person with an opened bottle on this particular road we immediately make a seizure. To my knowledge there have been no instances of bottle enabled assaults in West green Road since the introduction of the alcohol control zone.</p> <p>The above is merely a short summary of the effectiveness of the alcohol control zone on one of the nineteen wards within the borough of Haringey. I personally have found this additional tool extremely effective and the introduction has been of great benefit to the local community of Tottenham Green. I am not aware of any complaints against my officers in regards to the seizure of alcohol and to date we have made nearly 100 confiscations. We have not needed to utilise the power of arrest as individuals have always handed over the alcohol and seem to understand that their actions would be perceived as anti social. The fact no arrests have been made would suggest the legislation is being used wisely and the facts are being appropriately communicated to the individuals concerned.</p> <p>I would fully support the Alcohol control zone to continue and if you require any further evidence please contact me and I will complete a more thorough report.</p>
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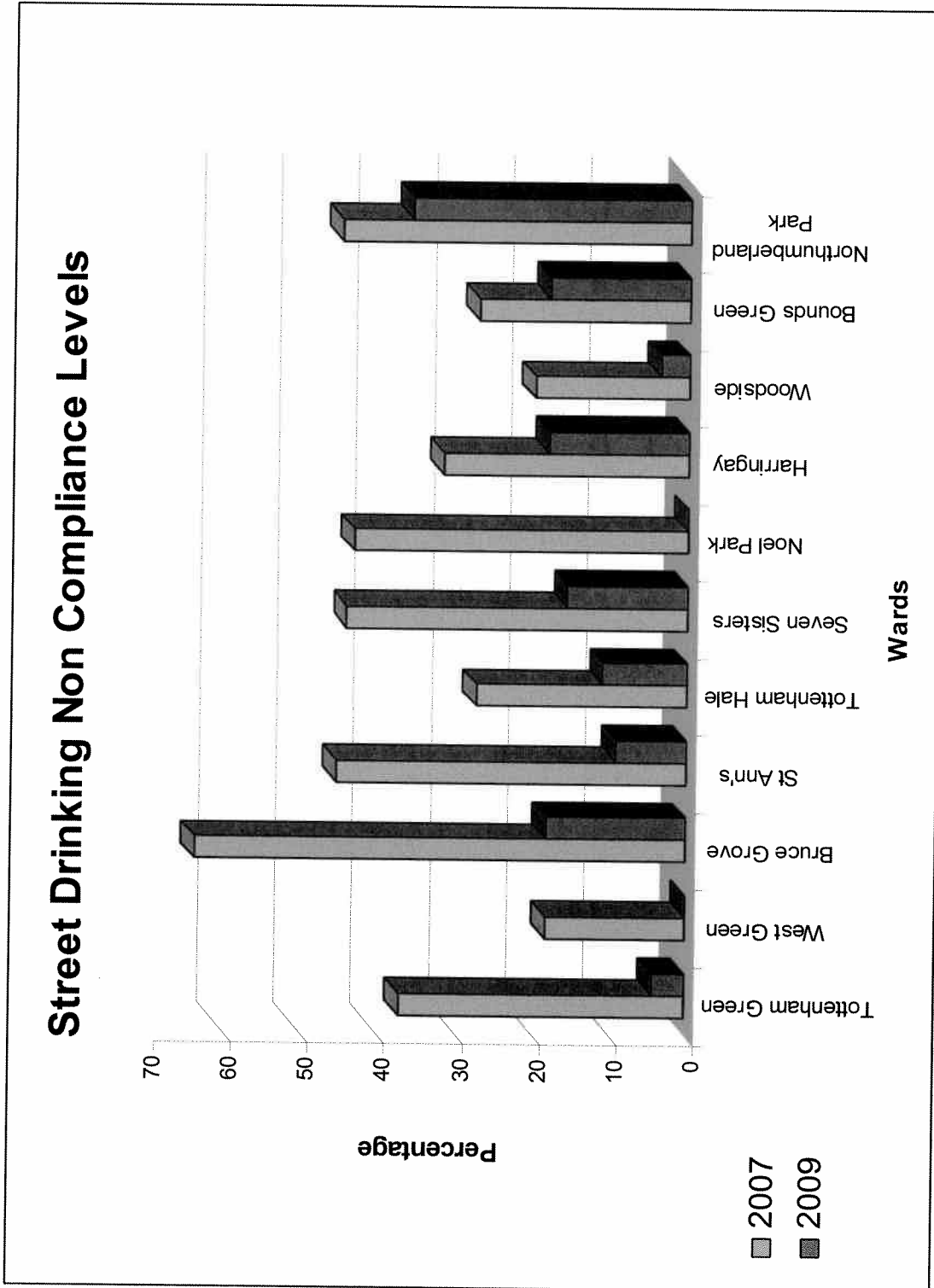
Sergant Michael Kirk	Northumberland Park	<p>The Street Drinking Zone has been implemented on Northumberland Park Ward for a number of years. I am unable to provide you with any information relating to the issues that existed prior to the zone being implemented because I have no knowledge of those issues and therefore do not feel qualified to give a comparison.</p> <p>I can say that the zone is generally very effective and residents and those who often frequent the area are well aware that it exists and that it covers the whole of the ward and not just around the High Road.</p> <p>All the people that are stopped drinking in the Ward have always volunteered to dispose of any open containers of alcohol rather than be arrested and to my knowledge no one has been arrested to date for this offence on the ward by the Safer Neighbourhood Team.</p> <p>Generally the Zone has only a positive effect across the ward.</p>
Chief Inspector Kibblewhite	Tottenham Hotspur	<p>As I said at the Alcohol Strategy Conference, this does for us what it says on the tin! By taking the booze off the punters we prevent them drinking more and causing more problems.</p>

