
Report to: Council

Date of Meeting: 21 August 2025

Subject: HR Policies

Report by: Senior Manager (HR and Workforce Development)

1.0 Purpose

- 1.1. This paper invites Council to approve the new Gender Based Violence and Domestic Abuse Procedure and the updated Health and Safety Policy.

2.0 Recommendations

Council are asked to:

- 2.1. Agree that the policies and procedures, as tabled, are formally approved.
- 2.2. Note the attached Equality/Fairer Scotland Impact Assessments.
- 2.3. As per paragraph 2.1.1 contained within the Health and Safety Policy, agree to nominate an Elected Member as Health and Safety Champion.

3.0 Considerations

- 3.1. HR and Workforce Development continues, as part of its rolling programme, to review and update the Council's policies and procedures related to HR, H&S, OD and Payroll.
- 3.2. In order to ensure collaborative and partnership working the Council's policy group, which comprises TU colleagues, Management and HR, meet regularly to review and agree new/revised policies and procedures.
- 3.3. The Council recognises that gender-based violence and domestic abuse can have an impact on work. Managers are in a unique position to observe their team's performance and behaviours at work. The procedure provides guidance around 'first contact' responses and other support measures managers can use to support employees affected or if they have concerns. It also provides useful signposts to support available for staff and seeks to raise awareness of these issues.

- 3.4. The policy/procedure was fully agreed at Policy Group, with no comments received on the Equality Impact Assessment (EQIA). It was subsequently agreed at Tripartite on 11 June 2025 to progress to Council for approval.
- 3.5. Under the Health & Safety at Work Act 1974, the Council is required to maintain a written Health & Safety Policy that is kept up to date and relevant. The current policy, last agreed in 2021, outlines the Council's statement of intent, responsibilities, and arrangements for managing the health and safety of employees and others affected by its work.
- 3.6. The updated policy was reviewed and fully agreed at Policy Group, then discussed at the Executive Health and Safety Committee on 12 May 2025. It was agreed at Tripartite on 11 June 2025 to progress to Council for approval.
- 3.7. The policy requires Council to nominate an Elected Member as Health & Safety Champion. Their role is to ensure that Council and its Committees have due regard to the Health & Safety implications of any decisions they make.

4.0 Sustainability Implications

- 4.1. None

5.0 Resource Implications

5.1. Financial Details

- 5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes ☐

- 5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes ☐

5.4. Staffing

- 5.5. TU's have been consulted in the development of the policies and procedures.

6.0 Exempt Reports

- 6.1. Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) Our Priorities

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all ☒

Our families; children and young people will have the best possible start in life ☒

Women and girls will be confident and aspirational, and achieve their full potential ☒

Our communities will be resilient and empowered so that they can thrive and flourish ☐

(2) Council Policies

Complies with relevant Council Policies ☒

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☒ No ☐

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☒

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Gender based Violence and Domestic Abuse Procedure

Gender based Violence and Domestic Abuse EQIA

Heath and Safety Policy

Heath and Safety EQIA

11.0 Background Papers


11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes ☐ (please list the documents below) No ☒

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
Chris Alliston	Strategic Director – P&P	



Gender Based Violence and Domestic Abuse

Procedure

2025



DOCUMENT CONTROL SHEET:

Key Information:

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Author:	Dawn Goodwin
Owner:	Human Resources
Approver:	Council
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Contact:	Human Resources

Policy draft Dawn Goodwin - Clackmannanshire Council

Revision History:

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0.1	March 2025	Draft	DG	N/A
0.2		Draft	DG	Incorp suggestions from J drive
0.3		Draft	DG	Incorp amendments agreed at Policy Group
0.4		Draft	DG	Version for Council

GENDER BASED VIOLENCE AND DOMESTIC ABUSE PROCEDURE

1. Introduction

1.1 Clackmannanshire Council recognises that gender-based violence and domestic abuse are serious issues that affect the lives of many adults and children. They are unacceptable and inexcusable. Domestic abuse is a form of gender-based violence, and references to gender-based violence in this procedure include domestic abuse.

2. Gender based violence

2.1 There are different definitions of gender-based violence, but it is generally considered to cover violence and abuse that is related to a person's actual or perceived sex, gender, sexual orientation and/or gender identity. It can be physical, sexual, psychological, emotional or financial. Examples of this include:

- Domestic abuse
- Rape and sexual assault
- Stalking

2.2 Gender-based violence can happen in person or remotely, for example, via abusive phone calls or social media. It can affect anyone irrespective of sex, sexual orientation; gender identity; age; disability; marriage/civil partnership status; race; religion or belief, economic status; seniority or role. However, some individuals may be more vulnerable to gender-based violence. Gender-based violence is extremely serious and may be a criminal offence.

