

HUMAN RESOURCES PANEL

Tuesday 17 December 2019 at 5.00 pm

The members listed below are summoned to attend the Human Resources Panel meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Peter Webb (Chairman)
Councillor Christine Cleveland
Councillor Alex Coley

Councillor Robert Foote
Councillor Colin Keane
Councillor Guy Robbins

Yours sincerely

A handwritten signature in black ink, appearing to read "K. Beldan". The signature is fluid and cursive.

Chief Executive

For further information, please contact Democratic Services, tel: 01372 732000 or democraticservices@epsom-ewell.gov.uk

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AGENDA

1. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

2. HUMAN RESOURCES OVERVIEW (Pages 5 - 290)

This report provides an overview of Human Resource and Organisational Development activity which supports the Council's wider team wellbeing, providing evidence of good practice and up to date employment policy.

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HUMAN RESOURCES OVERVIEW

Head of Service/Contact:	Shona Mason, Head of HR & Organisational Development
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Annexes/Appendices (attached):	Draft People Framework (29 procedure documents)
Other available papers (not attached):	None

Report summary

This report provides an overview of Human Resource and Organisational Development activity which supports the Council's wider team wellbeing, providing evidence of good practice and up to date employment policy.

Recommendation (s)

- (1) The HR Panel receives the report and outlines any particular areas for development or further reporting**

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 To ensure that the Council successfully delivers its key priorities, service plans and strategies it is imperative that the Council has an engaged, skilled and motivated team.
- 1.2 The team's wellbeing, ensuring that the Council undertakes sound employment practice and has up to date employment policies, is important to achieving this.

- 1.3 The activity of the Human Resources and Organisational Development team supports the organisation in achieving its people aims with its service delivery plan centred on supporting the service plans of the wider Council and the Behaviour Framework, to achieve the Council's key priorities.

2 Background

- 2.1 In order for the HR Panel to consider areas of wellbeing, HR policy and best practice, this report will provide details of the following areas which the HR team have undertaken over the past six months in line with the service delivery plan:
- Council Wide Achievements – promoting all the good work the Council does
 - Absence Management Update – how are the figures looking for quarter 1 - 6
 - Job Evaluation – Update on status of the project
 - Review of HR Policies – New draft People Framework for consideration
 - Employee Data Check – Update on meaningful workforce monitoring
 - Learning and Development and Apprenticeships – Update on progress to date

3 Council Wide Achievements

- 3.1 Over the past six months there have been a number of achievements across the Council. These achievements are down to the commitment, dedication and hard work of employees from all services. These achievements are celebrated corporately and are shared with employees via What's Hot, shared with Members via the Members Update and are displayed publically on dedicated notices boards within the Town Hall and at other locations. The achievements reinforce the hard work of our employees.
- 3.2 Highlights of the achievements over the past six months include:
- Increase of food recycling rates by 12%
 - Increase in Council Tax & Business rates to over 99%
 - Emergency response to a fire in Stoneleigh on 27 April
 - Two elections in May
 - Unauthorised encampment injunction secured
 - Derby 2019
 - Round the Borough Bike
 - 108 highways and footpaths cleared of weed in June
 - EEBC Building Control team award, Building Excellence Award
 - Events to commemorate the Centenary of the Epsom riot

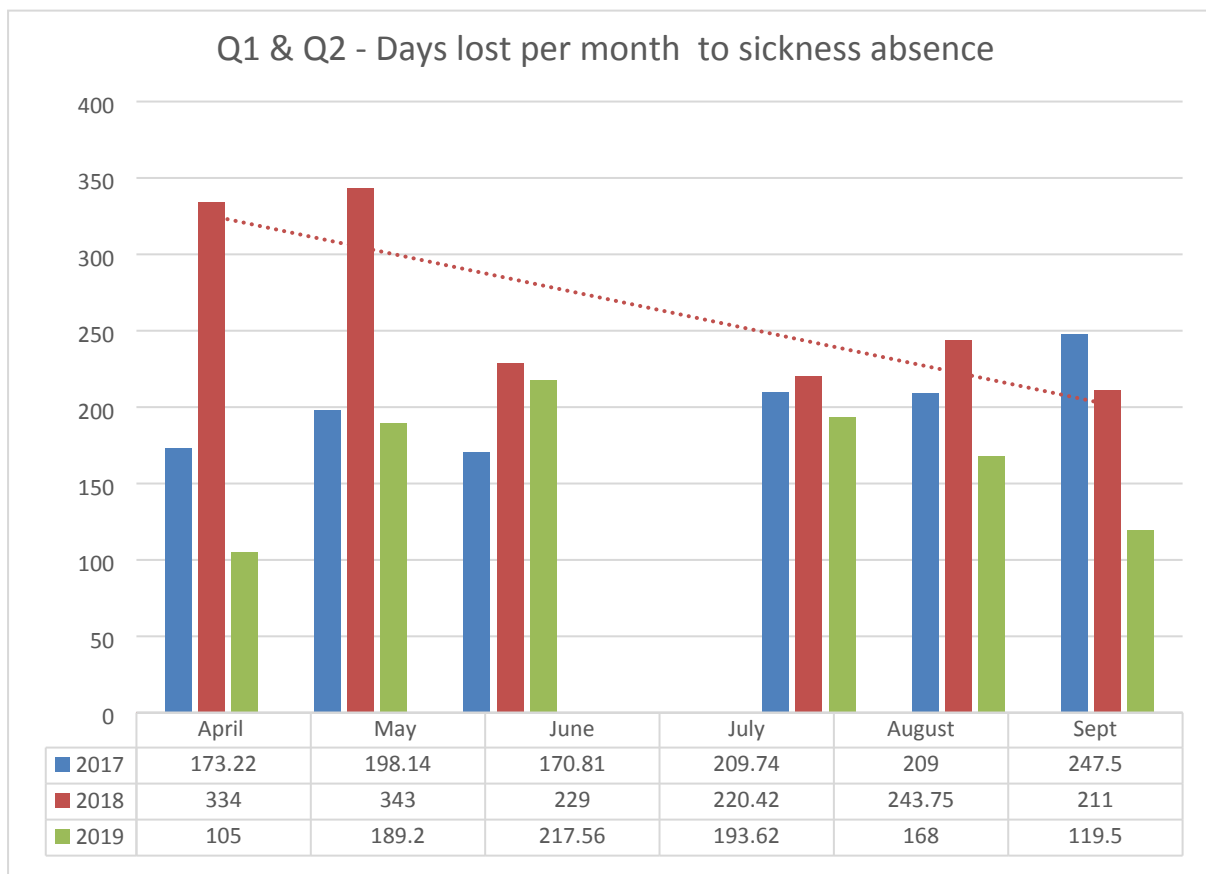
- Future40 public engagement with over 6000 recorded inputs from residents
- Growth of our Apprentice programme
- Closing of accounts
- Invited our second Syrian refugee family to the Borough
- Increased IT resilience
- Removal of concrete bollards outside a shop on Chessington Road
- New enforcement car entered service
- Introduction of Ringo in our car parks
- Increase sales of 28% for the Panto at September compared to the same time last year

3.3 The Leadership Team will continue to encourage the promotion of Council wide achievements.

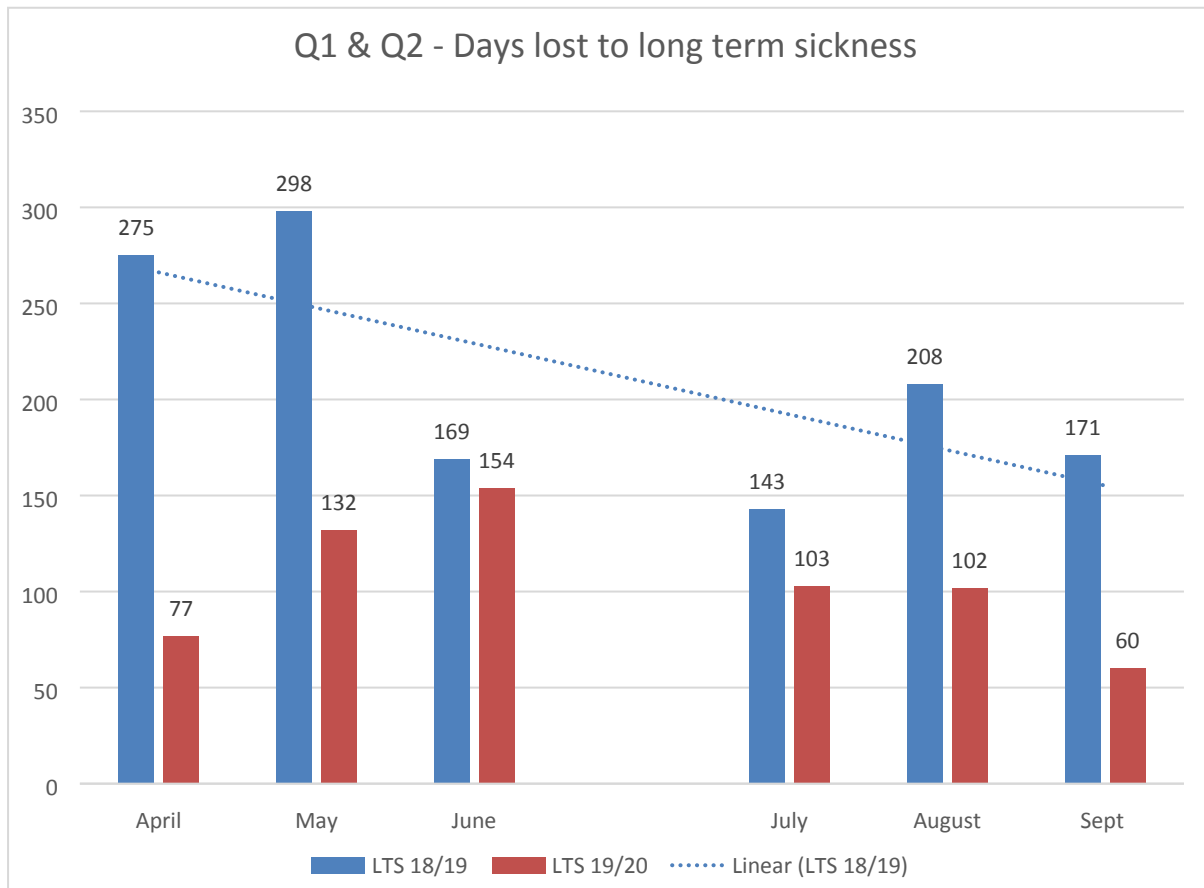
4 Absence Management Update

4.1 The HR team have worked with managers, employees and the Council's Occupational Health provider to reduce the levels of sickness across the organisation over the past few months.

4.2 The graph below shows the total number of days lost per month to sickness absence:



- 4.3 As reported at the previous HR panel during 2018/19 long term sickness was particularly high and this year the HR team have been working with managers to reduce sickness absence overall but specifically focusing on long term sickness. The graph below shows the total number of days lost per month to long term



- 4.4 Stress, Depression and Anxiety continues to be the highest reason for long term sickness however the HR team have been working proactively to raise awareness and provide support in this area.
- 4.5 The team have undertaken a range of wellbeing activities to support employees and raise awareness during the past six months focusing on:
- Promoting World Mental Health Day on 10 October 2019
 - Holistic therapies – massage etc.
 - Ki gong sessions
 - Pilates sessions
 - Health checks – Blood pressure
 - Promotion of Rainbow Leisure Centre gym membership
 - Promotion of Simply Health
 - Promotion of Slimming World
 - Talking Therapies - Stress & Resilience and Mindfulness sessions

- 4.6 The HR team will continue to provide further advice and support in the coming months and are working closely with the Council's Health and Wellbeing Officer to ensure there is a collaborative approach.

5 Job Evaluation

- 5.1 The HR team have been working with Managers to ensure that all roles within the Council have a new generic role profile which supports the job evaluation process.
- 5.2 Roles have been grouped into 20 job families in line with the Council's pay structure. Managers were asked to complete a generic template for each role within their service.
- 5.3 The Council has commissioned South East Employers to undertake the job evaluation exercise on its behalf due to the volume of roles to be evaluated, the expertise required and to ensure impartiality during the process.
- 5.4 During the past few months HR has been working with Managers and South East Employers to review the completed role profiles to ensure that they reflect the requirements of the role, there is consistency across the grades and contain adequate information for the job evaluation.
- 5.5 South East Employers have commenced the mapping process against organisational structures, the Council's pay structure and are completing the evaluations. We are anticipating that the mapping process will be completed by Christmas with South East Employers providing their initial assessment in the New Year.
- 5.6 Once the Council is in receipt of this information we will be able to cost the job evaluation exercise and evaluate the financial implications.
- 5.7 The project is currently on track with a view to informing employees of the outcome before the end of the financial year.

6 Review of HR Policies – People Framework

- 6.1 The HR team have undertaken a full review of all core HR policies and procedures and have developed a new draft People Framework (PF).
- 6.2 The new draft PF:
- Provides an outline as to how the Council will manage its workforce.
 - Includes best practices such as ACAS guidance which are documented and implemented as appropriate to our organisation.
 - Ensures that management decisions and action are consistent and uniform with employees being supported in their role to perform at their best.

- 6.3 The draft PF comprises of five parts:
- Part 1 – Policy Areas /Scope (to be finalised)
 - Part 2 – Who does What – Roles & Responsibilities
 - Part 3 – Definitions (to be finalised)
 - Part 4 – Individual Procedures
 - Part 5 – Guidance Documents
- 6.4 The HR team have drafted a total of 29 new documents which make up the majority of the draft PF.
- 6.5 Over the past 18 months the HR team has delivered significant changes to the Council's Pay Structure, Performance Management scheme, Behaviour Framework and Job Evaluation scheme all of which are ongoing. These changes are the result of planned and systematic culture change to create an organisation which is flexible, adaptable and accountable.
- 6.6 The draft PF supports the organisation to achieve its objectives and create a culture of accountability and flexibility.
- 6.7 The HR team have been working to realign the PF with the new pay structure, performance management scheme and behaviour framework and to ensure that the draft PF is structured in a way that provides clarity and guidance for the managers and staff who have to use them.
- 6.8 Each procedure has been aligned with legislative requirements and ACAS codes of practice to ensure that the Council is meeting its legal obligations and to mitigate risk and any potential challenge
- 6.9 Due to the volume of the documents that have been developed the consultation process was split into two phases.
- 6.10 Phase 1 consultation ran from 3 July to 30 August 2019 and Phase 2 consultation ran from 17 September to 15 November 2019.
- 6.11 Phase 1 included:
- Part 1 Policy Areas/Scope
 - Part 2 Who does What - Roles & Responsibilities
 - Part 3 Definitions
 - Absence Management
 - Appeals
 - Capability
 - Disciplinary
 - Employee Pay & Reward
 - Grievance
 - Hearings

- Induction and Settling In
- Investigations
- Mediation
- Performance Management
- Recruitment & Retention Incentive
- Relocation
- Suspension

6.12 Phase 2 included:

- Adoption
- Annual Leave
- Dignity at Work
- Flexible Working
- Maternity
- Ordinary Parental Leave
- Paternity
- Recruitment & Selection
- Safer Recruitment
- Shared Parental Leave
- Special Leave
- Working from Home

6.13 The key changes in Phase 1 included:

- Structure of policies into a framework
- Align all policies so they dovetail with each other
- Provide greater detail and clarify procedures
- Moving long term absence trigger from 10 days to 4 weeks
- Inclusion of definitions for greater clarity
- Inclusion of informal process in disciplinary procedure
- New Induction procedure setting out expectations

6.14 The key changes in Phase 2 included:

- Work and Family procedures updated to reflect changes in legislation
- Dignity at Work Procedure (formerly Bullying and Harassment) aligned with Grievance Procedure
- Flexible Working and Working from Home Procedures updated to reflect the Council's changing workforce
- Recruitment and Selection Procedure revised to provide a structured and consistent approach
- Clearer definition of types of Special Leave

- New Annual Leave and Safer Recruitment Procedures
- 6.15 Consultation has taken place with the following groups to ensure a collaborative approach with rounded feedback:
- Leadership Team
 - Staff Consultative Group (SCG)
 - Working group of Heads of Service
 - Input from Legal Services
- 6.16 The consultation process has included a variety of methods including face to face meetings, briefing sessions, communications via eHub and attendance at team meetings. This approach was taken to ensure that the consultation was far reaching and feedback was received from all parts of the organisation.
- 6.17 Feedback has been collated throughout the consultation process with feedback provided verbally via the briefing sessions and attendance at team meetings, collated views from SCG, written submissions and individual emails.
- 6.18 There was a variety of feedback which included the following:
- Requests for clarification in some areas
 - Increased linkages to the Behaviour Framework
 - Technical and procedural amendments
 - Requests for enhancements to statutory and occupational allowances
 - Suggested amendments to language and grammar
- 6.19 The feedback has been reviewed by the HR team and where possible adopted into the new documentation.
- 6.20 On the whole feedback has been positive with the majority of employees confirming that providing greater clarity in each of the individual procedures is welcomed along with the PF approach.
- 6.21 There are still some outstanding procedures which need to be drafted and finalised ready for the final stage of consultation. These will be completed in the New Year and include:
- Inclusion & Diversity
 - Overtime
 - Politically Restricted Posts
 - Workforce Change
- 6.22 Part 1 and Part 2 of the PF will be reviewed and finalised once phase 3 has been completed.

- 6.23 The current focus is on finalising Phase 1 and 2 ready for ratification at Strategy & Resources on 30 January 2020 with implementation planned from April 2020.
- 6.24 The final stage will be to finalise Part 5 – Guidance Notes and the forms and letters which are associated with all of the procedures. These have been drafted but will need to be uniform and updated to reflect the changes to the procedures as a result of the consultation feedback.
- 6.25 The HR team will be working with Managers and employees to effectively embed the PF within the Council during 2020-2021.

7 Employee Data Check

- 7.1 The Council has a legal obligation to ensure that the personal information it holds in respect of its employees is correct and up to date.
- 7.2 In compliance with the Data Protection Act 2018 and the HR team's privacy notice, information about our employees is processed for the following reasons:
- to promote and monitor equality of opportunity
 - to ensure that we are complying with our health and safety obligations
 - to check that employees are entitled to work in the UK
 - to exercise our contractual and legal obligations in connection with employment
- 7.3 Employees have the ability to review and update their personal information through iTrent Self Service at any time.
- 7.4 The HR team have undertaken a review of the sensitive information categories (i.e. information relating to religion, ethnicity, nationality, gender, sexual orientation and disability) which are available in iTrent. These categories have been updated so that they are aligned with the Census, Jobs go Public (provider of the Council's new application tracking system for recruitment) and recommendations from the Council's Inclusion and Diversity group.
- 7.5 Following this exercise, and in line with (current) Government guidance relating to Brexit, employees have been asked to review and update their details in line with the revised categories. It is not mandatory for employees to disclose sensitive information about themselves. For each category, employees may choose the "Prefer not to say" option.

- 7.6 The Council's workforce profile, including key statistics on ethnicity, gender, age and disability, is reported to the HR Panel on an annual basis. Ensuring that employee data is up to date and complete will mean that we are able to provide a full and accurate picture of our workforce. The alignment of our sensitive data categories with external sources will facilitate more meaningful benchmarking processes as discussed at the previous HR Panel.

8 Learning & Development and Apprenticeships

- 8.1 During 2019/20 the Council is seeking to build on learning and development opportunities by appointing to a Learning & Development specialist role. The appointment will allow the needs of the organisation to be better met and will support the ongoing development of the Council's managers and employees in developing key skills and knowledge.
- 8.2 Following an unsuccessful recruitment campaign in July 2019, the Learning & Development Advisor role was re-advertised, with an offer of employment being made in November 2019. This individual will be responsible for reviewing learning and development needs across the organisation and working to design and deliver a tailored training programme for the Council.
- 8.3 As an employer with an annual wage bill of £11+ million we have been paying the Apprenticeship Levy since April 2017. The funds in the Levy expire 24 months after they enter the account, with the oldest funds expiring first.
- 8.4 Whilst the qualifications undertaken by our apprentices can be funded from the Apprenticeship Levy, the Council is required to identify funds to pay their salaries.
- 8.5 In line with the Government target for public bodies employing more than 250 staff, we are required to employ at least 2.3% of our headcount as new apprentices each year. This equates to 7 new Apprentices.
- 8.6 During 2019/20., the Council has so far appointed 5 new Apprentices and currently has Apprentices in the following areas:
- Housing
 - Communications
 - Executive Office
 - Finance
 - Environmental Health
 - Business Support

- 8.7 We are actively seeking further opportunities to increase our Apprenticeship offer. The HR team is working closely with managers to explore options which facilitate the spending of our Levy account funding. These include the conversion of existing vacant roles to Apprenticeships and the upskilling of our existing staff.

9 Financial and Manpower Implications

- 9.1 All HR and Organisational Development activities take place within agreed budgets.
- 9.2 Savings will continue to be made where possible ensuring the Council can provide a quality HR service in a cost-effective way.
- 9.3 As an example addressing high levels of sickness can directly impact on the efficiency of the Council improving overall productivity and reducing sickness related costs such as covering front line services.
- 9.4 ***Chief Finance Officer's comments: None for the purposes of this report.***

10 Legal Implications (including implications for matters relating to equality)

- 10.1 EEBC actively promotes equality of opportunity and values the diversity of its workforce. As an equal opportunities employer, it is vital that the Council ensures that all its policies, procedures and processes are open and fair and that staff are not discriminated against during their employment with the Council.
- 10.2 Over and above the need to ensure legal compliance with the Equality Act 2010 and other relevant statutory measures, the Council recognises the benefits of a diverse workforce and of the creation of a working environment based on dignity, respect and professionalism. By monitoring key parts of the employee relationship from recruitment, induction, training, employee relations, salary and benefits and HR processes, the Council proactively works to ensure fairness and equality of opportunity for all.
- 10.3 ***Monitoring Officer's comments:*** It is imperative that the Council's employment policies and procedures are reviewed to ensure that they are lawful and fit for purpose. This review ensures that policies and procedures are up to date thereby reducing the possibility of successful challenge by employees exercising their rights of appeal.

11 Sustainability Policy and Community Safety Implications

- 11.1 None

12 Partnerships

- 12.1 None

13 Risk Assessment

- 13.1 It is imperative that the Council follows fair and consistent HR procedures because the potential costs against the Council should it fail to implement a fair and robust process and procedure could be substantial should an Employment Tribunal claim be successful. As well as the financial costs, the reputational damage to the Council, as a public sector employer, could be considerable.
- 13.2 It is worth noting that there is no limit on compensation payable in successful claims of discrimination on the grounds of one of the protected characteristics defined in the Equality Act 2010.

14 Conclusion and Recommendations

- 14.1 The Panel is asked to receive and note the contents of the report and annexes and identify any areas for development.

Ward(s) affected: (All Wards);



People Framework Part 1

Policy Scope



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Tracking

Policy Title	People Framework – Policy Scope		
LT sign off	15 November 2019		
Committee	HR Panel Strategy & Resources	Date approved	17 December 2019 (TBC) 30 January 2020 (TBC)
Review due date	15 November 2021	Review completed	
Service			

Revision History

Revision Date	Revisor	Previous Version	Description of Revision

Document Approvals

Each revision requires the following approvals:

Sponsor Approval		Name	Date

1. Introduction

Epsom & Ewell Borough Council's People Framework:

- Provides an outline as to how the Council will manage its workforce.
- Includes best practices such as ACAS guidance which are documented and implemented as appropriate to our organisation.
- Ensures that management decisions and action are consistent and uniform with employees being supported in their role to perform at their best.

The People Framework comprises of five parts:

- Part 1 – Policy Scope
- Part 2 – Roles & Responsibilities
- Part 3 – Definitions
- Part 4 – Individual Procedures
- Part 5 – Guidance Documents

The Behaviour Framework supports the Council's People Framework and defines 'how' employees are expected to approach their work.

The procedures outlined in Epsom & Ewell Borough Council's People Framework apply to all employees of Epsom & Ewell Borough Council. The procedures are not applicable to Casual workers, Agency workers or Contractors.

Part 1 of the People Framework details an overview of the key people management policy areas and includes the following:

- Absence Management
- Adoption, Maternity, Ordinary Parental Leave, Paternity Leave, Shared Parental Leave
- Annual Leave & Special Leave
- Capability
- Dignity at Work
- Disciplinary
- Employee Pay & Reward
- Flexible Working & Working from Home
- Grievance
- Inclusion & Diversity
- Induction & Settling In
- Job Evaluation
- Overtime
- Performance Management
- Politically Restricted
- Recruitment & Selection , Recruitment & Retention Allowances, Relocation, Safer Recruitment

- Workforce Change

2. Absence Management

Epsom & Ewell Borough Council is committed to maintaining and supporting the health and wellbeing of all its employees. The Council recognises that there will be occasions when employees may be unable to attend work due to their own ill-health. The purpose of the Absence Management procedure is to:

- Outline fair and consistent management, reporting and recording of sickness absence (short and long term) across the Council.
- Maximise attendance of employees, providing proactive support to those who are absent due to sickness.
- Ensure employees receive appropriate management support and have access to support services provided by the Council (e.g. Occupational Health Service, Employee Assistance Programme).
- Ensure that the Council is compliant with all relevant legislation, in particular the disability provisions of the Equality Act 2010.

The Absence Management procedure is not applicable to absence for reasons other than sickness, which is covered by other policies (e.g. Annual Leave, Special Leave).

3. Adoption, Maternity, Ordinary Parental Leave, Paternity Leave, Shared Parental Leave

Epsom & Ewell Borough Council is committed to supporting its employees to maintain a balance between work and family life. The Council recognises that there will be occasions when employees will be away from work due to family commitments.

The purpose of these procedures is to set out the rights of employees to time off and pay in respect of adoption, maternity, parental, paternity and shared parental leave.

4. Annual Leave & Special Leave

Epsom & Ewell Borough Council is committed to supporting its employees to maintain a balance between home and work responsibilities.

The purpose of these procedures is to set out employee's entitlements in relation to annual leave and the support available to employees who need to take special leave.

5. Capability

Epsom and Ewell Borough Council is committed, to develop and support its employees in developing and maintaining their skills, knowledge, behaviour and ability to deliver good quality, cost effective services. The purpose of the Capability procedure is to:

- Provide a clear framework outlining, fair and consistent support for employees in performing the functions of their post to a satisfactory level.
- To support employees in improving their performance to the standard required wherever possible.

6. Dignity at Work

This procedure covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work at the organisation, whether they are in a direct contractual relationship with the organisation or otherwise. If the complainant or alleged harasser is not employed by the organisation, eg if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that the organisation could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after investigation and disciplinary proceedings.

The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, eg business trips and work-related social events.

7. Disciplinary

This procedure provides a framework for ensuring that employees are made aware of unacceptable conduct and that issues are addressed promptly and consistently.

The purpose of this procedure is to:

- Ensure that all employees are aware of their responsibilities regarding maintaining standards of individual conduct and are given the opportunity to improve them wherever necessary.
- Ensure that the Council, its employees, customers, members of the public and recipients of Council services are protected from the consequences of misconduct.

This procedure applies to all employees after they have successfully completed their settling in period.

8. Employee Pay & Reward

Epsom & Ewell Borough Council is committed to maintaining a legal, fair, and affordable Pay and Reward procedure for its workforce.

The aim of this procedure is to provide a framework that enables pay structures and procedures to:-

- Support the delivery of the Corporate Plan by encouraging flexibility, improving productivity and by building future capacity across the entire workforce
- Attract, retain and motivate suitably skilled employees so that the Council can perform at its best
- Reward consistent performance in line with the Council's Performance Management scheme (including the behaviour framework) and identify and encourage potential for career development.

9. Flexible Working

Epsom & Ewell Borough Council is committed to supporting its employees to maintain a balance between home and work responsibilities.

The purpose of these procedures is to set out the rights of employees to request alternative working arrangements.

10. Grievance

This procedure provides a framework for ensuring that employees are able to raise concerns and that issues are addressed promptly and consistently.

The procedure aims to ensure that:

- Lawful, non-discriminatory and effective arrangements exist for dealing with employee concerns
- All employees are aware of their responsibilities regarding raising problems and concerns and will not suffer detriment for doing so
- Managers are aware of and are supported in addressing issues

This procedure can be used for any matter arising directly out of an employee's employment, except where another more specific process exists for that purpose.

These other processes include, but are not limited to:

- Dignity at Work
- Job grading
- Performance improvement
- Settle-In period
- Flexible working request
- Disciplinary issues
- Absence management
- Redundancies
- Application of pension scheme rules
- Protected disclosure within the meaning of the Public Interest Disclosure Act 1998 (whistle blowing)
- Matters over which the Council has no control e.g. income tax, national insurance and national pay awards.

11. Inclusion & Diversity

Epsom & Ewell Borough Council XXX

The purpose of these procedures is to XXX

12. Induction & Settling In

Epsom & Ewell Borough Council is committed to providing all new employees with a comprehensive Induction Programme that will familiarise them with the organisation, their service area and their team.

This procedure sets out the different stages of induction and how employees will be supported to achieve the required standards of performance and behaviour during their first six months of employment.

The Council's Induction programme applies to all new employees. Where temporary employees and agency workers are engaged for shorter periods, they will receive a local induction programme through their manager which is tailored to enable them to fulfil their temporary duties.

The Settling-In period applies to existing employees who are successful in obtaining a new position within the Council.

The Induction and Settling In procedure provides a framework for the first six months of employment. After six months the Council's Performance Management procedure will apply.

13. Job Evaluation

Epsom & Ewell Borough Council is committed to maintaining a legal, fair, and affordable pay structure for its workforce and to ensuring compliance with equal pay legislation.

The Job Evaluation procedure applies to all new and revised roles within Epsom & Ewell Borough Council with the exception of the Chief Executive and Chief Operating Officer.

The purpose of this procedure is to ensure:

- The relative equal value of roles across the organisation.
- A transparent approach to the grading of and pay for roles across the organisation.

14. Overtime

Epsom & Ewell Borough Council XXX

The purpose of this procedure is to XXX

15. Performance Management

Epsom & Ewell Borough Council is committed to encouraging and supporting all individuals to achieve and maintain good performance to be the best they can and to maximise productivity.

The Performance Management procedure provides a clear framework:

- To outline the expected standards of performance and behaviour.
- To ensure employees receive appropriate management support and have access to the necessary resources to achieve the required standards of performance.
- To ensure consistent and fair treatment for all employees who experience difficulties in performing their duties to a satisfactory standard.

16. Politically Restricted

Epsom & Ewell Borough Council XXX

The purpose of this procedure is to XX.

17. Recruitment & Selection, Recruitment & Retention Allowances, Relocation, Safer Recruitment

Epsom & Ewell Borough Council is committed to recruiting and retaining suitably skilled employees so that the Council can perform at its best and to ensuring a legal and fair recruitment process.