Haringey Street Drinking Evaluation																								
	October 2007 Evaluation										January 2009 Evaluation													
	Street Drinking	Alcohol Litter	Urination	Defecation	Noise	Drugs	Solicitation	Dogs	Intimidation	Aggressiveness	Fighting	Street Drinking	Alcohol Litter	Urination	Defecation	Noise	Drugs	Solicitation	Dogs	Intimidation	Aggressiveness	Fighting		
Tottenham Green Ward	Philip Lane o/s Sports Centre	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
	High Road o/s Tottenham Town Hall	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
	High Road Jct Pelham Road	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
	High Road - Seven Sisters Tube	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
	Stonebridge Estate	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
	High Road - Apex House	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
	Jansons Road Jct Philip Lane Carpark	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
	Brunswick Road and Carpark	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
	Portland Road / Kirkton Road / Brunel Walk	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
	West Green Road o/s West Green Tavern	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
	High Cross Road / Warren Court	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
	Markfield Road Industrial Estate	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
Broad Lane - Stamford Road and Rangemoor Road	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
Downhills Park	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
Broadwater Farm Area including: Willan Road, Freedom Road, Gloucester Road, Griffin Road	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
West Green Ward																								

Key: ☒ = Compliance ☒ = Non Compliance

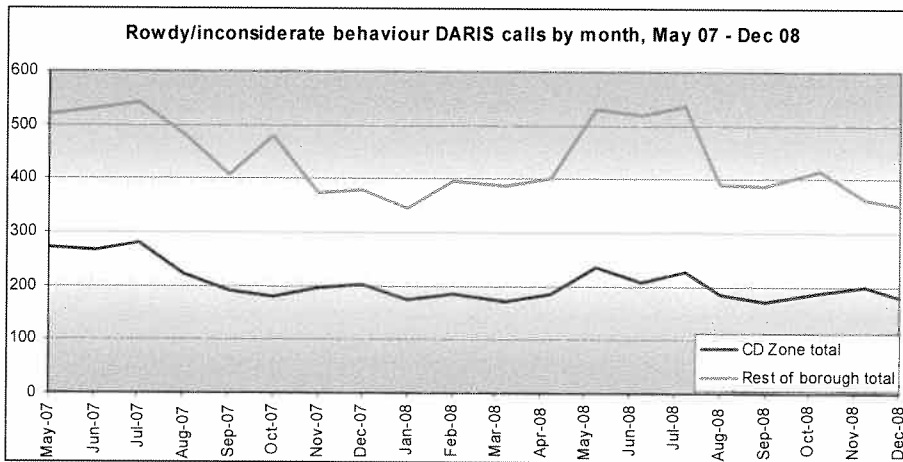
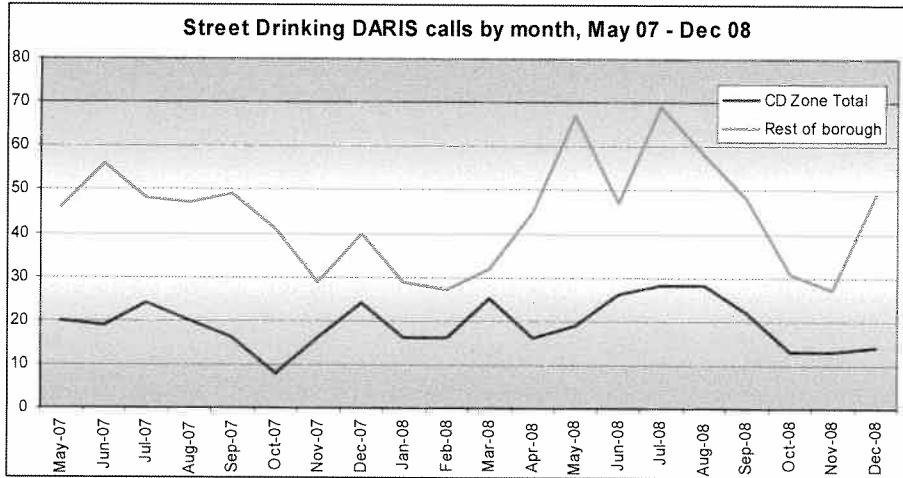






