



## **NOTICE OF MEETING**

### **Employment Committee**

**Wednesday 15 February 2017, 7.30 pm**

**Council Chamber, Fourth Floor, Easthampstead House, Bracknell**

### **To: Employment Committee**

Councillor McLean (Chairman), Councillor Allen (Vice-Chairman), Councillors Angell, Mrs Birch, Leake, Ms Miller, Mrs Temperton, Virgo and Worrall

### **Non-Voting Co-optee**

Councillor Heydon

### **cc: Substitute Members of the Committee**

Councillors Brossard, Dudley and Mrs Hamilton

ALISON SANDERS

Director of Corporate Services

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If you require further information, please contact: Priya Patel

Telephone: 01344 352233

Email: [priya.patel@bracknell-forest.gov.uk](mailto:priya.patel@bracknell-forest.gov.uk)

Published: 6 February 2017



**Employment Committee**  
**Wednesday 15 February 2017, 7.30 pm**  
**Council Chamber, Fourth Floor, Easthampstead House,**  
**Bracknell**

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**AGENDA**

Page No

**1. Apologies**

To receive apologies for absence and to note the attendance of any substitute members.

**2. Declarations of Interest**

Any Member with a Disclosable Pecuniary Interest or an Affected Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

**3. Minutes from previous meeting**

To approve as a correct record the minutes of the meeting of the Special Employment Committee held on 16 January 2017.

5 - 8

**4. Urgent Items of Business**

Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.

**5. Update from the Chairman of the Local Joint Committee**

A verbal update from the Chairman of the Local Joint Committee.

**6. Minutes of Sub Groups**

The Committee is asked to note the minutes of the Local Joint Committee held on 5 October 2016.

9 - 12

**7. Amendment to No Smoking Policy**

To update the existing no smoking policy to reflect Public Health England's recommendation that staff using electronic vaporisers (e-cigarettes) should not be required to take breaks in the designated smoking areas. The Council supports staff who wish to give up

13 - 22

smoking and use electronic vaporisers as an aid to achieving this, and recognises it may be difficult for those giving up smoking to stand with people who are smoking.

**8. Exclusion of Public and Press**

To consider the following motion:

That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2012 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of item 9 and 10 (part) which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

- (3) Information relating to the financial or business affairs of any particular person.

*NB: No representations have been received in response to the notice under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012*

**9. Restructuring in the Assistant Chief Executive's Office**

To identify the staffing implications arising from the budget proposals for 2017/18 which are not part of wider Transformation Programme reviews.

23 - 28

**10. Edgbarrow and Sandhurst Sport Centres - Employment Implications**

To consider the proposed redundancies arising from the change of usage of Edgbarrow and Sandhurst Sports Centres beyond April 2017.

29 - 40

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**EMPLOYMENT COMMITTEE  
16 JANUARY 2017  
7.00 - 7.35 PM**



**Present:**

Councillors McLean (Chairman), Allen (Vice-Chairman), Leake and Worrall

**Apologies for absence were received from:**

Councillors Angell, Mrs Birch, Ms Miller, Mrs Temperton and Virgo

**27. Declarations of Interest**

There were no declarations of interest.

**28. Minutes from previous meeting**

RESOLVED that the minutes of the meeting of the Committee held on 14 December 2016 be approved as a correct record and signed by the Chairman.

**29. Restructure of the School Improvement Service**

The Committee was asked to note the restructure proposed for the School Improvement Service and to authorise the redundancy process associated with the restructure.

It was reported that the current staffing structure could not deliver on the priorities that had evolved for the team as not all staff had the range of skills required. Government policy was moving at pace towards greater autonomy for schools and moving resources toward being able to deliver a school-driven school improvement system.

The current staffing structure included staff with specialisms in PE/sports/PSHE, music/arts and Design and Technology. Whilst these specialisms undoubtedly had an educational value, in the current financial context there was no justification for maintaining these staff in post when the consequence was that support could not be provided in core curriculum areas of maths or meet the needs of disadvantaged pupils.