These procedures outline the key stages to follow when recruiting employees, considering recruitment, retention and relocation allowances and ensuring that the necessary pre-employment checks are undertaken.

18. Working from home

Epsom & Ewell Borough Council supports working from home as part of its overall commitment to equal opportunities in employment and recognises that working from home on an occasional basis can help employees to balance their work and personal lives, achieve business objectives and have a positive impact on the working environment.

The purpose of this procedure is to outline the practicalities and considerations of working from home.

19. Workforce Change

Epsom & Ewell Borough Council XXX

The purpose of this procedures is to XXX.

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People Framework Part 2

Who Does What



Version number 1
Date June 2019

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Policy Title	People Framework – Who Does What		
LT sign off	15 November 2019		
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Part 2 of the People Framework outlines who does what in relation to the implementation of the People Framework. It sets out the roles and responsibilities which are applicable across the whole of the People Framework, specifically relating to the policy scope (Part 1) and individual procedures (Part 4).

The roles and responsibilities are outlined as follows:

1. Leadership Team

Leadership Team comprises of the Chief Executive, Chief Operating Officer and Heads of Service. The team has the following responsibilities in terms of the People Framework:

- Ensure the People Framework supports the strategic direction of the organisation.
- Actively promote the People Framework across the Council to foster a culture in line with the Councils Behaviour Framework
- Ensure that the People Framework is implemented across the Council, ensuring that all managers and employees are aware of what is expected of them as outlined in each of the policy areas and relevant procedures.
- Ensure all employees are aware what is expected of them in terms of the People Framework.
- Monitor organisational effectiveness against the People Framework with input from HR where appropriate.
- Application of policies and procedures is routinely discussed at Leadership Teams and Divisional management meetings.
- Ensure that managers are accountable for the consistent and effective application of the People Framework.
- Chairs and leads formal meetings in line with the relevant process with advice from HR.

2. Managers

Managers have line management responsibility of employees who are direct reports. Managers have the following responsibilities in terms of the People Framework:

- Actively promote the People Framework across the Council to foster a culture in line with the Councils Behaviour Framework.
- Ensure that the People Framework is implemented across the Council, ensuring that all employees are aware of what is expected of them as outlined in each of the policy areas and relevant procedures.

- Monitoring procedures for each of the policy areas ensuring procedures are followed consistently creating a fair environment.
- Conducts and records discussions/meetings in line with the relevant policy and procedures in a timely manner.
- Engages relevant support to support employees in their role.
- Ensures that in dealing with policy areas, the Council is complying with employment legislation, e.g. the Equality Act 2010.
- Identifies and seeks to address issues in all of the policy areas and seeks to resolve these promptly, sensitively using the informal stages to identify, discuss matters and engage with employees.
- Chairs and leads formal meetings in line with the relevant procedures with advice from HR.

3. Employees

Employees are at all levels across the organisations irrespective of their role. Employees have the following responsibilities in terms of the People Framework:

- Understand and comply with the requirements of each policy area and procedure within the People Framework.
- Attend work in accordance with their contracted hours and days unless absence has been authorised.
- Advise and discuss any concerns or difficulties that they are experiencing at the earliest opportunity with their managers (e.g. work related or non-work related issues affecting their performance level).
- Engage with their manager on all aspects of the People Framework and their employment with the Council.
- Have the right to be accompanied by either Staff Consultative Group Representative, trade union representative or work colleague at formal hearings in line with the relevant procedure.
- Arrange appropriate companion to attend any formal meetings and hearings in line with the relevant process.

4. The Human Resources Team

The HR Team are responsible for supporting the delivery of the People Framework. HR have the following responsibilities in terms of the People Framework:

- Maintaining and updating the People Framework to ensure it's in line with current legislation.
- Providing advice and support to managers on all operational aspects of the People Framework to maintain consistency in its application (E.g. Issuing Formal letters, OH referral, SSP / OSP information).
- Attending formal meetings to provide procedural advice, guidance where appropriate, supporting managers and employees through informal and formal stages in dealing with policy areas.

5. Occupational Health

OH are the expert occupational health medical advisors that support the Council. OH have the following responsibilities in terms of the People Framework:

- Provide independent medical advice and guidance on employee health matters.

6. Staff Consultative Group

Staff Consultative Group is the forum where the Council communicates and consults with employees to discuss issues of mutual concern exchanging information and views. SCG have the following responsibilities in terms of the People Framework:

- Support and advise employee at employee's request.
- Accompany the employee at formal meetings at their request.



People Framework Part 3

Definitions



Version number 1
Date June 2019

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- Absence Management
- Adoption, Maternity, Ordinary Parental Leave, Paternity Leave, Shared Parental Leave
- Annual Leave & Special Leave
- Capability
- Dignity at Work
- Disciplinary
- Employee Pay & Reward
- Flexible Working & Working from Home
- Grievance
- Inclusion & Diversity
- Induction & Settling In
- Job Evaluation
- Overtime
- Performance Management
- Politically Restricted
- Recruitment & Selection , Recruitment & Retention Allowances, Relocation, Safer Recruitment
- Workforce Change

1. Introduction of Definitions

Part 3 of the People Framework provides definitions relating to each of the procedural parts of the People Framework where appropriate.

The definitions are provided to give guidance and help support understanding. Some of the procedural areas do not have any associated definitions.

2. Absence Management

Disability: The Equality Act 2010 defines disability as: 'A physical or mental impairment which has a substantial and long term adverse effect on your ability to carry out normal day to day activities'.

Long Term Absence: A continuous period of absence lasting four weeks or more.

Occupational Sick Pay: An employee's contractual entitlement to sick pay. The Council's Occupational Sick Pay scheme provides full pay for a set number of weeks, followed by a period of half pay, depending on an employee's length of service. Any payments made under the Council's Occupational Sick Pay scheme are inclusive of any entitlement to Statutory Sick Pay for the same period of absence. (Refer to the Sick Pay section of the Absence Management Procedure).

Short Term Absence: Any absence of four weeks or less. Depending on its duration, short term absence may be self-certified (up to 7 days) or medically certified (8 days or more). The impact of frequent short term absence is that an employee is unable to attend work regularly and consistently.

Statement of Fitness to Work: Also known as a Fit Note. A Statement of Fitness for Work is issued by a GP or a hospital doctor. The note will advise that the employee is either 'not fit for work' or 'may be fit for work, taking account of the advice provided' with recommendations on how a return to work may be achieved. A Statement of Fitness for Work is required from the eighth consecutive day of absence.

Statutory Sick Pay: A benefit paid to a person in employment who is earning more than the lower earnings limit and who is unable to work due to sickness for a period of four days or more. The employer is responsible for paying SSP. (<https://www.gov.uk/statutory-sick-pay>).

3. **Adoption, Maternity, Ordinary Parental Leave, Paternity Leave, Shared Parental Leave**

4. **Annual Leave & Special Leave**

5. **Capability**

Capability: Where a member of staff is failing in a significant or persistent way to carry out their responsibilities or duties in a satisfactory manner, either due to a lack of ability, inadequate training or lack of experience. Such failings will be identified by use of the Performance Management/Capability procedures and steps taken to improve performance. Where such steps prove unsuccessful the member of staff may have their employment terminated on the grounds of lack of capability to do their job.

Performance: The fulfilment by an employee of the requirements of their job in the working environment accepted as standard for the role, enhanced by effective training, support and development.

Satisfactory Performance: Performance meeting defined role profile and job expectations and remaining consistent.

Underperformance: When an employee's performance or behaviour might fall below the required standard or where an employee is unable to perform their duties to a standard that has been defined and the organisation expects. Unsatisfactory performance, poor performance and underperformance are often used interchangeably.

6. **Dignity at work**

Bullying: Bullying is a form of harassment. Workplace bullying is "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient" (ACAS). It normally relates to negative behaviours that are repeated and persistent and deliberately targeted at a particular individual or group of people.

Cyber Bullying: It involves the “use of information and communication technologies to support deliberate, repeated and hostile behaviour by an individual or a group that is intended to harm others”

Direct discrimination: occurs when someone is treated less favourably because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

Discrimination: occurs when an individual or group of people is treated less favourably than others based on a protected characteristic under the Equality Act 2010, namely age, disability (seen and unseen), gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex and sexual orientation.

Discrimination by association: occurs where a person is being discriminated against and is due to their **connection** to someone who has one of the protected characteristics e.g. a mother is denied a promotion because managers thought her child’s disability may interfere with her work.

Discrimination by perception: occurs where a person is being discriminated against because **it is believed** they have one of the protected characteristics e.g. a man being harassed at work because it is believed he is gay, even though he is not.

Harassment: “unwanted conduct related to a protected characteristic which has the purpose or effect of violating someone’s dignity or which creates a hostile, degrading, humiliating or offensive environment for someone with a protected characteristic.” Harassment is unlawful under the Equality Act 2010. The behaviour or treatment may relate to a person’s age, disability, gender reassignment, sex, race, religion or belief or sexual orientation. Harassment may also be present because of association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do.

Harassment may consist of persistent behaviour, although one single act may be considered sufficiently serious to warrant informal or formal action.

Indirect discrimination: occurs when someone is disadvantaged by an unjustified provision, criteria or practice that puts people with a protected characteristic at a disadvantage compared with others who do not share that characteristic.

Sexual Harassment: Sexual harassment occurs when a person engages in unwanted conduct of a sexual nature which has the purpose or effect of violating someone’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the individual concerned. Unwanted conduct of a sexual nature can be verbal, non-verbal or physical behaviour. The recipient of the behaviour decides whether or not it is unwanted, it does not matter whether the conduct is acceptable to others. A single incident or persistent behaviour can amount to sexual harassment and sexual conduct that has been welcomed in the past can become unwanted.

Victimisation: Victimisation is subjecting someone to a detriment because they have made a complaint, supported a complaint or given evidence in relation to a complaint of bullying, harassment or discrimination (formally or otherwise); or because they are suspected of doing so.

Employees and witnesses who act in good faith have the right not to be victimised for making a complaint or doing anything in relation to a complaint. Making or supporting an untrue complaint or giving false evidence, may lead to the initiation of formal disciplinary proceedings.

7. Disciplinary

8. Employee Pay & Reward

9. Flexible Working & Working from Home

10. Grievance

ACAS COP: Advisory, Conciliation and Arbitration Service is a Crown non-departmental public body of the Government which provides free and impartial information and advice to employers and employees on all aspects of workplace. COP stands for ACAS code of practice.

Aggrieved/Complainant: The person raising the grievance.

Anonymity: An employer can anonymise witness statements obtained during a grievance or disciplinary procedure to protect them depending on the circumstance. (Anonymity cannot be guaranteed).

Balance of Probabilities: It refers to burden of proof in civil trials and means more likely than not. It is also known as preponderance of evidence. The common distinction is made with the burden of proof in a criminal trial, which is beyond a reasonable doubt. In a civil trial, one party's case need only be more probable than the other.

Bullying: ACAS defines Bullying as 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the person being bullied.

Grievance: The ACAS Code of Practice on Disciplinary and Grievance Procedures defines a grievance as "a concern, problem or complaint that an employee raises with their employer.

Harassment at work: As per ACAS, it means any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended. In a workplace context, "harassment" is unwanted conduct related to a protected characteristic under the Equality act 2010 that has the purpose of violating a person's dignity or creating an intimidating, hostile degrading or offensive environment for that person.

Implied duty: The rights and duties of both employers and employees are found in the contract of employment e.g. duty of mutual trust and confidence.

Investigation Officer (IO): A trained senior manager who aims to establish the facts of the matter by collecting relevant evidence. They can be internal or can be commissioned externally.

Suspension: A suspension is when an employee remains employed but is asked to not attend place of work, or engage in any work at all due to investigation (e.g. employees may be suspended on full pay if allegations of misconduct have been made against them and are being investigated).

Vexatious Grievance: Complaints that are 'unfounded' with a malicious intent i.e. considered as a complaint not made in good faith, or done in order to "get at" the manager or a particular employee.

10. Inclusion & Diversity

11. Induction & Settling In

All new employees: Individuals employed on a full-time or part-time permanent, fixed term or temporary contract (including agency workers).

Corporate Induction: A process through which a new employee receives information on corporate aspects of the Council and how their role relates to the wider organisation.

Day One Meet and Greet: A process through which a new employee meets with the HR team to ensure the completion of all necessary documentation relating to their employment.

ICT Induction: A process through which a new employee meets with ICT to receive information on the Council's network, telephony and systems.

Induction Programme: A process through which a new employee is integrated into the organisation, learning about its corporate culture, policies and procedures including awareness of the Council's structure, service areas and standards.

Local Induction: A process through which a new employee receives information and training specific to the area in which they will work. This will include corporate procedures (such as fire and health and safety arrangements) as well as procedures relevant to their service area and profession. Managers will use the Induction Checklist (FORM) to follow this process.

Managers' Induction: A process through which a new manager receives information and guidance on management processes within the Council.

12. Job Evaluation

13. Overtime

14. Performance Management

Capability: Where a member of staff is failing in a significant or persistent way to carry out their responsibilities or duties in a satisfactory manner, either due to a lack of ability, inadequate training or lack of experience. Such failings will be identified by use of the Performance Management/Capability procedures and steps taken to improve performance. Where such steps prove unsuccessful the member of staff may have their employment terminated on the grounds of lack of capability to do their job.

Performance: The fulfilment by an employee of the requirements of their job in the working environment accepted as standard for the role, enhanced by effective training, support and development.

Satisfactory Performance: Performance meeting defined role profile and job expectations and remaining consistent.

Underperformance: When an employee's performance or behaviour might fall below the required standard or where an employee is unable to perform their duties to a standard that has been defined and the organisation expects. Unsatisfactory performance, poor performance and underperformance are often used interchangeably.

15. Recruitment & Selection, Recruitment & Retention Allowances, Relocation, Safer Recruitment

16. Workforce Change

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People Framework

Absence Management Procedure



Version number 1
Date June 2019

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1. **Absence Notification**

Employees who are unable to attend work due to sickness must contact their manager on the first day of absence, giving as much notice as possible and preferably within one hour of their normal starting time.

Employees should provide the following information:

- The reason for their sickness absence
- Whether the illness is work related
- Whether they have sought/will be seeking medical attention
- The likely date of their return to work (if known)
- Whether there are any meetings that need to be cancelled or work that needs to be handed over

In exceptional circumstances (e.g. hospital admission) where it might not be possible for an employee to contact their manager personally, the individual who reports the absence on behalf of the employee must leave a contact name and number. The employee will be expected to make contact themselves as soon as this becomes possible.

Where an employee is unable to speak with their manager, they should leave a message and a contact phone number. The employee should expect and be available to receive a return phone call to discuss their absence.

Employees must call and update their manager on each subsequent day of absence. The manager may, at their discretion, agree a different reporting frequency and method with the employee depending on the nature and duration of the sickness.

Where an employee is taken ill or injured at work, they should report this to their manager as soon as possible. Where necessary a First Aider will be called. If medical treatment is deemed necessary, the manager will ensure that the employee reaches hospital or to their GP safely and the employee's emergency contact will be informed. The line manager may also be required to complete an incident report form. ([Link to Form](#))

2. **Unauthorised Absence**

Managers will contact employees who fail to attend work and do not report their absence by telephone to ensure the employee's welfare and to find out the reason for the absence.

Managers will inform HR if contact cannot be made by telephone on the first day of absence. HR will send a letter to the employee's home by recorded delivery.

Managers may contact the employee's next of kin if contact cannot be established at all before the letter is sent to home address.

Employees must ensure that their contact details are kept up to date.

Managers will refer to the Council's Leave Policy where the established reason for absence does not relate to the employee's own sickness.

Where the absence is identified as unauthorised the Disciplinary procedure may apply.

3. Recording and Monitoring

Managers will record all occurrences of sickness absence (including part days) in iTrent on the employee's first day of sickness.

Managers will record the following:

- Start date of the absence
- Reason for the absence
- Absence end date

Managers will agree the appropriate reason for the sickness absence with the employee and record this using the correct sickness category in iTrent. Managers will assure employees of the confidentiality of the recording process.

4. Sickness Absence Documentation

Submission of Self-Certification Form/Statement of Fitness for Work (fit note)

Duration of sickness absence in calendar days	Documentation required from employee
Up to 7 days	Self-certification form must be completed and sent to the HR team via sicknessreporting@epsom-ewell.gov.uk . (LINK to Self-Certificate).
8 days or more	A Statement of Fitness for Work (or 'Fit Note') must be obtained from a doctor. Where sickness absence continues beyond the period covered by the initial Fit Note, the employee must submit further Fit Notes providing continuous cover for the entire period of absence without any breaks.

The Council may request a Fit Note in respect of absences of less than 7 calendar days which occur, for example, where sickness absence occurs during an employee's notice period or during periods of adverse weather and will reimburse the employee for any charges they may incur in association with this.

5. Keeping in Touch

Managers and employees must maintain reasonable contact during any period of sickness absence.

During a period of sickness absence, employees should ensure that they are available to be contacted as and when agreed.

Unless other arrangements have been agreed, employees can expect to be contacted by their manager or HR during periods of sickness absence to discuss:

- The employee's wellbeing

- Any kind of support needed by the employee
- Any work requiring attention in the employee's absence
- Any impact the absence will have on the employee's pay
- Any updates/changes taking place at work which the employee needs to be aware of

Managers should be mindful of making no contact out of the employees normal working hours unless by prior written agreement with the employee.

Where the period of absence exceeds 4 weeks, the manager may visit the employee at home (or at a mutually agreed location). Welfare visits will always be by prior arrangement and with the employee's consent, with respect for the employee's privacy. Such visits will take place during an employee's working hours. Further contact visits may be arranged as necessary.

Managers must record all contacts made with employee during their sickness absence on the "Action Log", which will be held confidentially by the manager and shared with the employee on their return to work.

6. Return to Work Discussions

Managers will conduct a return to work discussion after every period of sickness absence in line with their duty of care towards the employee.

Managers will schedule a return to work discussion on an employee's first day back from sick leave (or as soon as practicable), regardless of the length of the absence or the nature of the illness.

Managers will liaise with HR regarding the implementation of any recommendations made to support the employee's return to work.

A return to work discussion provides the opportunity to:

- Welcome the employee back from sickness absence
 - Ensure that the employee is fit for work
 - Confirm the details of the absence and ensure that the necessary certification has been received (self-certificate/fit notes)
 - Identify any support that may be required by the employee, including discussing any recommendations detailed on the Fit Note or received from Occupational Health
 - Where appropriate, discuss the impact of the absence on the employee's pay
 - Update the employee on work that took place during their absence
 - Acknowledge the employee's previous good attendance or raise concerns where the Council's trigger points for the formal stages of the Absence Management Procedure have been met
 - Where the Council's trigger points for the formal stages of the Absence Management Procedure have been met, advise the employee of next steps
- Managers will use the Return to Work form to record the discussion. (Link to RTW Form).

Managers will ensure that the employee's absence is closed in iTrent and that the relevant documentation is forwarded to HR.

7. Occupational Health Referral

The Council uses Occupational Health services to obtain independent medical advice (general or specific) on health matters relating to its employees (e.g. fitness for work, workplace adjustments). An OH referral may be appropriate where –

- There is an indication that there are factors in the workplace or elsewhere contributing to the sickness absence
 - Several absences for the same reason are noted on the employee's attendance record
 - There is a continued concern regarding frequent short-term sickness absences
 - The employee requests a referral
 - The employee has received a Fit Note stating that they "may be fit for work" subject to specific medical advice or recommendations
 - The employee has a Fit Note stating that they are not fit for work but does not wish to wait until the expiry of the Fit Note before returning to work
 - The employee has a period of long-term sickness absence
 - There are concerns that an employee's health may lead to sickness absence (i.e. preventative advice)
 - A decision is taken to investigate potential ill health retirement options
- The reasons for the referral to OH will be discussed with the employee prior to progressing the referral.

HR will refer the employee to OH using the OH referral form (Link to OH referral form). A copy of the OH referral form will be shared with the employee and held confidentially in the employee's personal file.

Employees are expected to attend OH appointments or, where necessary, to be available for a pre-arranged home visit by OH representative.

OH may seek consent from the employee to access their medical reports by contacting a third party (e.g. GP or Consultant) for a medical opinion. Where this is necessary, OH will discuss and agree this requirement with the employee.

OH will provide medical opinion on the employee's health and fitness for work, whether there is an underlying medical condition which may be covered by the Equality Act 2010 and whether any temporary or permanent adjustments should be considered to facilitate the employee's return to work and ongoing attendance.

Where appropriate, OH may recommend use of external services to support the employees with the implementation of reasonable adjustments.

OH will send their report to HR, who will share it with the employee's manager for discussion with the employee.

Where an employee refuses to attend an OH assessment, decisions relating to their

employment may be made without the benefit of medical advice.

8. Reasonable Adjustments

The Council will make every effort to make reasonable adjustments (on a temporary or permanent basis) to support employees who have a disability as defined by the Equality Act 2010.

Managers will consider whether a proposed adjustment is reasonable and proportionate seeking advice from OH & HR. Managers will consider the following:

- Effectiveness of the adjustment in preventing any disadvantage
- Practicality of the adjustment
- Health and safety considerations
- Cost and available resources
- Employee's long term prognosis
- Amount of support already been provided
- Length of time the adjustment is required for

Managers will keep HR informed of any requests to make reasonable adjustment requests following return to work discussions, My Performance Conversations or as outcomes of any formal meetings related to sickness absence using the "Reasonable Adjustment Request" form. (Link to RAR Form)

Managers will ensure that any adjustments are put into place within a reasonable time, keeping the employees informed of the steps taken to do so (e.g. liaison with the Council's Health & Safety Officer or referral to an external agency).

Managers will undertake regular reviews of reasonable adjustment provision to ensure that the level of support provided is appropriate for the employee's condition. Reviews should form part of the regular My Performance Conversations and, where applicable, return to work discussions.

Where reasonable adjustments are discussed during My Performance Conversations or at return to work discussions, managers will keep notes and liaise with HR to ensure that the appropriate level of support is provided to employees.

9. External Support

External support may be available to help with the provision and cost of reasonable adjustments for disabled employees. OH will be able to provide details of services available from the Government or specialist companies (e.g. Access to Work).

10. Temporary Adjustments

Where medical advice indicates that an employee may be able to return to work with some adjustments to their working environment and/or duties (e.g. reduced hours, flexible working, working from home), managers will discuss and agree these with employees before they return to work.

Adjustments will be put in place wherever this is reasonably practicable, however, where these cannot be accommodated, employees will be required to remain absent from work until they are able to return without the adjustments being made.

11. Phased Return

Where an employee returns to work following a period of long term sickness absence, their GP or OH may recommend a phased return to work (e.g. reduced hours or adjusted working duties for a short period of time).

The aim of a phased return to work is to allow the employee to re-enter the workplace and to gradually return to full capacity.

Where a phased return to work is recommended, managers should seek advice from HR in the first instance.

Managers will discuss and agree the phased return with the employee in line with the recommendations received from their GP or OH and provide a phased return plan. Managers will document the phased return plan using FORM.

Managers will regularly review the employee's progress against the phased return to work plan and ensure that, where possible, the working hours/days/duties are gradually increased to support the employee's return to their full hours and duties.

Where an employee returns to work on a phased return, they will be paid their full salary for up to 4 weeks.

Managers must inform and seek advice from HR should an extension to the phased return to work be required. ***This will be considered on the advice from OH or of medical practitioners in exceptional circumstances.*** Where a phased return to work is extended, the employee will be paid for the actual hours they work.

Managers will consult HR where temporary adjustments to an employee's hours and/or duties continue beyond 4 weeks or where any permanent adjustments (e.g. part-time working) are agreed following a phased return to work.

Any proposed amendments to the employee's contractual terms and conditions (e.g. hours/salary) will be fully discussed and agreed with the employee.

12. Working from Home

Managers may consider a working from home arrangement for those who, due to an accident/injury or operation, are not able to travel to work but are able to perform their duties remotely, dependent on individual circumstances and the availability of suitable work.

Managers must seek HR & OH advice as appropriate to ensure that, where reasonable adjustments are required to allow the employee to work from home (e.g. special equipment), this can be facilitated.

Managers will ensure that a DSE assessment is carried out to support the employee

in working from home.

Managers should document the working from home arrangement as a part of the phased return plan where this has been agreed. The arrangements should be recorded using FORM.

Where an employee continues to be absent from the workplace but is able to undertake their duties fully from home, they will be treated as having returned to work and their period of sickness absence pay will end.

Any working from home arrangement will be allowed at the manager's discretion. Employees do not have an automatic right to be able to work from home.

All working from home arrangements should be undertaken in line with the Council's Working from Home Policy.

13. Trigger Points

The Council uses the following trigger points to decide when formal action may need to be taken in line with the Absence Management Procedure:

- 3 Episodes of absence in a rolling 6-month period
- 5 Episodes of absence in a rolling 12-month period
- 4 Consecutive weeks of absence (this will be calculated from the first day of absence, irrespective of the working pattern and number of days worked)

Managers may also take action in line with the Absence Management Procedure where a specific pattern of absence is causing concern (e.g. regular Friday or Monday absences, absences regularly occurring on a particular day/week, absences occurring pre or post annual leave or public holidays, absences regularly occurring during school holidays).

HR is responsible for monitoring sickness absence trends and patterns and ensuring that accurate and timely absence management information is available to managers and the Leadership Team.

14. Manager discretion to vary the trigger points

Managers will consider previous sickness absences, seeking HR advice as appropriate before proceeding to the formal stages of the Absence Management Procedure.

Occupational Health advice will be sought and managers may need to use their discretion in the application of the corporate trigger points. Where managers consider there is justification to vary the corporate trigger points, this must be discussed with HR and the reasons for the variation recorded using FORM. Where variations to the corporate trigger points have been agreed as a reasonable adjustment, the employee's absence level should be regularly reviewed.

15. Frequent short term sickness

Absence which meets any of the following criteria and does not exceed 4 weeks' continuous absence is considered as short-term sickness absence:

- 3 periods of absence in a rolling 12 month period
- 5 periods of absence in a rolling 12 month period
- Identified absence trends/ patterns, e.g. regular Friday or Monday absences, absences regularly occurring on a particular day/week, absences occurring pre or post annual leave or public holidays, absences regularly occurring during school holidays.

Managers should raise their concerns about frequent short-term absences informally with employees through their My Performance Conversations and seek to resolve any issues at an early stage.

Managers will take positive steps to monitor and manage frequent short-term absence promptly and consistently with appropriate advice from HR (e.g. OH referral, re-assessing workload, provision of training).

Managers will encourage employees to raise concerns regarding other factors in the workplace which may be exacerbating their sickness absence.

Frequent short-term sickness absence will be managed in line with the Absence Management Procedure and will be escalated to a formal stage where the level of absence meets the triggers outlined above

16. Long term sickness absence

A prolonged period of sickness absence, i.e. a period lasting for 4 weeks or more, of continuous absence is considered to be long-term absence.

Employees may be absent on long-term sick leave for a variety of reasons (e.g. injury, surgery, convalescence from illness, diagnosis of a long-term disability, terminal illness). Managers will ensure that any action taken is appropriate to the circumstances of the particular case.

Managers will seek HR advice where it is recognised that an employee requires time off work due to an unavoidable health condition requiring medical intervention (e.g. surgery or to complete a course of treatment).

Managers will monitor employees' ongoing absence, state of health and readiness to return to work, maintaining regular contact and supporting employees with advice from HR and OH where appropriate.

The Council is committed to supporting and helping employees return to work following a period of long-term sickness absence. As part of the Sickness Absence Review Process, managers may:

- Obtain medical advice and discuss this with the employee (e.g. early referral to Occupational Health)
- Make reasonable adjustments to the workplace (e.g. adjustments to duties and/or working hours, provision of specialist equipment)
- Consider redeployment options

- Agree a return to work programme, which may include a phased return to work.

Managers will seek HR advice to refer an employee to Stage 3 Capability hearing where all formal actions outlined in this procedure have been exhausted and a return to work cannot be facilitated.

Employees are expected to attend any formal meetings during their period of absence where they are fit to do so. Where necessary, Occupational Health advice will be sought regarding the employee's fitness to attend such meetings.

Where employees are members of the Local Government Pension Scheme and are deemed permanently unfit for work due to ill health reasons, the Council will explore the option of ill- health retirement with advice from HR and OH. Such decisions will be taken by the Chief Finance Officer (CFO), upon recommendation from OH with HR involvement advising and supporting the employee appropriately. (Refer to Ill Health Retirement section for further information).

17. Sick Pay

Eligible employees are entitled to Statutory Sick Pay which is payable for up to 28 weeks in any one period of sickness absence at a rate set by the Government for the relevant tax year. In addition to Statutory Sick Pay, employees have a contractual entitlement to Occupational Sick Pay as follows:

Length of service with EEBC	Occupational Sick Pay entitlement
During the Settling In period:	One week's full pay; Statutory Sick Pay thereafter
On completion of the Settling In period and during 1 st and 2 nd year of service:	Two months full pay plus two months half pay
During 3 rd year of service:	Four months full pay plus four months half pay
During 4 th /5 th year of service:	Five months full pay plus five months half pay
After 5 years' service:	Six months full pay plus six months half pay

Occupational Sick Pay under the Council's scheme is subject to the usual deductions for income tax, national insurance, pension contributions, etc. and is calculated on a 12 month rolling period.

18. Restrictions on Occupational Sick Pay

The Council reserves the right to withhold Occupational Sick Pay (including its recovery where already paid) at its discretion. Circumstances in which Occupational Sick pay may be withheld include:

- Where an employee has failed to report sickness absence in line with the Council's absence reporting procedure and/or has not provided self-certificates/fit notes covering their period of absence
- Where an employee has refused a reasonable request to attend OH or has failed to attend an OH appointment without good reason
- Where an employee has made or produced a misleading or untrue statement or document concerning their fitness to work or has been found to have reported sickness dishonestly when they were fit to work

- Where an employee's conduct during sickness absence is unacceptable (e.g. deliberate action not to co-operate with the Absence Management procedure or doing anything which is inconsistent with the nature of the illness)
- Where an employee fails to seek and engage with medical advice to deal with any illness
- Where an employee's absence is due to cosmetic surgery or an elective procedure that is not medically ordained
- Where an employee has received compensation for loss of earnings
- Where an employee fails to return to work following the expiry of their Fit Note or where OH advise that they are fit to return
- Where an employee has sustained an injury in the course of other paid employment that the Council was not aware of
- Where an employee who is on sick leave is found to be working elsewhere
- Where an employee's sickness absence has resulted from their own misconduct or taking part in a dangerous hobby or sport.

The above measures do not affect an employee's entitlement to Statutory Sick Pay, although this may be withheld or suspended where no evidence of sickness is provided.