APPENDIX 5

Evaluation of impact of extension of Controlled Drinking Zones



“DARIS”<sup>1</sup> Demand And Resourcing Information System – calls to the police are recorded on this system, which includes 999 calls from the public and calls from officers.



## Appendix 6

MEMBER COMMENTS ON STREET DRINKING CONTROL ZONES

COUNCILLOR	WARD	COMMENTS
Cllr Dodds	Bruce Grove	Personally I have reservations regarding Street Drinking Control Zones Residents want them And like them They seem to reduce alcohol related anti social behaviour
Cllr Harris	St Ann's	Generally positive Residents quite happy Feels like there is some improvement
Cllr Amin	Northumberland Park	Street Drinking Control Zones are positive. Control anti social behaviour at football matches Perception is street drinking has reduced anti social behaviour
Cllr Kober	Seven Sisters	From a Seven Sister's perspective, the scheme has made a notable difference. I've received significantly fewer complaints from residents about problem street drinkers and the local safer neighbourhood team have been active in their policing of the zone. Many residents have welcomed the scheme and I am keen to see its continuation.
Cllr Mughal	Noel Park	Has reservation about the legislation but believes the Police are enforcing it correctly well.
Cllr Diakides	Tottenham Green	I have not received any complaints about the initiative as yet, which I assume is a good thing. Neither have I received any further complaints about drunken behaviour or associated Anti Social Behaviour recently (I used to get a few in the past) which may indicate that the initiative has some positive impact.  The only comments I have received until now have been from Residents Associations' reps at their meetings or at the SNU ward panel, and have generally been supportive. I don't however know whether any of these come directly from their experience on the ground or from their own perceptions of the need for

		<p>us/police to be doing something about the problem.</p> <p>At a recent Area Work panel there was a discussion about the “Wickes” area and the fact that it is difficult to police. The feedback was mainly from Iain (our TG SNU sergeant) – although outside our/his ward it spills over into Tottenham Green. I agree with his general assessment, ie that it has had some positive impact on this area, it has been impossible to police (needs someone there all the time – people wait for the police to move on and then go back again; have recently started gathering/congregating in increasing numbers within WICKES’s grounds etc.</p> <p>Overall I have no reason to believe that there have been any negatives as yet and, although I cannot say either that there has been any significant impact on the ground, I believe that the measure is welcomed by residents in general and that, for the time being, it is worth continuing with it for a further period,.</p> <p>I hope that this feedback, vague though it is, is of some help.</p>
Cllr Peacock	Northumberland Park	<ol style="list-style-type: none"> <li>1. Effectiveness of Zone, I do not now see people sitting drinking on the streets and that is mainly because the areas where they used to sit the benches have been taken away, not because of any other action.</li> <li>2. I have complained before now to the Police for them not enforcing strongly enough on match days.</li> <li>3. I think the NON drinking signs are too small and too high up to be noticed by visitors to the area on match days.</li> </ol> <p>I have had no feed back on the action to stop street drinkers, mainly because people are not really aware that the area around the High Road is a non drinking area, because of the poor signage and lack of promotion of the action being taken by the Council to improve the area.</p>

Cllr Mallett	West Green	<p>1. It is hard to say, but I asked the police on Broadwater Farm, and they said it is too early to say yet, as it was only implemented last October, and street drinking is more of a summer-time activity.</p> <p>2. They also pointed out that they only found out it was implemented by seeing the notices on the street! Do we have a protocol to inform partners of the implementation of a street drinking ban?</p> <p>It would also be helpful to us if you could attach to the email a map of where the current street drinking bans are operating.</p> <p>In general, I think they need to continue for the summer and be reviewed in the autumn.</p>
Cllr Basu	Seven Sisters	Councillor Basu has stated that he supports Councillor Peacocks comments
Cllr Bevan	Northumberland Park	<p>My only comments relate to the signage, see picture attached. It is not acceptable to have signage of any kind placed “slap dash” on the street furniture, even more so when it is of a material that will not last. It looks more like fly posting than an official / legal sign. Plus the fact that the location of these signs appears to meet no set criteria.</p> <p>We spent all that money on Tottenham High Road only to have it spoilt by tatty signage.</p> <p>Sorry to be negative but this is my only comment. I have recently raised the issue of the police plastering certain areas with “slap dash” signage on our street furniture that they do not maintain and this also could be seen as fly posting as it certainly looks like it.</p>