The Council's budget position, reduction of education grants and the financial impact of schools becoming academies, all add weight to the policy rationale, supporting the case for working towards a new approach for the LA in delivering school improvement.

The new structure included two additional posts an EYFS Standards and Effectiveness Partner and a Data Manager.

Implementing the new structure would:

- reflect the Council's new narrative of prioritising service provision of statutory duties

- ensure the local authority was reflecting national educational policy and financial requirements to better meet the needs of schools
- encourage establishing more Teaching Schools who would be brokered to provide subject specific support through the Standards and Effectiveness Partners
- provide the financial flexibility to respond to needs through the commissioning of additional services as and when required
- reduce the risks to the organisation of maintaining permanent staff in post for whom there is insufficient work
- ensure that if redundancy costs need to be met from existing budgets, there is sufficient funding available to achieve this.

The new structure will have sufficient capacity to ensure all current statutory duties can continue to be delivered as well as actively providing support to primary and secondary schools in key areas. Statutory duties with regard to monitoring secondary school performance will be conducted through a desk-top exercise as in previous years and where schools cause concern adviser support and challenge will be provided. It will also better position the school improvement service to make a transition into a more commercial delivery model which is currently being scoped through the School Support Services Transformation Project.

In response to Members queries, the following points were made:

- It would be crucial for the new structure to have staff that were credible leaders and could provide effective leadership to schools, this could for example include head teachers.
- Consultation had begun with trade unions last year and redeployment opportunities for staff would be considered.
- The local authority would maintain a statutory function for academy schools and would engage in opportunities to sell services to academies.

**RESOLVED** that the Employment Committee agreed that subject to any redeployment opportunities offered to those affected, that the three post holders be declared redundant in accordance with the dates and terms set out in Exempt Appendix 1 of the agenda papers.

### 30. **Exclusion of Public and Press**

The Committee **RESOLVED** that pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2012 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of minute 31 which involved the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

- (3) Information relating to the financial or business affairs of any particular person.

### 31. **Urgent Items of Business**

The Chairman notified the Committee that there was an urgent item that required the Committee's consideration and that an exempt paper had been tabled for the Committee to consider.

The Committee asked that an update be submitted to them in September 2017 on this postponed redundancy.

**RESOLVED** that the redundancy of the Chief Officer: Older People and Long Term Conditions be postponed for a period of no more than 12 months.

**CHAIRMAN**

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**LOCAL JOINT COMMITTEE  
5 OCTOBER 2016  
4.00 - 4.35 PM**



**Present:**

Councillors Leake (Chairman), Allen, Angell and Worrall  
David Allais, UNISON  
Lorna Cameron, UNISON  
Asia Alison, GMB

**In Attendance:**

Nikki Gibbons, Chief Officer: Human Resources

**58. Declarations of Interests**

There were no declarations of interest.

**59. Minutes from Previous Meeting**

The minutes of the meeting on 6 July 2016 were approved as a correct record.

**60. Urgent Items of Business**

There were no urgent items of business.

**61. Employment Committee: Agenda and Related Matters**

The Committee received and commented on the following reports:

**1) Amendment to Relocation Policy**

The Chief Officer: Human Resources reported that some amendments to the Council's Relocation Policy were being proposed as set out in the report. The main change proposed was to remove the requirement of an officer to sell their main home in order to take up their new appointment at Bracknell Forest Council and access the relocation scheme. Instead officers entitled to access the scheme, could claim lodging expenses of up to £80 per week. She reported that the overall limit of up to £8,000 that could be claimed remained unchanged. The Committee noted that this policy was only relevant to difficult to fill posts and that the policy would be applied at the discretion of a Director and/or the Chief Executive. Union representatives noted that the policy was not open to all and the CO:HR confirmed that it was available to hard to fill positions and at the discretion of the Director and or Chief Executive.

**2) Code of Practice on English Language Requirement for Public Sector Workers**

The Chief Officer: Human Resources reported that the Government had published a draft Code of Practice which covered a requirement for customer facing workers to be fluent in spoken English. It was anticipated that the Code of Practice would be finalised in October 2016. The Code of Practice was

intended to support public sector organisations to meet the duty, which was part of the Immigration Act 2016, with minimal burden.