In some circumstances, the Council's Disciplinary Procedure may be invoked.

Payments made under the Council's Occupational Sick Pay (OSP) scheme are inclusive of any entitlement to Statutory Sick Pay (SSP) for the same period of absence. Continuous service with other local authorities and associated public bodies does not count for the purposes of calculating sick pay entitlement. Staff who have been TUPE transferred from other companies may retain the sick pay entitlements from their previous employee.

19. Absence Management Procedure – Informal Stage

Managers should monitor and review employees' health concerns and sickness absence levels and raise concerns informally via their My Performance Conversations. Discussions may take place before a trigger point has been met. Managers must keep notes of My Performance Conversations where health concerns have been discussed with employees.

Managers must ensure that employees are aware of the Absence Management Procedure, including the trigger points for formal action in relation to sickness absence.

Managers will provide the opportunity for the employee discuss health related matters or concerns with them in confidence.

Managers will make employees aware of any assistance that may be available to support them in improving their sickness absence level (e.g. OH referral, reasonable adjustments). Managers will use the Reasonable Adjustment Request form and liaise with HR if a referral to OH is necessary.

Where an employee hits one of the Council's trigger points, managers will carry out a Wellbeing Meeting in line with the first formal stage of the Absence Management

Procedure (Stage 1).

Employees are expected to make every effort to maintain their attendance at work and to engage with the support provided by their managers.

20. **Absence Management Procedure – Formal Stages** **Wellbeing Meeting – Formal Stage 1**

Stage 1 Invitation:

Where an employee's absence hits one of the Council's absence trigger points, the employee will be invited to attend a Wellbeing Meeting at Stage 1 (first formal stage) of the Absence Management Procedure.

This meeting may take place while an employee is absent from work due to sickness where appropriate.

The invitation to the Wellbeing Meeting will be in writing, giving at least 7 calendar days' notice of the meeting (Link Stage 1 Invite Letter) and advising the employee of their right to be **accompanied** by a work colleague, Trade Union representative or SCG representative. This timescale may be shortened or waived at the employee's request if they wish to avoid delay.

The employee will be advised of the potential **outcomes of the Wellbeing Meeting**

Where an employee reaches the Council's absence trigger for long term absence (i.e. has been absent for 4 weeks) and remains absent from work, managers should liaise with HR and OH advice may be sought regarding the employee's fitness to attend the Wellbeing meeting.

The Stage 1 Wellbeing Meeting will be conducted by the employee's manager. A HR Advisor may also be in attendance.

The manager will liaise with HR to ensure that copies of any documents that will be referred to at the Wellbeing Meeting are shared with the employee **prior to the meeting** (e.g. Absence Management Policy and Procedure, the employee's absence record, notes of Return to Work discussions and My Performance Conversations where absence has been discussed, OH advice where this has been requested).

Managers will review the relevant documents with HR before sending them to the employee.

Stage 1 Wellbeing Meeting:

At the meeting the manager will:

- Explain the reason for the meeting (i.e. that the employee's absence level has reached a trigger point)
- Review the employee's absences and reasons associated with these, ensuring that these have been recorded accurately
- Encourage employee to share their views and information
- Establish any underlying reasons associated with or contributing to the absence (e.g. family or work related issues)

- Discuss any support required (e.g. OH referral, Employee Assistance Programme)
- Where applicable, discuss the need for reasonable adjustments to be considered (and complete a Reasonable Adjustment Request form)
- Where applicable, discuss the impact of the absence on the employee's pay (e.g. reduction to half/ no sick pay).
- Discuss and agree any steps that can be put in place to help the employee to improve their attendance.

Where appropriate, the manager will liaise with HR to refer the employee to OH for advice on ongoing health concerns, reasonable adjustments or fitness to undertake their duties.

Where OH advice has already been received, the manager will discuss any recommendations made by OH with the employee.

The Wellbeing meeting may be adjourned where a manager is awaiting receipt of information, requires further information or to give consideration to new information. The employee will be given reasonable opportunity to consider any new information obtained before the meeting is reconvened.

Where an employee fails to attend an OH appointment or refuses to give consent to release information to the Council, decisions may be made without the benefit of this information.

Notes will be taken at the meeting ensuring the outcome letter provides a clear and factual account of the discussion.

Stage 1 Outcome

The manager will confirm the outcome of the Wellbeing Meeting to the employee, in writing, **within 7 calendar days** of the meeting. (Link to Stage 1 Outcome letter).

The manager will set a review period of 6 months, during which the employee's absence will be monitored at Stage 1 of the Absence Management Procedure. The review period will commence on the day after the Wellbeing Meeting is held.

The manager will make the employee aware that, should a further absence trigger be reached during the 6 months formal review period, the Stage 1 review meeting will be brought forward.

In exceptional circumstances, where it is agreed that no further action will be taken in line with Stage 1 of the Absence Management Procedure, a letter will be sent to the employee setting out the reasons for the decision.

Managers will ensure that OH advice is taken when considering reasonable adjustments due to a disability to ensure that the employee is supported appropriately.

Stage 1 Review

At the end of the review period, the employee's absence levels will be reviewed using the Review Checklist. The manager will record and gather relevant

information, for example:

- The employee's attendance during the review period
- Any further sickness absences, including the reason(s) for the absence(s)
- Records of return to work discussions (if applicable)
- Any OH advice received (if applicable)
- Notes of My Performance Conversations where sickness absence has been discussed
- Reasonable adjustment request form (if applicable)

The manager will meet with the employee to discuss the outcome of the Stage 1 Review period.

Where the employee's sickness absence levels have improved (i.e. no further absence triggers have been reached) during the formal review period, no further formal action will be taken. The manager will write to the employee to confirm that the Stage 1 review has been successfully concluded.

The manager will advise the employee that their attendance will continue to be monitored and that, if their absence level meets a further trigger point within the next 12 months, they will re-enter the Absence Management Procedure at formal stage 2.

Where the employee's sickness absence levels have not improved (i.e. further absence triggers have been reached) during the formal review period, the manager will write to the employee to invite them to an Absence Management Meeting at formal Stage 2 of the Absence Management Procedure.

Where the employee's absence level has deteriorated during the 6 month review period (i.e. a further trigger point has been reached), the manager will seek HR advice and bring forward the Stage 1 review meeting (so that it is held before the end of the 6 month review period).

Employees will be informed in writing of their position at each formal stage of the process in line with the Absence Management Procedure.

Outcomes Stage 1 Review:

- **Escalate to Stage 2 Meeting:** Where an employee's absence levels have not improved (i.e. a further trigger point has been reached), or the employee has not returned to work during the Stage 1 review period, an escalation to Stage 2 will be considered with HR advice.
- **12 month "Live" period:** Where an employee's absence level has improved during the Stage 1 review period (i.e. no further trigger points have been reached) the Stage 1 review will be concluded and the employee will enter into a 12 month 'live' period. If the employee reaches a further absence trigger within the 12 month "Live" period, the manager will write to the employee to invite them to an Absence Management Meeting at formal Stage 2 of the Absence Management Procedure.

Absence Management Meeting - Formal Stage 2

Stage 2 Invitation:

Where an employee's attendance has not improved to an acceptable level during the

Stage 1 review period (i.e. a further trigger point has been reached), employee will be invited to attend a Stage 2 Absence Management Meeting, which will be conducted by their manager.

The invitation to the Absence Management Meeting will be in writing, giving at least 7 calendar days' notice of the meeting. (Link Stage 2 Invite Letter) and advising the employee of their right to be **accompanied** by a work colleague, Trade Union representative or SCG representative. This timescale may be shortened or waived at the employee's request if they wish to avoid delay.

The employee will be advised of the potential **outcomes of the Absence Management Meeting (refer to para xx)**.

The Stage 2 Absence Management Meeting will be conducted by the employee's manager. A HR Advisor will also be in attendance.

The manager will liaise with HR to ensure that copies of any documents that will be referred to at the Absence Management Meeting are shared with the employee **prior to the meeting** (e.g. Absence Management Policy and Procedure, the employee's absence record, Stage 1 invitation and outcome letters, notes of Return to Work discussions and My Performance Conversations where absence has been discussed, OH advice where this has been requested).

Managers should review the relevant documents with HR before sending them to the employee.

Stage 2 Meeting

At the Absence Management meeting the manager will:

- Explain the reason for the meeting (i.e. that the employee's absence level has reached a further trigger point during the Stage 1 review period or 12 month "Live" period)
- Review the employee's absences and reasons associated with these, ensuring that these have been recorded accurately
- Encourage the employee to share their views and information
- Discuss any progress, improvements or deterioration in the employee's health and the effectiveness of any support put in place at Stage 1
- Establish any underlying reasons associated with the absence (e.g. family or work related issues)
- Discuss any further support required (e.g. OH referral, Employee Assistance Programme)
- Where applicable, discuss the need for reasonable adjustments to be considered (and complete a Reasonable Adjustment Request form)
- Where applicable, discuss the impact of the absence on the employee's pay (e.g. reduction to half/ no sick pay).
- Discuss and agree any steps that can be put in place to help the employee to improve their attendance.

Where appropriate, the manager will liaise with HR to refer the employee to OH for advice on ongoing health concerns, reasonable adjustments or fitness to undertake their duties.

Where OH advice has been received, the manager will discuss any recommendations made by OH with the employee.

Where an employee fails to attend an OH appointment or refuses to give consent to release information to the Council, decisions may be made without the benefit of this information.

Notes will be taken at the meeting ensuring the outcome letter provides a clear and factual account of the discussion.

Where a referral to OH is made, the manager will give consideration to the timing of the Stage 2 meeting to ensure that they are in receipt of all information necessary to make an informed decision. However, the Stage 2 Meeting will not be unnecessarily delayed.

Stage 2 Outcome

The manager will confirm the outcome of the Attendance Management Meeting to the employee, in writing, **within 7 calendar days** of the meeting. (Link to Stage 2 Outcome letter).

The manager will set a further review period of 6 months, during which the employee's absence will be monitored at Stage 2 of the Absence Management Procedure. The review period will commence on the day after the Absence Management Meeting is held.

The manager will make the employee aware that, should a further absence trigger be reached during the 6 months formal review period, the Stage 2 review meeting will be brought forward.

In exceptional circumstances, where it is agreed that no further action will be taken in line with Stage 2 of the Absence Management Procedure, a letter will be sent to the employee setting out the reasons for the decision.

Managers must ensure that OH advice is taken when considering reasonable adjustments due to a disability to ensure that the employee is supported appropriately.

The manager will advise the employee that failure to improve their absence level during the Stage 2 review period may lead to a referral to a Capability Meeting in line with Stage 3 of the Absence Management Procedure.

The employee will be given the right to appeal against the decision to monitor their absence at Stage 2 of the Absence Management Procedure.

Stage 2 Review

At the end of the review period, the employee's absence levels will be reviewed using the Review Checklist. The manager will record and gather relevant information, for example:

- The employee's attendance during the review period

- Any further sickness absences, including the reason(s) for the absence(s)
- Records of return to work discussions (if applicable)
- Any OH advice received (if applicable)
- Notes of My Performance Conversations where sickness absence has been discussed
- Reasonable adjustment request form (if applicable)

The manager will meet with the employee to discuss the outcome of the Stage 2 Review period.

Where the employee's sickness absence levels have improved (i.e. no further absence triggers have been reached) during the formal review period, no further formal action will be taken. The manager will write to the employee to confirm that the Stage 2 review has been successfully concluded.

The manager will advise the employee that their attendance will continue to be monitored and that, if their absence level meets a further trigger point within the next 12 months, they will re-enter the Absence Management Procedure at formal Stage 3.

Where the employee's sickness absence levels have not improved (i.e. further absence triggers have been reached) during the formal review period, the manager will write to the employee to invite them to an Capability Hearing at formal Stage 3 of the Absence Management Procedure.

Where the employee's absence level has deteriorated during the 6 month review period (i.e. a further trigger point has been reached), the manager will seek HR advice and bring forward the Stage 2 review meeting.

Employees will be informed in writing of their position at each formal stage of the process in line with the Absence Management Procedure.

Stage 2 Review Outcome

The Line Manager will discuss and review with HR. Outcomes are as follows:

- **Escalate to Stage 3 Capability Hearing:** Where an employee's absence levels have not improved (i.e. a further trigger point has been reached), or the employee has not returned to work during the Stage 2 review period, an escalation to Stage 3 will be considered with HR advice.
- **12 month "Live" period:** Where an employee's absence level has improved during the Stage 2 review period (i.e. no further trigger points have been reached) the Stage 2 review will be concluded and the employee will enter into a 12 month 'live' period. If the employee reaches a further absence trigger within the 12 month "Live" period, the manager will write to the employee to invite them to a Capability Hearing at formal Stage 3 of the Absence Management Procedure.

Capability Hearing - Formal Stage 3

Stage 3 Invitation:

Where an employee's attendance has not improved to an acceptable level during the Stage 2 review period (i.e. a further trigger point has been reached), or where it has not been possible to facilitate a return to work for an employee with long term

absence, the manager will consult HR, who will convene a formal Capability Hearing in line with Stage 3 of the Council's Capability Procedure.

Appeals

An employee has the right to appeal against formal action taken in line with the Absence Management Policy and Procedure following either Stage 2 or 3 meetings. Appeals will be heard in line with the Council's Appeals Procedure.

21. Sickness Absence and Annual Leave

Annual Leave during sickness absence:

Employees who are absent from work due to sickness will continue to accrue annual leave and may request to take annual leave **during a period of sickness absence**. Where sickness absence has impacted pay, employees may wish to use their annual leave to continue to receive payment. Where an employee wishes to take annual leave during sickness absence, the request must be submitted in writing to their manager for authorisation in line with the procedure set out in the Council's Employment E-Book. Employees are not expected to go away on holiday when absent due to sickness unless this is supported by their GP.

Sickness absence during annual leave:

Where employees fall sick whilst on annual leave and wish to reclaim their leave, they will be required to comply with the Council's sickness reporting procedures and provide a Fit Note to cover the period of leave they wish to reclaim. Employees must submit a written request no later than 7 calendar days from their return to work date, providing details of the days affected by sickness that they wish to reclaim. Where the above conditions are met, the Council will re-credit the days affected by sickness or injury to be reclaimed as annual leave.

22. Sickness During the Working Day

Employees who leave work during the working day due to illness must first report this to their manager. The absence will be classed as a full or part day's absence for sick pay and recording purposes. The employee will be required to self-certify and attend a return to work interview.

23. Use of Accrued Annual Leave after Returning to Work

Where an employee is unable to use their contractual annual leave entitlement due to sickness absence they will be given the opportunity to take the leave at a later date. Where possible, an employee who returns to work in the same leave year should take their accrued annual leave entitlement by 31 March. If the employee is unable to use their accrued leave by this date, the manager should liaise with HR regarding carrying forward leave in excess of the normal limits into the next leave year. Employees returning to work in a new leave year have the right to the annual leave they have accrued during their sickness absence in the previous leave year to be carried forward into the new leave year. Where this applies, employees must use all carried forward leave in a block immediately after their return to work date or to assist with extending a phased return to work.

24. Cosmetic or Elective surgery related absence

Time off for surgery, treatment and recuperation that relates to a medical or psychological condition and is supported by a Fit Note will be treated as sick leave. In cases of elective surgery, annual leave should be taken in the first instance. In exceptional circumstances, unpaid leave may be granted subject to the operational needs of the Council.

Elective surgery is surgery that is not considered to be medically necessary, including cosmetic procedures through surgical and medical techniques. Requests for time off for surgery, treatment and recuperation should follow the normal process for requesting annual leave or unpaid leave. ***In the event that such treatment results in an employee becoming unfit for work (e.g. due to infection or other complications), the usual sickness absence provisions will apply, including procedures for certification.*** If the cosmetic surgery is linked to a disability, managers must seek HR advice.

25. Pregnancy Related Absence

Where an employee is absent from work due to symptoms that are directly related to her pregnancy, managers must record these absences and continue to monitor them. ***However, these absences will not be counted towards absence triggers.*** Maternity Leave and Statutory Maternity Pay will start automatically if the employee is absent from work due to a pregnancy-related illness in the 4 weeks before the baby is due, regardless of what has previously been agreed.

26. Medical Appointments

Where possible, employees should make medical/dental appointments outside of their normal working hours or in their lunch break. Where this is not practical, time off must be agreed in advance with their manager and the employee will be required to make up the time.

Employees must obtain authorisation from their manager for any Hospital / Consultant / Specialist Clinic appointments in advance and time off will be paid. Managers will use their discretion to allow a reasonable amount of paid time off to attend appointments. Advice should be sought from HR as appropriate.

Employees must provide managers with proof of their appointment (e.g. an appointment card or copy of the appointment letter) when requesting time off to attend hospital appointments. Necessary paid time off will be given for the purpose of cancer screening. Employees taking leave to undertake fertility treatment can do so in line with the Maternity procedure.

27. Accident or Injury at Work

Employees who consider their illness/absence arises from an incident/accident or injury at work must notify their Manager as soon as reasonably practical. The manager is responsible for ensuring the ***Accident Reporting Form*** is completed. (LINK to Accident Reporting Form). Managers must inform Council's Health and Safety Advisor and HR as soon as possible.

Employees absent from work due to accident or injury at work are subject to the provisions of the Absence Management Procedure.

28. Suspension on Medical Grounds

The Council has a duty to ensure the health and safety of its employees. In certain circumstances it may be appropriate to medically suspend an employee in line with the Council's Suspension Procedure. Medical suspension is on full pay and does not impact on sick pay entitlements. ***It is also not a period of sickness absence and must not be recorded as such.***

Where employees and their GPs consider they are fit to return to work (with or without adjustments) and the manager and HR, believe they are not, managers may refer employees to OH before allowing the employees to return back to work.

If the GP recommends any adjustments which, having undertaken the necessary risk assessment, the manager cannot accommodate, employees will remain off sick for the period specified on the Fit Note.

29. Terminal Illness

Where an employee is formally diagnosed with a terminal illness, the formal stages of the Absence Management Procedure will not apply. Managers and HR will deal with such situations compassionately considering the wishes of the employee and their financial situation as well as the needs of the organisation.

30. Drug, Alcohol and Substance Misuse

Where an employee's absence is a result of a suspected or admitted substance misuse problem, managers must seek advice from HR and Occupational Health as appropriate. Please refer to Council's Drug, Alcohol and Substance Misuse Procedure.

31. Absence due to work related stress

The Council will take positive steps to reduce stress at work by identifying problems and dealing with them sensitively. **Signs of work related stress include:**

- Changes in the person's usual behaviour, mood or how they interact with colleagues
- Changes in the standard of their work or focus on tasks
- Appearing tired, anxious or withdrawn and reduced interest in tasks they previously enjoyed
- An increase in sickness absences and/or turning up late to work

Where an employee is showing signs of being stressed at work, managers may:

- Initiate an informal conversation in a private space (maintaining confidentiality)
- Encourage or empower employees to talk, giving them plenty of time to do so
- Consider the potential causes of the stress and any actions they may take to alleviate this

Where an employee reports that they have been affected by work related stress or

they have been absent due to work related stress, managers must seek HR and Occupational Health advice as soon as they have been informed. Managers must carry out a stress risk assessment.

32. Absence due to mental health issues

Mental health issues are a major cause of sickness absence and early intervention is often key in preventing long term absence.

Causes of mental ill health include:

- Unmanageable work load
- Poorly defined job roles
- Lack of work life balance
- Poor working relationships
- Organisational changes

Where an employee is absent from work due to mental health issues, managers must seek advice from HR and Occupational Health and will be offered additional support via the Council's Employee Assistance programme.

33. Dual Employment

Employees must make their managers aware if they have more than one employment. The Council recognises that different jobs have different responsibilities and therefore may impact differently on an employee's health.

The Council will take into account the specific circumstances, however, if it is found that the employee's second job impacts negatively on the employee's recovery, the Council reserves the right to withhold Occupational Sick Pay and disciplinary action may be taken.

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People Framework

Adoption Procedure



Version number 1
Date June 2019

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Tracking

Policy Title	Adoption Procedure		
LT sign off	15 November 2019		
Committee	HR Panel Strategy & Resources	Date approved	17 December 2019 (TBC) 30 January 2020 (TBC)
Review due date	15 November 2021	Review completed	
Service			

Revision History

Revision Date	Revisor	Previous Version	Description of Revision

Document Approvals

Each revision requires the following approvals:

Sponsor Approval		Name	Date

1. Joint and Individual Adoptions

Where a couple are adopting jointly, they must decide who (regardless of gender) will take statutory adoption leave (SAL) and who will take statutory paternity leave (SPL). Statutory Adoption Leave cannot be taken by both partners and will usually be taken by the primary carer for the child (the primary adopter).

Alternatively, both partners may be eligible for up to 50 weeks' Shared Parental Leave, provided that they meet the eligibility criteria and the primary adopter has submitted notice to curtail their adoption leave. Please see the Council's Shared Parental Leave Procedure for further details.

Where an employee or their partner is adopting individually, only the primary adopter is eligible for SAL, although their partner (regardless of gender) may be eligible for statutory paternity leave and/or Shared Parental Leave.

Employees will not qualify for either adoption leave or pay if they:

- Become a special guardian or kinship carer
- Adopt a family member or stepchild
- Adopt privately, for example without permission from a UK authority or adoption agency
- Are genetically related to a child who is being adopted through a surrogacy arrangement (i.e. the egg or sperm donor).

In these circumstances they may qualify for unpaid Ordinary Parental Leave.

2. Notification requirements

The employee should notify their manager of their intention to take Adoption Leave as soon as possible. This will provide the opportunity for the manager to plan ahead for the employee's absence. The notification requirements are different for UK adoptions, overseas adoptions and adoptions through a surrogacy arrangement.

UK adoptions

The employee must inform their manager, in writing, no more than 7 days after they are matched with a child (or as soon as is reasonably practicable).

- That they intend to take adoption leave
- How much adoption leave they would like to take
- When they intend to start your adoption leave
- The date on which the child is expected to be placed with them for adoption

Overseas adoptions

The employee must inform their manager, in writing:

- The date of their 'official notification' and the expected date the child arrives in the UK - within 28 days of getting the notification
- The actual date the child arrives in the UK - within 28 days of this date
- How much leave they would like to take and when they would like the leave to start - giving you 28 days' notice

Adoption through a surrogacy arrangement

At least 15 weeks before the baby's due date the employee must inform their manager, in writing:

- When the baby is due
- When they want to start their leave.

LINK – Adoption notification form

3. Providing proof of eligibility for Adoption Leave and Pay

UK and overseas adoptions

The employee will need to provide proof of their eligibility for adoption leave by providing documentation confirming:

- Their name and address and that of the adoption agency.
- Confirmation of the matching date – e.g. the matching certificate.
- Confirmation of the proposed date of placement – e.g. a letter from the adoption agency.
- The relevant UK authority's official notification confirming the employee's eligibility to adopt (overseas adoptions only).
- Confirmation of the date the child arrived in the UK – e.g. plane ticket (overseas adoptions only).

Adoptions through a surrogacy arrangement

The employee will need to provide proof of their eligibility for adoption leave by providing a written statement ('statutory declaration') confirming that, in the 6 months after the baby's birth:

- They intend to apply for a parental order
- They expect the order to be granted (for example because they do not have any convictions involving children, and the birth mother or father agree to the arrangement)

The employee should also contact HR to arrange a meeting to discuss their adoption entitlements and next steps.

HR will write to the employee within 28 days of receiving the Adoption Notification form, confirming the start date of their adoption leave, the date on which they are expected to return to work and their adoption pay entitlements.

The employee may bring forward or postpone their adoption leave start date, provided that they advise the Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

The Council may delay the start of the employee's adoption leave (and pay) until the correct notice and proof of eligibility has been given. However, it is not possible to postpone the start of leave beyond the date of the child's placement.

4. Time off for adoption appointments

Employees who adopt a child are entitled to time off to attend appointments in connection with the adoption as follows:

- The primary adopter is entitled to **paid** time off to attend up to five adoption appointments
- The secondary adopter is entitled to **unpaid** time off to attend up to two adoption appointments

The appointments must have been arranged by or at the request of the adoption agency and the time off must be taken before the date of the child's placement for adoption with the employee. The employee should give their manager as much notice as possible of adoption appointments and produce an appointment card if asked to do so. Wherever possible, appointments should be arranged at the start or end of the working day.

5. Adoption Leave

All employees who adopt a child within the UK or from overseas are eligible to take up to 52 weeks' adoption leave (26 weeks' ordinary adoption leave and a further 26 weeks' additional adoption leave) if they:

- Are the child's primary adopter
- Have been matched with a child to be placed with them by a UK adoption agency
- Have received official notification from the relevant UK authority of their eligibility to adopt a child from abroad (overseas adoptions only)
- Have notified the adoption agency that they agree that the child should be placed with them and agree the date of placement
- Have complied with the notification requirements set out in this procedure
- Have provided proof of eligibility as set out in this procedure
- These rights apply regardless of the hours worked or length of service.

6. When adoption leave can begin

The start date of statutory adoption leave (SAL) is dependent on whether the employee is adopting a child from within the UK or from overseas.

UK adoptions

Adoption leave may begin from the date on which the child is placed with the employee for adoption or from a fixed date up to 14 days earlier.

Overseas adoptions

Adoption leave may begin on the date on which the child enters the UK or on a fixed date that is no later than 28 days after the date on which the child enters the UK. Adoption Leave cannot be used for overseas travel prior to the placement date to make arrangements for the adoption or to visit the child. It may be possible to take annual leave or unpaid leave for these purposes.

Adoptions through a surrogacy arrangement

Adoption leave will start on the day the child is born or the following day. Adoption leave may start on any day of the week.

7. **Adoption Pay**

There are two types of adoption pay:

- Statutory Adoption Pay (SAP)
- Occupational Adoption Pay (OAP)

8. **Statutory Adoption Pay (SAP)**

Statutory Adoption Pay is payable for up to 39 weeks during adoption leave. The statutory adoption pay period remains the same regardless of how many children are placed for adoption as part of the same arrangement.

An employee is eligible to receive SAP if:

- They are the person with whom a child has been, or is expected to be, placed for adoption.
- They have been continuously employed for at least 26 weeks ending with the week in which they are notified of having been matched with the child.
- Their average weekly earnings for the 8 weeks ending with the week in which they are notified of being matched with the child for adoption are not less than the lower earnings limit for national insurance contributions purposes (LINK).
- Where the employee is adopting with their partner, they must have elected to receive statutory adoption pay.
- They have given the Council proper notification (as set out in Section xx of this procedure)

Continuous service with other local authorities and associated public bodies does not count for the purposes of adoption pay.

Where a salary-sacrifice arrangement is in place during the 8 weeks ending with the week in which the employee is notified of being matched with the child for adoption, the employee's average weekly earnings calculation will be based on the lower salary and may adversely affect the amount of SAP payable. Where average weekly earnings are reduced to below the lower earnings limit for NI contributions, this may mean that the employee is not entitled to receive SAP.

If the employee does not qualify for statutory adoption pay, the Council will provide them with a completed Statutory Adoption Pay: Non-Payment Explanation (SAP1) exclusion form within 28 days of the notification of the adoption matching date.

9. **Occupational Adoption Pay (OAP)**

Occupational Adoption Pay is paid as follows:

First 6 weeks	Full pay
Weeks 7 to 20	Half pay
Weeks 21 to 39	Statutory Adoption Pay or 90% of average weekly earnings (whichever is lower)

These rates are inclusive of Statutory Adoption Pay. Before going on adoption leave, the employee must decide whether they wish to receive their 12 weeks' half pay OAP. Where an employee elects not to receive this and returns to work for a period of three months immediately after adoption leave, they will receive her OAP as a lump sum on completion of three months' work.

If an employee decides not to receive her half pay OAP during this 12 week period, they will receive Statutory Adoption pay as detailed above.

Where an employee who has claimed OAP does not return to work for a period of at least three months immediately after their adoption leave, they will need to repay the 12 weeks half pay Occupational Adoption Pay (excluding their entitlement to SAP). Adoption pay will start on the employee's first day of adoption leave.

During adoption leave, payments will be made through payroll on the usual pay date (20th of the month.) Statutory Adoption Pay and Occupational Adoption Pay are treated as earnings and are subject to tax, NI deductions and pension contributions.

The employee is required to give at least 28 days' notice of the date that they wish their statutory adoption pay to begin. If it is not possible for the employee to give 28 days' notice, for example if the child is placed with the employee sooner than anticipated, they should tell the Council as soon as reasonably practicable.

10. Terms and conditions of employment during adoption leave

During ordinary adoption leave and additional adoption leave, all terms and conditions of the employee's contract except salary will continue. Salary payments will be replaced by statutory adoption pay and occupational adoption pay where the employee is eligible for this. If there are any changes to an employee's terms and conditions of employment whilst they are on adoption leave, for example changes to the pay scales, policies and procedures, etc., these will also be applied.

11. Annual leave

Annual leave will continue to accrue during both paid and unpaid periods of adoption leave. In addition, employees have a contractual right to time off for public holidays and are therefore entitled to the appropriate number of days off in lieu of any public holiday which occurs during their adoption leave. The normal rule of carrying over a maximum of 5 days' annual leave continues to apply. Therefore if the end of the annual leave year (31 March) falls within the employee's adoption leave period, the full year's annual leave entitlement should be taken before adoption leave commences.

Where adoption leave crosses two annual leave years, the employee should discuss and plan when to take their annual leave with their manager as soon as possible. Where annual leave is transferred to the next leave year, this must be taken in a block immediately before the employee returns to work so that they do not lose their entitlement. As with any annual leave requests, the employee must agree their annual leave dates with their manager in advance. Annual leave cannot be taken during or between ordinary and additional adoption leave periods. Where the employee is not intending to return to work following adoption leave, they should take any accrued annual leave before their adoption leave commences. Where this is not possible, payment will be made for any outstanding annual leave on termination of employment. Equally, where an employee has taken more annual leave than they have accrued, they will be required to repay the overtaken annual leave.

12. Loans

The employee will be required to continue to make repayments in respect of loans throughout their period of adoption leave, even though they may be on reduced earnings. If at any stage an employee is on unpaid adoption leave, it will be their responsibility to make necessary arrangements for the ongoing repayments during the unpaid period. Advice can be sought from HR.

13. Pension

The Council will continue to make pension contributions based on the employee's normal pay during ordinary adoption leave and paid additional adoption leave. However, employer pension contributions will cease during any periods of unpaid additional adoption leave. Where the employee is a member of the Local Government Pension Scheme (LGPS) and takes unpaid adoption leave, they can choose whether or not to pay pension contributions for their period of unpaid leave.