## APPENDIX 7

## RESIDENTS ASSOCIATIONS COMMENTS ON STREET DRINKING CONTROL ZONES

Resident Association	WARD	COMMENTS
Eileen Mcgrath	Broadwater Farm	Thank you for your email. I hope alcohol will be banned on Willan Road N17 and all entrances to the blocks especially Hawkinge.
Peter Tomlinson	West Green	<p>The effect of these control zones has been non existent in the West Green Road/Beaconsfield Road N15 area. They are a total failure.</p> <p>People are still drinking in the street, either from cans bought from off -licences/shops - or from the West Green Tavern public house. Lots of people congregate and drink in the street within 30 yards of the pub, and they use the street and people's front gardens as public toilets.</p> <p>We need proper enforcement and for people who break the law to be prosecuted on a daily basis. Drunken driving from the pub and frequent drug taking and dealing also goes on at this corner.</p> <p>I hope Haringey Council will take this seriously, as it certainly has not done so in the past. The late licence was granted even though it was opposed by many residents and the police. One can only wonder if the then chair of licensing committee had any reason to grant an extension to the pub's licence because such a decision made no democratic, practical or logical sense, and went against the residents and the police wishes</p>

Tricia Atkin	Stepping stones Residents Association	<p>Yes it does appear that there is an improvement. We have noticed that people are not wandering around with cans. And anti-social behaviour appears to have decreased, now that Alcohol Controlled Zones are in place.</p> <p>Thank you very much for this initiative.</p>
Paul Carroll	St Annes	<p>Personally I find the situation along the High Street is much improved. The bad spots are the areas around West Green Road, N15. The pavements of the West Green Tavern, the side street with social clubs in them and the car park.</p> <p>I find areas like the Wickes Car park are not such a problem as the people reduce the threat of crime and make the street seem much safer.</p>
Alexis Wood	Priscilla Wakefield House Rangemoor Road	<p>You are asking about outcomes to the street drinking initiative. It doesn't seem to be working here.</p> <p>We are opposite the park in Rangemoor rd and there are often small gatherings of men drinking.</p> <p>I have no doubt it will be much worse in the summer.</p>
Wendy Keenan	Kirkton Road, Tottenham Green Ward	<p>From my own perspective, there has been a lot less drinking on the streets in my area. I do not know if the zoning or the cold weather account for this</p>
Matilda Lewis	Mothers and Daughters, St Annes Ward	<p>Nothing is being done people are still drinking and there appears to be lots of dogs mess. I would like to see the whole ward as a no drinking zone.</p>
Jeremy Cassidy	Fountain Area Residents association, Tottenham Green Ward	<p>I have not noticed much street drinking on the street recently. But I still see evidence of cans on the street. I feel that we should put pressure on the large companies that are selling cheap strong alcohol to street</p>

		drinkers.
Andrea Holden	Chair Seven Sisters SNPT Ward Panel	<p>Re the controlled drinking ban in the Seven Sisters ward area, the drinking ban has had a real impact in improving the things for the some of the residents who were affected by groups of drinkers who were hanging around their streets and making their day to day life very unpleasant. The drinkers would congregate around the bus stops and be very intimidating, as well as using people front gardens for toilets. This is very much the case around the Wickes DIY store and around the High RD. The control zone and drinking ban has it has given the police the power to deal with the drinkers.</p> <p>One of the other areas that seemed to be a hot spot for the drinkers was Manchester Gardens on Seven Sisters RD opposite the Tiverton estate. The drinkers and drug users were always an issue for residents at meetings, but the drinking ban and the refurbishment of the Gardens have worked really well and this is now an issue of the past. If the Drinking zone was lifted this may well be an area where the drinkers would return to.</p>



Haringey Council

**[No.]**

GENERAL PURPOSES COMMITTEE

On 10<sup>TH</sup> March 2009

Report Title. Restructuring Environmental Crime

Report of **Niall Bolger, Director of Urban Environment**Signed :  26<sup>TH</sup> February 2009Contact Officer : **Robin Payne, Head of Enforcement**

Contact details: Telephone: 0208 489 5513

Wards(s) affected: All

Report for: **[Key / Non-Key Decision]**  
Non-Key Decision**1. Purpose of the report**

- 1.1. This report outlines a proposed restructuring of the Environmental Crime service, in the Urban Environment Directorate, to create a new Street Enforcement Service. The investment for this was agreed as part of the council's budget setting report on 23<sup>rd</sup> February 2009. Formal consultation will begin towards the end February 2009.