The Chief Officer reported that this requirement would need to be met by any new employees. With respect to existing employees, no issues had been identified but if any did come to light then a clear complaints process would be utilised ie the existing employment policies.

### **3) Annual Performance Report on Retirements and Redundancies**

The Chief Officer: Human Resources reported that this was an annual information report that outlined current policy on severance issues and explained any potential for change. The report also detailed the capital costs and savings on early retirements/redundancies and reported on ill health retirements.

The Chief Officer reported that ill health retirements had remained the same as last year; this reflected the rigorous work of the Council's Occupational Health Team and more stringent ill health retirement regulations.. Redundancy figures were anticipated to be higher next year as a result of current budget pressures.

### **4) Monitoring the Council's Workforce 2015-16**

The Chief Officer: Human Resources reported that the Council had a legal duty to publish their workforce composition, with the intention of advancing equality of opportunity, eliminating unlawful discrimination and to promote good relations between people. If discriminatory practices were identified, these would be investigated.

The Chief Officer highlighted a number of key performance information including the fact that the figures showed that the gender pay gap was narrowing.

The Committee stated that it would be useful to have some more information on those staff who joined the Council and then left within a year. The Chief Officer stated that more qualitative information could be included in next year's report and could be captured from staff exit interviews. The Chief Officer stated that it was important to ensure that robust processes were in place throughout the Council to ensure that exit interviews were being done. This could be further improved once the new HR system has been implemented as this would enable management information to be more accessible.

The Committee agreed that any new system needed to ensure that the process for exit interviews captured the comments of both the manager and the employee and in those instances where there was a difficult relationship between manager and employee, an option for the employee to have an exit interview with HR.

## **62. Transformation Update**

The Chief Officer: Human Resources reported that she had met with trade union representatives a number of times since the last meeting of the Committee with the Director of Corporate Services and also the Director of Environment. Culture and Communities. Progress had been made by the Transformation Board and a number of gateway reviews had been undertaken. Trade union representatives had been kept informed of progress throughout and they thanks the CO;HR for the engagement so far.

The Chief Officer reported that Unison representatives had raised some issues around the Council wide Support Services Review; the TUs agreed that these issues had now been addressed.

The Leisure Services Review had been discussed with trade union representatives and Asia Allison (GMB) would be attending these meetings in future. The Chief Officer stated that she would be arranging regular meetings with trade union representatives to ensure that they were kept abreast of all developments. She would also ensure that trade union representatives were also advised of to any staff consultation meetings.

Councillor Leake added that he and Councillor Angell would be involved in the review and were keen to reassure the TUs that the process remained proper, transparent and open.

**63. Matters to be Raised by Trade Unions**

No issues were raised by trade union representatives.

**CHAIRMAN**

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**TO: EMPLOYMENT COMMITTEE  
15 FEBRUARY 2017**

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## **AMENDMENT TO NO SMOKING POLICY (Director of Corporate Services - HR)**

### **1 PURPOSE OF REPORT**

- 1.1 To update the existing no smoking policy to reflect Public Health England's recommendation that staff using electronic vaporisers (e-cigarettes) should not be required to take breaks in the designated smoking areas. The Council supports staff who wish to give up smoking and use electronic vaporisers as an aid to achieving this, and recognises it may be difficult for those giving up smoking to stand with people who are smoking.

### **2 RECOMMENDATIONS**

- 2.1 To agree the changes to the no smoking policy, which is attached as Appendix A.

### **3 REASONS FOR RECOMMENDATIONS**

- 3.1 To give managers clear guidance on how to treat smokers and staff who use electronic vaporisers. To comply with Public Health England's recommendations to support staff trying to give up smoking.

### **4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Keep the policy as is. This runs the risk that some individuals who are actively trying to give up smoking are treated as if they are smokers and the Council is not viewed as supporting staff. This may give rise to complaints or grievances on this matter from staff using electronic vaporisers.