3. Domestic Abuse

3.1 Domestic abuse is any incident or pattern of controlling, coercive, threatening, intimidating or violent behaviour, including sexual violence, between those aged 16 or over, usually by intimate partners or family members, regardless of gender or sexuality.

Once begun, the abuse and/or violence will repeat, and will often get worse over a period of time.

3.2 Domestic abuse can be physical, sexual, psychological, emotional or financial. It could include, for example, behaviour that is intended to make, or makes, the victim:

- Dependent on, or subordinate to, the perpetrator
- Isolated from friends, relatives or other sources of support
- Controlled, regulated or monitored in terms of their day-to-day activities
- Deprived of, or restricted in, their freedom of action
- Frightened, humiliated, degraded or punished.

3.3 Domestic abuse can be a criminal offence, even if it does not involve physical violence.

This abusive behaviour may occur in a variety of relationships: married, separated, divorced, living together, dating, heterosexual, gay or lesbian, child on parent abuse and elder abuse.

4. Recognising the signs

4.1 The Council recognises that gender-based violence can have an impact on work. An employee approaching their manager for help may not be the first sign that the employee is suffering from gender-based violence. Managers are in a unique position to observe their team's performance, behaviour and demeanour at work and may have their own suspicions or have heard rumours from colleagues.

4.2 People experiencing gender-based violence may feel stigmatised and disempowered, which may discourage them from disclosing issues. They often do not want to admit or share their experiences because they feel some responsibility for their situation, they may feel shame or that they should be able to deal with the situation on their own. It is unlikely that an employee who feels this way will admit that they are experiencing gender-based violence if confronted by their manager. However, managers should still ask the employee in a sensitive manner if everything is fine at home. This may be the lifeline someone needs. Often for those experiencing gender-based violence at home, the workplace may offer a safe space and respite from a perpetrator.

4.3 If an employee's work performance and/or attendance become a cause for concern, managers should ask for an explanation, as they would from any member of their team. It is then up to the employee whether they wish to disclose personal information during this or any future discussions. Managers should ensure that any discussion takes place somewhere private and try to ensure that there will be no interruptions. They should take time to listen, as they may be the first person the employee has told.

4.4 Out-with formal discussions, other things managers can do to spot the signs are:

- Look for sudden changes in behaviour such as an employee becoming withdrawn and quiet and/or changes in the quality of work performance for unexplained reasons.
- Look for changes in the way an employee dresses, for example excessive clothing on a hot day, changes to the amount of make-up used, which may indicate the covering up of signs of physical violence.
- Look for injuries such as bruises that are explained away; explanations for injuries that are inconsistent with the injuries displayed.
- Look for other possible indicators, for example employees with a high absenteeism rate without explanation, employees who seem overly secretive regarding home life, or employees who appear to be isolated from friends and family.
- Be aware of interruptions at work for example repeated upsetting calls/texts/emails or a reluctance to turn off mobile phone at work.

5. Providing Support and Responding

5.1 Managers are not trained counsellors and are not expected to counsel employees experiencing abuse, but if they suspect a colleague is experiencing, or has experienced, gender-based violence, they should listen and provide information regarding support mechanisms and encourage the employee to seek support from appropriate agencies. HR Business Partners can also provide further information and support.

5.2 Effective 'first contact' responding includes some simple measures Managers can take:

- Believe an employee if they disclose that they are experiencing domestic abuse – do not ask for proof
- Speak to the employee about their immediate and future safety and assist them to think through their options for example agree a safety plan, discuss support networks, protection strategies and provide telephone numbers for organisations that can help including the police, women's aid, men's aid and rape crisis.
- Be aware that gender-based violence may affect their work performance and of the support that can be offered.
- Undertake a risk assessment where relevant to ensure that the potential risk to employees and colleagues is lessened. Provide a range of practical workplace safety measures such as provision of temporary mobile phone, mutual agreement of a safe, confidential method of communication etc. This information will be kept securely and will only be discussed with others with the permission of the employee.
- Be aware of the parameters of their role as a manager, and make clear to an employee what they can and cannot provide

5.3 Providing support can include directing the employee to sources of support, both within the Council (e.g. Occupational Health Services, Employee Counselling Service, etc.) and out-with, as referred to above, for example, and considering work related adjustments such as:

- Diverting phone calls or changing their phone extension number if the employee is receiving harassing calls, with the consent of the employee.
- Agreeing with the employee what, if anything, to tell colleagues and how they should respond if their partner or former partner telephones or visits the workplace.