**2. Introduction by Cabinet Member (if necessary)**

- 2.1. N/A

**3. State link(s) with Council Plan Priorities and actions and /or other Strategies:**

- 3.1. Priority one of 'Going Green' Haringey's Greenest Borough Strategy 2008 – 2018' is 'Improving the urban environment'. To achieve this we want to "create safe and sustainable streets, buildings and urban spaces which foster a sense of local pride and that people want to use". The Environmental Crime service

supports clean and safe streets, public spaces and gateways to the borough. Restructuring of Environmental Crime into a new Street Enforcement Service will support this priority through working with communities to resolve the problems they have and to foster with them a sense of belonging and pride.

**4. Recommendations**

4.1. That Members note the contents of this report and agree the proposed steps for introducing a Street Enforcement Service that will replace the existing Environmental Crime Service.

4.2. That Members agree to receive a further report following consultation with staff and unions which reflects how the results of consultation.

**5. Reason for recommendation(s)**

5.1. Restructuring of the service will allow us to develop a more broadly based service that will provide a named Street Enforcement Officer per ward. The intention is that we develop our area based working and generate local action plans that focus on ward level priorities. The service will maintain its use of powers where appropriate but will develop a problem solving approach and joint agency working with other council services and external partners.

**6. Other options considered**

6.1. Options were considered as part of the budget setting process. This option reflects the agreed level of investment.

**7. Summary**

7.1. The Urban Environment Directorate is proposing to restructure our Environmental Crime Service to create a new borough wide Street Enforcement Service. This report outlines the principles for the structure chosen and provides the proposed service structures and establishment. Consultation is planned for March and the report proposes to report back on the outcomes of this consultation and implementation planning.

**8. Chief Financial Officer Comments**

8.1. The total cost of the proposed structure is estimated to be approximately £1.2m including on-costs. This is within the available budget including an additional investment of £160,000 recently agreed by Council. This is however dependent on continued funding of £389,000 Area Based Grant and income of £98k from Fixed Penalty Notices.



**9. Head of Legal Services Comments**

- 9.1. The Head of Legal Services has been consulted in the preparation of this report, and makes the following comments.
- 9.2. The proposed reorganisation of the service must be carried out in compliance with the Council's procedures regarding organisational change, redeployment and redundancy. Consultation must take place with both the staff affected and the relevant trade unions concerning the proposals.
- 9.3. It is noted that the report indicates at Paragraph 19.1 that consultation with staff and trade unions is due to commence in the week beginning 23 February 2009.

**10. Head of Procurement Comments – [Required for Procurement Committee]**

- 10.1. Not Applicable

**11. Equalities & Community Cohesion Comments**

- 11.1. The service will seek to engage fully with community groups and ensure that priorities we operate to reflect these views. Service resources will be skewed to ensure that areas of greatest deprivation have the highest levels of resource.

**12. Consultation**

- 12.1. Formal consultation on these proposals with staff and employeeside will commence in the week beginning 23<sup>rd</sup> February 2009. Consultation will be for 28 days.

**13. Service Financial Comments**

- 13.1. Revenue investment of £160k in 2009/10 has been agreed as part of the Council's budget setting process to support this proposed restructuring. Further capital funding is planned that will support ward based mobile working.
- 13.2. In 2010/11 there is £110k of planned savings to be taken.
- 13.3. The existing Environmental Crime service budget is supported by Fixed Penalty Notice income, Street Trading Account income and Area Based Grant.

**14. Use of appendices /Tables and photographs**

14.1. None used

**15. Local Government (Access to Information) Act 1985**

15.1. [List background documents]

15.2. [Also list reasons for exemption or confidentiality (if applicable)]

**16. Introduction**

16.1. The Environmental Crime service began in 2005 and initially included 5 Warden schemes, a small Environmental Response team and a small Heavy Enforcement team. In 2006 a new Street Enforcement service was launched to provide a uniformed presence delivering a broad range of enforcement interventions with one officer per area Assembly Area and additional response officers dealing with complaint and hotspot issues . This has been a successful service producing high volumes of enforcement activity and playing an important role in improving environmental quality and tackling eyesores and crime hotspots.