### **5 SUPPORTING INFORMATION**

- 5.1 The no smoking policy has been in place for some years and the fundamental principles of it have remained much the same. When electronic vaporisers became popular, the policy was amended to clarify that use of electronic vaporisers was not allowed indoors on Council premises. There is now a need to distinguish between staff who smoke cigarettes and those that use electronic vaporisers.
- 5.2 Over recent years it has become more common for some employees to use electronic vaporisers as an aid to giving up smoking. The Council is keen to support employees in their healthy lifestyle choices and are mindful that employees who are giving up smoking may not wish to stand next to people smoking cigarettes. However, restrictions which do not allow them to use electronic vaporisers indoors remain in place.
- 5.3 It is Public Health England's recommendation that employers should allow employees who use electronic vaporisers to take their breaks outside the building, but that they should be allowed to do so away from the designated smoking areas.

- 5.4 Advice from Public Health England states that "Smoking is defined clinically and in law, and e-cigarette use does not meet the definition in either context. Based on the international peer-reviewed evidence, ecigarettes carry a fraction of the risk of cigarettes and have the potential to help drive down smoking rates and improve public health"
- 5.5 In relation to workplaces, PHE Guidance is clear that "It is never acceptable to require vapers to share the same outdoor space with smokers. Where a designated outdoor smoking area has been provided in a public place or workplace, vapers should be allowed to vape elsewhere."
- 5.6 Members are reminded that all employees wishing to take a break from work to smoke or use electronic vaporisers will do so in their own time.
- 5.7 The amended policy is attached at Appendix A.
- 5.8 It is intended to develop a new policy on smoking in the future alongside development of an employee health and wellbeing strategy.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Treasurer

6.1

### Borough Solicitor

6.2 There are no specific legal implications arising from the recommendation in this report.

### Equalities Impact Assessment

6.3 Not applicable

### Strategic Risk Management

6.4 Not applicable

## **7 CONSULTATION**

### Principal Groups Consulted

7.1 None

### Method of Consultation

7.2 Not applicable

Representations Received

7.3 Not applicable

Background Papers

None

Contact for further information

Nikki Gibbons, Chief Officer: HR

[nikki.gibbons@bracknell-forest.gov.uk](mailto:nikki.gibbons@bracknell-forest.gov.uk)

**BRACKNELL FOREST COUNCIL'S  
NO SMOKING POLICY**

**Table Of Contents**

INTRODUCTION.....	1
THE POLICY.....	1
AIMS AND OBJECTIVES.....	1
APPLICATION .....	2
Buildings and structures.....	2
Council Vehicles / Vehicles used on Council business.....	2
Service Users'- Private Homes .....	3
STANDARDS.....	3
RECOGNISING THE NEEDS OF SMOKERS .....	3
ENSURING COMPLIANCE.....	4
CO-ORDINATION OF POLICY .....	5
COMPLAINTS ABOUT EMPLOYEES WHO SMOKE.....	5



## **BRACKNELL FOREST COUNCIL'S NO SMOKING POLICY**

### **INTRODUCTION**

The law in relation to smoking in workplaces and public places came into force as of 1 July 2007. The law introduced new offences in relation to smoking in enclosed public spaces, which apply both to the smoker and to those in control of such premises. The primary objective of the legislation is to protect individuals from second hand smoke.

The Council has adopted a Policy that seeks to ensure compliance with the law whilst also acknowledging the issues related to smoking by staff and members of the public visiting Council owned or managed premises.

### **SCOPE**

This procedure applies to all employees of Bracknell Forest Council and all contractors and agency staff working on behalf of Bracknell Forest Council.

### **THE POLICY**

Unless there is special exemption provision allowed for by legislation, smoking is prohibited in all Council owned or managed buildings.

Smoking outside Council buildings is permitted in designated areas only.

Provision will be made in appropriate places for the proper disposal of cigarette ends by both staff and the visiting public.

Commercial council-owned premises should have their own specific policies relating to members of the public smoking on council grounds.

