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| HIGH LIFE HIGHLAND  REPORT TO BOARD OF DIRECTORS  10 December 2020 | AGENDA ITEM REPORT No HLH /20 |

## **HUMAN RESOURCES - Report by Chief Executive**

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| **Summary**  The purpose of this report is to update Directors on Human Resources activity for the period July to September 2020 which includes information relating to absence, disciplinary and grievance issues during this period as well as information on the pandemic’s impact on staffing related matters.  It is recommended that Directors:   1. note and comment on the content of the quarterly HR report including the update on the staffing establishment and attendance management and union engagement; 2. approve the updated policies:    1. Protection and Safeguarding Policy at **Appendix B1**;    2. Protecting Vulnerable Groups Policy at **Appendix B2**;    3. Recruitment and Engagement of Ex-Offenders Policy at **Appendix B3;**    4. Security of Disclosure Information Policy at **Appendix B4**; |

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| **1.** | **Business Plan Contribution** |
| 1.1 | This report supports the highlighted Business Outcomes from the High Life Highland (HLH) Business Plan:   1. Sustain a high standard of health and safety, and environmental performance 2. **Implement the Service Delivery Contract with THC** 3. **Improving customer engagement and satisfaction** 4. **Improving staff engagement and satisfaction** 5. **Enhance the positive charity image** 6. Be a trusted and effective partner 7. Achieve sustainable growth across the organisation 8. Develop health and wellbeing across Highland communities 9. **Develop and promote the High Life brand** |
| **2.** | **Background** |
| 2.1 | The Human Resources (HR) report is a summary of HR activity in the preceding quarter, offering an update on current staff numbers along with any change since previous reports. There is also an outline of the absence levels (which are sub-sectioned into short and long-term absence in this report); activity relating to any disciplinary, grievance and harassment issues; and an employee relations update. |
| **3.**  3.1  3.1.1  3.1.2 | **Human Resources Report: Jul - Sep 2020**  Staff Establishment Numbers  The changes to the establishment for the period in full-time equivalents (FTE) are as follows:  Establishment at end of **Quarter 1 2020/21** (Apr 20 to Jun 20) = **703.95**  Establishment at end of **Quarter 2 2020/21** (Jul 20 to Sep 20) = **723.48**  Quarter 2 has seen a significant increase to the establishment of 19.53 FTE and these changes to the establishment are detailed in **Appendix A.** |
| 3.1.3 | The main reasons for these changes are:   1. the TUPE of Cobbs catering staff at Inverness Botanic Gardens Cafe to HLH; 2. a reduction in the use of relief/casual staff, some previously employed by services to fill gaps in the establishment and replaced with contracted posts. All new contracts, issued from 1 August 2020, no longer include enhanced rates for weekends or bank holidays; 3. the provision of fixed term contracts to regular seasonal staff at Highland Folk Museum, Ben Nevis Centre and Inverness Castle Viewpoint (previously engaged as relief workers); 4. in the spirit of agreements reached with Unions during the pandemic collective agreement discussions; the provision of short-term contracts to workers carrying out fixed term projects as part of the recovery programme, including Youth Work and Adult Learning; 5. additional fully funded posts for Nucleus, the Castle Project and CEYP Youth Work; 6. creation of a new income generating Music Instructor post for Pipe Band Drumming in Ullapool, where demand exceeds provision; and 7. small amendments to existing establishment FTE in facilities to ensure efficient service delivery |
| 3.2 | Attendance management |
| 3.2.1 | Reports show absence levels split between short-term absence (˂10 consecutive working days) and long-term absence (>10 consecutive working days). |