16.2. The Environmental Crime Service currently comprises of 27 posts.

- 10 Street Enforcement Officer posts
- 6 Street Enforcement Wardens – includes 3 supervisors.
- 4 Street Wardens
- 3 Tactical Enforcement Officers
- 1 Animal Warden post
- 2 Team Leaders
- 1 Service Manager

16.3. The council is currently developing the way in which it works at an area level to involve and engage communities in improving service delivery. The aim of the proposal is to provide a service that will help deliver solutions to the environmental problems that face communities by better joining up our Frontline Services, applying problem solving tools together with enforcement powers and improving partnership working. Specifically the service will be reconfigured to –

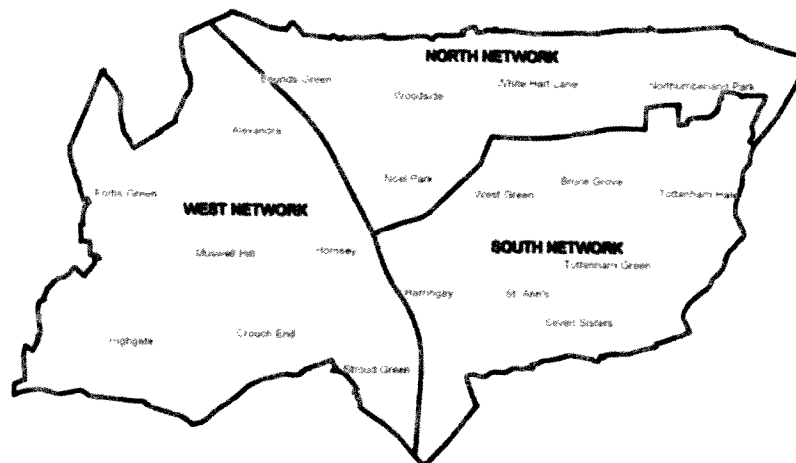
- Increase our visibility and on the ground enforcement capacity by providing a named contact per ward.
- Develop more effective local partnerships that will improve our effectiveness and perception of the Council.

- Improve coordination of cross service interventions by investment in support functions.
- Work with local residents and councillors to identify and deliver local priorities and use problem solving tools to sustain improvements.
- Improve communication on where and how we have been active.
- Increase our hours of routine operation by investment in unsociable hours payments to rota in patrols and operations from 8am to 8pm.
- Make more effective use of people who are out of the office by capital investment in mobile working.

## 17. Area Based Working and Organisation

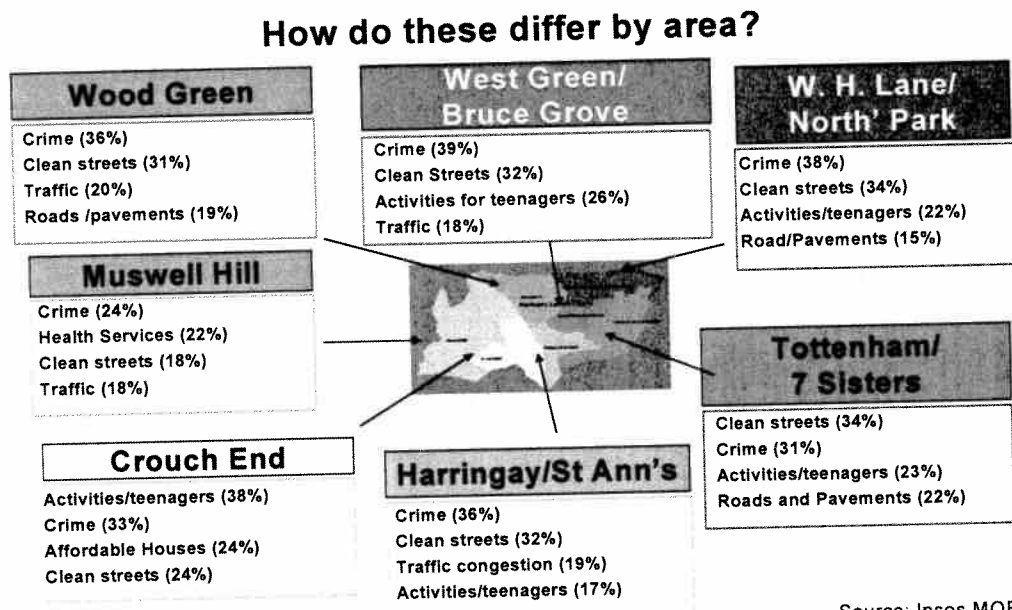
- 17.1. The proposal for the restructure of the Environmental Crime Team is to have two teams aligned to the Children’s Network and Area Assemblies. The map in Figure 1 below shows how the area assemblies also clearly align to the three areas.