Smoking is prohibited in all Council owned or leased vehicles. When smokers use their own private vehicles on Council business they are not permitted to smoke if they are carrying a passenger.

The Council will make available support to those staff wishing to give up smoking.

Staff are only permitted to smoke in their own time (for example, before and after work, lunchtimes and during official breaks).

Staff who use electronic vaporisers (e-cigarettes) are also required to use them outside and will also need to use them in their own time. Staff wishing to use electronic vaporisers will not be restricted to using areas designated for smokers to take their breaks.

The responsibility for applying these provisions and for ensuring compliance with this policy rests with the service area responsible for the management of the building, subject to the understanding that the objective is to ensure that all staff are not exposed to second hand smoke from tobacco products.

### **AIMS AND OBJECTIVES**

The Council is committed to providing a safe and comfortable working environment within all its buildings for employees and visitors. We intend to create as safe and

healthy environment for any person employed by BFC or others who may be affected by its undertakings as is practicable. The Council accepts that smoking is a lawful activity and a matter of personal choice. However, the Council recognises that smoking is a health risk.

The Council also acknowledges that smoking is a highly addictive habit and that it is supportive to those employees who wish to stop smoking. The use of electronic vaporisers is not viewed as smoking and employees who use these devices are not limited to the designated smoking areas. However, electronic vaporisers may not be used indoors on Council premises.

The successful implementation of the Policy depends on the co-operation of smokers and non-smokers alike.

## **APPLICATION**

### ***Buildings and structures***

This Policy applies to all premises where Council employees, whether they are full-time, part-time, contractors or temporary agency staff, work. This includes all Council-owned or managed offices, the Council depot and other public buildings such as libraries, theatres, leisure facilities etc. The Policy applies to common parts of buildings where BFC has a responsibility as landlord. Occupiers of all commercially let properties are required to make their own arrangements to ensure compliance with the legal provisions.

All areas within Council buildings are designated as NO SMOKING areas - this includes all offices regardless of whether they are occupied by a single employee or a group of employees; all corridors, public areas, meeting rooms, lavatories etc.

Council premises will have a designated, site specific, outdoor smoking area for employees. Smoking by employees will only be permitted within these designated areas. At such premises, designated area(s) will be clearly communicated to staff and a bin will be provided for cigarette butts. Designated smoking areas will be sited away from openable windows and doors to avoid smoke drifting into the buildings. Managers of commercially let premises and premises where members of the public use the facilities, must additionally consider how to ensure that arrangements are in place to avoid second hand smoke entering the building from the public/customers.

In care homes, subject to any exemption permitted by legislation, managers must take every possible measure to ensure that second-hand smoke exposure is kept to an absolute minimum for all staff and other residents. Unless permitted by the legislation staff will not be permitted to smoke on such premises.

School Governing Bodies are strongly encouraged to adopt this policy or produce their own policy that as a minimum meets the standards in this policy.

### ***Council Vehicles / Vehicles used on Council business***

Smoking is prohibited in all Council vehicles and those on hire to the Council which are used for the purpose of work by BFC employees.

Staff who use their own private vehicle for work purposes on a casual or essential car user basis are not permitted to smoke when they are carrying passengers in their cars

on Council business. They should also not allow passengers to smoke within their vehicle during working hours.

Employees using electronic vaporisers may not use them in Council vehicles or when carrying passengers in their own car on Council business.

### ***Service Users'- Private Homes***

Council employees may not smoke in private homes whilst on council business.

A council employee has the right to ask a service user, and others present in their home or workplace, not to smoke within the room(s) they need to go into to perform and complete their duties. The Council will reinforce this message by contacting service users and asking them to refrain from smoking when Council employees are present.

If the service users, or others on the premises, refuse to stop smoking in the relevant rooms of their home, the Council employee must decide whether it is necessary to enter the premises on that occasion or whether some alternative arrangement can be made. Employees may discuss with their manager ways to minimise the risk from second-hand smoke in service users' homes.

Employees must not use electronic vaporisers in service users' homes.