If the employee elects to pay pension contributions to cover lost pension, they can do this by paying an age related Additional Pension Contribution (APC) within 30 days of returning to work or, if they do not return to work, within 30 days of ceasing to be employed by the Council. If the employee purchases an APC within the 30 day period, the Council will share the cost. It will be assumed that the employee does not wish to pay contributions unless they elect to do so within the 30 day timescale.

Pension contributions for the period of unpaid adoption leave are based on the actual pay that the employee received immediately before the period of unpaid leave started. If the employee chooses not to pay pension contributions for the period of unpaid adoption leave, this period will not count as service for pension purposes.

14. Contact during adoption leave

The Council reserves the right to maintain reasonable contact with employees during adoption leave. This may be to discuss the employee's plans for returning to work or to discuss and update them on developments at work during their absence, including internal vacancies and training opportunities.

15. Keeping-in-touch days

An employee may work (or attend training) for up to 10 Keeping in Touch (KIT) days during their adoption leave without bringing it to an end. Managers cannot insist that employees attend or carry out any work and employees cannot insist that their manager gives them work during their adoption leave. A KIT day is defined as anything from attending a 1 hour meeting to working the full contractual hours for the day. Employees will receive their normal rate of pay for the hours they attend or carry out work. However, where an employee is in receipt of adoption pay, this will be offset from the payment. KIT days cannot be used to accrue overtime or TOIL.

Where an employee works during their adoption leave, they must ensure that the **Keeping In Touch payments form** is completed, signed by their Line Manager and submitted to HR so that payment can be made.

The employee's period of adoption leave will not be extended because they have carried out some work during their leave. The employee cannot carry out any work during the first two weeks following the placement of the child.

16. Returning to work after adoption leave

Subject to legislative requirements and the notification requirements set out in this procedure, the employee may return to work at any time during either ordinary adoption leave or additional adoption leave. Alternatively, they may take their full period of adoption leave entitlement and return to work at the end of this period. If the employee wishes to return to work before their full period of adoption leave has elapsed, they must give at least eight weeks' notice in writing to the organisation of the date on which they intend to return. The employee should discuss their intention to return to work early with their manager.

Where an employee intends to return to work on the first working day after the end of their full adoption entitlement (i.e. at the end of the Additional Adoption Leave period) they do not need to notify their manager in advance. The employee has the right to resume working in the same role if they are returning to work during or after ordinary adoption leave.

If the employee returns to work during or after a period of additional adoption leave, they are entitled to return either to the same role or, if this is not reasonably practicable, to another suitable role that is on terms and conditions not less favourable than the terms and conditions which applied prior to adoption leave. Managers must confirm the date of the employee's actual return to work to HR so that salary payments can restart.

17. Reducing hours of work

There is no automatic right to return to work on different terms than before, e.g. part-time hours. Employees who wish to change their working arrangements must contact to their manager as soon as possible in advance of their return. Requests should be made in line with the Council's Flexible Working Procedure.

Managers will consider requests for flexible working and will seek to agree the changes wherever possible, however, requests may be rejected if there are genuine business reasons to do so.

18. Resignation during or following adoption leave

If the employee decides during adoption leave that they do not wish to return to work, they must give written notice of resignation to the Council as soon as possible and in accordance with the terms of their contract of employment. If the employee leaves the Council's employment during the SAP period, the Council will continue to pay SAP as long as the employee has not started work for another employer. Where an employee has received OAP, they will need to repay this amount.

19. Failure to return to work

Failure to return to work at the end of adoption leave will be treated as unauthorised absence unless the employee is sick and produces a Fit Note before the end of the adoption leave period.

20. Miscellaneous

Resignation before adoption leave

Where an employee has met the eligibility requirements for statutory adoption pay, they will remain entitled to receive SAP if they leave the Council's employment for any reason, including because they have resigned, before their adoption leave is due to start.

UK adoptions

If the employee leaves the Council's employment before the start of the statutory adoption pay period they have chosen, adoption pay will begin 14 days before the expected date of placement. If the employee leaves the Council's employment less than 14 days before the start of the statutory adoption pay period they have chosen, adoption pay will begin on the day immediately following the last day of employment. Where this happens, the notification requirements for taking statutory adoption pay will not apply.

Overseas adoptions

If the employee leaves the Council's employment before the start of the statutory adoption pay period they have chosen, SAP will still be payable as long as the child enters the UK within 26 weeks of the end of the employment. The employee should still give 28 days' notice of when they want their SAP to begin.

Where statutory adoption pay is being paid to an employee who, during the statutory adoption pay period, commences work for another employer, the Council will cease to pay statutory adoption pay in respect of the remaining part of the statutory adoption pay period. The employee is required to notify the employer that they are working for another employer.

Fixed term/temporary contracts

Where an employee is employed on a fixed-term or temporary basis, contractual adoption rights will only apply for the duration of the fixed-term or temporary contract. In these circumstances the end date of the contract will end the employee's adoption leave as well as her employment with the Council. However, where an employee qualifies for Statutory Adoption Pay, this will continue until the full entitlement has been paid (39 weeks).

Prior to commencing adoption leave, the employee will need to discuss their fixed-term or temporary appointment with their manager. Where possible, a decision regarding the end date of the contract should be made prior to the commencement of the employee's adoption leave.

Reorganisations/Restructuring

Where a reorganisation or restructure is proposed whilst an employee is absent on adoption leave, the provisions of the Council's Management of Workforce Change Procedure will apply.

Second adoption arrangement during adoption leave

If another child is placed with the employee soon after the placement of the first child (i.e. a new placement under a separate matching certificate), provided that the employee satisfies the qualifying conditions, they will be entitled to another period of adoption leave. In these circumstances, the adoption leave relating to the second child will supercede the first period of leave. For example, if the second period of leave begins one month after the first period, the first period will come to an end after one month and the employee will be entitled to a further 52 weeks' adoption leave from that point. If the employee qualifies for statutory adoption pay in relation to both placements, the adoption pay relating to the first child is not brought to an end by entitlement to adoption pay relating to the second child. The employee will be entitled to two payments during any weeks where the two periods of adoption pay entitlement overlap.

As adoption leave does not break continuity of employment, the employee's right to adoption leave for the second placement will be based on their total service with the Council. The employee must give the same notice to her manager as they did the first time they went on adoption leave.

The employee will have the same rights as they would have received on returning from their first period of additional adoption leave, i.e. they are entitled to return either to the same role or, if this is not reasonably practicable, to another suitable role that is on terms and conditions not less favourable than the terms and conditions which applied prior to adoption leave.

SAP is calculated on average earnings over the 8 weeks ending with the week in which they are notified of being matched with the child for adoption. The HR team will advise the employee regarding adoption pay on receipt of her completed Adoption Notification Form and proof of their eligibility for adoption.

Contractual leave entitlement accrued whilst on adoption leave should be taken before the start of the second adoption leave wherever possible. Where this is not possible, leave from the first adoption leave then this should be taken in one block immediately before returning to work.

Disrupted adoption

Where adoption is disrupted, i.e. the child is returned to the adoption agency, or the child dies, the adoption leave and pay period will end eight weeks after the end of the week in which the child is returned to the adoption agency (or, in the case of adoption from overseas, ceases to live with the adopter) or the death of the child occurs. A week for these purposes is a period of seven days beginning with a Sunday.

Transfer of adoption leave

Employees may choose to end their adoption leave and pay and share the untaken balance (up to a maximum of 50 weeks) with their partner as Shared Parental Leave and pay. Employees may also choose to return to work early from adoption leave and take Shared Parental Leave and pay at a later date. To be able to take Shared Parental Leave, an employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. Please see the Council's Shared Parental Leave Procedure for further details.

Balancing work and childcare responsibilities

There are options to help you to balance work and childcare responsibilities and work. Please see:

- Flexible Working Procedure
 - Ordinary Parental Leave Procedure
 - Special Leave Procedure
- Financial support such as the government's Tax Free Childcare scheme [Tax-Free Childcare - GOV.UK](#)

Data protection

When managing an employee's adoption leave and pay, the Council processes personal data collected in accordance with its Data Protection Policy. Data collected from the point at which an employee informs the Council of their intention to adopt a child is held securely, accessed by and disclosed to individuals only for the purposes of managing adoption leave and pay.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's Data Protection Policy. Where appropriate, action may be taken in line with the Council's Disciplinary Procedure.



People Framework

Annual Leave Procedure



Version number 1
Date June 2019

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Tracking

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Revision History

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Each revision requires the following approvals:

Sponsor Approval		Name	Date

1. Annual Leave

Employees are expected to take their full leave entitlement each year to ensure they have regular breaks from work. To help achieve this:

- Leave should be taken regularly throughout the year
- Leave requests will be considered fairly, promptly and consistently
- Every effort will be made to agree leave requests, subject to reasonable notice and operational need.

2. Annual Leave Entitlement

The leave year runs from 1 April to 31 March.

The annual leave entitlement is inclusive of your bank holiday entitlement and will normally be 8 days but this can vary dependant on when Easter falls or on occasions when an additional bank holiday is awarded. The entitlements are as follows-

Annual leave entitlement	On appointment & up to 5 years' service	Over 5 years' local government service
G4 – G11	24 + 8 bank holiday days = 230.4 Hours	29 + 8 bank holiday days = 266.4 hours
G3 – G1	32 + 8 bank holiday days = 288 Hours	32 days + 8 bank holiday days = 288 Hours

3. Annual Leave Allowance & Carry Forward

Employees are encouraged to take their annual leave proportionately through the year to prevent excessive build-up of leave. Managers have the right to require employees to take up to two weeks of their annual leave allowance in one continuous period.

Should an employee wish to take a period of leave that exceeds 10 working days then agreement must be sought from their Line Manager prior to booking their leave and agreement is dependent upon service requirements.

In agreement with the line manager, the maximum amount of leave that can be carried forward into the following year is the equivalent of the employees weekly working hours. This must be taken by 30th June.

Leave is requested and must be approved through the iTrent HR/Payroll Self Service system.

Carried forward leave not taken by this date will be 'lost.' There is no payment in lieu for annual leave not taken. In exceptional circumstances and with the agreement of the line manager, employees may be able to carry forward more than five days, if:

In the following circumstances employees will be able to carry forward more than five days however the dates of any leave that will be carried over must be agreed by the line manager:

- Been on long term sick leave and couldn't take any annual leave
- Been on maternity, adoption or shared parental leave and weren't able to take their leave before the end of the leave year

4. Booking Annual Leave on iTRENT

Employees should book their leave as Full Days or Half Days. iTrent will check the working pattern to identify the correct number of hours. Do not select part day unless you are only taking 1 or 2 hours.

A part time employee working 3.6 hours every day should book this as a Full Day. If it is booked as a half day only 1.8 hours would be deducted and therefore will lead to an incorrect entitlement displayed on iTrent.

Examples of part time leave calculations are shown below;

$29 + 8 = 37 \times \text{Average Daily Hours (3.6 - Part Time Employee working 18 hours)}$
 $= 133.2 \text{ Hours}$

$24 + 8 = 32 \times \text{Average Daily Hours (3.6 - Part Time Employee working 18 hours)}$
 $= 115.2 \text{ Hours}$

If an employee works a compressed week, e.g. work full-time hours over a four day week, or nine day fortnight, their entitlement will also be calculated in hours.

iTrent will calculate both their pro-rata annual leave and public holiday entitlement. This will be displayed as an exact combined total and should be rounded up to the nearest half day/ hours equivalent based on their daily hours or average daily hours.

5. Casual Workers and Annual Leave

Casual workers will accrue paid leave in line with the hourly rate for the role and hours worked. As there will be weeks in the year when no work is available they will receive holiday pay each time they are paid. Holiday entitlement is automatically paid the month following payment of the casual hours worked.

6. Annual Leave and Overtime

Please refer to the Councils Overtime policy.

7. Continuous Service

Where a member of staff transfers from another local authority **with no breaks** in continuous service part way through a month, annual leave will be calculated proportionate to the number of days worked in the first month.

8. Fixed Term Contract

Employees on fixed term contracts will have annual leave calculated in exactly the same way as for permanent staff.

9. Five Years Continuous Service

On achieving five years' local government service the annual leave for employees up to and including G4 increases from the anniversary date to a pro rata amount of 266.4 hours. They are then entitled to the full increase of holiday hours from the beginning of the next leave year.

10. Change in Role/Entitlement

Permanent changes to the working pattern should always be reported to HR. If the entitlement changes due to a change in hours, grade or length of service, the new entitlement will be calculated from the date of change.

Once the new pattern has been attached holiday entitlement will be amended within the system by HR. Reductions and increases in hours will automatically be reflected in the holiday entitlement.

11. Annual Leave for New Starters and Leavers

New Starters

New employees starting part-way through a leave year will have their leave entitlement pro-rata based on the first day of their employment and rounded to the nearest half day or pro-rated equivalent.

Leavers/(Termination of Contract)

Leavers must take all their leave entitlement before their last day of service. If they have taken more leave than they have accrued by their last day, leavers will be required to repay the cash value via deduction from their final pay. Any leaver will be paid for any outstanding leave for which they are unable to take prior to leaving.

If you are dismissed or do not provide the correct notice your entitlement will be limited to your statutory entitlement which is 4 weeks public holidays will be included in the calculation as they are deemed to be taken first.

12. Annual Leave & Absences

Accrue Contractual Leave During:	Don't Accrue Contractual Leave During:
<ul style="list-style-type: none"> • Adoption & Surrogacy Leave • Maternity Leave • Parental Leave • Shared Parental Leave • Sickness Absence • Special Leave (Paid) • Special Leave (Unpaid) 	<ul style="list-style-type: none"> • Unauthorised Absences

Sickness during Annual Leave

Employees who are sick while on annual leave or on a public holiday, can reclaim days lost due to sickness if they inform their manager on the first day of sickness in line with the Absence notification procedure. Employees must submit self-certification forms and/or medical fit notes to cover the duration of their sickness absence in line with the Absence Policy.

13. Requesting Annual Leave

All leave requests must be sent to line managers with reasonable notice. All leave requests must be booked and recorded on iTRENT. Employees must not make any

personal arrangements until the leave request has been approved. Employees must ensure that they are aware of any departmental restrictions in requesting leave during key busy periods and discuss this in advance with their managers.

Managers will:

- Make employees aware of their leave entitlement each year
- Make employees aware of arrangements for requesting and recording leave
- Ensure that their employees take leave regularly throughout the leave year to avoid a large amount of outstanding leave towards the end of the leave year
- Ensure that employees are aware of any service requirements such as restrictions in requesting annual leave during key busy periods.

14. Considering Annual Leave Requests

Line managers must respond to a leave request within a reasonable time frame. Whilst every effort will be made to grant the leave request, employees should be aware that it could be declined due to staff shortages, imminent deadlines or due to the short notice of the request.

Managers will:

- Check that there are no resourcing implications for their team before approving any request
- Respond to annual leave requests within a reasonable time frame

15. Cancelling Annual Leave

Any cancellations of booked leave with reasonable notice will be acceptable and employees will be expected to give reasonable notice ensuring the information on HR iTRENT is amended appropriately.

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People Framework

Appeals Procedure



Version number 1
Date June 2019

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Tracking

Policy Title	Appeals Procedure		
LT sign off	15 November 2019		
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Revision History

Revision Date	Revisor	Previous Version	Description of Revision

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Sponsor Approval		Name	Date

1. The Right of Appeal

Any employee who is subject to a formal sanction in line with the Council's Absence Management, Capability, Disciplinary, Grievance and Management of Workforce Change Procedures (up to and including dismissal) has the right of appeal.

All appeals will be heard without undue delay.

This procedure does not apply to appeals against dismissal as a result of unsuccessful completion of a Settling In period, for which the Settling In Procedure applies.

This procedure does not apply to appeals against job evaluation outcomes for which the Job Evaluation Procedure applies.

Details of the appeals process will be provided to the employee in the written notification of the outcome of the formal Hearing.

If the employee wishes to appeal they must do so in writing (including by email) within 7 calendar days of receiving of written confirmation of the Hearing outcome.

2. Right to be accompanied

Employees have a statutory right to be accompanied by a member of the Staff Consultative Group, trade union representative or work colleague at a formal Appeal Hearing.

The representative does not have the right to answer questions on the employee's behalf, address the Hearing if the employee does not wish it or prevent the employer from explaining their case.

3. Grounds of Appeal

The reasons for appeal may be:

- Procedure – there was a failure to follow procedure and this had a material effect on the decision
- Not all evidence was considered.
- The level of sanction/decision was too severe.
- New evidence is available that could not have reasonably been raised during the investigation and the absence of which had a material effect on the decision.

The employee must outline one or more of the following reasons upon which they seek to appeal and provide the rationale/evidence in respect of this. The appeal submission must also set out clearly:

- The detailed basis, as far as possible, for each ground of appeal to be relied on
- Details of any new evidence and any supporting documentation to be relied on

4. Appeal

Where an appeal is received, arrangements for the appeal Hearing will be made as soon as reasonably practicable.

The Chair of the Hearing will be a manager with no prior involvement in the case and normally from the service area concerned, who will consider the appeal and decide the outcome.

Where the appeal is against dismissal, the Hearing will be chaired by a Senior Officer with delegated authority to dismiss.

Where possible, an HR Advisor, also with no prior involvement in the case will also attend the appeal Hearing in an advisory capacity to support the Chair.

Also in attendance will be the employee, their representative and, where applicable, the Chair of the original Hearing. Both management and the employee may submit documentation and call and question witnesses.

The HR Advisor will confirm the arrangements to all parties giving at least 7 calendar days' notice. Template Letter 6 Appeal Notification.

Any documentation that either management or the employee wishes to be considered at the appeal Hearing, must be made available to the HR Advisor no later than 3 working days prior to the hearing to enable (where practicable) distribution of full documentation packs to the relevant parties prior to the hearing.

In certain circumstances (for example to protect a witness), some information may be withheld or anonymised.

In order to ensure an accurate record of the formal process, the Council will record the Appeal Hearing using an electronic voice recorder. A copy of the recording will be made available to the employee on request.

5. New Evidence

New evidence may be considered in the Appeal Hearing where this is included in the documents submitted before the Hearing. If there is a late submission of new evidence it will be for the Chair to decide whether or not this will be accepted.

Where new evidence is submitted, the employee must state clearly what the evidence is, why it was not included at the previous hearing and why it is believed that it would alter the original decision.

6. Attendance at an Appeal Hearing

The employee will be notified of the date of the Appeal Hearing in writing. Where an employee or their representative is unable to attend the Hearing, they should inform the Chair in advance, giving a valid reason. The Chair will arrange an alternative Hearing date, which will be no later than 7 calendar days from the original Hearing date.

Where an employee fails to attend the Appeal Hearing due to unforeseen circumstances on the date proposed, the Chair will consider whether to proceed with the Hearing in the absence of the employee or to arrange an alternative date, which will be no later than 7 calendar days from the original Hearing date.

Where appropriate, the 7 calendar day limit may be extended by mutual consent.

Where the employee is not able to attend an Appeal Hearing on the revised date, their case will be considered based on the documentation from the Hearing and/or any representations by their representative.

7. Witnesses at Appeals

If the employee wishes to invite any witnesses to the Appeal Hearing they must inform the Chair beforehand.

The employee is responsible for inviting any witnesses they wish to attend.

A Council employee is not obliged to attend a Hearing as a witness. Where an employee wishes to call other Council employees as witnesses, the individuals concerned may decide whether or not they wish to attend the Hearing in this capacity.

8. Possible Outcomes

The outcome of the Appeal Hearing will be either:

- The case against the employee is upheld (in whole or part); the sanction will then be the same or, if the Chair considers on the basis of the appeal, that the penalty imposed was unduly harsh can impose a lesser penalty.
- The case against the employee is not upheld and the case is dismissed.
- The sanction remains the same
- A lesser sanction is imposed
- A greater sanction is imposed
- The panel may decide that no sanction is warranted

9. Successful Appeal against Dismissal

An employee whose appeal against dismissal is successful may be reinstated in their previous position where this still exists.

In certain circumstances, for example if the previous working relationship has broken down, it may be more appropriate for the employee to be reinstated in a different position of comparable status and pay. This will take place only after full discussion with the employee and/or his/her representative.

In a redundancy situation where the employee's previous position no longer exists the Council will consider the availability of suitable alternative employment in line with the Management of Workforce Change Procedure.

Where an appeal against dismissal is not upheld and the employee is reinstated, there will be no loss of continuity of service or associated rights. Where the

employee's notice period has already expired and they have left the Council's employment, they will receive the appropriate amount of back pay for the period between the date of termination of employment and the date of reinstatement.

There is no further right of appeal within the Council.

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People Framework

Capability Procedure



Version number 1
Date June 2019

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Tracking

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Revision History

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1. Setting Performance Standards

Employees have a contractual responsibility to achieve and maintain an acceptable level of performance at work and to engage with their managers to ensure that they have a clear understanding of what is expected of them.

The Council has set expected standards of performance and behaviour through the Performance Management Procedure and Behaviour Framework.

Managers will set team and individual goals and objectives consistent with the employee's role profile and the Council's Behaviour Framework as outlined in the Performance Management Procedure.

2. Settling In Period

Where performance concerns are identified during the employee's Settling In period, these will be addressed in line with the Induction and Settling In Procedure.

3. Disciplinary and Capability

Where performance concerns are identified, managers should assess which procedure will apply, seeking advice from HR as appropriate. For example, a refusal to perform work to the required standard or in a manner that has been requested would ordinarily be a disciplinary rather than a capability issue.

Advice should also be sought in circumstances where capability and disciplinary issues are potentially interrelated. There may be occasions where, as a consequence of information obtained or circumstances arising under one procedure, it is appropriate to initiate action under other processes.

4. When performance concerns are identified

Where employees are unable to fulfil the key requirements of their role as defined by the role profile, behaviour framework and goals / objectives, managers will seek to provide additional support to enable them to reach the required performance standards.

Any concerns relating to work performance will be discussed with the employee at an early stage by the manager via the My Performance Conversation as outlined in the Council's Performance Management Procedure (LINK). Managers will seek HR advice as appropriate.

5. Support during the Capability Procedure

Managers will explore options for supporting employees in reaching the required performance standards. These may include identifying a mentor, the use of a coach or coaching techniques and/or more formal training and development. All identified support agreed should be documented, including expected outcomes, and regularly monitored to continually assess its effectiveness. Where performance concerns have not been addressed through informal interventions, the manager will arrange a Performance Meeting at Stage 1 of the Capability Procedure.

6. Performance Meeting – Formal Stage 1

Managers will write to invite employees to a Performance Meeting giving at least 7 calendar days' notice. Link Stage 1 Invite Letter

The Performance Meeting will normally be conducted by the employee's manager and may be attended by a member of the HR team.

Employees are entitled to be accompanied at the Performance Meeting by a member of the Staff Consultative Group, trade union representative or work colleague.

At the meeting managers will:

- Explain why the meeting has been arranged
- Explain what is expected in terms of performance/conduct standards
- Explain how the employee is not meeting the required standards, giving examples (e.g. Refer to the Action Plan at the informal stage)
- Explore the reasons why the employee is not meeting these standards (for example, personal and/or work related issues)
- Provide the opportunity for the employee to explain or discuss issues
- Discuss any support which has already been provided and the effectiveness of this
- Explore any support which can be provided
- Explain how the employee's performance will be monitored
- Explain the next stage if performance does not improve
- Set a timescale for review

The manager will confirm that the employee's performance will be monitored formally at Stage 1 of the Council's Capability Procedure and ensure that a copy of the Capability Procedure is made available to the employee.

The manager will work with the employee to develop a written performance improvement plan. A performance improvement plan is a series of measures designed to help the employee to reach the required standards. The performance improvement plan will include details of specific goals/objectives, dates by which these should be achieved and any support required to assist the employee in achieving the required levels of improvement. (LINK -PIP).

The manager will confirm the outcome of the Stage 1 formal Performance Meeting to the employee in writing within 7 calendar days of the meeting. TEMPLATE

The letter will provide the formal record of the meeting and will include:

- The areas in where performance has fallen below the required standards
 - A copy of the Performance Improvement Plan
 - Any additional training or support that will be provided as part of the procedure
 - The duration of the review period
 - The frequency of monitoring meetings during the review period
 - The potential consequence of continued underperformance within the set timescales
- The employee will be asked to sign a copy of the letter to confirm receipt and understanding.

The manager will set a timescale for review. The review period should be appropriate to the complexity of the situation and the role of the employee and will not normally be less than four weeks or exceed twelve weeks.

The manager will meet regularly with the employee throughout the review period to provide monitor progress, to provide feedback and support and to ensure that the PIP is regularly updated.

Managers must keep HR informed of progress.

Stage 1 - Performance Review Meeting

At the end of the review period, the manager will hold a Performance Review Meeting.

Employees are entitled to be accompanied at the meeting by a member of the Staff Consultative Group, trade union representative or work colleague.

At the meeting the manager will:

- Explain why this meeting has been arranged
- Review the PIP and provide feedback on the employee's performance during the review period
- Discuss any support provided during the review period
- Discuss any ongoing performance concerns with examples
- Allow the employee to explain and feedback
- Explore any ongoing training / development or support needs
- Provide progress against the Performance Improvement Plan
- Explain the next stage and set a further timescales for review (if appropriate)

Possible Review Outcomes

No further action (based on satisfactory improvement as set out in the PIP)

Where the employee's performance has improved and meets the required standards the Stage 1 review will be concluded and the manager will continue to hold regular My Performance Conversations.

If the standard of performance deteriorates within 12 months of the Stage 1 review being concluded, managers must seek HR advice and the employee will re-enter the Capability Procedure at Stage 1.

Escalation to Stage 2 Performance Improvement meeting

Where the employee has not met the requirements set out in the PIP the manager will escalate arrange a Stage 2 Performance Improvement Meeting.

Escalation to Stage 3 Capability Hearing

Where the employee has not met the requirements set out in the PIP and their performance has deteriorated significantly, the manager will arrange a Stage 3 Capability hearing in line with the Council's Hearings Procedure.

HR advice must be sought prior to escalating to a Stage 3 Capability hearing.

7. Performance Improvement Meeting – Formal Stage 2

Managers will write to invite employees to a Performance Improvement meeting giving at least 7 calendar days' notice. (Link Stage 2 Invite Letter).

Employees are entitled to be accompanied at the meeting by a member of the Staff Consultative Group, trade union representative or work colleague.

At the meeting managers will:

- Explain why this meeting has been arranged
- Clarify and explain what is expected in terms of performance /conduct standards
- Discuss ongoing performance concerns with examples (e.g. Refer to the PIP at the formal Stage 1 of the Capability Procedure)
- Discuss any ongoing support provided
- Allow the employee to explain and feedback
- Explore any ongoing training/Development or support needs
- Provide progress against the Performance Improvement Plan
- Explain the next stage if performance does not improve
- Set a timescale to review

Managers will provide an opportunity for the employee to explain or discuss any factors affecting their performance. Managers will confirm with the employee that their work performance will be monitored at formal Stage 2 of the Capability Procedure and ensure they have a copy of the procedure.

Managers will update the written performance improvement plan with the employee, to include specific goals/objectives, dates by which these should be achieved and any support required to assist the employee in meeting the required levels of improvement. (LINK -PIP). The Performance Improvement Plan will be shared with the employee.

Managers will confirm the outcome of the Stage 2 formal Performance Improvement meeting in writing within 7 calendar days. The letter will provide a formal record of the meeting and the employee will be asked to sign a copy to confirm receipt and understanding.

The outcome letter will include:

- The areas in where performance continues to fall below the required standards
- A copy of the Performance Improvement Plan
- The timescales of meeting the goals/objectives
- Any additional training or support that will be provided as part of the procedure
- The duration of the Stage 2 review period
- The frequency of monitoring meetings during the review period
- The potential consequence of continued underperformance within the set timescales

Managers will agree a timescale for review. The agreed timescale should be appropriate to the complexity of the situation and role of the employee. However, unless there are exceptional circumstances, it should not normally be less than four weeks or exceed twelve weeks. Managers will meet with the employee to provide

feedback on their progress throughout the agreed review period. Managers must keep the PIP updated during the review period. Managers must keep HR informed of the meeting and outcomes.

8. **Performance Improvement Review Meeting – Formal Stage 2**

Managers will hold a Performance Improvement review meeting as arranged after the set period of 4-12 weeks.

Employees are entitled to be accompanied by a member of the Staff Consultative Group, trade union representative or work colleague.

At the meeting managers will:

- Explain why this meeting has been arranged
- Review the PIP and provide feedback on the employee's performance during the review period
- Discuss any support provided during the review period
- Discuss any ongoing performance concerns with examples
- Allow the employee to explain or feedback
- Identify/ Discuss/ Explore any ongoing training/development or support needs
- Provide progress against the Performance Improvement Plan
- Explain the next stage and set a further timescales for review (if appropriate)

Possible Review Outcomes

No further action (based on satisfactory improvement as set out in the PIP)

Where the employee's performance has improved and meets the required standards the Stage 2 review will be concluded and the manager will continue to hold regular My Performance Conversations.

If the standard of performance deteriorates within 12 months, managers must seek HR advice and the employee will re-enter a Stage 2 Performance Improvement meeting. Employees have the right of Appeal at stage 2.

Escalation to Stage 3 Capability Hearing

Where the employee has failed to improve or where some improvement has been demonstrated but performance is still below the acceptable level, the manager will arrange a Stage 3 Capability hearing. HR advice must be sought prior to escalating to a Stage 3 Capability hearing.

9. **Capability Hearing – Formal Stage 3**

Where the employee's ongoing unsatisfactory performance requires a referral to Stage 3, the manager will consult HR, who will convene a formal capability hearing in line with the Hearing procedure. Managers will be required to compile a report outlining the issues of the employee's capability obtained from evidences. This report will be presented by the manager at the Hearing. A copy will be given to the employee at least 3 working days before the Hearing. The report shall be precise, factual and shall contain the following information:

- Areas where the employee is failing to perform adequately
- The impact of the employee's ill health on their work performance where appropriate

- Actions already taken by managers to support the employee and if they were adequate
- The employee's acknowledgement of the issues
- Steps the employee has taken to improve
- Impact on the team and service delivery

The employee will be invited to a Capability Hearing in line with the Council's Hearings Procedure.

Stage 3 Hearing Outcome

The outcome of the Capability Hearing may be as follows:

Dismissal: Dismissal with Contractual Notice -

The Chair will decide to dismiss either on grounds of 'Some Other Substantial Reason' or 'Capability' (if under lying medical condition). The Chair will outline the reasons why and provide information on the employee's notice period in writing.

Redeployment

Redeployment options will be considered (subject to the availability and suitability of current job vacancies) where managers have reasons to believe that the employee will be able to perform well in an alternative role

Ill Health Retirement

Where medical opinion indicates that an employee is permanently unfit to return to work, the Chair must seek advice from HR and OH that the employee is eligible for permanent ill health retirement. The Council may offer the individual the option to apply for early retirement on the grounds of ill health, in line with the provisions of the Local Government Pension Scheme. (This option is only available to employees who have at least two years' continuous, local authority pensionable employment). This option will be discussed with the employee in full and as much information as possible will be provided to enable the employee to make an informed decision.