**Figure 1 – Map showing alignment of Children’s Network and Area Assemblies**



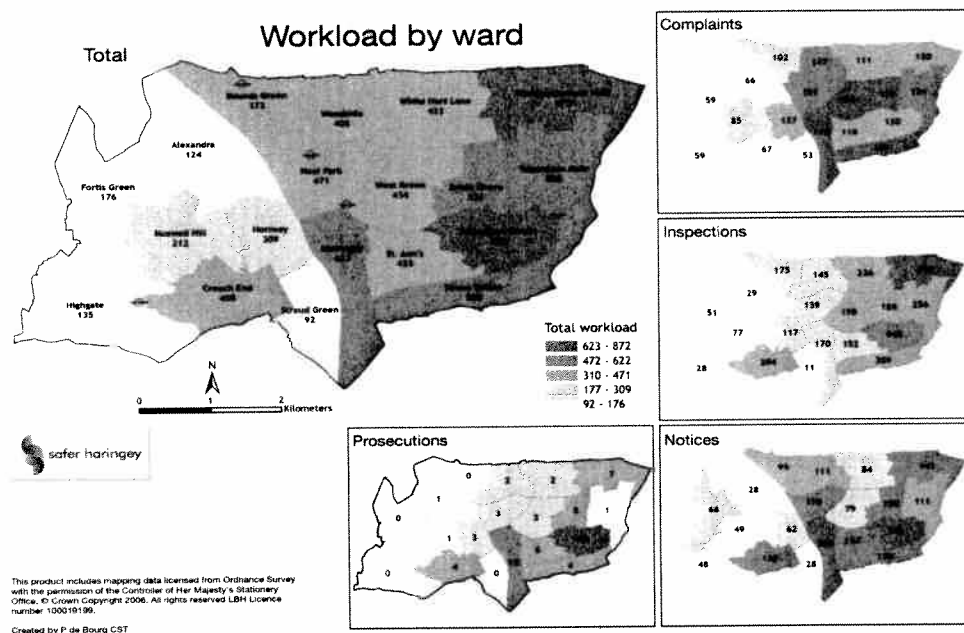
- 17.2. A key driver of the re-structure is to ensure that resources are allocated to areas most in need. Key data and performance information has been analysed in order to inform this decision.
- 17.3. Figure 2 below shows that lower crime, followed by cleaner streets, are by far our residents’ main priorities for the improvement of their local area. These are the two factors they consider most important in making a place somewhere good to live. They are the also the two factors they believe need most improving locally. This emphasis on lower crime and cleaner streets is consistent with the findings of successive waves of BVPI surveys across English local authorities.

Figure 2 – Area Assembly Priorities



- 17.4. In all areas, crime and clean streets are often mentioned as things which need improvement. However, this is less the case in affluent parts of Haringey. Fewer people mention crime in Muswell Hill (24%) than White Lane/Northumberland Park (38%) or West Green/Bruce Grove (39%). Similarly, fewer people say the streets need to be cleaner in Muswell Hill and Crouch End (18% and 24% respectively) than in White Hart Lane/Northumberland Park (34%) or West Green/Bruce Grove (32%). It is clear from this data that the services that Frontline Services provide in conjunction with our partners are the most critical in addressing these priorities and there is clear evidence that these are of greater concern in the North and South areas.
- 17.5. Figure 3 below shows the level of Environmental Crime enforcement activity within the borough. As can be seen from the map the majority of activity has taken place within the North and South areas and these in fact account for over 80% of the workload. Activity has been targeted in these areas as they have been perceived as having the greatest need.

Figure 3 – Environmental Crime Workload by Ward



17.6. Based upon the Children's Network Areas, the South had the highest levels of reported dumping at 11,027 (59%), compared with 5,083 (27%) in the North and 2,714 (14%) in the west.

17.7. The evidence here shows that there is a greater need for key Frontline Services resources to be allocated to the South area of the borough, particularly Enforcement and Environmental Resources. There is far greater potential for improved outcomes in these areas.

## 18. Proposed Structure

18.1. It is proposed to create two teams. One will combine West and North network areas to create a single area of 12 wards. A second team of 7 seven wards will be formed to the south. This will ensure that available resources are focussed on field staffing and allow for reduced staffing levels to be used flexibly across areas of less need.