| 3.2.2 | The short-term absence rate % up to the end of Quarter 2 were as follows:   |  |  |  |  |  | | --- | --- | --- | --- | --- | | **SHORT-TERM ABSENCE RATES** | | | | | |  | **Quarter 1**  **(Apr–Jun)**  **%** | **Quarter 2**  **(Jul–Sep)**  **%** | **Quarter 3**  **(Oct–Dec)**  **%** | **Quarter 4**  **(Jan–Mar)**  **%** | | **2018/19** | 0.99 | 0.99 | 1.32 | 1.42 | | **2019/20** | 0.90 | 1.00 | 1.58 | 1.33 | | **2020/21** | 0.01 | 0.15 |  |  |   Quarter 2 has shown an increase of 0.14% in the short-term absence rate compared to Quarter 1 of 2020/21. It should be noted that Quarter 1 rates reflected the high level of staff placed on furlough during that quarter and therefore low absence levels. Quarter 2 reflects the return to work for many staff and therefore as would be expected, a higher level of absence reporting. |
| 3.2.3 | The long-term absence % rate up to the end of Quarter 2 was as follows:   |  |  |  |  |  | | --- | --- | --- | --- | --- | | **LONG-TERM ABSENCE RATES** | | | | | |  | **Quarter 1**  **(Apr–Jun)**  **%** | **Quarter 2**  **(Jul–Sep)**  **%** | **Quarter 3**  **(Oct–Dec)**  **%** | **Quarter 4**  **(Jan–Mar)**  **%** | | **2018/19** | 2.12 | 2.37 | 2.70 | 2.73 | | **2019/20** | 3.37 | 2.55 | 1.27 | 1.64 | | **2020/21** | 0.05 | 0.78 |  |  | |
| 3.2.4  3.2.5 | Quarter 2 has shown an increase of 0.73% in the long-term absence rate compared to Quarter 1 of 2020/21 and as with the short-term absence increase is an expected result of staff returning to work and absences being reported as normal.    There were four long-term absences within the quarter (1 in Q1) which carried forward into Q3 2020/21. |
| 3.2.8 | The average sick days per employee up to the end of Quarter 2 were as follows:   |  |  |  |  |  | | --- | --- | --- | --- | --- | | **AVERAGE SICKNESS ABSENCE DAYS PER EMPLOYEE** | | | | | |  | **Quarter 1**  **(Apr–Jun)** | **Quarter 2**  **(Jul–Sep)** | **Quarter 3**  **(Oct–Dec)** | **Quarter 4**  **(Jan–Mar)** | | **2017/18** | 2.30 | 2.17 | 2.39 | 2.53 | | **2018/19** | 2.02 | 2.18 | 2.45 | 2.57 | | **2019/20** | 2.82 | 2.34 | 1.74 | 1.81 | | **2020/21** | 0.04 | 0.64 |  |  | |
| 3.2.9 | The average sick days/FTE per employee shows an increase of 0.6% days compared to Quarter 1 of 2020/21. |
| 3.2.10  3.2.11 | As outlined in previous reports, HR continues to work closely with all managers and employees to find opportunities to encourage earlier returns to work. The current COVID-19 situation has meant that a large number of staff remained on furlough leave during Quarter 2, but managers have remained committed to keeping in contact with all staff, regularly checking in on their health and wellbeing and highlighting to the HR Manager any concerns they have regarding staff health and wellbeing during this time.  In addition, as staff have returned to work and health concerns have been raised, HR and service managers have been pro-active in supporting those staff through early intervention including OH referrals and Counselling services. |
| 3.3  3.3.1 | Staff Turnover  The number of resignations per month as a percentage of posts in Q2 was 1% in July, 1% in August and 0.8% in September. |
| 3.3.2 | Staff turnover therefore sits as ‘green’ RAG-rated status in terms of the Charity’s performance reporting. |
| 3.3.3 | Some of the reasons for resignations include:   1. the reduction in furlough top up payments meant some staff had to seek employment elsewhere because of financial concerns; 2. career changes as a direct result of the COVID situation e.g. one employee was fast-tracked into paramedic training and one employee offered a full-time position with community organisation they had volunteered with during furlough; 3. staff no longer wanting to work in a public facing role or office environment due to health concerns for themselves or loved ones; 4. having had the time to reflect during furlough and having reached retirement age, a number of staff have decided to retire. |
| 3.4  3.4.1  3.5  3.5.1  3.6  3.6.1 | Use of the charity disciplinary processes  There were no issues considered under the Charity’s disciplinary process in Q2-2020/21.  Use of the charity grievance processes  There were no new matters received under the charity’s grievance procedure in Q2-2020/21.  Harassment  There were no harassment issues raised during Q2-2020/21. |