Where the option of ill health retirement has been explored as per advice from OH, or GP or any other medical professional that it is unlikely for the employee to return to work in the foreseeable future due to ill health who is also on local authority pension scheme, the Head of Service must ensure a sound decision between the Council, manager and the employee is reached, agreeing a termination date giving a notice period as entitled. HR advice and guidance should be provided to ensure compliance. Employees should be treated sensitively.

The Head of HR & OD and the Head of Financial Services will make the final decision demonstrating all appropriate measures have been taken to reach this decision in consultation with the employee in line with provisions of the Local Government Pension Scheme.

10. Appeals

An employee has the right to appeal against formal action taken under the Capability procedure following either Stage 2 or 3 meetings. Any appeal should be submitted in line with the Council's Appeals procedure.

11. Disability and Medical Issues

During the course of the Capability Procedure, if it is identified that the employee has a medical issue or disability which is impacting upon their performance, or the manager is otherwise already aware of a relevant medical issue or disability, the procedure may be paused for consideration of the next steps, which may include:

- Referral to Occupational Health
- Discussing with the employee/seeking a medical view as to whether the capability issues are related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements (e.g. agreeing a change of duties, providing additional equipment or training or adjusting this procedure etc.).
- Any additional support required

Managers must monitor progress during any period of reasonable adjustment. The reasonable adjustments put in place will be regularly reviewed and their suitability assessed by the manager. If the capability issues have not been resolved by reasonable adjustment/s, the matter will continue to be dealt with under the capability procedure or, if appropriate, under the Absence Management Procedure. HR advice must be sought.

If the capability issue(s) have been resolved then no further action may be necessary, subject to regular ongoing review and monitoring. Where dismissal of a disabled employee is being considered on the grounds of ill health capability, managers will need to review whether the Council has met its duty to make reasonable adjustments.

Managers must seek HR advice and keep HR informed of any developments. Where ill health or poor attendance through sickness absence is identified, the Absence Management Procedure should be referred to. Absence through ill health will not necessarily result in a cessation or pause of the Capability Procedure, although due regard will be given to the matters in each particular case.

12. Annual Pay Progression

Employees subject to formal capability processes will not be eligible for annual progression.



People Framework

Dignity at Work Procedure



Version number 1
Date June 2019

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Tracking

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1. The Councils Commitment

The Council is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Harassment and bullying can have very serious consequences for employees and the Council. Harassment or bullying may make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance and could cause them to leave their job. Severe cases of harassment and bullying can even lead to mental illness and suicide. Effects on the Council can include loss of morale, poor work performance, increased turnover of employees, legal claims and damage to the organisation's reputation.

Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal.

The Council will not tolerate bullying and harassment of any kind.

All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken.

The Council will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

We recognise that it can be difficult to raise a complaint of harassment, bullying, discrimination or victimisation whether on an informal or formal basis. The purpose of this procedure is to support all employees to understand the expectations of the Council in relation to behaviour and the treatment of colleagues.

An informal approach may effectively address unwanted behaviour without recourse to a formal procedure and wherever possible this approach should be taken in the first instance. However, in circumstances where the alleged behaviour is deemed sufficiently serious an immediate formal investigation will be warranted.

Employees have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that you know to be untrue may lead to disciplinary action being taken against you.

2. Examples of Bullying and Harassment

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, e.g. by letter or email (so-called "flame-mail") or through posting on social media. Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances
- the offer of rewards for going along with sexual advances, e.g. promotion, access to training
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay,

advancement, assigned work, or any other condition of employment or career development

- demeaning comments about a person's appearance
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion
- questions about a person's sex life
- unwanted nicknames related to a person's age, race or disability;
- the use of obscene gestures
- excluding an individual because they are associated or connected with someone with a protected characteristic, eg their child is gay, spouse is black or parent is disabled
- ignoring an individual because they are perceived to have a protected characteristic when they do not, in fact, have the protected characteristic, eg an employee is thought to be Jewish, or is perceived to be transgender;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, eg magazines, calendars or pin-ups;
- spreading malicious rumours or insulting someone
- picking on someone or setting them up to fail
- making threats or comments about someone's job security without good reason
- ridiculing someone
- isolation or non-cooperation at work
- excluding someone from social activities

3. Prevention of Bullying and Harassment

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. Employees can help to do this by:

- being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are "only joking";
- treating your colleagues with dignity and respect
- taking a stand if you think inappropriate jokes or comments are being made
- making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- intervening, if possible, to stop harassment or bullying and giving support to recipients
- making it clear that you find harassment and bullying unacceptable
- reporting harassment or bullying to your manager or human resources and supporting the organisation in the investigation of complaints; and
- if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser

Managers have a particular responsibility to:

- set a good example by their own behaviour
- ensure that there is a supportive working environment
- make sure that staff know what standards of behaviour are expected of them
- intervene to stop bullying or harassment
- report promptly to human resources any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them

4. Taking Action against being Bullied or Harassed - Informal

Employees may be able to sort out matters informally. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it.

Employees may feel able to approach the person yourself, or with the help of HR, another manager, member of the Staff Consultative Group, trade union representative or another employee.

Alternatively, an initial approach could be made on behalf of the employee by one of these people.

Employees or the person making an approach on behalf of an employee should tell the person:

- what behaviour they find offensive and unwelcome
- state that they would like it to stop immediately
- if the behaviour continues, they may make a formal complaint to their manager or HR.

The employee should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and they wish to make a formal complaint.

If an informal approach does not resolve matters, or the situation is too serious to be dealt with informally, the employee can make a formal complaint in line with the Council's Grievance procedure.

5. Being Accused of Bullying & Harassment - Informal

If an employee approaches another employee informally about their behaviour, they should not dismiss the complaint out of hand because they were only joking or think the complainant is being too sensitive.

It is important to remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others.

The employee may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from and an assurance that the employee will be careful in future not to behave in a way that may cause offence. Provided that the employee does not repeat the behaviour that has caused offence that may well be the end of the matter.

If a formal complaint is made about an employee's behaviour this will be dealt with in line with the Council's grievance procedure.

The Council may bring disciplinary proceedings, if appropriate.

6. Making the Procedure Work

The Council will provide training to all existing and new employees and others engaged to work at the organisation to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment.

The Council will review the outcomes of cases where complaints of bullying and harassment have been made to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

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People Framework

Disciplinary Procedure



Version number 1
Date June 2019

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Revision History

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1. **Code of Conduct**

Employees are expected to adhere to the Council's Code of Conduct which is set out in the Council's Constitution, Part 5, Section 2, Officers' Code of Conduct – LINK

Failure to follow the guidelines and requirements set out in the Council's Code of Conduct may result in action being taken under the Disciplinary Procedure.

2. **Fair Procedure**

At all stages of the procedure, employees will be:

- Informed of the nature of the issue(s) of concern or allegations against them
- Given a chance to offer an explanation before any decision is taken
- Given the right to be represented by a member of the Staff Consultative Group, trade union representative or work colleague at any formal meeting or hearing
- Given reasonable notice of any formal meeting or hearing as outlined within the procedure
- Provided with copies of any documents to be used in a Disciplinary hearing
- Notified of the outcome of any formal meeting or hearing in writing
- Given the right to appeal against formal disciplinary action

3. **Examples of Misconduct & Gross Misconduct**

Examples of misconduct and gross misconduct that may result in action being taken under the Disciplinary Procedure include, but are not limited to, the following:

Misconduct

Any actions which could bring the Council into disrepute or which impact negatively on the employee's position (this may include actions outside of work). Examples are listed below:

- Unauthorised absence from duty
- Unauthorised employment
- Neglect of duty
- Discrimination
- Breaches of the Council's Dignity at Work Procedure including harassment, bullying and victimisation;
- Offensive or abusive behaviour
- Drunkenness or being under the influence of drugs other than for medical purposes
- Refusal or deliberate failure to follow a reasonable management instruction
- Responsible for a work error that has serious implications for the Council and for which reasonable steps were not taken to prevent its occurrence
- Improper disclosure of information or breach of confidentiality
- Breaches of health & safety
- Breaches of Council policies
- Persistent misuse of ICT
- Using Council property without authority
- Damaging or misusing or losing by theft Council property
- Refusal or failure to comply with those rules governing the use of information technology, commercial practices, financial regulations, fraud and corruption
- Exhibiting behaviour which may bring the Council into disrepute

Gross Misconduct

Examples of gross misconduct are listed below:

- Theft including fraud and deliberate falsification of records; this may include such things as timesheet and expense claims' irregularities and undertaking paid private work at a time the employee should be working for the Council
- serious breaches of safety rules
- Deliberate or reckless damage to Council buildings/property
- Serious incapability through alcohol or use of illegal drugs on duty, buying or selling drugs on Council premises
- Fighting or other physical assault, threats of violence
- Serious acts of discrimination, bullying, harassment or victimisation
- Disclosing any serious matter which should be kept confidential (or concealing it if it should be reported)
- Serious breaches of Council's codes of conduct, standing orders or financial regulations
- Accepting inappropriate gifts/hospitality or failing to register gifts/hospitality
- Improper use of an employee's position for their own or another's private advantage, or an attempt to do so
- Bringing the Council into serious disrepute;
- Gaining employment with the Council by misrepresentation, lies or deception
- Serious deliberate damage to property
- Breaking a law at (or even away from) work which makes employees unfit for the work they do, or which may seriously damage the Council's reputation.
- Accumulation of persistent instances of serious misconduct

4. Criminal Charges or Convictions

Where an employee is charged or convicted of a criminal offence consideration will be given to the impact on their employment and whether the Disciplinary Procedure should be invoked.

An employee will not be disciplined or dismissed solely because they have been charged with or convicted of a criminal offence

Where it is thought that the employee's conduct may warrant disciplinary action the following guidance should be followed:

- Investigate the facts as far as possible
- Consider whether the conduct is sufficiently serious to warrant disciplinary action
- Where the conduct requires prompt attention the Council need not await the outcome of the criminal prosecution before taking fair and reasonable action
- The police should not be asked to conduct any investigation on behalf of the Council nor should they be present at any meeting or disciplinary hearing.

In some situations, the nature of the alleged offence may not justify disciplinary action, e.g. off-duty conduct which has no bearing on employment, but the employee may not be available for work because they are in custody or on remand. In these

cases the Council should consider the needs of the service and decide whether the employee's job can be held open.

Where a criminal conviction leads to the loss of a licence or qualification so that continued employment in a particular job would be illegal, the Council will consider whether alternative work is appropriate and available.

Where an employee who is charged with or convicted of a criminal offence refuses or is unable to cooperate with the Council's disciplinary investigations and proceedings, they will be advised in writing that, unless further information is provided, decisions taken in line with the Disciplinary Procedure will be taken based on the information available.

5. Suspension – Disciplinary

There may be instances where it is necessary to suspend an employee whilst investigations are carried out. It is important to note that suspension is a precautionary measure, does not constitute formal action and does not itself imply any presumption of guilt on the part of the employee.

All suspensions will be conducted in line with the Council's Suspension Procedure.

6. Informal Stage

Cases of minor misconduct or unsatisfactory performance are usually best dealt with informally. In some cases additional training, coaching and advice may be what is needed.

On becoming aware of an employee's alleged misconduct, management (normally the line manager) will undertake, where practicable, immediate preliminary investigations about the issues of concerns or allegations made. This will normally involve a private discussion with the employee to establish if there is an acceptable explanation for the alleged misconduct. It is not usual for employees to be accompanied at this meeting. However, they may be if both the manager and the employee consider it appropriate.

The manager should:

- Present the details of the alleged misconduct to the employee.
- Feedback should be constructive, with the emphasis being on finding ways for the employee to improve and for the improvement to be sustained.
- Give the employee a full opportunity to respond and explain any factors that may be affecting their conduct (if any underlying medical issues are suggested, it may be appropriate to refer the employee to Occupational Health for advice).
- Give thorough consideration to all the employee's responses and decide what action is required.

The manager will need to determine if an issue can be resolved informally. This will depend upon factors such as the seriousness of the complaint/allegation and the impact on others, e.g. clients, other employees and the public. The manager should consider whether informal action could quickly and easily be taken to resolve the matter and should make every effort to resolve the matter in this way.

If it becomes apparent that the matter may be serious, the meeting should be adjourned. The employee should be told that the matter will be continued under the formal disciplinary procedure.

Managers should be aware not to take any informal decision which may turn into a formal action as this may unintentionally deny certain rights for the employee (e.g. right to be accompanied).

Notes will be taken of the manager's conversation with the employee and, except in the most minor cases, the outcome of the meeting, including any remedial action, will be recorded on Record of Action Form. (LINK to form).

Notes of discussions on minor conduct issues will normally incorporate:

- A clear statement of what was discussed with regard to the employee's conduct and an explanation of why this is unsatisfactory.
- The required level of improvement discussed and (wherever practicable) agreed with the employee. These should be in measurable terms such as quantity, quality, frequency, timing, etc.
- How the manager will assist the employee (if applicable) to meet the required standards.

Having considered the issue, the manager should confirm in writing to the employee the outcome of the informal stage, as soon as reasonably practicable, using the TEMPLATE form.

A copy of the Record Of Action will be given to the employee and a copy placed along with the employee's My Performance Conversation notes and retained as long as appropriate i.e. 3 months unless the matter is escalated to a formal procedure, then these notes will be referred to in the hearing.

This record is not a formal warning, which will be made clear, and should be phrased in a constructive and helpful manner.

Managers must seek HR advice where appropriate to maintain consistency and fairness with the process.

Managers must ensure that any personal information/record (GDPR 2018) is handled appropriately maintaining confidentiality at all times as advised by HR.

Any case concerning an employee's conduct in respect of a child or vulnerable adult, where the Safeguarding process is applied, and any case of fraud or theft, will be deemed a major issue and dealt with by formal investigation.

In certain cases (e.g. where current and ongoing fraud is suspected) it may be appropriate not to inform the employee at this stage in order to allow necessary observations and collection of evidence to take place.

7. Formal Disciplinary

If the manager determines that the matter cannot be dealt with by informal action, they will with advice from HR, determine whether a meeting should be held and how the investigation should progress.

All disciplinary investigations will be conducted in line with the Councils Investigation procedure.

8. Disability

Where there are indications that the Disciplinary process is impacting on an employee's physical/mental health, or where an employee has an existing health condition, the Council will consider any reasonable adjustments which may be required to support the employee.

Where appropriate the manager, with HR advice, will signpost the individual to the Council's Employee Assistance Programme and consider suggesting that the individual seeks advice from their GP and/or the Council's Occupational Health provider.

9. Disciplinary Hearing

All disciplinary hearings will be conducted in line with the Council's Hearing procedure.

10. Disciplinary Outcomes

The Council's Disciplinary Procedure allows for the following disciplinary hearing outcomes:

No Further Action

Where it is considered there is no case to answer.

Management Action

Where the alleged offence is proven but an informal warning is considered an appropriate outcome due to mitigating circumstances or the nature of the offence, e.g. a relatively minor issue.

First Written Warning –

- Where the employee's conduct has fallen below acceptable standards or,
- Where the offence is sufficiently serious to justify an immediate formal sanction.
- Where the offence occurs within 3 months of the employee receiving an informal warning

The warning will be regarded as live for disciplinary purposes for 12 months.

Final Written Warning -

- Where the employee's conduct continues to be significantly below acceptable standards and previous written warning(s) have not resulted in sufficient improvement, or
- Where the offence is so serious that a final warning is appropriate as a first formal warning
- Where dismissal would normally be appropriate but significant mitigation is accepted by management

The warning will be regarded as live for disciplinary purposes for 24 months.

All warnings will be confirmed in writing and will include:

- A clear statement of the unsatisfactory conduct or behaviour
- The level of the warning

- The length of time it will remain live for disciplinary purposes
- The required level of improvement (in measurable terms)
- The consequences of no improvement in conduct or behaviour
- The right to appeal

Dismissal

Dismissal will occur where there has been gross misconduct **OR** where the employee has a warning in force and is deemed appropriate for any further misconduct or unsatisfactory conduct that has taken place.

- **Dismissal with Contractual Notice** - Unless an employee is dismissed for gross misconduct, they will receive the appropriate period of notice.

If the employee attended the hearing and notice was given verbally the notice period starts the day after the hearing. If the employee did not attend the hearing the notice period starts 2 days after posting the outcome letter.

- **Summary Dismissal** - Actions of gross misconduct will, except in the most exceptional circumstances, justify dismissal without notice.

All dismissal notices will be in writing and will identify the reason(s) for the dismissal, the date on which the employment will terminate and the employee's right of appeal.

11. Formal Management Action

The Disciplinary Panel may decide that the circumstances of a particular case are such that, in addition to a warning, management action is also appropriate, e.g. the Panel may identify a need for the employee to undertake refresher training or work under supervision for a period of time.

Withholding of incremental salary progression

In cases in which it is decided that a formal written warning (or dismissal with notice) is the appropriate sanction any pay increment(s) due to the employee concerned (during the live period of the warning or notice period) will be withheld.

12. Right of Appeal

This is the final stage of this procedure.

If an employee is dissatisfied with the response to their disciplinary at the formal stage they have a right of appeal.

Any appeal should be submitted in line with the Council's Appeals procedure.

13. Disciplinary Procedure for Casual Workers and Agency Workers

Disciplinary process for Casual workers

It is a condition of the contract that the Worker will not engage in any conduct that is or might be detrimental to the interests of the Council. The Worker will ensure that his/her services are carried out with reasonable care and skill to a standard reasonably

required by the Council, and in compliance with the Council's policies, procedures and practices. The key consideration in determining what action should be taken will be determined by the employment status of the Casual worker. HR advice should be sought to determine this.

Disciplinary for agency worker

The Council will refer the issue to the Agency ensuring protocols are followed as per the contract with the Agency. HR advice must be sought in order to ensure fair treatment is provided in dealing with issues.

14. Considerations

Disciplinary – Statutory Officer

The Council seeks to ensure that lawful, fair and effective arrangements exist for dealing with Statutory Officer conduct and disciplinary issues. Where an allegation is made regarding the conduct of the Head of Paid Service, Monitoring Officer or Section 151 Officer, – HR in consultation with the Chair of the Council's HR Panel and with the Monitoring Officer (or Deputy Monitoring Officer where applicable) will decide whether the issue falls within the definition of staff discipline.

Records will be kept by the Monitoring Officer (or Deputy Monitoring Officer where applicable) of any allegations against the Head of Paid Service, Monitoring Officer or Section 151 Officer and any decision reached. The records will reflect whether or not the decision was to invoke the Disciplinary Procedure and if not, whether any other action was recommended. Suspension process will be applicable if required.

The decision to suspend or to proceed to a disciplinary hearing will be on the recommendation of an Independent Person as outlined in the Council's constitution.

The Council's Disciplinary procedure will apply to Statutory Officers. However, regard must be had to a report prepared by the Independent Person and only full Council may dismiss a Statutory Officer.

Grievance raised during Disciplinary Procedure

Where an employee concerned raises a grievance, advice should be sought from HR. The employee must submit the grievance form to their line manager, or manager's manager if their line manager is the subject of the grievance, who will determine the appropriate route for their grievance to be investigated.

The following principles need to be considered:

If the grievance is raised during the course of a disciplinary process and is related to the case/allegations then it should be considered as to whether it forms part of the disciplinary and can be dealt with by the investigating officer and considered at the hearing, or whether the grievance should be investigated separately before concluding the investigation. If the grievance is about another unrelated matter then the grievance procedure may be invoked and run concurrently (this would not impact on any outcome of the disciplinary process as that would be dealt with on its own merit). If the matter does not progress to a disciplinary hearing any outstanding grievance may be considered through the grievance procedure in the usual way.

Capability

In cases where there are capability or performance issues as well as other misconduct issues then the Disciplinary procedure will apply. Where there are only capability or performance issues the Capability Procedure will apply.

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People Framework

Flexible Working Procedure



Version number 1
Date June 2019

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1. Flexible Working

All employees who have been employed with the Council continuously for 26 weeks have the right to request flexible working

Employees are entitled to make a flexible working request once in any 12 month period.

2. Types of Flexible Working

Flexibility in Working Hours

An employee may request to continue to work their contractual hours but, with the agreement of their manager, vary their start and finish times. In considering requests for flexibility in working hours managers must ensure that adequate office cover is available to meet service requirements.

Part of the working day is designated as “Core Time” where all employees must be present (unless on authorised absence).

Core Time	=	Monday to Friday	10.00am	-	12.00pm
			2.00pm	-	4.00pm

Either side of the core periods are periods of “flexible hours” during which the employee can request flexibility in their working hours to be agreed with their manager:

Flexible Time	=	Monday to Friday	08.00am	-	10.00am
			12.00pm	-	2.00pm
			4.00pm	-	6.00pm

All local arrangements agreed in relation to flexible working hours should be documented with a copy of the agreement held on the employee’s personal HR file. (Flexibility in Working Hours form)

Part Time Working

An employee may request a reduction in their contractual hours. Where a reduction in contractual hours is agreed, the employee’s salary and annual leave entitlement will be adjusted accordingly.

Term Time Working

Term-time working is a form of part-time work where the employee works only during school terms and takes unpaid leave during the school holidays.

Compressed Hours

Compressed hours arrangements allow employees to work their contractual hours of work over a shorter period of time than is standard in the organisation.

For example, an employee may work their 36 hours per week over four days instead of the usual five days, or work a nine-day fortnight. In this way, the employee obtains an extra day off work each week or fortnight.

Annualised Hours

Annualised hours is an arrangement whereby working hours reflect seasonal or other peaks and troughs in service. Employees are contracted to work a set number of hours during the year, but weekly hours are varied depending service requirements.

Working from Home

An employee may seek to work from home as part of a flexible working arrangement. Please see the Council's Working from Home procedure.

3. Submitting a Flexible Working Request

Employees must submit flexible working requests to their manager in writing using the Flexible Working Request form. (Link to form).].

Any request made under this procedure must include:

- the date of the application;
- the changes that the employee is seeking to their terms and conditions;
- the date on which the employee would like the terms and conditions to come into effect;
- what effect the employee thinks the requested change would have on the organisation;
- how, in their opinion, any such effect might be dealt with;
- a statement that this is a statutory request;
- whether or not the employee has made a previous application for flexible working; and
- if the employee has made a previous request, when the employee made that application.

Where the flexible working request is being made by a disabled employee as part of a request for a reasonable adjustment to their working arrangements, the employee should state this in their written application.

Where a flexible working request does not contain the required information, managers will explain to the employee what additional or amended information they need to provide and give the employee the opportunity to resubmit the request.

Eligible employees are entitled to submit one flexible working request in any twelve month period. Employees are entitled to submit additional flexible working requests if they relate to a statutory entitlement, e.g. the Equality Act 2010 right to request reasonable adjustments.

The manager will acknowledge the request using the Letter of Acknowledgment (LINK).

4. Meetings relating to Flexible Working

On receipt of a flexible working request the manager may arrange a meeting to discuss the proposed working arrangements with the employee. Where a request can be approved without further discussion, a meeting will not be necessary.

Where a meeting is arranged it must be held within 14 days of the manager receiving the flexible working request. This time limit may be extended with the agreement of both the employee and their manager.

The manager will give the employee 7 calendar days' written notice of the meeting. At the meeting the employee may be accompanied by a member of the Staff Consultative Group, trade union representative or work colleague.

Where an employee fails to attend a meeting and a rearranged meeting without good reason, their application will be deemed to have been withdrawn.

5. Considering a Flexible Working Request

In considering whether a flexible working arrangement can be accommodated the manager will take into account a number of criteria including (but not limited to) the following:

- The requirements of the service
- The impact of the proposed arrangement on other employees
- Whether the request is for a reasonable adjustment related to a disability
- Health and safety issues

Requests will be considered on a case-by-case basis.

Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

6. Trialing New Working Arrangements

Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the Council, a trial period may be agreed.

Where a trial period is arranged the manager must allow sufficient time for the new working practices to be implemented before taking any decisions on whether the arrangements should be made permanent.

The Council reserves the right to require the employee to revert to their previous working arrangements at the end of the agreed trial period.

7. Responding to a Flexible Working Request

The manager will inform the employee of their decision within 28 days of receiving the flexible working request. This time limit may be extended with the agreement of both the employee and the manager.

The request may be granted in full, in part or refused. The Council may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period.

Flexible working requests that are granted

Where a flexible working request is agreed, the employee and the manager will discuss how and when the changes will take effect.

Reasons for turning down a flexible working request

The manager will give reasons for the rejection of any request. Those reasons must be for one or more prescribed business reasons, which are:

- the burden of additional costs;
- an inability to reorganise work among existing staff;
- an inability to recruit additional staff;
- a detrimental impact on quality;
- a detrimental impact on performance;
- a detrimental effect on ability to meet customer demand;
- insufficient work for the periods the employee proposes to work; and
- a planned structural change to the business.

The manager must not reject a flexible working request for a reason other than those detailed above. The manager must notify the employee of their decision within 14 days of the meeting to discuss the request.

8. Right of Appeal

Employees have the right of appeal if their flexible working request is refused or is only agreed in part. Appeals will be held in line with the Council's Appeal procedure.

9. Varying an Employees Contract

Where flexible working practices are agreed as either a temporary or permanent change, these will be confirmed to the employee in writing by the HR team within 28 days of the change to the employee's working pattern being agreed.

Any change to contractual terms which is agreed in response to a flexible working request is a permanent one and the employee has no automatic right to change back to their previous pattern of work.

10. Reasonable Adjustments

The Council has a duty to make reasonable adjustments for a disabled employee in line with the Equality Act 2010.

11. Data Protection

When managing an employee's flexible working request, the organisation processes personal data collected in accordance with its data protection policy. Data collected

from the point at which the organisation receives a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.



People Framework

Grievance Procedure



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Tracking

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1. Informal Stage

The Council believes that all employees should be treated fairly and with respect. Where an employee has a complaint or issue arising from their employment, they should, wherever possible, raise the matter with their manager using the Grievance Form. Grievances will not be considered if they are raised more than 3 months after the incident. Any decision that an issue will not be considered on the grounds that it is out of time will be made by the manager, after receiving advice from HR.

If the grievance relates to the employee's manager, the employee should raise their concerns with the next line of management or with HR. Where this happens, HR will seek the employee's consent to make the employee's manager aware of the complaint. It is the responsibility of the manager who has received the complaint to notify the subject of the complaint and to keep them informed throughout the process.

The manager with whom the grievance has been raised will meet with the employee as soon as possible to discuss the matter. The manager will listen to the employee's concerns and try to establish the facts surrounding the issue. Any meeting(s) at this stage will involve the employee and manager only. The Grievance Form will form the basis of the informal meeting and any necessary investigations and should include:

- A clear, detailed explanation of the issue
- Factual evidence to support the complaint
- An indication of the outcome/resolution that is sought (e.g. an apology, a change within a process, the opportunity to access a specific development opportunity, etc.)

In addition to meeting informally with the employee, it may be necessary for the manager considering the grievance to gather further evidence so that they can better understand the issue. Where this is the case, the Council's Investigation Procedure will apply.

The manager will ensure that the details of the informal meeting are recorded on the Grievance Form, including:

- The date the issue was raised
- The date of the meeting
- The nature of the grievance
- A summary of the discussion
- Reference to other processes, e.g. Investigation, Mediation
- Any advice given
- The outcome and reasons for this decision

Managers must seek HR advice where appropriate to ensure consistency and fairness with the informal process.

The manager will confirm the outcome of the informal stage to the employee within 7 calendar days of the meeting and provide them with a copy of the completed Grievance Form.

2. Formal Stage

If the employee feels that the matter has not been resolved satisfactorily through informal discussions, they may progress the matter to the formal stage by completing the Grievance Form and submitting it to the next line of management. The form must be submitted within 7 calendar days of the employee receiving the outcome of the informal stage. (Link to Grievance Form)

Where a formal stage Grievance Form or other written notification is not received within 7 calendar days of the employee receiving the completed informal grievance form, it will be taken that the grievance has been settled, unless the delay has been expressly agreed with the manager who dealt with the complaint at the informal stage. In some circumstances, it may be appropriate for a grievance to be handled formally without the requirement for discussions at the informal stage. This will be decided on a case-by-case basis by the manager who has received the complaint in consultation with HR.

It is the responsibility of the manager who has received the complaint to notify the subject of the complaint and to keep them informed throughout the process. Within 7 calendar days of receiving the formal grievance the employee will be invited to a Hearing to discuss the issue and seek a resolution. The Hearing will be conducted in line with the Council's Hearing Procedure. Where necessary, the Chair may decide to adjourn the Hearing to gather further evidence to ensure their full understanding of the issue. Where this is the case, the Council's Investigation Procedure will apply.

Where the grievance is wholly or partly raised against another employee, the individual will be made aware of the complaint and given the opportunity to respond. Where appropriate the Investigating Officer will provide a copy of the complaint and invite the subject of the grievance to attend an investigatory meeting with the right to be accompanied. Managers are responsible for ensuring that both the employee who has raised the grievance and the subject(s) of the grievance are kept informed of progress at each stage.

If at any point in the investigation or Hearing the Chair decides that the grievance is unfounded, vexatious or trivial, they may decide to dismiss the grievance without further investigation of the facts. In these circumstances the Chair will seek advice from HR and the matter may be referred to the Council's Disciplinary Procedure.

On completion of the investigation, the Chair will invite the employee who has raised the grievance to attend a Hearing in line with the Council's Hearings Procedure.

3. Dignity at Work

Any employee who considers that they have been subjected to bullying, harassment or victimisation should seek to address the matter informally in line with the Council's Dignity at Work Procedure.

Where a formal complaint is submitted of harassment, bullying or victimisation, actions will be taken in line with the formal stage of this procedure.

4. Types of Grievance

Collective Grievances

Collective grievances may be raised in the event of an industrial dispute between the Council and a group of its employees or where there is disagreement between different groups of the Council's employees.

A collective grievance must be submitted in writing directly with the Head of HR & OD using the Grievance Form. The Head of HR & OD will convene a meeting with the appropriate parties to discuss the complaint.

If multiple employees raise the same/similar concerns regarding an individual employee, these will be dealt with as a collective grievance.

If a number of employees raise separate/unrelated grievances against the same individual, these will be dealt with as individual grievances.

Where agreement is reached, written outcomes will be provided to all parties by the Head of HR & OD. The Head of HR & OD will engage the relevant Head(s) of Service in this process as appropriate.

Where there is failure to agree, Head of HR & OD will make the final decision and this will be confirmed in writing to all parties. In reaching this decision the Head of HR & OD will consider the following:

- Mediation
- Involvement of the Chair of the Staff Consultative Group
- Conciliation by ACAS

The Head of HR & OD will determine and make arrangements in this respect.