- Team North and West will include - Alexandra, Crouch End, Fortis Green, Highgate, Hornsey, Muswell Hill, Stroud Green, Bounds Green, Noel Park, White Hart Lane, Woodside and Northumberland Park (12).
- Team South will include – St Anns, Haringay, Seven Sisters, Bruce Grove, West Green, Tottenham Green and Tottenham Hale (7).

18.2. There will be seven Street Enforcement Officers in the South team, providing one per ward. The North West Team will have 8 Street Enforcement Officer for

12 wards. Deployment in the North and West Team will reflect where there is greatest need and some wards such as Northumberland Park and Noel Park will have at least one officer permanently deployed per ward..

- 18.3. All Street Enforcement Officers will be authorised to take enforcement action and will be trained in problem solving techniques. They will be supported by one Team Leader per Area and one Support Officer. Support Officer will be responsible for supporting local action planning, communications and systems.
- 18.4. It is intended that the service will introduce streamlined processes and mobile working solutions, so that their time can be maximised in the field. The service will operate 7 days per week and over an extended working day. Individual officers will be expected to work a percentage of their time outside normal working office hours and will receive a 10% supplement for unsociable hours working. We will consult with staff on how this can be introduced and would wish to retain flexibility so that we continue to reflect the needs of an area.
- 18.5. There will be 3 Tactical Enforcement Officers overall, with two in the South team. These officers will operate flexibly to tackle our most difficult cases where ever they arise, however it will also ensure that the South area has additional joint enforcement operations and a capacity to resolve more complex cases. It is estimated that each Tactical Enforcement Officer will be responsible for running a programme of approximately 50 joint operation per year. This will include operations to tackle fly tipping, nuisance garages and public eyesore locations.
- 18.6. The table below shows the establishment per team

North and West	South
Team Leader	Team Leader
8 Street Enforcement Officers	7 Street Enforcement Officers
1 Tactical Enforcement Officer	2 Tactical Enforcement Officer
1 Enforcement Support Officer	1 Enforcement Support Officer

- 18.7. We are proposing that a Dog Warden role, that replaces our previous Animal Warden, will be line managed through the North and West team.

**19. Consultation**

- 19.1. It is proposed to begin consultation on the new structure in the week commencing 23<sup>rd</sup> February 2009 with both affected staff and the employeeside. This will allow 28 days. All staff directly affected will have the option of a meeting with their Head of Service.

- 19.2. It is proposed that the management report back to this Committee the outcomes of consultation and more specific details of ring fences and implications to staff following the outcomes of staff and employeeside consultation. A verbal update will be provided to Members when this report is presented.

## **20. Implications for Staff**

- 20.1. The service is currently operating with 8 vacancies resulting from staff leaving the service over 2008/9. There are currently three staff on acting up arrangements within the service. All acting up arrangements will cease to exist as the structure is rolled out.
- 20.2. All 17 Street Enforcement Officer posts will be required to operate unsocial hours. Although Street Wardens and one Street Enforcement officer already work unsocial hours in return for a 10% supplement, all currently uniformed staff will have changed terms and conditions.
- 20.3. There are three uniformed officers who do not currently have enforcement powers. Under the proposals all uniformed staff will be expected to undertake enforcement action.
- 20.4. There is currently one Team Leader and one Service Manager in post. It is expected that these post holders will be absorbed into equivalent posts and with no salary change.
- 20.5. Uniformed officers are currently on substantive grades from Scale 5 to P01. All current Street Enforcement Officers are on P01. Under proposals all Street Enforcement Officers will be on P01, although implications of single status may affect this.
- 20.6. All Tactical Enforcement posts are currently vacant. One substantive post holder is acting up to a Team Leader post and two Street Wardens are currently acting up to Tactical Enforcement posts.

## **21. Implementation**

- 21.1. It is expected that the service will commence ring fence recruitment from April 2009 and that all vacancies will be filled by July 2009. A service launch is scheduled for September 2009.
- 21.2. As an interim measure we will align existing staff on existing terms and conditions to the new area groups and to use this as an opportunity to trial the

new way of working. This will be subject to consultation and if possible will begin in March 2009.

## **22. Financial Implications**

22.1. The proposed structure will be met from existing resources plus an investment of £160k as from April 1 2009. The service is currently funded by a combination of mainstream funding, £389k of Area Based Grant, and estimated £90k of fixed penalty notice income.

### **22.2. Legal Implications**

22.3. The Council is not under a general duty to deliver street enforcement activity, however, the services delivered by environmental crime are considered to be essential services. Failure to deliver enforcement activity will leave the council at risk of a charge of maladministration and would have a serious impact on our performance measures relating to antisocial behaviour (NI 21 and 27) and cleanliness (NI 195 and 196).



By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is exempt

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