- Ensuring the employee does not work alone or in an isolated area and checking that the employee has arrangements for getting safely to and from home.
- Keeping a record of any incidents of abuse in the workplace, including persistent telephone calls, emails or visits to the workplace. This information will be stored securely.
- Supporting the employee in a sympathetic, non-judgemental and confident manner.
- Granting reasonable paid or unpaid special leave for appointments where necessary and related to the employee's circumstances e.g. re-arranging housing or childcare, court appointments, solicitor, support agencies.
- Changing work patterns or adjusting workload for a temporary period to make it more manageable, or by giving favourable consideration to any requests for a change of workplace/work arrangements. Wherever possible, managers should endeavour to comply.
- Reviewing the security of information held such as temporary or new addresses, bank or healthcare details, next of kin contact details. The employee could be asked to provide their manager with emergency contact details for a trusted friend or family member and agree the circumstances in which they may contact that person. These might include, for example, if the employee is absent from work without explanation, or the manager is unable to contact them when they would expect to be able to do so. This information can also be recorded on itrent.
- With the employee's consent, advising colleagues of the situation on a 'need to know' basis and agreeing the response should the perpetrator/alleged perpetrator contact the workplace or present themselves at the workplace
- At times when the employee needs to be absent from work, mutually agreeing a safe, confidential method of communication and consider safety implications that may arise when working from home
- Implementing particular security arrangements that may have to be put in place to ensure the safety of the employee and colleagues

6. Confidentiality and Recording

6.1 All advice, information and support should remain confidential as far as possible. No information should be disclosed without the express written consent of the employee. However, Managers need to explain to the employee that where issues regarding the protection of children or the protection of adults in need of support arise, the child protection and the adult protection services will need to become involved without consent. If a colleague has asked a manager to keep the information confidential, they should be advised that it will be kept confidential as far as possible, though it may have to be shared with HR staff or others within the Council for the purpose of providing support and/or to consider any potential health and safety risks.

6.2 Managers should not post a copy of any correspondence to the employee; they should give a copy to the employee in person, or agree where it should be sent to, as the abuser may have access to mail at home.

6.3 If any arrangements are made regarding changes to working hours/post/location the agreement and review date should be put in writing and a copy placed in the employee's Human Resources file. The reason for changes should be 'personal circumstance' and not include full details of the situation.

7. Perpetrators of Abuse

7.1 Any employees who are alleged perpetrators of abuse within the workplace may be dealt with in accordance with the Council's Dignity at Work Policy and Procedure and where applicable the Council's Disciplinary Policy and Procedures.

7.2 Any employees who are alleged perpetrators of abuse out with the workplace may be dealt with in accordance with the Council's Disciplinary Policy and Procedures, if the allegations are considered to fundamentally affect the employee's suitability for the post they hold with the Council.

7.3 Employees should inform the Council immediately of any cautions or convictions for domestic abuse. Failure to do so may itself be viewed as a disciplinary matter. An employee who is charged or convicted of a criminal offence may result in disciplinary proceedings being taken against them, up to and including summary dismissal.

7.4. If a malicious complaint is suspected this will be investigated and the person making it may be subject to disciplinary action.

8.Training

8.1 Courses are available on Clacks Academy to assist managers with developing soft skills to manage difficult conversations and help employees through difficult times. For further information contact Human Resources or OD staff.

9. Monitor and Review

9.1 Strategic Directors/Senior Managers are responsible for monitoring the progress of cases within their service area, on an ongoing basis, to ensure that the timescales contained in this policy are adhered to.

9.2 Both HR and Trade Union Representatives shall monitor the effectiveness of the procedure on an ongoing basis. Changes may result from employee, management and union feedback and/or from changes in employment legislation. Revisions and updates will be implemented by the Council following consultation with recognised Trade Unions.

10. EQUALITY IMPACT ASSESSMENT

Policy Name	Gender-based Violence & Domestic Abuse Procedure
Department	HR&WFD
Policy Lead	HR&WFD
Equality Impact Assessment	
Full EQIA required	Yes <input checked="" type="checkbox"/> No* <input type="checkbox"/>
* In no please provide rationale	
Date Full EQIA complete	July 2025
Date Approved	July 2025
Review Date	




Equality and Fairer Scotland Impact Assessment - Screening

Title of Procedure:	Gender based Violence and Domestic Abuse
Service:	Partnership & Performance
Team:	HR

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	Yes
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	No

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

APPROVAL		
NAME	DESIGNATION	DATE
CHRIS ALLISTON 	Strategic Director – Partnership and Performance	31/07/25