Post-employment Grievances

Post-employment grievances may be raised by former employees up to three months after the occurrence of an incident which gave rise to the complaint.

Post-employment grievances will be considered through written communication. In some circumstances it may not be appropriate for the Council to deal with a post-employment grievance. Where this is the case, the Council will inform the former employee of this decision in writing.

Grievance – Chief Executive

Where the grievance is against the CEO or from the CEO, the grievance will be heard by the Chairman of the HR Panel. The grievance should be submitted to the Chairman of the HR Panel and the Chairman will set up the

grievance Hearing within 7 calendar days. (Link to EEBC Constitution, Part 4, Section 7)

Grievance – Councillors (Lifted from Council’s Constitution Part 5, Section 3, Number 6)

Where a Member considers that he or she has not been treated with proper respect or courtesy by an Officer, or is otherwise concerned with the performance of an Officer, the Member should first discuss the complaint with the relevant Group Chairman or Leader. If the Member wishes to pursue the matter as a formal or informal complaint, they should complete and submit a complaint form to the Chief Executive (which will be available from the Chief Executive). The complaint will remain confidential and cannot be discussed with, by, or with the relevant Group Chairman or Leader. As the Head of Paid Service, (the Chief Executive) has responsibility for staff and will take such action as is appropriate.

If an Officer considers that he or she has not been treated with proper respect or courtesy by a Member, he or she should raise the matter with the Monitoring Officer in the knowledge that the matter will be handled with sensitivity and in confidence. In such circumstances, the Monitoring Officer will take such action as is appropriate. This protocol does not affect the rights of Officers and Members to raise the matters via the Council’s usual procedures in cases where such processes apply.

5. Considerations when investigating a Grievance

Mediation

Consideration may be given to whether independent mediation would assist either before or after the Hearing. It is the responsibility of the Chair to ensure that this has been considered. (Please refer to the Council’s Mediation Procedure).

Suspension

There may be instances where it is necessary to suspend an employee whilst investigations are carried out. It is important to note that suspension is a precautionary measure, does not constitute formal action and does not itself imply any presumption of guilt on the part of the employee. Where harassment, bullying or victimisation is alleged, it will be the employee who is the subject of the complaint who is suspended or temporarily transferred to a different work location or asked to work from home where such actions are considered necessary. All suspensions will be conducted in line with the Councils Suspension Procedure.

6. Grievance and other procedures

Where an employee raises other concerns, e.g. whistleblowing, during the grievance procedure, these concerns will be considered separately in line with the relevant procedure unless the issues are specifically linked to the complaint itself.

Where a grievance is submitted during the disciplinary process, the Chair of the Disciplinary hearing will determine whether to suspend the disciplinary

procedure in order to investigate the complaint or whether the two issues should be dealt with concurrently.

Where a grievance connected to the unacceptable behaviour of another employee is upheld, the Council's Disciplinary Procedure will apply.

7. Disability

Where there are indications that the Grievance process is impacting on an employee's physical/mental health, or where an employee has an existing health condition, the Council will consider any reasonable adjustments which may be required to support the employee. Where appropriate the manager, with HR advice, will signpost the individual to the Council's Employee Assistance Programme and consider suggesting that the individual seeks advice from their GP and/or the Council's Occupational Health provider.

8. Sickness absence during the Grievance procedure

Where a grievance is raised and either party subsequently takes leave of absence on grounds of sickness, the Council will continue with the proceedings as far as possible in their absence. Consideration will be given to the individual's wellbeing and whether resolution of the grievance may assist their recovery. OH advice will be sought. In the event of long-term sickness, how to proceed with a grievance will be determined on a case by case basis. The Chair must seek advice from HR.

9. Documentation and Disclosure

The investigation report and any other documents (e.g. witness statements) will be made available to the employee who has raised the grievance and the subject of the grievance as appropriate by the Chair.

HR advice must be sought when considering the disclosure of any witness statement/s where witness wishes to remain anonymous. In certain circumstances some information may be withheld. The Chair, in consultation with HR, will decide whether it is reasonable in the circumstances to disclose a witness statement or other documents.

10. Confidentiality and Data Protection

At each stage of the grievance procedure, all parties must respect confidentiality and should not discuss any aspect of the grievance with other parties who are not involved in the process.

The Council processes personal data collected in respect of informal complaints and during the formal grievance procedure in accordance with its Data Protection Policy. Data collected in relation to informal complaints and during the formal grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with in line with the Council's Disciplinary Procedure.

11. Appeal

Where an employee is dissatisfied with the response to their grievance at the formal stage, they have the right of appeal. Appeals should be submitted in line with the Council's Appeals procedure.

12. Redeployment

Where there is evidence of an irretrievable breakdown in relationships, it may be appropriate to consider the redeployment of one of the individuals within the Council. It should be noted that redeployment is only an option where suitable alternative employment is available.

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People Framework

Hearings Procedure



Version number 1
Date June 2019

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1. **Formal Hearing**

Where a formal Hearing is considered appropriate, arrangements for the Hearing will be made as soon as is reasonably practicable.

The Chair of the Hearing will be a manager with no prior involvement in the case and normally from the service area concerned, who will hear all the evidence and decide the outcome. It may be considered appropriate to select a second Panel member from another service area.

Where a possible outcome of the formal Hearing is dismissal, the Hearing will be chaired by a Senior Officer with delegated authority to dismiss.

An HR Advisor, also with no prior involvement in the case, will attend the Hearing in an advisory capacity to support the Chair.

Also in attendance will be the employee, their representative and, where applicable, the Investigating Officer or manager. Both management and the employee may submit documentation and call and question witnesses.

The HR Advisor will confirm the Hearing arrangements in writing to all parties giving at least 7 calendar days' notice.

Any documentation that either management or the employee wishes to be considered at the Hearing must be made available to the HR Advisor no later than 3 working days prior to the hearing to enable (where practicable) distribution of full documentation packs to the relevant parties prior to the hearing.

If there is a late submission of evidence it will be for the Chair decide whether or not this will be accepted.

Where applicable, as part of the Hearing pack the employee will be provided with a copy of the investigation/management report.

In certain circumstances (for example to protect a witness) some information may be withheld or anonymised.

In order to ensure an accurate record of the formal process, the Council will record all formal Hearings using an electronic voice recorder. A copy of the recording will be made available to the employee on request.

2. **Right to be accompanied**

Employees have a statutory right to be accompanied by a member of the Staff Consultative Group, trade union representative or a work colleague in a formal Hearing.

The representative does not have the right to answer questions on the employee's behalf, address the Hearing if the employee does not wish it or prevent the employer from explaining their case.

3. Attendance at Hearing

The employee will be notified of the Hearing date in writing. Where an employee or their representative is unable to attend the hearing, they should inform the Chair in advance, giving a valid reason. The Chair will arrange an alternative Hearing date, which will be no later than 7 calendar days from the original Hearing date.

Where an employee is absent due to sickness prior to the Hearing, the Chair will establish the reason for the absence and will seek HR advice to determine whether postponement of the Hearing is appropriate.

The employee may be referred to the Council's Occupational Health service, who will assess their fitness to attend and provide advice on any reasonable support or adjustments which are required to ensure that the employee is able to fully participate in the Hearing.

Where an employee fails to attend a Hearing due to unforeseen circumstances on the date proposed, the Chair will consider whether to proceed with the Hearing in the absence of the employee or to arrange an alternative date, which will be no later than 7 calendar days from the original Hearing date.

Where appropriate, the 7 calendar day limit may be extended by mutual consent.

4. Written Submission

In cases where it is necessary to proceed with a Hearing in the absence of the employee and it is known this will be necessary in advance of the Hearing, the employee will be offered the opportunity to make additional written submissions to the Hearing..

Where non-attendance is not known in advance and postponement is not considered appropriate, the Hearing will proceed with consideration of any written submission from the employee already received and, where requested and available, appropriate contributions from their representative.

Similar consideration will be given to the need to proceed with investigatory processes in the employee's absence.

5. Managing Sensitivities

Where a case involves particularly sensitive circumstances or the perceived possibility of intimidation of one of the parties, either party may request that their evidence is heard separately during a disciplinary Hearing.

The Chair conducting the Hearing will consider the circumstances and, where a decision is taken to hear the evidence of each of the parties separately, the Chair will be responsible for ensuring that both sides are fully apprised of the other's responses.

Where the above situation arises, the Chair will ensure that separate rooms are available so that the employee, manager or witnesses can wait during periods where they are not required at the Hearing.

6. Witnesses

If the employee wishes to invite any witnesses to the Hearing they must inform the Chair beforehand.

The employee is responsible for inviting any witnesses they wish to attend.

A Council employee is not obliged to attend a Hearing as a witness. Where an employee wishes to call other Council employees as witnesses, the individuals concerned may decide whether or not they wish to attend the Hearing in this capacity.

7. Conducting a Hearing

The Chair arranges for the parties to enter and take their designated seats.

The Chair reminds parties that the Hearing will be recorded using an electronic voice recorder. The Chair will then commence the recording of the Hearing.

The Chair conducts introductions, explains the protocol for the Hearing.

The Chair responds to any initial procedural questions and deals with any preliminary issues, e.g. establishing whether there are any witnesses to call (and the arrangements for these), deciding upon the usage of any documentation submitted late by either party and/or deciding on whether to proceed with the hearing in the event the employee is not in attendance (see Note ii), below).

If the employee is unaccompanied, the Chair checks that they are happy to proceed without representation and makes a note to that effect.

If the employee is not in attendance, the Chair checks that the circumstances are in order for the hearing to proceed in the employee's absence, i.e. that the employee has been notified that the hearing will proceed in their absence and/or the employee has confirmed non-attendance.

The Hearing will follow the format detailed below:

- Where appropriate the Investigating Officer/management representative presents the investigation report, including all relevant documentation and/or statistics (the investigation report may suffice in some cases)
- Employee/representative puts questions to the Investigating Officer/management representative
- Chair (including the HR Adviser) put questions to the Investigator. The Investigating Officer/management representative remains in attendance for the remainder of the hearing.
- Management representative calls in and questions any witnesses
- Employee/representative questions the management witnesses
- Chair/HR Adviser question the management witnesses if they wish
- Management witness withdraws after their questioning has been completed
- Employee/representative presents the employee's responses
- Management representative puts questions to the employee/representative
- Chair/HR Adviser puts questions to the employee/representative if they wish
- Employee/representative calls in and questions any witnesses
- Management representative questions the employee witnesses

- Chair/HR Adviser question the employee witnesses if they wish
- Each employee witness withdraws after their questioning has been completed
- Management representative summarises the management position
- Employee/representative summarises the employee's position
- All parties withdraw

Where necessary, the Chair may decide to adjourn the Hearing to gather further evidence to better understand the issue. Where this is the case, the Council's Investigation Procedure will apply.

8. The Decision

The Chair and the HR Adviser will review and discuss all related evidence and any relevant Council policies, procedures and practices. The Chair will make the final decision on the outcome. The HR Adviser acts in an advisory capacity only.

Before making the final decision the Chair should ask themselves:

1. Has there been as much investigation as is reasonable in the circumstances?
2. Have the requirements of the relevant procedure been properly complied with up to this point?
3. Has sufficient regard been paid to any explanation put forward by or on behalf of the employee?
4. Is there a genuine belief based on the facts outlined in the investigation, that the complaint/allegations should be upheld?
5. Are there reasonable grounds on which to sustain that belief on the balance of probabilities?
6. Is the evidence sufficient to justify the action being contemplated?
7. Has regard been given to any mitigating circumstances?
8. Is the decision within the band of reasonable responses of a reasonable employer in the circumstances?

The effect of answering yes to questions 1 to 5 is to reach the finding that the complaint/allegation should be upheld. Questions 6 to 8 help to determine whether the proposed outcome is reasonable.

9. Considerations before Deciding a Hearing Outcome

It is good practice to look at each case on its own merits taking into consideration of any mitigating circumstances (e.g. health, domestic issues, provocation etc).

Consideration should be given to the following areas before a deciding an outcome:

- The outcome of the Hearing in similar cases in the past
- Whether standards of other employees are acceptable, i.e. that the employee is not being unfairly singled out
- The employee's employment record (including current warnings), general work record, work experience, position and length of service
- Any mitigating circumstances which might influence the outcome of the Hearing
- Whether the proposed outcome of the Hearing is reasonable in view of all the circumstances
- Effectiveness of any training, additional support or adjustments
- Any OH advice received
- Whether Ill Health Retirement is appropriate

If the Chair wishes to put further questions to either party, both parties will be recalled; even if the question is to be directed at one party only. At no time should the Chair be alone with either the employee and their representative, or with the management representative.

10. Concluding the Hearing

The Chair will make a written summary of the decision, reasons for the decision and, where applicable, any related action plan on the Hearing Decision Record Sheet. The Hearing will be reconvened and all parties (excluding the Investigator) will be recalled. In some cases, for example where proceedings finish late in the day, it may be considered appropriate that parties are asked to reconvene at a later date (e.g. the following day) for the decision to be confirmed. The Chair will determine this.

The Chair will confirm the outcome of the Hearing, summarising the nature of the issue, the findings of the investigation (where applicable), the decision and the reasons for the decision, and any recommendations considered appropriate.

The outcome of the Hearing will be confirmed to the employee in writing within 10 calendar days of the Hearing.

The Chair will bring the Hearing to a close, without further discussion or debate.



People Framework

Induction & Settling In Procedure



Version number 1
Date June 2019

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Tracking

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1. Induction

The Council's Induction programme forms an integral part of the Induction & Settling-In Procedure and commitment from both managers and new employees is critical to its effectiveness. Managers must use the 'Prior to Arrival' (PTA) Form to ensure that all operational formalities have been completed prior to the new employee's start date.

Managers will use the Council's Induction programme to help familiarise new employees with the Corporate Plan, Service Delivery Plan and Behaviour Framework and to help new employees understand how their role relates to the rest of the organisation.

The Council's Induction programme includes the following:

Day One Meet and Greet: A process through which a new employee meets with the HR team to ensure the completion of all necessary documentation relating to their employment.

Local Induction: A process through which a new employee receives information and training specific to the area in which they will work. This will include corporate procedures (such as fire and health and safety arrangements), procedures relevant to their service area/profession and introductions to colleagues. Managers will use the Induction Checklist (FORM) to follow this process.

ICT Induction: A process through which a new employee meets with ICT to receive information on the Councils network, telephone and systems.

Corporate Induction: A process through which a new employee receives information on corporate aspects of the Council and how their role relates to the wider organisation.

Managers' Induction: A process through which a new manager receives information and guidance on management processes within the Council.

Completion of the Council's Induction Programme is mandatory for all new employees and managers must ensure that all training sessions/briefings and e-learning modules which must be completed by all new employees are prioritised. During the new employee's first two months of employment the manager will follow the Induction Checklist to help the employee to settle into their role.

Where a new employee is unable to attend meetings or training, this must be discussed with the employee, the reasons recorded and the meetings/training rescheduled as appropriate. Managers must monitor and review progress through the stages of the Induction Checklist, which must be signed by both the manager

and the new employee to confirm that each stage has been completed. Once fully completed, the Induction Checklist must be completed and forwarded to HR, together with the two month Settling In review form, for retention on the employee's file.

2. Terms of employment during the Settling In period

The Council's Settling In period will be a period of six months from the employees start date. The Settling In period will apply to all new employees, including those who have continuous service with other organisations.

HR will issue the new employee their Written Statement of Terms and Conditions of Employment within two months of their start date. During the Settling In period, new employees will be subject to all the terms and conditions of their contract of employment with the exception of the following:

- During the Settling In period, the Council's full Disciplinary and Capability Procedures will not form part of the employee's contract of employment, although this does not prejudice the Council's right to summarily dismiss if it considers that there is evidence of gross misconduct.
- The amount of notice that the employee must give to the Council if they wish to resign (the employee may terminate their contract of employment giving one week's notice).
- The amount of notice the Council must give to the employee if a decision to dismiss is taken (the Council may terminate the contract of employment giving one week's notice).

3. Managers' responsibilities

Managers are responsible for monitoring a new employee's performance and progress during the Settling In period. Managers must ensure that new employees are properly informed at the start of their employment about what is expected of them during the Settling In period and that their roles and responsibilities are clearly defined.

4. Disability & reasonable adjustments

The Council will make every effort to make reasonable adjustments to support employees who have a disability as defined by the Equality Act 2010. Where a new employee has a disability, this should be disclosed during the recruitment process so that the Council is able to support them appropriately. (Please refer to the Council's Recruitment & Selection Policy).

HR will ensure that information relating to disability is shared confidentially with the manager along with any Occupational Health advice or guidance so that the manager understands how best to support the new employee to settle in.

Where there is concern that health or disability is a possible cause of unsatisfactory performance during the Settling-In period, managers must seek HR advice. The employee may be referred to the Council's Occupational Health provider, who will provide advice on any reasonable support or adjustments which are required to ensure that the employee is able to undertake their duties.

5. Reviews during the Settling In period

During the Settling In period, managers must review and assess the employee's performance, capability and suitability for the role regularly via My Performance Conversations in line with the Council's Performance Management Procedure.

Regular feedback will be provided to the employee about their performance and progress and, should there be any areas of concern, the manager will raise these with the employee as soon as possible with a view to resolving them. The manager is also responsible for providing guidance and support and for identifying and arranging any necessary training or coaching.

Formal Settling In reviews should take place after 2 months, 4 months and before the end of the Settling In period. A clear written record should be made of each review meeting using the Settling In review form (FORM). A copy of the written record of the review meeting will be shared with the employee and the original forwarded to the HR team to be held on the employee's file.

HR must attend any formal Settling In review meetings where the outcome may be the extension of the Settling In period or termination of the contract.

6. End of Settling In period

At the end of the Settling In period, the manager will meet with the employee to discuss their performance and progress throughout the Settling In period and to review their performance and suitability for the role.

If the employee's performance is satisfactory, manager will notify HR, who will issue a letter of confirmation of appointment to the employee.

If the employee's performance has not met the standards required by the organisation, the manager should discuss the matter with HR before any decision is made to extend the Settling In period or to terminate the employee's employment.

The final Settling In review must be conducted before the date on which the employee's Settling In period comes to an end.

Where issues relating to an employee's performance are not addressed before the expiry of the Settling In period, or if the employee is an existing employee who has been transferred or promoted into a different role, the Council's Capability Procedure must be followed in full.

7. Extending the Settling In period

The Council reserves the right to extend an employee's Settling In period at its discretion. This will be limited to one extension and the total Settling In period will be no longer than 12 months.

An extension may be implemented:

- Where the employee's performance during the Settling In period has not been entirely satisfactory but it is thought likely that an extension to the Settling In period may lead to improvement
- Where the employee or manager has been absent from the workplace for an extended period during the Settling In period

Before extending an employee's Settling In period, the manager must consult with HR. If an extension to the Settling In period is agreed, HR will confirm the terms of the extension in writing to the employee, including:

- The length of the extension and the date on which the extended Settling In period will end
- The reason for the extension and, where the reason is unsatisfactory performance, details of how and why performance has fallen short of the required standards
- The performance standards or objectives that the employee is required to achieve by the end of the extended Settling In period
- Any support, for example further training, that will be provided during the extended Settling In period
- A statement that, if the employee does not meet fully the required standards by the end of the extended Settling In period, their employment will be terminated.

Employees have the right to be accompanied by a member of the Staff Consultative Group, a Trade Union representative or a work colleague at a formal review meeting where dismissal may be the outcome.

8. Termination of Employment

It is the Council's policy that, wherever possible, the employee should be allowed to complete the Settling In period rather than terminating employment before it has come to an end. This will allow the employee the full opportunity to meet the required standards.

However, where an employee's performance during the Settling In period remains unsatisfactory and it is thought unlikely that further training or support will lead to a satisfactory level of improvement, the employment may be terminated before the end of the Settling In period.

Where a decision is taken to terminate the employee's employment, a meeting will be held with the employee. HR will confirm the decision and the reason for it to the employee in writing.

Employees have the right of appeal against dismissal in line with the Council's Appeals Procedure. In the event that the Council decides to dismiss the employee

due to the unsatisfactory completion of the Settling In period, employment will come to an end immediately and the employee will receive pay in lieu of the one week's notice together with payment for any outstanding annual leave.

9. Irregularities discovered during the Settling-In period

If, during an employee's Settling-In period, it is either suspected or established that the employee does not have the qualifications, experience or knowledge they claimed to have at the time of recruitment, the matter will be discussed with the employee to establish the facts. If the evidence suggests that the new employee misrepresented their abilities in any way, the Council reserves the right to terminate the employment giving one week's pay in lieu of notice.

10. Eligibility for Annual Progression

In line with the Council's Performance Management scheme, all new employees who commence their employment between 1 April and 1 October inclusive will be required to have successfully completed the Settling-In period and to have continued to perform consistently at the standard expected of them to be eligible for year-end pay progression.

Employees who commence their employment after 1 October of any year (i.e. between 2 October and 31 March), will not be eligible for year-end pay progression until the following year.

11. Data Protection

The organisation processes any personal data collected during the Settling In period in accordance with its Data Protection policy. All data collected is held securely, accessed by, and disclosed to individuals only for the purposes of operating the Settling In period.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's Data Protection Policy. Where appropriate, action may be taken in line with the Council's Disciplinary Procedure.



People Framework

Investigation Procedure



Version number 1
Date June 2019

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1. Introduction

The purpose of an investigation is to determine all the facts associated with a complaint or allegation and establish whether it is necessary to invoke formal action. The investigation may be led by a manager or an external investigator.

The Investigating Officer will follow reasonable lines of enquiry. Each investigation will be different and the approach taken will be dependent upon the nature of the complaint or allegations. The process outlined in this procedure is designed to be a guide and is not prescriptive.

2. Roles and Responsibilities

Investigations will involve the following:

- **Investigating Officer**

The Investigating Officer is responsible for conducting a fair and reasonable investigation into the complaint or allegations and ensuring that individuals are provided with a fair and reasonable opportunity to respond to the issues being investigated.

The Investigating Officer is responsible for documenting the findings of the investigation and conclusions in a report and, where necessary, presenting the report at any subsequent formal hearings which may be required.

- **HR Advisor**

The HR Advisor is responsible for providing advice and guidance to the Investigating Officer on the application of the relevant employment policies.

- **Employees**

Employees involved within the scope of an investigation may have raised a complaint, be the subject of a complaint, be investigated in relation to alleged misconduct or be called upon as a witness.

Employees are expected to participate in the investigation and provide responses to the questions asked by the Investigating Officer.

3. Managing the Investigation

It is the Chair's responsibility to communicate with the employee who has raised the complaint / is alleged to have committed misconduct regarding the progress of the investigation.

It is the responsibility of the manager to liaise with the Chair and update the employee who is subject of the grievance regarding the progress of the investigation keeping them up to date.

4. Personal Data

Investigating Officers will be provided with access at all reasonable times to premises, personnel, documents and assets that are considered necessary for the purposes of the work associated with the investigation.

Access to data will be in line with the Councils Employee Privacy Notice. (Link to Notice)

Investigating Officers will only access information when it is justifiable and proportionate to do so.

5. Investigation Log

Investigating Officers must maintain an Investigation Log. The Investigation Log should record all enquiries, correspondence, meetings, decisions, etc. and must be stored in the case file at the end of the investigation.

Investigating Officers should also use the Investigation Log to record problems / barriers regarding progress and must note the efforts they have made to resolve them. This will inform any later queries regarding the conduct of the investigation including delays, failure to secure evidence, rationale for interviewing witnesses, etc.

Investigating Officers should also log instances where witnesses have sought to make significant changes before signing their statement.

The log will provide a record of any significant decisions made on the investigation such as reasons why a particular line of enquiry was or was not pursued or delayed.

Investigating Officers must be aware that the Investigation Log will be held on the employee's personal file and may be subject to disclosure.

6. Investigation Procedures and Absence

Where an employee is unable to attend an investigation meeting, they should inform the Investigating Officer in advance, giving a valid reason. The Investigating Officer will arrange an alternative meeting date, which will be no later than 7 calendar days from the original meeting date. Where appropriate, the 7 calendar day limit may be extended by mutual consent.

If an employee who is subject to an investigation is absent from work due to sickness, Occupational Health advice may be sought to determine their fitness to participate in the investigation process. The investigation will not be put on hold indefinitely pending the employee's return to work. Consideration will be given to what reasonable support and adjustments may be provided to ensure that the employee is able to fully participate in the investigation, including alternative methods of gathering information, such as by telephone or written submission if appropriate.

7. Investigation File

The case file should be organised to enable review and future reference and may include:

- Investigation report
- Witness statements (signed by the witnesses)
- Any documentary evidence which supports the investigation (e.g. emails)
- Policies and Procedures
- Copies of all letters to employee(s) concerned

The Investigating Officer should keep all information relating to the investigation secure. The investigation file should be handed over to the Chair at the conclusion of the investigation.

Once the case has been concluded, including any appeal, the case file should be returned to HR.

8. Scope of Investigation

The Investigating Officer will need to meet the complainant(s), employees who have directly witnessed incidents and employees who are believed to have experienced behaviours similar to those alleged by the complainant(s).

During the investigation meeting employees will be given the opportunity to identify any further potential witnesses in support of their explanations and the Investigating Officer will consider the need for further meetings. The Investigating Officer will not generally meet with employees for the purposes of a character reference, unless there is good reason to do so.

If an employee indicates that a witness can provide relevant evidence (e.g. that may exonerate them or reduce the seriousness of an allegation), this witness should be interviewed. Decisions not to interview nominated witnesses must be recorded in the Investigation Log, along with the rationale for the decision.

If the investigation involves consideration of an allegation of a criminal matter such as theft or fraud, then the investigation meeting is best conducted by a lawyer under P.A.C.E. procedures.

9. Witness Meetings

The Investigating Officer will contact witnesses to arrange a meeting at a mutually convenient time and at the earliest opportunity. The meeting arrangements will be confirmed in writing (unless otherwise agreed). Template Letter 3 Investigatory Meeting Notification

The Council considers it a reasonable request to ask a witness to attend an investigation meeting and witnesses are expected to cooperate. On occasion, this may involve changes to rotas and/or require meetings to take place outside an employee's normal working hours.

When arranging the investigation meeting, the Investigating Officer will consider whether the venue is suitable and clarify whether the employees and/or their representative require any reasonable support and/or adjustments to enable them to fully participate in the meeting.

Meetings will be held at a neutral location if necessary and/or requested by the employee.

Witnesses will only be called to give evidence and to be questioned where relevant. . Witnesses must keep the details of the investigation meeting confidential and should not share information relating to the investigation with others.

10. Right to be accompanied at Investigation Meetings

The subject of the investigation has the right to be accompanied at Investigation Meetings by a member of the Staff Consultative Group, Trade Union Representative or work colleague.

There is generally no requirement for witnesses to be accompanied to their meeting but they may bring along a member of the Staff Consultative Group, Trade Union Representative or work colleague if they wish.

All persons accompanying the subject of the meeting will be bound by the same confidentiality requirements.

11. Additional Allegations

Where additional concerns regarding the conduct of employees are raised during an investigation, the Investigating Officer will inform the Chair who, with advice from HR, will consider whether these should be added to the scope of the investigation.

12. No Case or New Information

Where the Investigating Officer is able to quickly establish that there is no evidence to support the allegation(s) and/or considers that the findings of the investigation do not justify an employee's continued suspension, this must be reported immediately to the Chair.

13. Outcome of Investigatory Meeting – Investigatory Report

The Investigating Officer will prepare a written Investigation Report at the end of the investigation. Investigation Report Template.

There is no set format for the findings section of the report as this will be dependent upon the nature of the allegations. The report should clearly indicate whether there is a recommendation for formal action, however, there must be no recommendations regarding a potential sanction as this will be determined by the Chair following the Hearing.

Once finalised, the Investigating Officer will send the report to the Chair. Where necessary, the Investigating Officer and the Chair will meet to clarify any points of fact or evidence.

The Chair will confirm the conclusion of the investigation in writing to the employee who has raised the grievance/alleged to have committed an act of misconduct, along with next steps.

The employee who has raised a grievance / is alleged to have committed misconduct will be provided with a copy of the investigation report and associated documents, e.g. witness statements and documentary evidence which supports the investigation, by the Chair on completion of the investigation.

The employee who is the subject of a grievance will be provided with written confirmation of the outcome of the Hearing, the investigation report and associated documents, e.g. witness statements and documentary evidence which supports the investigation, by the Chair once the Hearing has taken place.

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People Framework

Job Evaluation Procedure



Version number 1
Date June 2019

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1. Purpose

As an employer, Epsom & Ewell Borough Council has a responsibility to ensure compliance with obligations placed upon us by equal pay legislation.

Job Evaluation is the mechanism which allows the Council to objectively establish the relative value of each role in the organisation compared to others across the organisation. This determines the grade of each role within the Council's pay structure to support equality in pay across the organisation.

2. Scope

This Job Evaluation Policy and Procedure applies to all new and revised roles within Epsom & Ewell Borough Council with the exception of the Chief Executive and Chief Operating Officer.

The policy and procedure aims to ensure:

- That the Council is able to recognise the relative equal value of roles across the organisation
- Clarity on the purpose and role of Job Evaluation in the organisation
- Clarity on how the process of Job Evaluation is undertaken and maintained
- A consistent and fair approach to the grading and pay for roles across the organisation, and which supports statutory obligations in relation to equal pay legislation

3. General Principles of Job Evaluation

All roles in the Council will be evaluated in line with the National Joint Council scheme which is based on 13 factors. Further guidance is provided in the Role Profile Guidance. The analysis will be based on the role profile for each role in the organisation and will be carried out by a trained job evaluation panel.

The Council has generic role profiles for each of the job categories with a service specific section which can be tailored to the role. Role profiles are generally written by the manager of the post, with support from HR as required. The generic role profile and person specification template should be used to ensure that all factors within the role profile guidance are covered, taking care to ensure that the profile describes the full role and all of the key components.

The job evaluation process focusses on the requirements of the role and does not consider an individual's performance.

There are three possible outcomes from job evaluation:

1. The grade of the role is increased
2. The grade of the role is decreased
3. The grade of the role stays the same

The following Job Evaluation Process details how the Council will ensure role requirements will be reviewed in support of maintaining pay and grading structures which meet our needs and obligations.