| 3.7  3.7.1  3.7.2 | Employee relations  The Charity has engaged with the four Trade Unions (TUs) representing members within the organisation, namely Unison, Unite, GMB and EIS. The Charity deals with the TUs formally through the Joint Consultation Forum (JCF) which met on 17 September 2020.  Discussions included:   1. HLH Financial Position; 2. changes to Terms and Conditions effective from 1 August 2020 on all new contracts; 3. staff consultations undertaken during lockdown; 4. recovery planning; 5. changes to working practices including blended working; and 6. welfare issues during the pandemic. |
| 3.7.3 | In addition, the above Trade Unions are invited to meet with the Principal Estates Manager in the current absence of the staff Health and Safety Group. |
| 3.7.4 | Management and representatives of HR also discuss with the Trade Unions individual issues as and when required. |
| 4.2 | **Status Review Group** |
| 4.2.1 | The Status Review Group (SRG) continues to meet on a weekly basis to provide a platform to review:   * any claims from relief staff regarding their employment status with HLH * internal vacancy recruitment * changes to the establishment. |
| 4.2.2 | The SRG consists of the Director of Corporate Services (Sponsor), HR Manager, Principal Business Support Manager, Finance Manager and all Principal Managers for services. |
| 4.2.3 | In Quarter 2 the SRG considered 130 requests falling within the categories listed above and of that, recommended for approval to WBM:   * 57 changes to contract status (ie. relief to contracted hours) or the creation of additional posts (as detailed in **Appendix A**) * 63 internal vacancies to be advertised. |
| 4.2.4 | The positions adopted by the SRG are in line with the spirit of agreement with Unions during discussions around the management of the pandemic and the temporary collective agreement put in place at the original lockdown. |
| **5.** | **Policies update** |
| 5.1 | The following policies have been considered in line with the review schedule:   * Child and VA Protection Policy – This policy has been updated and amended as a result of changes to legislation in Scotland. The policy will now be known as the “**Protection and Safeguarding Policy**” – attached in **Appendix B1**. Directors should note that a number of related guidance notes accompanying the new Protection and Safeguarding Policy have also been added and/or updated. * Vetting Policy – This policy has been reviewed and updated and reflects the operational changes to the Charity since setup. The policy will now be known as the “**Protecting Vulnerable Groups Policy**” – attached in **Appendix B2**. * Recruitment of Ex-offender policy – This policy has been reviewed and updated to include the inclusion of the Charity’s new “Protection and Safeguarding Statement” and has been retitled as the “**Recruitment and Engagement of Ex-Offenders Policy**” – attached in **Appendix B3**. * Policy for the secure handling and storage – This policy has been reviewed and updated and will become the “**Security of Disclosure Information Policy**” – attached in **Appendix B4**. * **Equal Opportunities Policy** – reviewed with minor changing references to “Company” to “Charity”; * **Harassment at Work Policy** - reviewed with minor changing references to “Company” to “Charity” * **Services Equality Policy** – reviewed with no changes required. |
| **6**  6.1  6.2  6.3  6.4 | **Implications**  Resource Implications – there are no new resource implications arising from the recommendations of this report.  Legal Implications – there are no new legal implications arising from the recommendations of this report.  Equality Implications – there are no new equality implications arising from the recommendations of this report.  Risk Implications – there are no new risks arising from the recommendations of this report. |
| It is recommended that Directors:   1. note and comment on the content of the quarterly HR report including the update on the staffing establishment and attendance management and union engagement; 2. approve the updated policies:    1. Protection and Safeguarding Policy at **Appendix B1**;    2. Protecting Vulnerable Groups Policy at **Appendix B2**;    3. Recruitment and Engagement of Ex-Offenders Policy at **Appendix B3**;    4. Security of Disclosure Information Policy at **Appendix B4**; | |