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

Purpose of the proposed policy or changes to established policy
<p>To update the current procedure on Domestic Abuse and to incorporate Gender based Violence to ensure that employees of the Council are aware of the standards of behaviour expected from them and supports that are available to them, if they are victims. The new procedure aims to clarify what constitutes both domestic abuse and gender based violence and provide a clear framework for all which will ensure that there is guidance available if an employee is subject to domestic abuse or gender based violence (GBV).</p> <p>.</p>
Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?
General Equality Duty -
➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct
<p>The provision of the new Gender based violence and Domestic Abuse Procedure should assist with the elimination of discrimination for protected characteristics, as individuals who have a protected characteristic have a mechanism to support them should they feel are being subjected to gender based violence and/or domestic abuse</p>
➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not
<p>Having due regard for advancing equality involves removing or minimising disadvantages suffered by people due to protected characteristics.</p> <p>The procedure sets out a clear process to ensure that individuals can raise concerns should they feel disadvantaged. It ensures all employees whether within a protected groups or not, have a mechanism to raise concerns although it is recognised that such a procedure could minimise disadvantage for staff members in a protected group.</p>
➤ Fostering good relations between people who share a protected characteristic and those who do not.
<p>This element of the Duty is more relevant to the Council's role in being a supportive employer, and there is relatively limited direct relevance to this particular procedure.</p> <p>Factors such as age, financial dependency, poverty, disability, homelessness and insecure immigration status can heighten vulnerability to abuse or further entrap people experiencing abuse. Also, many people experience more than one form of abuse e.g. sexual violence and domestic abuse within relationships.</p>

Fairer Scotland Duty -
➤ Reducing inequalities of outcome caused by socioeconomic disadvantage
This procedure could assist with the retention of staff given that they can see that the organisation ensures employees are treated in a fair and consistent way and they can raise concerns regarding any issues relating to gender violence or domestic abuse

To which of the equality groups is the policy relevant?		
Protected Characteristic	Yes/No*	Explanation
Age	Yes	This characteristic is as relevant as the others in terms of individuals could raise any concerns through the procedure.
Disability	Yes	It is hoped that the procedure would encourage staff to disclose whether or not they have problems or concerns relating to Gender Violence or Domestic Abuse, as the procedure shows how proactive the Council is in supporting staff. Scottish Government figures highlight that disabled women in the UK are twice as likely to experience men's violence as non-disabled women
Gender Reassignment	Yes	This characteristic is as relevant as the others in terms of individuals could raise any concerns through the procedure.
Marriage and civil partnership	Yes	This characteristic is as relevant as the others in terms of individuals could raise any concerns through the dignity at work procedure.
Pregnancy and Maternity	Yes	This characteristic is as relevant as the others in terms of individuals could raise any concerns through the procedure.

Race	Yes	This characteristic is as relevant as the others in terms of individuals could raise any concerns through the procedure. In the UK Black and minority ethnic (BME) and migrant women in the UK face higher levels of domestic homicide and abuse driven suicide.
Religion and Belief	Yes	This characteristic is as relevant as the others in terms of individuals could raise any concerns through the Gender Based Violence and Domestic Abuse procedure.
Sex	Yes	<p>This characteristic is as relevant as the others in terms of individuals could raise any concerns through the procedure</p> <p>Scottish Government figures released report that in 2023/24 Police Scotland recorded 63,867 incidents of domestic abuse. Of those incidents recorded, 81% involve a male perpetrator and female victim, 15% featured a female perpetrator and male victim and 3% featured same sex couples.</p> <p>Men can also be abused by their partners, and it is important that their needs are recognised and addressed sensitively. They may be reluctant to disclose abuse because of the perceived stigma around this, or a fear of not being believed or being judged. Domestic abuse can adversely affect their health, relationships, self-esteem and ability to function.</p>
Sexual Orientation	Yes	This characteristic is as relevant as the others in terms of individuals could raise any concerns through the procedure.

* Delete as required

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?

The evidence referred to above includes statistics and information from Public Health Scotland and the Scottish Government.

Which equality groups and communities might it be helpful to involve in the development of the policy?


The procedure has been developed in consultation with recognised trade unions, along with elected manager representatives who have been involved in the review of the draft procedure at policy group.

Next steps

The council will take steps to ensure that this procedure is understood and applied fairly by managers. Briefing sessions and e-learning will be available to managers. In addition, advice, guidance and support will be provided from Service HR Business Partners on the application of the procedure.

Encouraging managers to be mindful of the Council's commitment to support staff and to take into account the needs of protected groups.

Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings		
<p>The evidence highlights that the introduction of this policy/procedure may have a positive impact on protected groups.</p> <p>Statistically evidence shows that women are more likely to suffer from gender based violence or domestic abuse.</p> <p>This new procedure should provide a comprehensive approach and awareness that staff can raise issues relating to gender based violence or domestic abuse and be confident that the council will deal with issues in a supportive and confidential way.</p>		
Details of engagement undertaken and feedback received		
<p>This Procedure has been developed in consultation with recognised trade unions who, along with Council Management, form the Council's Policy Group. In addition, the procedure will be considered by Tripartite (Elected Members, Unions and Management) It will also be reviewed, and hopefully formally adopted, by the Council.</p>		
Decision/recommendation		
<p>Having considered the potential or actual impacts of this policy, the following decision/ recommendation is made:</p>		
Tick	<p>Option 1: No major change The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.</p>	
✓		
	<p>Option 2: Adjust the policy – this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.</p>	
	<p>Option 3: Continue the policy – this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council's obligations under the duty.</p>	
	<p>Option 4: Stop and remove the policy – if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.</p>	
Justification for decision		
<p>This assessment finds no indication that the procedure will unlawfully discriminate against protected groups, and that a systematic approach has been taken to ensure that the procedure does not discriminate and takes into account the diverse needs and circumstances of individuals. Steps to monitor the equality impact have been agreed, along with practical to promote fair use.</p>		
APPROVAL		
NAME	DESIGNATION	DATE
<p>Chris Alliston</p> 	<p>Strategic Director – Partnership and Performance</p>	<p>31/07/25</p>



Health & Safety Policy 2025



DOCUMENT CONTROL SHEET:

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Contact:	<u>Health and Safety Team</u>

Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
		<u>Draft</u>		<u>N/A</u>

1. General Introduction

This policy sets out the way that Clackmannanshire Council will work to promote high standards of health and safety.

To do this, the Council uses a basic management approach of Plan-Do-Check-Act.

Plan:	establish the objectives and processes necessary to deliver results in accordance with the organisation's policy
Do:	implement the processes
Check:	monitor and measure processes against policy, objectives, legal and other requirements, and report the results.
Act:	take actions to continually improve performance.

The Health and Safety Team publish a series of arrangement documents in a collaborative approach with appropriate stakeholders setting out the framework for the management of health and safety throughout the Council. These documents will ensure that the Council meets all legal obligations under the [Health and Safety at Work Act 1974](#), [Corporate Manslaughter and Corporate Homicide Act 2007](#) and all associated regulations.

In addition, the team will provide ongoing guidance, support and assurance in relation to the implementation of this framework. This will provide the basis for the safety management system. It will however be for individual services to ensure that such arrangements are implemented within their areas of operation and are fully integrated within day to day service operational culture.

This Policy is supported by a Health, Safety & Wellbeing Strategy which sets out key developments of the Council Health and Safety system improve the Council's approach to the successful management of health and safety.

This policy applies to all employees and Elected Members of Clackmannanshire Council. It also applies to all consultants and agency workers employed or engaged by or on behalf of Clackmannanshire Council.

Policy Statement

To maintain and further develop a strong council-wide health and safety culture, it is essential that all managers and employees are equipped with the skills, knowledge, confidence and capacity to deal effectively with health and safety issues. It is the policy of Council, so far as is reasonably practicable to:

- Provide safe and healthy working conditions to prevent work related injury and ill health.
- Fulfill our legal responsibilities as an employer and seek to achieve best practice in our work.
- Eliminate workplace hazards and reducing health and safety risks.
- Continually improve our safety management system.
- Engage and consult with our employees and their representatives on matters relevant to their health and safety.
- Ensure adequate resources are allocated to effectively control safety and health risks.

We will ensure that good health and safety management is an integral part of our services to the people of Clackmannanshire.

A good safety culture will be proactively achieved by the Council committing to support the implementation of the organisation, roles, responsibilities and arrangements outlined below.

In my role as Chief Executive, I have the responsibility of ensuring that the Council works towards these objectives.

Nikki Bridle
Chief Executive
August 2025

2. Responsibilities

2.1 Elected Members

Elected Members, as decision and policy makers, have a duty to consider health and safety in the course of approving policy and strategy and reviewing the Council's performance. Elected Members have responsibility for:

- 2.1.1** nominating an Elected Member as Health & Safety champion
- 2.1.2** considering the health and safety implications of any decision made and policies approved
- 2.1.3** ensuring appropriate resources are available to effectively manage health and safety matters
- 2.1.4** reviewing the performance of the Council's safety management system

2.2 Chief Executive

The Chief Executive has the overall responsibility for the health, safety and welfare at work for all Council employees and also for those affected by the activities undertaken taken by the Council. The Chief Executive will ensure:

- 2.2.1.** that so far as is reasonably practicable, adequate resources are made available to enable this policy to be fully implemented.
- 2.2.2.** that competent advice is used to enable the Council to meet the statutory health, safety and welfare obligations placed upon the organisation.
- 2.2.3** a suitable, sufficient and structured health and safety management system is established which ensures alignment to the principles of HSG 65 "Managing for Health and Safety".
- 2.2.4** that health and safety is an integral aspect of the culture and decision making within the Council.
- 2.2.5** that corporate performance indicators for health and safety are set and reviewed.