## **STANDARDS**

All visitors and contractors will be notified of the No Smoking obligation via appropriate means e.g. notices in reception areas.

Any contravention of this policy by employees will be regarded as a disciplinary breach and will be treated as misconduct under the Disciplinary Policy.

Notices, reminding people they are in a smoke-free area, will be displayed where necessary/deemed appropriate in both buildings and vehicles. These signs will comply with the requirements set out in the smoke-free legislation. In some instances staff may be given local direction verbally regarding designated smoking areas for example. In some instance it could be impracticable to erect signs in every possible location.

## **RECOGNISING THE NEEDS OF SMOKERS**

It is recognised that smoking is an addictive habit and an automatic response to certain situations. In order to help smokers reduce this dependency the Council is prepared in the implementation of the Policy to be supportive and understanding of individual needs whilst recognising:

- That service provision is the first priority of the Council;
- Smoking must be restricted in the work environment; and
- The scientific evidence for the link between smoking and illness, and hence the impact of smoking on service delivery.

In view of the above the Council will:

- a) Make provision to assist employees quit smoking. Staff wishing to give up smoking will be offered reasonable time off to attend Stop Smoking counselling during work time via agreement with their manager.
- b) Introduce local measures to discourage smoking in grounds where other staff have to pass, in order to help those employees having difficulty in stopping smoking.
- c) Ensure through its management arrangements that all employees are fully informed of the requirements and the objectives behind the Policy. In particular staff will be advised
  - that all indoor and enclosed workplaces (including Council owned/leased vehicles) are smoke-free;
  - the arrangements to be complied with in respect of the use of private vehicles,
  - the location of any designated external smoking areas where provided;
  - the location of any areas outside the actual buildings where smoking is not permitted
  - the details of what support is available to employees who wish to control, reduce or stop smoking in the form of counselling advice.
- d) Support employees who choose to use electronic vaporisers and allow them to use the electronic vaporisers in outdoor areas not designated for smoking.

### **ENSURING COMPLIANCE**

A breach of the Policy will constitute a disciplinary issue which will be dealt with under the agreed disciplinary procedure.

### **HUMAN RESOURCES**

HR will help ensure the implementation of this policy by:

- a) Ensuring that this policy is reviewed as necessary having regard to legislation, case law, approved codes of practice, or if through general application a need is highlighted.
- b) Providing advice and information on this policy to all employees of BFC.
- c) Ensuring that all job applicants are informed that BFC operates a Smoke-Free policy and what the implications are.
- d) Offer advice and information on Stop Smoking programmes available for persons who wish to stop smoking.

### **DIRECTORS**

Directors will ensure full implementation of this policy by:

- a) Promoting awareness of this policy to all line managers and staff
- b) Ensuring that all building managers implement the Policy.
- c) Making sufficient resources available to ensure implementation of the Policy.

### **LINE MANAGERS**

10.1 Line managers will ensure full implementation of this policy by:

- a) Ensuring all employees receive induction training and instruction in the safety arrangements relevant to smoking on joining the department.
- b) Ensuring all workers co-operate to ensure the success of this policy.
- c) Monitoring compliance and act upon breaches of this policy.

## **EMPLOYEES**

### **11.1 Employees must:**

- a) Co-operate to ensure the implementation of this policy.
- b) Notify managers on discovering incidents of illicit smoking where health or safety may be compromised.
- c) Not smoke during work time.
- d) Not use electronic vaporisers during work time.

## **FACILITIES/MANAGERS OF ESTABLISHMENTS**

### **12.1 Facilities/managers of establishments/vehicles must:**

- a) Ensure the display of appropriate signs at all entrances, throughout all corporate buildings and within Council vehicles.
- b) Through their room booking facility, ensure all people booking rooms are aware of the standards in this policy.
- c) Regularly check that areas not designated for smoking, and which represent a fire risk, are regularly checked to ensure that illicit smoking is not taking place, for example: fire exit routes.
- d) Where appropriate, ensure designated smoking areas are identified at Council premises.