4. Job Evaluation Procedure – When should a job be evaluated?

A role is subject to evaluation in the following circumstances:

- When a new role is introduced to the Council structure
- In exceptional circumstances such as organisational change or when permanent and substantial statutory or policy changes are made to the requirements of a role as detailed in the role profile. Any changes must be agreed by the Head of Service and the source of funding for any salary increases will need to be identified from within existing budgets

Sign off will be required by Finance, HR and Chief Executive/ Chief Operating Officer prior to any job evaluation

5. Job Evaluation Process – How will a job be evaluated?

A role will be evaluated as follows:

- A generic role profile should be completed and agreed by the Line Manager and the post holder/s of the post, supported by HR and agreed by the relevant Head of Service.
- The Line Manager should produce a Business Case for the Head of Service setting out the rationale for the change and addressing how any additional costs will be met.
- Where Head of Service approval is given, the role profile will be submitted to HR for analysis by assessment by the Job Evaluation Panel.
- Where possible the job evaluation to be undertaken by the panel within a four week period from when approval is given by the Head of Service
- The role is assessed using the Job Evaluation scheme and a Job Evaluation Score is produced
- The Job Evaluation Panel will feedback to the Head of Service and HR
- Upon completion of the Job Evaluation the role will be graded as appropriate by HR, using the Job Evaluation Score

HR will then advise the post holder of the grade, (or any revised grading) and confirm the individual salary implications associated with the grading of the post

6. Job Evaluation Process – Who will evaluate a role?

Roles will be evaluated as follows:

- Job Evaluation Panels will be consist of Epsom & Ewell Borough Council employees trained in the process.
- The Job Evaluation Panels will consist of three employees one of which will be an HR representative and Staff Consultative Group representative
- No member of the job evaluation panel will be able to evaluate a role which sits within their department

7. Impact on Pay

Any changes in grading and pay resulting from the Job Evaluation process will be effective from the date of the assessment.

Employees affected by a reduction in pay resulting from the Job Evaluation process will have their pay protected at their original salary for a period of three years from the date of implementation.

8. Job Evaluation Process – Appeals

To ensure consistency and fairness, it is important that a review process exists in the event that a post holder or manager of a post wishes to appeal against the Job Evaluation outcome.

The aim is to find a resolution fairly and without any unreasonable delay.

Employees will need to write to the Head of HR & OD providing supporting information as to why, in their opinion, the outcome does not reflect the specific demands / requirements of the role which should be submitted in writing within 10 working days.

The appeal will be presented to a different Job Evaluation Panel for review whose decision will be final.

The review will be undertaken in line with the Job Evaluation process detailed in this policy and procedure document.

If the outcome of the appeal upholds the employee's case and results in a change, then the date of implementation of any changes to grading and pay will be effective from the date of the original job evaluation panel.



People Framework

Maternity Procedure



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1. Notification requirements

The employee should notify her manager of her pregnancy as soon as possible. This will provide the opportunity for the manager to consider any health and safety implications and to plan ahead for the employee's absence.

By the end of the qualifying week (i.e. the 15th week before the expected date of childbirth) or as soon as reasonably practicable afterwards, the employee must inform her manager, in writing, of:

- The fact that she is pregnant
- Her expected week of childbirth
- The date on which she intends to start her maternity leave

LINK – Maternity Notification Form

The employee should also contact HR to arrange a meeting to discuss her maternity entitlements and next steps.

The employee must provide her MATB1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. This will usually be given to the employee after the 20th week of her pregnancy and enables Statutory Maternity Pay or Maternity Allowance to be claimed.

HR will write to the employee within 28 days of receiving the Maternity Notification Form, confirming the start date of her maternity leave, the date on which she is expected to return to work and her maternity pay entitlements.

The employee may bring forward or postpone her maternity leave start date, provided that she advises the Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

2. Health and Safety

The Council has a duty to ensure the health and safety of all employees. Where an employee notifies her manager that she is pregnant, the manager will carry out a risk assessment to identify any potential risk to the employee's health and/or that of her unborn child.

Where an employee or her manager identifies a risk or potential risk, advice must be sought from the Council's Health and Safety Officer and the HR team.

It may also be appropriate to refer the employee to the Council's Occupational Health provider for advice on reasonable work adjustments or alternative duties. Referrals to Occupational Health will be arranged by the HR team.

Where it is identified that the requirements of the employee's role may present a risk to the employee and/or her unborn child, the Council will take all reasonable steps to avoid those risks, such as altering the employee's working conditions. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

If it is not possible to alter the employee's working conditions to remove the risks to her health and there is no suitable alternative work available to offer on a temporary basis, the employee may be suspended from work on maternity grounds until such time as there are no longer any risks to her health. This may be for the remainder of her pregnancy until the commencement of her maternity leave. Please refer to Medical Suspensions in Absence Management procedure

Where an employee is suspended from work on maternity grounds, her employment will continue during the period of the suspension. Suspension on maternity grounds will not affect the employee's statutory or contractual employment and maternity rights in any way. The employee will be entitled to her normal salary and contractual benefits during the period of her suspension, unless she has unreasonably refused an offer of suitable alternative employment.

3. Time off for antenatal care

Antenatal care covers the care and advice of a registered medical practitioner, registered midwife or registered health visitor. Employees are entitled to **paid** time off to attend antenatal appointments. Antenatal care may include relaxation and parent craft classes that the employee has been advised to attend in addition to medical examinations.

The employee must give her manager as much notice as possible of antenatal appointments and produce an appointment card if asked to do so. Wherever possible, antenatal appointments should be arranged at the start or end of the working day.

Husbands, fathers, civil partners and partners of pregnant women are also entitled to **unpaid** time off to attend up to two antenatal appointments. Please see the Council's Paternity Leave Procedure.

4. Maternity Leave

All pregnant employees who have a live or still birth after 24 weeks of pregnancy are entitled to take up to 52 weeks' maternity leave (26 weeks' ordinary maternity leave and a further 26 weeks' additional maternity leave).

These rights apply regardless of the hours worked or length of service.

Ordinary Maternity Leave may start at any time after the beginning of the 11th week before the employee's expected week of childbirth (unless the baby arrives before that date, in which case maternity leave will start on the day following the baby's birth.)

Maternity leave will start on whichever date is the earlier of:

- The employee's chosen start date
- The day after the employee gives birth
- The day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth

If the employee gives birth before her maternity leave was due to start, she must notify her manager in writing of the date of the birth as soon as is reasonably practicable.

The law requires all employees to take a minimum of two weeks' maternity leave immediately following the birth of a child.

Maternity Pay

There are two types of maternity pay:

- Statutory Maternity Pay (SMP)
- Occupational Maternity Pay (OMP)

Statutory Maternity Pay (SMP)

Statutory Maternity Pay is payable for up to 39 weeks during maternity leave. An employee is entitled to receive SMP if:

- She has been continuously employed by the Council for at least 26 weeks before the qualifying week (i.e. the end of the 15th week before the expected week of childbirth) and she is still employed during that week
- Her average weekly earnings for the 8 weeks up to and including the qualifying week are not less than the lower earnings limit for the payment of NI contributions, which can be found at [Rates and allowances: National Insurance contributions - GOV.UK](#)
- She is still pregnant (or has given birth) 11 weeks before the start of the expected week of childbirth
- She has provided an original MATB1 form stating her expected week of childbirth
- She has given the Council proper notification of her pregnancy (as set out in Section 1 of this procedure)

Continuous service with other local authorities and associated public bodies does not count for the purposes of maternity pay.

Where a salary-sacrifice arrangement is in place during the 8 weeks up to and including the qualifying week, the employee's average weekly earnings calculation will be based on the lower salary and may adversely affect the amount of SMP payable. Where average weekly earnings are reduced to below the lower earnings limit for NI contributions, this may mean that the employee is not entitled to receive SMP.

Employees who are not eligible for Statutory Maternity Pay may be eligible for Maternity Allowance (MA), which is claimed by the employee directly. For details of how to apply for Maternity Allowance please see [Maternity Allowance: How to claim - GOV.UK](#).

Occupational Maternity Pay

An employee is entitled to receive Occupational Maternity Pay if she has already qualified for SMP (above) and is intending to return to work for a minimum period of 3 months following maternity leave. Occupational Maternity Pay is paid as follows:

First 6 weeks	Full pay
Weeks 7 to 20	Half pay
Weeks 21 to 39	Statutory Maternity Pay or 90% of average weekly earnings (whichever is lower)

These rates are inclusive of Statutory Maternity Pay.

Before going on maternity leave, the employee must decide whether she wishes to receive her 12 weeks' half pay OMP. Where an employee elects not to receive this and returns to work for a period of three months immediately after maternity leave, she will receive her OMP as a lump sum on completion of three months' work. If an employee decides not to receive her half pay OMP during this 12 week period, she will receive Statutory Maternity pay as detailed above.

Where an employee who has claimed OMP does not return to work for a period of at least three months immediately after her maternity leave, she will need to repay the 12 weeks half pay Occupational Maternity Pay (excluding her entitlement to SMP). Maternity pay will start on the employee's first day of maternity leave.

During maternity leave, payments will be made through payroll on the usual pay date (20th of the month.) Statutory Maternity Pay and Occupational Maternity Pay are treated as earnings and are subject to tax, NI deductions and pension contributions

Terms and conditions of employment during maternity leave

During ordinary maternity leave and additional maternity leave, all terms and conditions of the employee's contract except salary will continue. Salary payments will be replaced by statutory maternity pay and occupational maternity pay where the employee is eligible for this.

If there are any changes to an employee's terms and conditions of employment whilst she is on maternity leave, for example changes to the pay scales, policies and procedures, etc., these will also be applied.

5. Annual leave

Annual leave will continue to accrue during both paid and unpaid periods of maternity leave.

In addition, employees have a contractual right to time off for public holidays and are therefore entitled to the appropriate number of days off in lieu of any public holiday which occurs during their maternity leave.

The normal rule of carrying over a maximum of 5 days' annual leave continues to apply. Therefore if the end of the annual leave year (31 March) falls within the employee's maternity leave period, the full year's annual leave entitlement should be taken before maternity leave commences.

Where maternity leave crosses two annual leave years, the employee should discuss and plan when to take her annual leave with her manager as soon as possible. Where annual leave is transferred to the next leave year, this must be taken in a block immediately before the employee returns to work so that she does not lose her entitlement.

As with any annual leave requests, the employee must agree her annual leave dates with her manager in advance.

Annual leave cannot be taken during or between ordinary and additional maternity leave periods.

Where the employee is not intending to return to work following maternity leave, she should take any accrued annual leave before her maternity leave commences. Where this is not possible, payment will be made for any outstanding annual leave on termination of employment. Equally, where an employee has taken more annual leave than she has accrued, she will be required to repay the overtaken annual leave.

6. Loans

The employee will be required to continue to make repayments in respect of loans throughout their period of maternity leave, even though they may be on reduced earnings. If at any stage an employee is on unpaid maternity leave, it will be their responsibility to make necessary arrangements for the ongoing repayments during the unpaid period. Advice can be sought from HR.

7. Pension

The Council will continue to make pension contributions based on the employee's normal pay during ordinary maternity leave and paid additional maternity leave. However, employer pension contributions will cease during any periods of unpaid additional maternity leave.

Where the employee is a member of the Local Government Pension Scheme (LGPS) and takes unpaid maternity leave, she can choose whether or not to pay pension contributions for her period of unpaid leave.

If the employee elects to pay pension contributions to cover lost pension, she can do this by paying an age related Additional Pension Contribution (APC) within 30 days of returning to work or, if she does not return to work, within 30 days of ceasing to be employed by the Council.

If the employee purchases an APC within the 30 day period, the Council will share the cost. It will be assumed that the employee does not wish to pay contributions unless she elects to do so within the 30 day timescale.

Pension contributions for the period of unpaid maternity leave are based on the actual pay that the employee received immediately before the period of unpaid leave started.

If the employee chooses not to pay pension contributions for the period of unpaid maternity leave, this period will not count as service for pension purposes.

8. Contact during maternity leave

The Council reserves the right to maintain reasonable contact with employees during maternity leave. This may be to discuss the employee's plans for returning to work or to discuss and update them on developments at work during their absence, including internal vacancies and training opportunities.

9. Keeping-in-touch days

An employee may work (or attend training) for up to 10 Keeping in Touch (KIT) days during her maternity leave without bringing it to an end.

Managers cannot insist that employees attend or carry out any work and employees cannot insist that their manager gives them work during their maternity leave.

A KIT day is defined as anything from attending a 1 hour meeting to working the full contractual hours for the day. Employees will receive their normal rate of pay for the hours they attend or carry out work. However, where an employee is in receipt of maternity pay, this will be offset from the payment. KIT days cannot be used to accrue overtime or TOIL.

Where an employee works during her maternity leave, she must ensure that the **Keeping In Touch payments form** is completed, signed by her Line Manager and submitted to HR so that payment can be made.

The employee's period of maternity leave will not be extended because she has carried out some work during her leave.

The employee cannot carry out any work during the first two weeks following the birth of the child.

10. Returning to work after maternity leave

Subject to legislative requirements and the notification requirements set out in this procedure, the employee may return to work at any time during either ordinary maternity leave or additional maternity leave. Alternatively, she may take her full period of maternity leave entitlement and return to work at the end of this period. If the employee wishes to return to work before her full period of maternity leave has elapsed, she must give at least eight weeks' notice in writing to the organisation of the date on which she intends to return. The employee should discuss her intention to return to work early with her manager.

Where an employee intends to return to work on the first working day after the end of her full maternity entitlement (i.e. at the end of the Additional Maternity Leave period) she does not need to notify her manager in advance. The employee has the right to resume working in the same role if she is returning to work during or after ordinary maternity leave.

If the employee returns to work during or after a period of additional maternity leave, she is entitled to return either to the same role or, if this is not reasonably practicable, to another suitable role that is on terms and conditions not less favourable than the terms and conditions which applied prior to maternity leave. Managers must confirm the date of the employee's actual return to work to HR so that salary payments can restart.

11. Reducing hours of work

There is no automatic right to return to work on different terms than before, e.g. part-time hours. Employees who wish to change their working arrangements must contact their manager as soon as possible in advance of their return. Requests should be made in line with the Council's Flexible Working Procedure. Managers will consider requests for flexible working and will seek to agree the changes wherever possible, however, requests may be rejected if there are genuine business reasons to do so.

12. Resignation before, during or following maternity leave

Where an employee has met the eligibility requirements for statutory maternity pay, she will remain entitled to receive SMP if she leaves the Council's employment after the start of the qualifying week for any reason, including because she has resigned. The qualifying week is the 15th week before the expected week of childbirth. The employee's contract of employment will terminate at the end of her notice period, at which point the employee's entitlements to all other benefits, including accrual of holiday, will cease.

Where an employee resigns from her employment after the 11th week before her expected week of childbirth but before her maternity pay period is due to start, the maternity pay period will start on the day after her employment ends. If she resigns before the 11th week before the expected week of childbirth but after the qualifying week the maternity pay period will start on the Sunday at the start of the 11th week before the expected week of childbirth.

If the employee leaves the Council's employment during the SMP period, the Council will continue to pay SMP as long as the employee has not started work for another employer.

Where an employee decides during maternity leave that she does not wish to return to work, she must give written notice of resignation to the Council as soon as possible and in accordance with the terms of her contract of employment.

Where an employee who has received OMP does not return to work for a minimum period of 3 months following her maternity leave, she will need to repay this amount.

13. Failure to return to work

Failure to return to work at the end of maternity leave will be treated as unauthorised absence unless the employee is sick and produces a Fit Note before the end of the maternity leave period.

**14. Miscellaneous
Fertility Treatment**

Employees who are undergoing fertility treatment are entitled to paid time off to attend appointments and treatment. Employees should give their manager as much notice as possible of appointments and produce an appointment card if asked to do so. Wherever possible, appointments should be arranged at the start or end of the working day.

The employee will be regarded as being pregnant from the stage of embryo transfer. Where fertility treatment is unsuccessful, the employee's protected period will end two weeks after she has been told her treatment has proved unsuccessful. Any sickness absence resulting from fertility treatment will be managed in line with the Council's Absence Management Procedure.

Sickness absence before maternity leave commences

Where an employee is absent from work for a reason unrelated to her pregnancy, the provisions of the Council's Absence Management Procedure will apply until the start date of her maternity leave (or the date of the baby's birth, whichever is sooner).

Where an employee is absent from work due to symptoms that are directly related to her pregnancy, managers must record these absences and continue to monitor them. ***However, these absences will not be counted towards absence triggers.***

Maternity Leave and pay (if applicable) will start automatically if the employee is absent from work due to a pregnancy-related illness in the 4 weeks before the baby is due, regardless of what has previously been agreed.

Resignation before maternity leave

Where an employee has met the eligibility requirements for statutory maternity pay, they will remain entitled to receive SMP if they leave the Council's employment for any reason, including because they have resigned, before their maternity leave is due to start.

Where statutory maternity pay is being paid to an employee who, during the statutory maternity pay period, commences work for another employer, the Council will cease to pay statutory maternity pay in respect of the remaining part of the statutory maternity pay period. The employee is required to notify the employer that they are working for another employer.

Stillbirth and Miscarriage

Where an employee suffers a miscarriage before the end of 24 weeks of pregnancy, her absence from work will be regarded as sickness absence and will be paid accordingly. Where the baby is still born after the end of the 24th week of pregnancy, the employee will receive her contractual maternity entitlements as detailed in this procedure. This means that maternity leave and pay will apply.

Fixed term/temporary contracts

Where an employee is employed on a fixed-term or temporary basis, contractual maternity rights will only apply for the duration of the fixed-term or temporary contract. In these circumstances the end date of the contract will end the employee's maternity leave as well as her employment with the Council. However, where an employee qualifies for Statutory Maternity Pay, this will continue until the full entitlement has been paid (39 weeks).

Prior to commencing maternity leave, the employee will need to discuss her fixed-term or temporary appointment with her manager. Where possible, a decision regarding the end date of the contract should be made prior to the commencement of the employee's maternity leave.

Reorganisations/Restructuring

Where a reorganisation or restructure is proposed whilst an employee is absent on maternity leave, the provisions of the Council's Management of Workforce Change Procedure will apply.

Pregnancy during maternity leave

If an employee becomes pregnant during her ordinary maternity leave (OML) and is taking additional maternity leave (AML) she is entitled to another period of maternity leave which will follow immediately from the end of her additional maternity leave.

As maternity leave does not break continuity of employment, the employee's right to maternity leave for this pregnancy will be based on her total service with the Council. The employee must give the same notice to her manager as she did the first time she went on maternity leave.

The employee will have the same rights as she would have received on returning from her first period of AML, i.e. she is entitled to return either to the same role or, if this is not reasonably practicable, to another suitable role that is on terms and conditions not less favourable than the terms and conditions which applied prior to maternity leave.

SMP is calculated on average earnings over 8 weeks before the 15th week before the baby is due. The HR team will advise the employee regarding maternity pay on receipt of her completed Maternity Notification Form and MATB1.

Contractual leave entitlement accrued whilst on maternity leave should be taken before the start of the second maternity leave wherever possible. Where this is not possible, leave from the first maternity leave then this should be taken in one block before returning to work.

Nursing mothers

Where an employee informs her manager or HR that she will be breastfeeding, the manager will discuss with her any arrangements that need to be made and a Risk Assessment will be carried out. Facilities will be provided so that nursing mothers can store expressed milk.

Transfer of maternity leave

Employees may choose to end their maternity leave and pay and share the untaken balance (up to a maximum of 50 weeks) with their partner as Shared Parental Leave and pay. Employees may also choose to return to work early from maternity leave and take Shared Parental Leave and pay at a later date.

To be able to take Shared Parental Leave, an employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. Please see the Council's Shared Parental Leave Procedure for further details.

Balancing work and childcare responsibilities

There are options to help you to balance work and childcare responsibilities and work. Please see:

- Flexible Working Procedure
- Ordinary Parental Leave Procedure
- Special Leave Procedure

Financial support such as the government's Tax Free Childcare scheme [Tax-Free Childcare - GOV.UK](#)

Data protection

When managing an employee's maternity leave and pay, the Council processes personal data collected in accordance with its Data Protection Policy. Data collected from the point at which an employee informs the Council that she is pregnant is held securely, accessed by and disclosed to individuals only for the purposes of managing maternity leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's Data Protection Policy. Where appropriate, action may be taken in line with the Council's Disciplinary Procedure.



People Framework

Mediation Procedure



Version number 1
Date June 2019

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Tracking

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Revision History

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Document Approvals

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1. **What is Workplace Mediation**

Workplace Mediation is a confidential and informal way of seeking to resolve disagreements or disputes between two or more people who work together.

The mediation process is assisted by a trained mediator, who will discuss the issues with all parties involved and seek to facilitate a resolution.

Mediation works by encouraging all parties to work together to reach a mutually acceptable agreement to resolve their issues. It gives the parties the opportunity to talk about the situation, express their concerns to each other and to come up with some practical ideas about how things could change for the better.

Mediation is:

Voluntary

- It cannot work unless all parties agree to participate in the process. It is therefore essential that the parties are not put under pressure to attend mediation or made to feel that it will count against them if they decide not to participate.

A means for reaching agreement

- The parties will be asked to identify their issues and concerns and from this an agenda will be set to help them jointly work towards an acceptable agreement. The mediator will encourage open communication and will help the parties to generate options and ideas that will improve the situation. The aim of mediation is to achieve a win/win outcome with the parties taking responsibility for making changes and agreeing a more positive way of working for the future.

Confidential

- The process is carried out on the basis of agreed confidentiality between the parties and the mediator. The exception to this would be if a party raised issues of harm to themselves or others or issues of serious misconduct. The content of mediation is not disclosed to Human Resources or managers; neither is it recorded on the employee's HR file. However, the parties may find it helpful to share some or all of details of their agreement with people outside of the process.

Quick

- The aim of mediation is to resolve issues at the earliest opportunity. Mediation can be arranged in a few days and the process can usually be completed in one or two days.

2. **What types of workplace disputes can be addressed through workplace mediation?**

These could include:

- Communication issues
- Personality clashes
- Unresolved or ongoing grievance issues
- Perceived discrimination, harassment or bullying
- Differences in working style or approach
- Inappropriate use of power, status or position

3. What is the role of the Mediator?

The mediator's role is to act as an independent and impartial facilitator. They will not take sides or judge what is right or wrong. They will coordinate the process by making sure that each party has an equal voice, is heard and is able to respond. There will be an agreement of willingness to participate in mediation from each party before the process begins.

The mediator will establish the ground rules and ensure that all parties comply with these. They will also encourage the parties to discuss their issues of concern and help them look for realistic solutions. Where appropriate, the mediator will assist the parties to draw up a mutually acceptable agreement that all parties are willing to sign up to.

4. How Does Mediation Work?

Stage One: Separate meetings with the parties

The mediator will meet with the parties individually to:

- Explain the mediation process, including confidentiality, and the role of the mediator.
- Explore the core issues and identify the ideal outcome for all parties.

The mediator may need to meet with the parties on more than one occasion to clarify any further issues arising from Stage One.

Stage Two: Face-to-face mediation

The mediator will ensure that a suitable venue has been arranged where there will be no interruptions and confidentiality can be maintained. The mediator will:

- Set the scene.
- Establish the ground rules for the meeting (e.g. the need to respect and listen to each other's views, confidentiality, etc).
- Provide uninterrupted time for each party to set out the issues as they see them.
- Agree an agenda of issues to be explored and discussed further.

5. Explore the issues:

- Explore the issues with all parties.
- Encourage open communication.
- Identify all parties' concerns about the issues.
- Encourage a mutual understanding of the issues.
- Encourage a change of focus from the past to the future.
- Summarise areas of consensus and disagreement.

6. Build an agreement

- Assist all parties in generating and assessing options.
- Encourage problem solving.
- Accept or acknowledge conciliatory gestures.
- Construct a mutually acceptable agreement for a more positive way of working for the future, including fall back arrangements.
- Identify next steps where no agreement can be reached.

7. Closure and Follow-Up

- The session will conclude when all parties agree that they have dealt with the dispute and have reached a mutually acceptable agreement, with a clear understanding of what has been agreed.
- If an agreement is reached, it will be written down in clear, unambiguous language and all parties will be asked to sign it.
- All parties will decide who retains copies of the agreement (e.g. just the parties or whether the parties agree to others, such as their manager, receiving a copy).
- Reminder of the confidential nature of the process.

8. What happens if an agreement cannot be reached?

Mediation is successful if it simply helps the parties to communicate and get a new or different perspective on the issue. Mediation does not prevent the parties from pursuing other options.

9. Mediation Process

The decision to proceed to mediation will be on a case by case basis and following discussion with the employee's involved and relevant manager.

Where it is agreed that mediation is appropriate, HR will support the manager in commissioning this service and in communicating this outcome to all employees involved in the mediation. The manager will be responsible for identifying budget for the mediation.

Where there is a written agreement as a result of the mediation process, this will be shared with the commissioning manager for information only.

If there is no agreement between the employees concerned at mediation, the mediator will confirm this to the commissioning manager.



People Framework

Ordinary Parental Leave Procedure



Version number 1
Date June 2019

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1. Introduction

Ordinary Parental Leave is the right to take time off work to look after a child or to make arrangements for a child's welfare.

An employee is entitled to up to 18 weeks' unpaid Ordinary Parental Leave per child if they have parental responsibility for a child/children who are under 18 years of age.

To qualify for Ordinary Parental Leave, employees must have completed at least one years' continuous service with the Council.

Ordinary Parental Leave differs from Shared Parental Leave, which enables eligible parents to share the care of their child/children during the first year after birth or placement for adoption. Please see the Council's Shared Parental Leave Procedure.

2. Entitlement to Ordinary Parental Leave

Eligible employees are entitled to a maximum of 18 weeks' Ordinary Parental Leave in respect of each individual child. In the case of multiple births or the adoption of more than one child as part of the same placement, the employee has the right to take Ordinary Parental Leave in respect of each child.

Ordinary Parental Leave is an individual right and cannot be transferred between parents.

An employee's total entitlement to Ordinary Parental Leave is limited to 18 weeks irrespective of whether they change employer. If, for example, an employee has taken four weeks' Ordinary Parental Leave out of their total entitlement of 18 weeks during their current employment, they will have 14 weeks' Ordinary Parental Leave available to take on moving to new employment. The employee will, however, have to work for a full year with their new employer before becoming eligible to take any of this entitlement.

Ordinary Parental Leave must be taken before the child's eighteenth birthday.

3. Rights during Ordinary Parental Leave

During Ordinary Parental Leave employees remain employed, although pay and most contractual benefits will be suspended. The right to accrue statutory holiday entitlement will remain in place.

Under the terms of the Local Government Pension Scheme (LGPS), periods of unpaid leave, even where authorised, do **not** count as reckonable service for pension purposes. Employees can opt to pay pension contributions to cover periods of unpaid Ordinary Parental Leave so that full LGPS membership continues during the period in which they received no pay. Please contact the HR team for further details.

Employees who fall sick during a period of Ordinary Parental Leave and who report their sickness in line with the Council's Absence Management Procedure will receive their contractual sick pay. This period of absence will be recorded as sickness absence and will not count towards their Ordinary Parental Leave entitlement.

4. Taking Ordinary Parental Leave

Ordinary Parental Leave may not be taken in blocks of less than one week, except where the child is disabled, in which case it may be taken one day at a time. Where this applies, the Council will add together the individual days of Ordinary Parental Leave taken by the employee to make up complete weeks.

One week's Ordinary Parental Leave is equal to the length of time that an employee is normally required to work in a week and will be pro-rated for part-time employees. This means that a week's leave for an employee who normally works Monday to Friday is equal to five days, while for an employee who normally works Monday and Tuesday only, a week's leave is equal to two days.

A maximum of four weeks' Ordinary Parental Leave may be taken in respect of any individual child in any one year. For the purposes of taking Ordinary Parental Leave, a year is defined as the period of 12 months beginning when the employee first become entitled to Ordinary Parental Leave in respect of the child (e.g. the child's date of birth or date of placement for adoption), and each successive period of 12 months beginning on the anniversary of that date.

5. Conditions of Ordinary Parental Leave

Employees will need to evidence their eligibility for Ordinary Parental Leave (i.e. parental responsibility or expected parental responsibility for the child) by providing documentation confirming the child's date of birth or date on which placement for adoption began.

Where the employee is requesting Ordinary Parental Leave in relation to a disabled child, they will also need to provide evidence of the child's entitlement to Disability Living Allowance.

Employees must submit requests for Ordinary Parental Leave to their manager at least 21 days before the date on which they wish the leave to start using FORM.

Where an employee requests a period of Ordinary Parental Leave which begins when their child is born, notice must be given at least 21 days before the beginning of the expected week of childbirth. The request must specify the expected week of childbirth. (Please also see the Paternity Leave Procedure).

Where the request for Ordinary Parental Leave is in respect of an adopted child and is to begin on the date of the placement, notice must be given at least 21 days before the beginning of the week in which the child is to be placed for adoption (or as soon as is reasonably practicable). The request must specify the week in which the placement is expected to occur. (Please also see the Paternity Leave Procedure).

6. Postponement of Ordinary Parental Leave

Managers may postpone a period of Ordinary Parental Leave where they consider that service provision would be unduly disrupted if the employee were to take leave during the period requested.

Ordinary Parental Leave cannot be postponed if it has been requested immediately after childbirth or immediately after placement for adoption. Ordinary Parental Leave cannot be postponed where it would mean that the employee would no longer qualify, e.g. postponement until after the child's 18th birthday.

Managers must seek HR advice when considering the postponement of Ordinary Parental Leave. Where Ordinary Parental Leave is postponed, the employee will be permitted to take an equivalent period of Ordinary Parental Leave beginning no later than six months after the start date of the period of leave originally requested.

The Council will provide the employee with written notice of the postponement no more than seven calendar days after the date on which the original request was received by the manager. The written notice will state the reason for the postponement and suggest alternative dates on which the employee may take Ordinary Parental Leave.

7. Returning to work after Ordinary Parental Leave

At the end of Ordinary Parental Leave, employees are entitled to return to the same role provided that the leave was for a period of 4 weeks or less (and did not follow on immediately from a period of additional maternity or adoption leave).

Where the period of Ordinary Parental Leave is longer than 4 weeks (or follows on immediately from a period of additional maternity or adoption leave), then the employee will be entitled to return to the same role or, if that is not practicable, to a similar role that has the same or better status, terms and conditions as their previous role.

8. Data protection

When managing an employee's Ordinary Parental Leave, the Council processes personal data collected in accordance with its Data Protection Policy. Data collected from the point at which an employee informs the Council that they intend to take Ordinary Parental Leave is held securely, accessed by and disclosed to individuals only for the purposes of managing their Ordinary Parental Leave.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's Data Protection Policy. Where appropriate, action may be taken in line with the Council's Disciplinary Procedure.



People Framework

Paternity Leave Procedure



Version number 1
Date June 2019

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Tracking

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Revision History

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1. Eligibility for Paternity Leave

Employees are eligible for paid Paternity Leave provided that:

- They have 26 weeks continuous service with the Council by the end of the 15th week before the expected week of childbirth (EWC), or in the case of adoption, notification of having been matched with the child AND
- They are the biological father of the child OR are married to the civil partner or partner of The child's mother / primary adopter AND
- They will be responsible for the child's upbringing AND
- They will be taking time off work to support the mother/primary adopter or to care for the child.