2.3 Strategic Directors, Senior Managers & Chief Officers

Strategic Directors, Senior Managers and Chief Officers are accountable to the Chief Executive and have responsibility for the health, safety and wellbeing of the staff and the services delivered within the areas of their responsibility. They will ensure:

- 2.3.1** that the Council's health and safety policies and strategy are fully implemented in the area of their responsibility.
- 2.3.2** that adequate resources are made available to implement the Council's health and safety management system.
- 2.3.3** their actions demonstrate a positive commitment to achieving a high standard of health, safety and welfare and with a continuous improvement approach to achieving best practice.
- 2.3.4** that suitable and sufficient consultation with employees and trade unions within their service area on all health and safety matters.
- 2.3.5** that health and safety performance is reviewed on a regular basis with any action directed as required.

Health & Safety Policy

- 2.3.6** that health and safety is an intrinsic part of the strategic business planning for their areas of responsibility.
- 2.3.7** that their service area is represented at the Executive Health & Safety Committee, Operational Health & Safety Forum and Healthy Working Lives group.
- 2.3.8** health and safety performance is included as part of their employees professional development and review process.
- 2.3.9** that they liaise with the health and safety team for competent advice and support to achieve compliance with health and safety obligations and strive towards best practice in their areas of responsibility.

2.4 Employees with Line Management responsibility

Managers are responsible for promoting good health and safety practices in the workplace, challenging inappropriate behaviours and recognising good practices within their teams. Managers will ensure:

- 2.4.1** that the Council's policies, guidance and other aspects of the health and safety management system are communicated, understood and implemented in their areas of responsibility.
- 2.4.2** they encourage an open culture that values proactive health and safety behaviour from all employees.
- 2.4.3** that health and safety risks are identified, assessed, controlled and reviewed as far as is reasonably practicable. Any issues which cannot be resolved should be reported to the appropriate Duty Holder or Senior Manager for further action.
- 2.4.4** relevant information, instruction and training is provided to all employees to enable them to carry out their duties in a competent manner and records of this are maintained.
- 2.4.5** there is adequate supervision and monitoring of work activity to ensure individual and group health, safety and welfare.
- 2.4.6** that they liaise with the health and safety team for competent advice and support to achieve compliance with health and safety obligations and strive towards best practice in their areas of responsibility.
- 2.4.7** contractors within their area of control are managed appropriately.

2.5 Premises Duty Holders

Each Council building/premise will have a manager appointed by the Chief Executive to be the Premises Duty Holders. A list of these people will be maintained by the Health & Safety team (hands@clacks.gov.uk or x2225). Technical support and advice is available through the Planned Works & Compliance team (pbrepairs@clacks.gov.uk or x5168).

Where the premises are shared with other organisations, the Premise Duty Holder will be responsible for ensuring effective communication with these organisations to ensure effective maintenance and emergency arrangements are established and maintained.

Health & Safety Policy

The details of the responsibilities and guidance on how to carry them out will be provided in the Premise Duty Holders Handbook. Appropriate training for all Premise Duty Holders and Deputies will be provided to enable them to fulfil these duties.

2.6 Employees

Everyone has a responsibility for their own health and safety, as well as that of others who may be affected by their work, things they do or fail to do (acts or omissions). Everyone has the right not to proceed with any activity if they feel it poses imminent danger to their safety or that of others, and they must immediately raise their concerns with their line manager. Employees will:

- 2.6.1** follow the Council's policies, guidance and other aspects of the Council's safety management system.
- 2.6.2** take reasonable care of themselves and those who may be affected by their work.
- 2.6.3** report all incidents, near misses or health and safety concerns to their line management and/or the H&S team, using the corporate documentation where appropriate.
- 2.6.3** undertake health and safety training appropriate to their work and then work in accordance to the information received.
- 2.6.4** not misuse or fail to use anything that has been provided in the interests of health and safety.
- 2.6.5** seek advice and clarification from their managers if they are unsure of any health and safety requirement relevant to their work.
- 2.6.6** co-operate with the Council and other partners in the Council's endeavours to create and promote a positive health and safety culture.
- 2.6.7** participate in and cooperate with the Council's occupational health provider with regard to relevant and appropriate monitoring / assessment of their health and wellbeing.

All employees should be aware that they are personally responsible for their behaviour and may be held to account for their actions or omissions in disciplinary hearings and/or legal proceedings.

2.7 Health & Safety Team

Competent health, safety and wellbeing advice is provided to the whole of the Council from a central corporate Health and Safety Team. The Health and Safety Manager leads this team. The team are responsible for:

- 2.7.1** developing and maintaining a clear health and safety strategy and work plan in conjunction with the Senior Manager (Human Resources)
- 2.7.2** developing and maintaining a structured health and safety management system
- 2.7.3** the provision of health, safety and wellbeing advice and training to Services
- 2.7.4** ensuring consultation with employees and their representatives on health and safety matters
- 2.7.5** building and maintaining positive working relationships as the main contact for regulatory bodies, advisory groups and other partner organisations.