## **CO-ORDINATION OF POLICY**

The responsibility for the provision of information or advice regarding this policy rests with Human Resources and the Health and Safety section.

## **COMPLAINTS ABOUT EMPLOYEES WHO SMOKE**

Complaints are to be expected and line managers should initially talk to the person about whom there are complaints directly and in a tactful way. Complaints are to be investigated and where appropriate, dealt with in accordance with existing disciplinary procedures.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**TO: EMPLOYMENT COMMITTEE  
15 FEBRUARY 2017**

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## **EDGBARROW AND SANDHURST SPORTS CENTRES – EMPLOYMENT IMPLICATIONS (Director of Environment, Culture and Communities)**

### **1. PURPOSE OF REPORT**

- 1.1. To consider the proposed redundancies arising from the change of usage of Edgbarrow and Sandhurst Sports Centres beyond April 2017.
- 1.2. It is brought to the Employment Committee to seek their views on the staffing implications arising from the closure of both sports centres.

### **2. RECOMMENDATIONS**

- 2.1. That approval is given to the deletion of the posts identified in Exempt Appendix B with effect from 31 March 2017.
- 2.2. That, subject to any redeployment opportunities offered to those affected, the post holders are declared redundant in accordance with the terms set out in the Exempt Appendix B with the costs being met from the Structural Changes Fund.

### **3. REASONS FOR RECOMMENDATIONS**

- 3.1. The closure of Edgbarrow and Sandhurst sports centres (as public pay-as-you-go facilities) in March 2017 will mean that all permanent staff currently employed will be made redundant.

### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1. One of the options considered was for the schools to effectively take over the current operation of the sports centres and adopt the current staffing structure. However, that option was not considered suitable to the forward planning of either school.

### **5. SUPPORTING INFORMATION**

- 5.1. Community access at Edgbarrow and Sandhurst sports centres is currently delivered by the Leisure Services section within Environment, Culture and Communities. The existing arrangements for the provision of community access are intended to remain in place until 31<sup>st</sup> March 2017.
- 5.2. As a result of the growing pressures for teaching space at Edgbarrow school all daytime, term time access to the sports facilities ceased as of 5<sup>th</sup> September 2016. In addition, Edgbarrow School has commenced a project to re-develop the two squash courts in to an alternative teaching space. There have been no service changes at Sandhurst Secondary School. The loss of all daytime access at Edgbarrow coupled with the revenue costs associated with managing both sports centres and the relative uncertainty of the future partnership between Leisure Services and the schools focused minds on the future operation of both sports centres.

- 5.3. Discussions between Leisure Services and both schools regarding the future arrangements for community provision beyond April 2017 resulted in two realistic management options being identified.

Option one: Leisure Services to continue to deliver community access at both leisure centres. Under this scenario Leisure would continue to staff both facilities and provide community access on weekday evenings (term-time), weekends and during school holidays.

Option two: the schools to manage community access themselves. In practice this would mean the removal of fully staffed leisure facilities and a move towards groups hiring facilities for their own purposes via a direct booking arrangement with either school.

The net cost of operating the two centres is £179,000 per annum (excluding recharges, pension costs and capital charges). Were the Council to cease running the centres this sum would be realised as a revenue saving.