Designation: Chief Executive

Date: 26 November 2020

**Appendix A**

**CHANGES TO STAFFING ESTABLISHMENT IN QUARTER 2**

**(July – September 2020)**

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| **Post Title** | **Location** | **FTE** | **Comment** |
| Catering Supervisor x 2 | IBG | 2 | TUPE |
| Cleaning Operative | IBG | 0.19 | TUPE |
| Catering Assistant x 2 | IBG | 1.89 | TUPE |
| Tutor/Coach (Climbing Wall) | Gairloch Leisure Centre | 0.1 | Previously relief working regular hours over extended period |
| Museum Attendants (stockmen) x 2 | HFM | 0.56 | Previously relief working regular hours over extended period |
| Adult Learning Tutor | Inverness/Nairn | 0.5 | Temporary to 31.3.20  Required for service delivery |
| Cook | HFM | 0.65 | Previously relief working regular hours over extended period |
| Heritage Attendants x 22 | HFM | 6.8 | Temporary 3 months |
| Cashier receptionist | Craig MacLean | -0.6 | Required for service delivery |
| Leisure Assistant (Wet) | Craig Maclean | 0.47 | Required for service delivery |
| Leisure Assistant (Dry) x 2 | Badenoch Centre | -0.64 | Required for service delivery |
| Leisure Assistant (Dry) x 1 | Badenoch Centre | 0.58 | Required for service delivery |
| Youth Tutor/Coach | Dingwall | 0.5 | Temporary 3 months  Required for service delivery |
| YDO (CEYP) | Inverness (Clachnaharry) | 0.5 | Fixed term 12 months  Externally funded |
| Music Tutor (Pipe Band Drumming) | Ullapool | 1.0 | Fixed term 12 months  Required to meet service demand |
| Visitor Centre Assistant | Ben Nevis Visitor Centre | 0.54 | Temporary 3 months  Required for service delivery |
| Assistant Youth Worker x 2 | Balintore | 0.22 | Temporary 3 months  Required for service delivery |
| Tutor Coach (Zumba) | Badenoch Centre | 0.14 | Temporary 6 months  Previously relief working regular hours over extended period |
| Estates Admin Assistant | Inverness | 1 | Temporary 18 month post |
| Gardener | IBG | -0.19 | Required for service delivery |
| Seasonal Gardener x 2 | IBG | -0.76 | Required for service delivery |
| Community Works Operative x 3 | IBG | -1.12 | Required for service delivery |
| Gardener x 4 | IBG | 1.21 | Required for service delivery |
| Data Curation Graduate | Inverness | 1 | Fully funded |
| Visitor Services Assistant x 3 | Inverness Castle | 1.1 | Previously relief working regular hours over extended period |
| Visitor Services Assistant x 2 | Inverness Castle | 0.81 | Temporary 3 months |
| Archive Assistant | Nucleus | 0.6 | Fully funded |
| Adult Learning Tutor x 3 | Ross & Cromarty | 0.48 | Temporary 3 months  Required for service delivery |

**Appendix B1**

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| C:\Users\lorrhour\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\FU2TPUMV\high_life_black (3).jpg | ***Protection and Safeguarding Policy***  (this policy supersedes all previous versions of the Child and Vulnerable Adult Protection Policy)  Draft for approval by HLH Board 10 December 2020  Review Date: December 2022 |

High Life Highland believes that every individual, regardless of age, has at all times and in all circumstances, a right to feel safe and protected from any situation or practice that results in the individual being physically or psychologically damaged. In all cases, HLH will take action where any member of staff or volunteer has suspicions about an individual’s physical, sexual or emotional wellbeing.

High Life Highland (HLH) recognises that protection and safeguarding should not be treated in isolation and this policy has therefore been compiled utilising the guidance from the Highland Child Protection Committee ([HCPC](https://hcpc.scot/)) and the Highland Adult Support and Protection Committee ([HASPC](https://www.nhshighland.scot.nhs.uk/yourhealth/pages/adultsupportandprotection.aspx)).