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- 2.7.6** ensuring new health and safety legislation and impending legislative changes that will impact upon the Council's work is highlighted to relevant managers and officers.
- 2.7.7** providing health and safety performance reports to support routine performance monitoring and the annual health and safety review process.

The Health & Safety Manager and Health & Safety Officers shall, on behalf of the elected members and Chief Executive, have full access to any record, document, person or premises and is authorised to take any reasonable emergency/critical actions thought necessary to ensure the health, safety and wellbeing of all persons, employed or engaging with the Council and for the protection of Council physical assets and reputation, at any reasonable time.

2.8 Union Safety Representatives

The Council acknowledges the importance of employee involvement in health and safety matters and welcome the involvement of trade union representatives in the development, implementation and monitoring of the health and safety management system. They will:

- 2.8.1** fully participate in the policy consultation and ratification process.
- 2.8.2** raise health, safety and wellbeing issues brought to their attention from within their areas of responsibility to the relevant manager and/or the H&S team.
- 2.8.3** assist with ensuring that employees receive clear information about their health, safety and wellbeing.

3 Arrangements

Clackmannanshire Council recognises that in order to meet its statutory duties arising from the [Health & Safety at Work Act](#) and attendant legislation this main policy needs to be supported by supplementary policies, procedures guidance and other key documents which detail specific health and safety responsibilities and other essential actions required to achieve compliance. However, the following general arrangements should be present in all Council workplaces. These will allow the Council to champion a positive health and safety culture which ensures compliance with health and safety legislation including the [Health & Safety at Work Act](#) and the [Corporate Homicide & Corporate Manslaughter Act](#).

3.1 Communication

Clackmannanshire Council is committed to open and clear communication of all health and safety related information to all employees. All policies, guidance and other documentation must be readily accessible to all relevant employees.

3.2 Emergency Procedures

The Management of Health & Safety at Work Regulations 1999 requires procedures to be established where there is a serious and imminent danger to employees or other persons.

The Health & Safety Manager will be responsible for co-ordinating all serious health and safety incidents and will liaise with the appropriate regulatory authorities, the Council's Emergency Resilience Officer and Insurance Section. He/she will report directly to the relevant Director(s) on such matters.

The Emergency Resilience Officer will be responsible for integrated emergency management and co-ordination of all emergency planning and will liaise with the appropriate regulatory authorities, the Council's Corporate Health and Safety Team and Insurance Section. He/she will report directly to the relevant Director(s) on such matters.

Each Premises Duty Holder will be responsible for ensuring suitable systems and procedures are in place for the building(s) in their responsibility using the appropriate corporate template(s) as required.

Each employee has a responsibility to look after their own health and safety. If an employee feels that they are in serious or imminent danger, they should cease work, take whatever action is required to remove themselves from harm and report the issue to a manager immediately.

3.3 Information, Instruction and Training

The Council recognises the importance of having well informed and competent employees if it is to achieve a safe working environment. On commencement of

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employment all employees will receive health & safety training as part of an induction programme.

The training needs of all managers and employees will be regularly assessed using a risk based approach and where appropriate information, instruction and training on health & safety matters will be provided. It is **essential** that managers and employees attend and/or complete appropriate training.

The effective communication by managers of policies, procedures and safe working practice will assist in achieving high standards of health & safety performance.

Information, instruction and training will be provided in a way that is easily understood and takes into account the intended audience.

3.4 Addressing Health & Safety Concerns

The following escalation procedure should be followed as a means of resolving issues arising from the management and operation of Health & Safety across the Council: -

Stage 1	Employee raises issue with their Manager or Supervisor . (in serious circumstances it is appropriate to raise with Safety representative)
Stage 2	Employee raises issue with their TU/Workplace Safety representative . The Safety representative raises issue with an appropriate Manager .
Stage 3	Employee and/or Safety representative should consult the Corporate Health & Safety Team.
Stage 4	Safety representative raises issue at Service Bi-partite (or Service H&S meeting where these exist) for resolution.
Stage 5	Senior Manager consulted for resolution. If issue is wider than one service, or insufficient progress is being made a member of the Senior Leadership Group may be consulted for a decision.
Stage 6	The Executive H&S Committee consider and scrutinise the issue to ensure corrective actions are implemented.

Where appropriate, the above steps should be recorded and managed using the service risk register\risk management and escalation framework.

There will be situations where it is appropriate for the employee to raise an issue with their Safety representative without having raised it with their Manager first. In some cases it will be appropriate to raise at a senior level without going through earlier steps, although every effort should be made to ensure that all managers affected are aware of the issue.