- 5.4. The Council had recognised early in the deliberation process that any decision regarding the future operation of Edgbarrow and Sandhurst sports centres would have an impact on the staff. The Director of Environment, Culture and Communities and his management team undertook regular communications with the staff throughout the process, this included staff briefings to which the relevant Trade Union was invited. In addition FAQs were produced and distributed to staff who were also notified that a dedicated HR Adviser was on hand to support them with any queries they may have.
- 5.5. The Director of Environment, Culture and Communities was also focussed on maintaining business levels and ensuring that sufficient staff would remain in employment until the point the facilities potentially closed down. As a result, permanent staff were told that a 10% loyalty payment (on basic pay and overtime earned during the period 1 November 2016 to 31 March 2017) would be paid to them if they remained in employment up to closure date.
- 5.6. Given the anticipated differences that option two necessitated (the schools managing community access), Leisure Services and the Schools undertook public consultation regarding the future delivery models for both sports centres. Consultation questionnaires were duly made available for the period from 1<sup>st</sup> August to 30<sup>th</sup> September 2016. Unsurprisingly the responses indicated overwhelming public support (79.5%) for current arrangements (option one) to continue. However, given the tough financial decisions facing the Council and a general willingness from both schools to take full management control of their sites the Executive approved the transfer of ownership of the facilities from Leisure Services back to the schools at their meeting on 15 November 2016. In keeping with the Council's Organisational Change Protocol the existing permanent staff team members were put at risk of redundancy as per the timetable set out in Appendix A.
- 5.7. The number of staff being proposed for redundancy totals five; four full time and one part time employee. No appeals were lodged against their "at Risk" status. Consistent with the Council's Organisational Change Protocol, where possible, staff will be offered re-deployment where available. Staff have also been offered support with training, CV writing, interview skills and finding alternative employment.
- 5.8. The sensitive management of the workforce has been paramount throughout this process and support from ECC HR has helped deliver us to this point. The

Employment Committee are now asked to approve the redundancy packages for the affected staff (as set out in exempt Appendix B) subject to no redeployment opportunities being sought for those involved.

## **6. ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

- 6.1 The legal criteria rendering the posts redundant under the Employment Rights Act 1996 has been established due to the closure of the pay as you play operation at both establishments. The Council is following its procedures for managing staff reductions including consideration of alternative employment via its redeployment procedure.

### Borough Treasurer

- 6.2 The costs associated with the proposed redundancies are set out in Exempt Appendix B. These represent the worst case scenario. The actual cost is likely to be less but will depend upon the successful redeployment of some staff currently at risk. The redundancy costs will be met from the Cost of Structural Change Reserve.

### Equalities Impact Assessment

- 6.3 As attached at Appendix C.

### Strategic Risk Management Issues

- 6.4 The Director, Environment Culture and Communities recognised that maintaining the current operation leading up to the facility closures was key in terms of the Council being seen to deliver consistent community access. The decision to offer existing staff a loyalty bonus payment should they remain in post until 31<sup>st</sup> March 2017 reflects this.

### Chief Officer: Human Resources

- 6.5 Throughout the process ECC HR has supported employees and liaised closely with Unison. The support to employees will continue up to 31 March 2017.

## **7. CONSULTATION**

### 7.1. Principal Groups Consulted

Edgbarrow & Sandhurst Sports Centres Joint Management Committee

Environment Culture and Communities Department Management Team

Corporate Management Team

Council Executive

Staff and the Trade Unions

### 7.2. Method of Consultation

Reports from the Director ECC to the groups identified above.

The Director of Environment, Culture and Communities held three staff briefings for all staff based at Edgbarrow and Sandhurst.

Permanent Edgbarrow and Sandhurst staff were issued with “at Risk” letters explaining their situation on Monday 21<sup>st</sup> November 2016.

Representations Received

None received.

Detailed Background Papers

Executive 15<sup>th</sup> November 2016 – Future Community Access at Edgbarrow and Sandhurst Sports Centres

Contact for further information

Vincent Paliczka, Director of Environment, Culture and Communities - 01344 351750  
[Vincent.paliczka@bracknell-forest.gov.uk](mailto:Vincent.paliczka@bracknell-forest.gov.uk)

**APPENDIX A****Edgbarrow & Sandhurst Sports Centres****8. Redundancy Process and timescale:**

- 8.1 Where posts are designated as “At Risk”, the following process will be followed. Please note that employees can appeal on two grounds (a) against the decisions to put them “At Risk” and (b) the selection for redundancy:

“At Risk” letters issued	21 November 2016
* Appeals against “At Risk” status lodged by	28 November 2016
* Appeals against “At Risk” status heard	5 December 2016
Employment Committee	15 February 2017
Formal notification of redundancy issued, if applicable	16 February 2017
Last day Employment	31 March 2017

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