1. HLH accepts its responsibility as an organisation to check that all adults in positions requiring Disclosure Scotland checks are members of the appropriate Protection of Vulnerable Groups scheme and appropriately vetted.
2. HLH will undertake a formal interview with prospective staff/volunteers prior to any offer of appointment being made.
3. HLH will ensure it has carried out the necessary checks in relation to any person working with children, young people or vulnerable adults, including requesting references where appropriate.
4. HLH will keep a record of personal details for each member of staff/volunteer.
5. HLH will notify Disclosure Scotland if any person on the Disqualified from Working with Children List applies to work/volunteer with the Charity.
6. All staff/volunteers will be given Codes of Practice to which they should work.
7. HLH will remove any member of staff/volunteer known or suspected to have caused harm to an individual or placed the individual at risk of harm. HLH will notify Disclosure Scotland of its actions and reasoning, even if that person has left the Charity.

All HLH staff/volunteers are encouraged to share concerns with Charity’s Protection and Safeguarding Lead (Director of Corporate Services). Where a member of staff/volunteer has concerns about the protection of safety of an individual they should follow HLH’s Dealing with a Protection or Safeguarding Issue flowchart.

**General concerns**

Where a member of staff/volunteer has more general concerns about an individual’s welfare, then these should be discussed with the Charity’s Protection and Safeguarding Lead. Following these discussions, a decision will be made as to whether the matter should be referred to an appropriate professional for assessment.

**More serious/urgent concerns**

HLH’s Dealing with a Protection or Safeguarding Issue flowchart clearly outlines the process to be followed by any member of staff/volunteer.

Where there is a serious or urgent case, in conjunction with the flowchart, staff/volunteers should follow this process:

1. Upon receipt of any information/suspicions from an individual, it is necessary to make an accurate and detailed record of what the members of staff/volunteer has seen; heard or know. Ideally this information should be taken at the time the event occurs – but if necessary can be undertaken later;
2. The member of staff/volunteer should share their concerns with the Charity’s Protection and Safeguarding Lead and agree what action to take;
3. Avoid asking any more questions than are necessary to clarify whether a concern exists. Always refer to statutory partner organisations/services to undertake in depth investigations of any suspicions or allegations about abuse.

**Contact details**

Contact details are available through the HCPC [Help and Advice](https://hcpc.scot/professionals/) section of the website for Local Family Teams and Police Scotland.

HLH Protection and Safeguarding Lead **01349 781002 (office) and**

(James Martin – Director of Corporate Services) **07774 225976 (mobile)**

Police Scotland **101** (non-urgent)

**999** (urgent/serious)

Out of hours Social Work Emergency Services **08457 697284**

It may be worth referring to the “Help and Advice” link above to identify Local Family Team details and keeping these to hand.

**Appendix B2**

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| C:\Users\lorrhour\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\FU2TPUMV\high_life_black (3).jpg | ***Protecting Vulnerable Groups Policy***  (this policy supersedes all previous versions of the Vetting Policy)  Draft for approval by HLH Board 10 December 2020  Review Date: December 2022 |

The [Protecting Vulnerable Groups (PVG) membership scheme](https://www.mygov.scot/pvg-scheme/) is managed and delivered by Disclosure Scotland. The scheme helps to ensure people whose behaviour makes them unsuitable to work with children and protected adults cannot do ‘regulated work’ with these vulnerable groups.

High Life Highland (HLH) will comply with all legislation and requirements relating to the PVG scheme.

When an individual employee/volunteer applies to the PVG scheme through HLH; the process will involve gathering criminal record and other relevant information on the individual. The results from the criminal record checks will be shared with the individual and HLH.

The Protection of Vulnerable Groups (Scotland) Act 2007 defines regulated work by reference to:

* the activities an individual does;
* the establishments in which an individual works;
* the position the individual holds; or
* the people for whom they have day-to-day supervision or management responsibilities.

High Life Highland is covered by the Act and will apply all sections appropriate across all services of the Charity at any time. Any such application(s) would run in tandem with the guidance from the Highland Child Protection Committee and the Highland Adult Protection Committee.