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3.5 Contractor Management and Partnership Working

Throughout the Council's work there are situations where we use the goods or services of other organisations, or work in partnership with them. All employees and managers involved in the procurement or management of these provisions must ensure that health and safety standards are identified, agreed and maintained throughout the life of any contract in line with the appropriate corporate policy.

Where Council employees are working with other agencies, managers should ensure they are clear on any health and safety processes which may need followed to comply with the other agencies policies, provided this is no less than the standard set in Council policies. Any employees from partner agencies will also adhere to Council policies, and these should be drawn to their attention by the relevant manager.

4. Monitoring and Review

This document is subject to monitoring by management and Trade Unions on an ongoing basis. Revisions and updates will be implemented by the Council following consultation with recognised Trade Unions.

Policy Name	Health & Safety Policy
Department	Partnership & Performance
Policy Lead	H&S Manager
Equality Impact Assessment	
Stage 1 EQIA completed	Yes No *
Stage 2 EQIA completed	Yes No *
* In no please provide rationale	
Date Approved	
Review Date	August 2027

Equality and Fairer Scotland Impact Assessment - Screening

Title of Policy:	Health & Safety Policy
Service:	Partnership & Performance
Team:	Health & Safety

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	No
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	No

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

APPROVAL		
NAME	DESIGNATION	DATE
	Strategic Director Partnership & Performance	

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

Purpose of the proposed policy or changes to established policy
<p>The purpose of the policy is to ensure that Clackmannanshire Council services are operated with due regard to the health and safety of staff, contractors and all others who may be affected by our work. The changes proposed in this policy seek to clarify and strengthen the Council's approach to this.</p>
Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?
General Equality Duty -
<p>➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct</p>
<p>The policy and procedure provides a framework which aims to ensure all employees are treated fairly and consistently in its application. Having a framework to ensure consistency should assist with the removal of potential harassment or victimisation by providing clear guidelines and transparency to processes.</p>
<p>➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not</p>
<p>➤ Fostering good relations between people who share a protected characteristic and those who do not.</p>
<p>This element of the Duty is more relevant to the Council's role as a service provider, and there is relatively limited direct relevance to this particular procedure.</p>
Fairer Scotland Duty -
<p>➤ Reducing inequalities of outcome caused by socioeconomic disadvantage</p>
<p>This element of the Duty is more relevant to the Council's role as a service provider, and there is relatively limited direct relevance to this particular procedure.</p>

To which of the equality groups is the policy relevant?		
Protected Characteristic	Yes/No*	Explanation
Age	Yes	According to the HSE it has been found that those aged 16-24 face a 40% higher risk of accident than those aged 45-54
Disability	Yes	The policy aims to prevent the work of the Council causing accidents or ill-health with can lead to disability. Following the policy should help ensure that those with a disability are supported within the workplace.
Gender Reassignment	No	
Marriage and civil partnership	No	
Pregnancy and Maternity	Yes	Women who are pregnancy or breast feeding face particular risks which need to be considered to fulfil the responsibilities outlined in the policy.
Race	Yes	Different ethnic groups have different risk profiles and there may be cultural differences which affect how they engage with the health and safety policy.
Religion and Belief	No	
Sex	Yes	The different physiological make up of men and women mean that different genders have different risks, which is then exacerbated by different occupational groups where there are higher prevalence of one gender.
Sexual Orientation	No	

* Delete as required

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?

As outlined above.

Which equality groups and communities might it be helpful to involve in the development of the policy?

The procedure has been developed in consultation with recognised trade unions, along with elected manager representatives who will be involved in the review of the draft policy and procedure at policy group. Discussion will take place at policy group on the content of the policy procedure and suggested amendments/additions will be agreed collectively. The policy has also been discussed at Executive Health & Safety Committee and Tripartite.

Next steps

The council will take steps to ensure that this procedure is understood and applied fairly by managers.

Briefing sessions will be available to managers. In addition, advice, guidance and support will be provided from our Health and Safety staff.

The Council will monitor the implementation of the policy so as to ensure fairness in its application.

Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings		
The evidence available suggests that this policy will be helpful in addressing the needs of a number of different groups.		
Details of engagement undertaken and feedback received		
Discussion at Policy group, Executive Health & Safety Committee and Tripartite meetings has lead to no concerns being raised.		
Decision/recommendation		
Having considered the potential or actual impacts of this policy, the following decision/ recommendation is made:		
Tick	Option 1: No major change The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.	
<input checked="" type="checkbox"/>		
	Option 2: Adjust the policy – this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.	
	Option 3: Continue the policy – this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council's obligations under the duty.	
	Option 4: Stop and remove the policy – if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.	
Justification for decision		
The policy seeks to provide consistency and support for a number of different groups. Implementation will be monitored and further revisions made as required.		
APPROVAL		
NAME	DESIGNATION	DATE
Chris Alliston	Strategic Director Partnership & Performance	