**Regulated work**

In terms of the Act, HLH has the potential to have staff working in both types of regulated work, namely:

1. regulated work with children; and
2. regulated work with adults.

The two types of regulated work, and by default two corresponding lists of individuals who are unsuitable to do such work, is to allow for the fact that unsuitability to work with one group does not always go hand-in-hand with the unsuitability to work with the other.

**Appendix B3**

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| C:\Users\lorrhour\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\FU2TPUMV\high_life_black (3).jpg | ***Recruitment and Engagement of Ex-offenders Policy***  (this policy supersedes all previous versions of the Recruitment of Ex Offenders Policy)  Draft for approval by HLH Board 10 December 2020 Review Date: December 2022 |

High Life Highland (HLH) will treat any applicant or appointment to any position (paid or unpaid) within the organisation fairly and not discriminate unfairly against the subject of a disclosure on the basis of conviction or other information revealed through the Safer Recruitment and Vetting process.

Where appropriate HLH will require membership of the Protection of Vulnerable Groups (PVG) Scheme and request appropriate PVG Scheme Record as necessary and relevant to the position sought.

HLH will include its “**Protection and Safeguarding Statement**” on all recruitment and induction information and any other information provided about posts.

At interview HLH will ensure that open and measured, but direct discussions can take place around the subject of offences.

Failure to reveal any information at interview, that is directly relevant to the position sought, could lead to withdrawal of an offer of employment or the termination of existing employment, where the information is subsequently revealed.

At interview or when receiving a disclosure which shows a conviction, or which contains intelligence of significance to working with children and families or protected adults; HLH will use the professional judgement of its Officers and take into consideration:

* whether the applicant is banned from working with its client group;
* whether the conviction/intelligence is relevant to the position being offered;
* the seriousness of the offence revealed;
* the length of time since the offence took place;
* whether the applicant has a pattern of offending behaviour; and
* whether the applicant’s circumstances have changed since offending took place.

HLH will ensure that all individuals (paid and unpaid) involved in the recruitment process are aware of this policy and have received relevant and appropriate training and support.

**Appendix B4**

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| C:\Users\lorrhour\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\FU2TPUMV\high_life_black (3).jpg | ***Security of Disclosure Information Policy***  (this policy supersedes all previous versions of the Security and Safe Handling Policy)  Draft for approval by HLH Board 10 December 2020 Review Date: December 2022 |

In accordance with the Disclosure Scotland Code of Practice for registered persons and other recipients, HLH will ensure the following practices in terms of its handling, use, storage and retention of disclosure information.

* Checks will only be requested when necessary and relevant to a particular post and the information provided on a disclosure certificate will only be used for recruitment purposes;
* HLH will ensure that an individual’s written consent is given before seeking a disclosure and will seek their consent before using disclosure information for any purpose other than recruitment;
* Disclosure information will only be shared with those authorised to see it in the course of their duties;
* Where additional disclosure information is provided to HLH’s designated signatory and not to the disclosure applicant, HLH’s designated signatory will not disclose this information to the applicant, but will inform them of the fact that additional information has been provided, should this information affect the recruitment decision;
* Disclosure information will be stored in a locked non-portable location, for a maximum of 6 months. Only those authorised to see this information in the course of their duties will have access to this location;
* Disclosure information will be destroyed by confidential shredding;
* No image or photocopy of the disclosure information will be made; however, the following details may be retained:
  + Date of issue of disclosure;
  + Name of subject;
  + Disclosure type;
  + Position for which disclosure was requested;
  + Unique reference number of Disclosure; and
  + Recruitment decision taken;
* If the subject of the Disclosure check is found to be on the ‘Disqualified from Working with (Children/Adults) List’ HLH’s Lead Officer for Protection and Safeguarding shall be notify, who in turn will formally advise Police Scotland that an attempt has been made to acquire work with children/adults;
* HLH will ensure that all staff with access to disclosure information are aware of this policy and have received relevant training and support;
* This policy will be made available to any applicant for a post (paid or unpaid) with HLH that require a disclosure.