Continuous service with other local authorities and associated public bodies does not count for the purpose of Paternity Leave and pay.

An employee who meets the above criteria for Paternity Leave is eligible to take either one or two weeks' paid leave. The period of Paternity Leave must be continuous, i.e. not two separate weeks.

The amount of Paternity Leave available is the same where the employee's partner has a multiple birth (such as twins) or where more than one child is adopted.

Paternity Leave may start from either the date on which the child is born or placed for adoption or from a chosen date after that time, however, it must be completed within 56 days of the child's birth or placement for adoption.

Where a child is born early, the employee may take paternity leave straight after the birth, or up to 56 days after the child's original due date.

2. Notification of Paternity Leave

Where an employee wishes to request Paternity Leave in respect of a birth child, they must give their manager 15 weeks' written notice of the date on which their partner's baby is due, the length of Paternity Leave they wish to take and the date on which they wish the leave to commence.

In the case of an adopted child, the employee must give written notice of their intention to take Paternity Leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date on which the child is expected to be placed for adoption, the date the employee intends to start Paternity Leave, the length of the intended Paternity Leave period and the date on which the adopter was notified of having been matched with the child.

Employees who wish to take Paternity Leave must complete and sign the Notification of Paternity Leave form to confirm their entitlement to Paternity Leave and Statutory Paternity Pay and submit it to their manager.

If an employee wishes to change the timing of their Paternity Leave after they have notified their manager, they must give 28 days' written notice of the new dates.

3. **Statutory Paternity Pay**

To be eligible for Statutory Paternity Pay, an employee must have average weekly earnings for the 8 weeks up to and including the qualifying week of at least the lower earnings limit for the payment of NI contributions. This figure is reviewed annually and can be found at (LINK to GOV.UK).

Subject to meeting the eligibility criteria, employees will be paid their normal salary for the 1 or 2 week Paternity Pay period. This payment is inclusive of Statutory Paternity Pay (SPP).

Statutory Paternity Pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory Paternity Pay can start on any day of the week in accordance with the date the employee starts their Paternity Leave.

4. **Rights during Paternity Leave**

The terms and conditions of the employee's contract will continue during Paternity Leave.

Annual leave will continue to accrue during Paternity Leave. Annual leave cannot be taken during Paternity Leave, however, with the manager's agreement, it may be taken immediately before or after.

Employees who are in the pension scheme will continue to pay their pension contributions in the normal way while they are on Paternity Leave.

Following Paternity Leave, employees are entitled to return to the same role on the same terms and conditions of employment.

5. **Additional entitlements**

Time off for antenatal care/ adoption appointments

Husbands, fathers, civil partners and partners of pregnant women are entitled to **unpaid** time off to attend up to two antenatal appointments.

The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse.

Employees who would like to make a request for time off to accompany someone at an antenatal appointment should discuss this with their manager and complete FORM to declare that they are eligible for this form of time off work. *Unpaid leave to be recorded in iTrent.*

The employee should provide their manager with as much notice as possible of when they need the time off to attend the antenatal appointment and produce an appointment card if asked to do so. Wherever possible, appointments should be arranged at the start or end of the working day.

Shared Parental Leave

Shared Parental Leave enables mothers or adopters to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as Shared Parental Leave and pay with their partner.

Employees can choose to take both Paternity Leave and Shared Parental Leave, but the period of Paternity Leave must come first. An employee cannot take Paternity Leave if they have already taken a period of Shared Parental Leave in relation to the same child.

For further information, please see the Council's Shared Parental Leave Procedure.

Data protection

When managing an employee's Paternity Leave and pay, the organisation processes personal data collected in accordance with its data protection policy. Data collected from the point at which an employee informs the organisation that they plan to take paternity leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their paternity leave and pay.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.



People Framework

Performance Management Procedure



Version number 1
Date June 2019

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Tracking

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1. **Planning Performance Management**

There are 4 aspects to planning how to manage performance effectively. Managers must ensure they understand and translate the following into team and individual goals/ objectives based on the grade and role:

- Corporate Plan
- Service Plan
- Behaviour Framework
- Role Profile

Managers will discuss what areas are pertinent to individual teams and employees to achieve the goals, what standard is expected from them, explain how My Performance conversations will take place. Managers should identify training needs and discuss employee development needs, to support them to achieve goals and release potentials.

1.1 **Objective Setting**

- Where appropriate, managers should set individual performance objectives/ goals which relate to the overall objectives of the service area
- Where the above is not appropriate, overall performance will be reviewed against Council's behaviour framework and any task based activity
- Objectives/ goals set will be in line with the responsibility level and scope of work outlined in the employee's role profile
- Significant changes to goals / objectives and action plans should be discussed with the individual employee and confirmed as and when they arise
- Both manager and employee are responsible for monitoring progress on the agreed goals/objectives

1.2 **Objectives can fall into the 3 types, as below:**

- An objective relating to the role profile - This should help to ensure that individuals are performing to the requirements of their job which is outlined in their role profile.
- An objective relating to the service plan or team outcomes -This could be the same or similar for each member of a team carrying out the same work or working on the same project. The individual's specific contribution should be clear and measurable so it is important to consider how evidence of performance can be gathered.
- A personal development objective - The objective should be about demonstrating a behaviour, gaining particular skills or knowledge (which may take place in either formal or informal development or training) and using them to achieve an outcome by a particular date.

1.3 **Reviewing performance**

When reviewing performance, it is important to consider if the outcomes against the goals set, have or have not been achieved. The employee will have to demonstrate.

1.4 **Performance Framework**

The performance management cycle supports continued business success by guaranteeing that all employees are clear about their role in the organisation and are resourced, both in terms of training and development and management support, to make an optimum contribution.

1.5 Managers will ensure:

- That employees understand how their role and behaviour contributes to the successful accomplishment of the organisational objectives
- Clarity of purpose for employees
- Develop employees within a continuous improvement culture
- Encourage individuals to contribute to, and take ownership of, their own work goal/objectives and identified development
- Training and development needs of individuals are identified in order to achieve their performance goals / objectives and/or career development objectives
- Effective evaluation of the impact of training and development invested in individuals and teams
- Employees are provided with a clear and concise role profile upon commencement of their employment detailing their roles and responsibilities
- Regular My Performance Conversation meetings are held
- Constructive feedback, recognise achievement(s), encourage progress and raise concerns if any possible issues have been identified.

2. Behaviour Framework

Epsom & Ewell Borough Council should be a fulfilling and enjoyable place to work and in recognising the crucial role each and every employee plays in achieving this, the Council has a Behaviour Framework.

The behaviour framework is a set of core behaviours which define 'how' employees are expected to approach their work and sits alongside 'what' employees do, as outlined in the role profiles.

Behaviours demonstrate the attitudes and approach employees should take towards their and include:

- How we do things
- How we treat others
- What we say and how we say it
- How we expect to be treated

The framework details the behaviours and attitudes required by all employees and it supports the delivery of the service plans, corporate plan and culture.

By demonstrating the attitudes and behaviours, Epsom & Ewell Borough Council will be an effective, positive and collaborative place to work.

The behaviour framework will help to celebrate achievements, talk about aspirations and express how employees would like to develop.

[Link to Behaviour Framework](#)

3. **My Performance Conversation**

The aim of My Performance Conversation is to build a foundation for team members to develop their performance to best achieve their potential to deliver better services and to create a culture at Epsom & Ewell Borough Council where team members perform well.

My Performance Conversation provides an opportunity for a two way conversation between manager and team member to discuss priorities, outcomes, achievements, barriers, obstacles and for team members to gain feedback on how they are doing on a regular basis. The aim of the performance conversation is to improve the overall performance of the Council with the focus of the conversation positive and motivational. The conversation should be open with a focus on learning from each other in order to support building great working relationships.

My Performance Conversations as a guide should include the following areas which team members can prepare for:

- Service Delivery
- Performance
- Development

Team members should prepare in advance for their meeting and be ready to discuss the key aspects of their work and performance.

The following gives some hints and tips around the shape of the conversation which team members can use to prepare for their meeting:

Service Delivery

How am I doing?

Review and clarify what I am expected to do in my role

What will success look like to me?

Discuss my priorities and key pieces of work and progress against them

What is going well for me?

What problems and challenges am I facing?

What ideas do I have to overcome these?

How can my manager and team support me?

What have our customer experiences been and what feedback have I received?

What can I do to update my priorities or a way of working as a result of feedback I have received?

Performance

What is my contribution?

What have I achieved?

How is my behaviour?

Is my attitude positive?

Are there aspects of my behaviour that could be challenging for colleagues?

Development

What areas do I need to develop?

What can I do to develop these area?

What opportunities can I seek to support my development?

How can my team develop?

What are my long term career aspirations?

What can I do to support these in my role at Epsom & Ewell Borough Council?

Team members should agree a suitable time with their manager free of interruption when the meeting can take place and prepare in advance to cover the above topics. Team Members should take the opportunity to feedback to their managers about what support they require and how they think their manager is doing.

Managers should approach My Performance Conversations with a coaching mind set, giving and receiving feedback, dealing directly with difficult issues and dealing with underperformance during the meetings. Feedback needs to be constructive and clear expectations set. The focus should be on improving and building the foundations of a successful team.

It is recognised that the Council has a varied workforce and My Performance Conversation will vary depending on the role a team member is undertaking. Managers have the autonomy to decide how often meetings should be conducted but as a guide they should be at least every 4-8 weeks and the attached template is provided as a guide to record My Performance Conversations should team members and managers choose to use it. The template can be adapted to hold the relevant discussion points. There must be a record of the meeting.

It will be the responsibility of team members, managers and Heads of Service to ensure that My Performance Conversations take place on a regular basis.

My Performance Conversation is a two-way process, where both the manager and the employee have the opportunity to raise items for discussion. This is a constructive and supportive tool to allow them to reflect on current work activity, any training or development needs and identify any issues or concerns at the earliest opportunity. This is a one to one meeting between the employee and manager. The following should be included:

- Any issues - particularly concerning any issues affecting performance or any training needs
- Identify solutions to address issues as they arise; and
- Receive coaching to improve their personal effectiveness
- Receive constructive feedback on their work performance
- Clarify roles and responsibilities
- Discuss career progression if employee would like to progress
- Document any issues raised

3.1 The benefits of My Performance Conversation are:

- Improved communication with employees
- Problems identified at the earliest opportunity
- Faster more effective solutions to any problems and concerns
- Improved time management due to reduced 'ad hoc' discussions/meetings
- Written records of discussions/meetings where issues have been raised

Note taking - My Performance Conversation form should be used to facilitate discussions and taking notes which must be signed and dated where performance issues are raised. Taking notes of meetings is essential as these can be used to review performance improvement in informal meetings or can be referred to if required, in formal meetings. It is important for the notes to be dated and signed to avoid any kind of contradictions or denial of facts or information that may arise if used in formal stages.

My Performance Conversation meetings must be used to undertake performance management throughout the year. My Performance Conversations will provide an opportunity to:

- Review level of performance against goals/objectives set
- Assess personal skills or any development required and how this will be achieved.
- Discuss progress for each goal /objective based on current documented evidence. Has the goal/objective been met or is it on track to be met?
- Establish if a goal/objective which is still relevant has not been met, note the reasons why and consider whether additional support is necessary and, if it is, what kind of support
- Discuss evidence and assessment of how they have approached their work against the Council's Behaviour Framework
- Refine any objectives/ goals which are no longer relevant i.e. circumstances can change, so this may mean that objectives will need to be amended or discarded/replaced if they become no longer relevant

4. Role of Managers

The success of a performance management system rests largely on managers, although employees are encouraged to fully prepare for their MPC and are contracted to fulfil their responsibilities performing at an expected standard. Managers will:

- Agree skills and behaviours necessary for employees to fulfil their roles and responsibilities
- Agree goals / objectives and development needs with their employees
- Review employee performance against goals/ objectives and behaviours throughout the year via My Performance Conversation process
- Give constructive feedback and discuss any changes to tasks or goals where circumstances change
- Discuss a personal development plan and identify training needs
- Help employees to achieve goals / objectives through coaching
- Provide access to training or other development opportunities
- Manage underperformance

- Take notes of all discussions on My Performance Conversations where issues or underperformance is discussed
- Consult with HR where performance issues have been identified

5. **Performance Issues**

Performance issues can arise for the following reasons (although not exhaustive):

- Unsatisfactory work performance e.g. consistent / repeated failure to meet deadlines/ objectives or identify problems and offer solutions
- Inability to demonstrate the level of skill or competence required for the position
- Unsatisfactory attitude or behaviour
- Poor quality of work
- Loss of qualification essential to role
- Health problems preventing the employee from attending work or carrying out the full range of duties expected of their role

Regular reviews and support will help minimise underperformance. Nevertheless there may be occasions when, despite adequate support, an employee's performance consistently fails to reach the required standard. Where this is the case managers must try to resolve the issue. Managers must be prepared and ready to have difficult conversations with their team members and will need to have been trained to do so. (Refer to Performance Management Guidance document for further information).

If the reasons behind the performance problems are unclear, managers should contact HR for advice about the appropriate guidance/procedure.

The performance management procedure should not be used where employees are capable of carrying out their work satisfactorily but are neglecting to do so. In these cases, the Disciplinary policy should be considered. For performance issues relating to Ill Health, the Capability Policy should be used.

6. **Managing Early Signs of Underperformance**

Discussing areas of performance which require improvement should be seen as an integral part of My Performance Conversations as recognising success. If an employee is not meeting some expectations of the role profile this must be addressed as part of the individual's ongoing development with a view to establishing any underlying reason/s. All discussions must be handled sensitively, recorded accurately and shared with the employees. Managers will consult HR as appropriate if the concerns are serious

Managers and employees both have a responsibility to identify gaps in performance and to work together on closing those gaps by applying various methods e.g. coaching, training. For My Performance Conversation meetings both the manager and the employee should take time to prepare, be responsible for identifying areas of the role which are not on track, or could have been tackled differently, and what action is required (e.g. informal performance improvement plan or a referral to OH for reasonable adjustments).

Managers will ensure that any such concerns are addressed and resolved at an informal stage, giving the employee the opportunity to discuss any matter openly and honestly. They must ensure employees are supported appropriately to improve performance.

The employee will be expected to be proactive and develop themselves and improve their performance alongside any additional guidance and coaching they will receive, fully co-operating with their line managers.

Managers will explain that continuing underperformance may lead to invoking Capability procedure. [LINK TO CAPABILITY PROCEDURE](#).

7. Discussing Underperformance

Discussions addressing underperformance may include the following:

- In what ways are the standards of the role not being met?
- Are the expectations and standards reasonable and achievable?
- What are the consequences of deliverables/standards/Behaviours not being met?
- What are the reasons for the poor performance (e.g. gaps in skills, knowledge, unclear or unreasonable expectations, personal difficulties etc.)
- What measures will be put in place to help improve performance?
- What improvement is expected and by when?

Managers should always prepare carefully for meetings where constructive feedback will be given. Managers may want to refer to the 'Giving and Receiving Feedback' guide (Annex 2 – Capability Guidance) as part of their preparation and to take further advice from HR as appropriate.

Managers should consider, with advice from HR, discussing an informal action plan to help improve under performance within a stipulated time scale.

Managers must take appropriate action when:

- An employee's under performance is not improving after a period of careful monitoring
- There is a sudden deterioration in their performance standard

Managers should discuss the case with HR, if they have not already done so, review if any action taken so far and agree what strategies should be put in place to bring about the improvement required, as quickly as possible.

Managers must seek appropriate advice from HR in using the relevant policy (e.g. Capability or Disciplinary) in order to manage the case fairly, consistently and effectively.

8. Learning and Development

As a part of the performance management process, managers and employees will take part in identifying and agreeing learning and development needs.

Managers can:

- Ensure that the necessary opportunities are made available to the employee to enable them to develop appropriate skills and knowledge to undertake their current role
- Ensure that the employee has access to other opportunities so as to equip them to undertake their role as an effective team member
- Encourage all employees to contribute to the identification of their personal development and learning needs

Any training needs identified as a part of performance improvement plan due to underperformance, must be made available to the employee and reviewed in line with the policy.

Managers will monitor the areas for learning and development as part of performance management via My Performance Conversation.

A range of learning and development activities may include:

- Learning in the job
- Work experience
- Team work
- Self-development

An employee may wish to identify job related learning opportunities for their own career development. It may also be possible that an individual is performing well in their role and does not consider themselves to have any development needs or further career aspirations. This can be taken into consideration in My Performance Conversation and agreed with the employee (e.g. where they can demonstrate that they are keeping up to date with any changes or new developments in relation to their work).

9. Formal Action

Managers must informally discuss underperformance setting realistic goals / objectives within a stipulated review period, providing support where it has been discussed and agreed. Continued underperformance and where goals / objectives have not been met, it will be escalated to the formal stages of Capability Procedure depending on each case. HR advice will be required to ensure consistency and fairness.

Managers will consider the following prior to progressing to the formal stages of the Capability procedure:

- Has it been made clear to the individual what the gaps are in their performance?
- Has it been made clear in a written record what improvement is expected and by when?
- What action has the manager and the individual already taken to address the under-performance?
- What are the consequences of the individual's continuing poor performance?

Managers must consult HR and ensure they have considered all options providing all the support agreed before escalating to a formal stage unless the level of performance is believed not to be improving despite all measures put into place.

10. Underperformance and Annual Pay Progression

A recommendation for annual progression will be made in recognition of sustained performance throughout the year. The assessment will be made by the manager via regular My Performance Conversations taking into consideration the employee's performance throughout the year. Managers will apply the performance management process, considering the different categories of contract or employees or situation including reviewing performance for employee/s who is/are absent due to maternity or any disability reason (e.g. Seconded or FTC etc.) in line with the policy.

Managers will inform HR of the nominations and send any supporting documents to HR to evidence where an employee has been under-performing and will not be recommended for pay progression. Managers must submit the My Performance Conversation (12 months) documents to evidence under performance of those who should not be awarded annual progression.

Employees who are consistently underperforming in areas of service delivery, behaviour and attitude, attendance and those that are subject to formal disciplinary or capability processes will not be eligible for annual progression.

Where employees are not meeting the required standards, this should be clearly stated by the manager during My Performance Conversation meetings. Employees should be advised in advance that their performance isn't acceptable and that continuing under performance may affect their ability to receive annual progression. Managers should consider referring to the Council's Capability Policy and take appropriate action in line with this policy if necessary with advice from HR.

11. Right of Appeal

Employees who have not been recommended for annual progression award have a right to appeal.

Appeals should be in writing, addressed to the Head of Human Resources & Organisational Development and should be received within 7 working days from when the employee has received the written confirmation that no annual progression has been awarded. Employees must clearly state the grounds of their appeal (e.g. why they disagree and an explanation or any supporting evidence outlining their reasons).

An appeal meeting will be arranged to take place within 7 working days of the submission of the written appeal, wherever possible. Should it take any longer to arrange the meeting due to any unavoidable circumstance, every effort will be made to meet the timescale and the employee will be notified if this is not possible. Employees must attend the meeting at the specified time.

If they are unable to attend due to circumstances beyond their control, they should inform their line manager immediately. Failure to attend without any valid reason or if it appears that they have not made sufficient attempts to attend, the hearing may

take place in their absence. The appeal hearing will be conducted by the Head of Service or Chief Officer. They will consider the grounds put forward and assess whether or not the conclusion reached by the manager was appropriate. The employee will be informed of the outcome within 7 working days, wherever possible. The outcome of this meeting will be final.

12. Dismissal

Employees can be dismissed on grounds of lack of capability and an inability to improve.

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People Framework

Recruitment & Retention Incentive Procedure



Version number 1
Date June 2019

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Tracking

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1. Purpose

It is widely recognised that recruitment within the public sector is increasingly challenging, with competition from other sectors offering higher levels of pay, additional staff benefits, and other recruitment incentives.

Particular problems for Epsom & Ewell Borough Council Borough Council have been recognised in some professional and technical services, where pay related forces have impacted on the Council's ability to attract and retain staff.

Recruitment and retention incentives that are time limited are increasingly more favoured than 'across the board' rises, and can avoid the pitfalls of other/previous approaches such as market supplements.

2. Scope

The policy applies to all employees appointed to positions at grade 6 or above, on a permanent contract of employment.

Employees employed at grades 11-7 are not eligible as the Council would normally expect to recruit to these roles.

3. Recruitment Incentive

A recruitment incentive payment will be applicable only to vacant posts that have been advertised and have been unsuccessful in making an appointment, and will not be applied to other posts.

To qualify posts must have been advertised at least twice, and for it to have experienced difficulties in filling the post due to salary related issues.

The payment is understood as a recruitment incentive to secure an appointment to a post which qualifies as hard to recruit.

A Recruitment Incentive may apply to new staff in difficult to recruit areas. This may be up to 10% of the maximum of the grade. The payment is made with the first month's salary as a one off lump sum with the following repayment plan over a 3-year period as follows:

Leave within first 12 months	100% repayment
Leave 13-36 months	Reduced 1/24 for each month employed during that period

4. Retention Incentives

Retention Incentives can apply in the following circumstances:

- In difficult to fill posts where there are demonstrable recruitment difficulties
- One-off payments to retain staff to complete key projects or tasks
- Loyalty payments linked to closure of services and where staff will be redundant

5. Retention Incentive - Difficult to Fill Posts

The retention incentive will be paid to those people in posts deemed to be 'hard to fill' if they were to become vacant. Hard to fill posts are those posts where Epsom & Ewell has experienced difficult recruitment problems or where it is known there is a national or regional shortage of those particular professions/occupations.

The allowance will be agreed by Head of Service and Chief Operating Officer/ Chief Executive for a one-year period only.

In order for cases to be considered, Service Heads must complete the attached pro-forma setting out the reasons for the allowance being paid to particular people/posts.

The form should include information as follows:

- On the current employment market for those particular posts
- Turnover at Epsom & Ewell in the service and for those particular posts
- Any recruitment difficulties in that Service

The incentive will be based on 10% of the individual's spinal column point and will be taxable and pensionable.

Once agreed, the incentive will apply for a one-year period and be paid on 2 occasions during the calendar year from the date of agreement.

The incentive will not be paid if a person leaves (for whatever reason) within the 6 month period or has given / been given notice to terminate their employment with Epsom & Ewell at the time of payment.

Anyone in receipt of a recruitment incentive will not receive the retention incentive, if applicable to their post, until they have been in post for 2 years.

The incentive will only apply to posts within the Grade G1 to G6.

6. Retention Incentive - One off Payments

A lump sum retention incentive will be paid in cases recommended by Heads of Service and agreed by the Chief Executive Officer / Chief Operating Officer to encourage key staff to remain at Epsom & Ewell while undertaking key projects or tasks, usually linked to the delivery of key priorities.

Performance measures will be set and monitored.

The lump sum payment will usually be to a maximum of 10% of the individual's spinal column point and will be subject to tax and national insurance contributions, but will not count as normal pay for the calculation of redundancy payment or pension.

Payments will be paid on completion of agreed objectives.

The payment will not be paid if the person leaves (for whatever reason) before the agreed objectives have been met, or was under notice at the agreed date.

7. Retention Incentive – Loyalty Payment in Redundancy

Loyalty payments where it has been agreed that services will cease at a future date and there is a need to maintain current service levels and staffing until that date.

Loyalty payments will be paid to retain staff until that date in recognition of staff's contribution to the running of existing services during times of change.

The lump sum will be set at an appropriate level.

Conditions applying to the payment will include

- Remaining employed up to the specified date
- Where employment ends at the specified date due to redundancy, retirement or at the end of a temporary contract
- Subject to tax and national insurance contributions, but will not count as normal pay for the calculation of redundancy payment or pension
- Pro-rata reduction for any sickness absence or unauthorised absence in the specified period
- Not payable where staff remain employed permanently anywhere in the Council beyond the specified date
- Chief Executive / Chief Operating Officer are able to authorise payment of a Loyalty Payment in other exceptional circumstances where the above broad principles apply



People Framework

Recruitment & Selection Procedure



Version number 1
Date June 2019

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1. Introduction

This procedure outlines the key stages to follow when recruiting employees. Further advice and guidance is available from HR.

2. Review & Monitoring

This procedure will be monitored and reviewed on a regular basis. All recruitment exercises will be recorded for monitoring purposes.

Recruitment data will be prepared by HR and may be made available to Leadership Team on request.

3. Training

The Council offers a recruitment and selection training course for managers who are new to the recruitment process or as a refresher course. Any hiring managers will be expected to complete the Recruitment and Selection Training (including Safer Recruitment).

Experienced managers who have been recruited from other local authorities and who can demonstrate prior training and experience of recruitment and selection will attend a shortened version of the course which will outline the recruitment process at Epsom & Ewell.

A record of who has attended the training will be kept by HR and any managers who are required to take part in interview will be invited to attend if they have not already done so.

4. Considering the Vacancy

Where a vacancy arises the hiring manager should assess if and how the vacancy should be filled, taking into account factors such as:

- Have the needs of the service changed or is change imminent?
- Are there any changes to the duties and tasks undertaken?
- Why did the previous post holder leave?
- Could the role be carried out in a different way?

If the manager concludes that a vacancy should be filled, the next step is to prepare the role profile and person specification.

5. Role Profiles and Person Specification

An up-to-date role profile and person specification must be produced for all posts. Any new role profiles, or ones which have been significantly amended must be job evaluated before an advert can be processed. (***Refer to job evaluation procedure for further information***).

Role Profile

No role profile should contain any discriminating language.

The role profile should provide an overview of the key duties or tasks that are required and should be written in plain English which can be easily understood and should be in a suitably accessible format for all applicants.

A Role Profile Template must be used. (LINK)

Person Specification

The person specification forms part of the role profile template and should outline the knowledge and skills specific to the role and also the behaviour /abilities that are required to successfully carry out those tasks and responsibilities within the role.

They will contain:

- Examples of behaviour /core abilities necessary for effective performance in the role.
- Language that can be used in job advertisements.
- Criteria for choosing and designing assessment methods.
- Criteria for decision making.
- A structure for giving feedback.

6. Authorisation and preparing for advertising

An authorisation to recruit form (REC01) must be completed. The REC01 form must be authorised by the Head of Service and other relevant signatories.

DBS and Political Restriction

As part of the authorisation process managers are required to identify whether the role requires a DBS check and/or is politically restricted. Please see the Council's Safer Recruitment and Political Restriction Procedures. (Link to forms?)

Advertisements

Advertisements must positively encourage applications from all suitably skilled, experienced and qualified people and must be free from any bias regarding: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In preparing adverts, managers should ensure that the language is non-discriminatory and that the essential requirements of the role are a genuine occupational requirement for the role to avoid exclusions.

All job advert will have an Equality and Diversity statement and wordings will be 'inclusive' and non-discriminatory with information on Disability Confident scheme in the job information pack. A candidate should be given the choice to discuss any adjustments to the working environment as a result of being invited to attend an interview and must be supported to participate fully in the selection processes.

Advertising costs must be obtained from the HR team and agreed in advance. In line with Council policy any vacancy should be advertised using the advert template. **(Refer to Appendix 2– Advert template)**

Internal/external adverts

Managers should advertise all roles to as wide a pool of people as possible. A diverse pool of applicants, shows that the Council is fair and supports equality of opportunity.

All vacancies will be advertised by using Epsom & Ewell Borough Council website, Jobsgopublic, Surreyjobs, Indeed and any relevant role specific websites (which are free of charge). The advert will be placed by the HR Team. Vacancies will be advertised for a minimum of 10 working days.

Where Managers wish to advertise internally only advice from HR should be sought and justification for advertising internally only should be recorded on the REC01.

Redeployees

The HR team will ensure that any employees on the redeployment register are made aware of the opportunity in line with the Council's Management of Workforce Change Procedure.

7. Application Forms & CV's

The Council will provide a Recruitment Privacy notice to applicants to inform them of how and why we require their information. (***Refer to Privacy Notices***).

The Council has a number of application methods which include:

- Standard Application Form
- CV and role specific questions

Candidates completing a standard application form or role specific questions will be asked to detail how they best meet the criteria for the role and demonstrate how they have the relevant qualifications, knowledge and skills.

A decision about the format of the application should be made by the manager prior to any advert being circulated and agreed with HR in advance.

The Council will accept CV's for roles such as casual work.

The Council also has the facility to flex the application process relevant to the role for example, the application process may include specific questions that applicants are required to answer.

8. Disability Confident

The Council operates a guaranteed interview practice as per the Disability Confident scheme. All applicants with a disability as defined under the Equality Act 2010, who inform the Council at the time of their application of their disability and who meet the minimum criteria of the post must be offered an interview. Recruitment practices should support the aim of the policy including due consideration to reasonable adjustments.

9. Shortlisting

The recruiting manager will be provided with access to undertake shortlisting online via the Council's recruitment portal. Managers will not have access to candidates' personal data at shortlisting stage however they will be advised if an applicant has disclosed a disability.

The Hiring Manager has a responsibility to ensure that only the criteria stated on the Role profiles (including Person Specification) are used for shortlisting purposes and

that the same criteria is applied to all applicants. Short-listing must be carried out independently by each member of the panel before meeting together to agree a final short-list. Applicants will be assessed according to:

- Whether they meet all the essential criteria – those who do not, will not be short-listed
- If an unmanageable number of applicants meet all the selection criteria, they will be assessed according to how well they meet the desirable criteria

In line with Council policy, disabled people who have applied under the guaranteed interview scheme will always be offered an interview if they meet the essential criteria. Assumptions should not be made about how their disability will impact on their ability to perform the job. Disabled applicants should only be assessed using the information on their application form.

Written/online records of shortlisting decisions must be kept to help provide feedback, if requested, and to justify selections against claims of discrimination or other complaints. Hiring managers should therefore complete a shortlisting assessment online for each recruitment process.

Declaration - Relationship

Where a candidate has disclosed a relationship with a Council employee or Councillors, the person identified should not form part of the recruitment process or panel.

Re-advertising

The Hiring Manager can make the decision, with agreement from all panel members, to re-advertise a post if it is not possible to form a shortlist from the applications received. Candidates should be advised that the field was insufficient to progress with the recruitment process.

10. Interviews

Wherever possible, shortlisted applicants should be given at least 5 working days' notice of their interview.

The Hiring Manager should finalise the interview and assessment criteria for the interview process. They should ensure suitable rooms are booked and any necessary IT equipment is available. They will advise HR of the interview location, the candidates they wish to invite to interview and interview times.

HR will send emails inviting candidates for interview which will:

- Give details of the interview panel and interview location, the date and time of the interview.
- Ask candidates to advise any special requirements in relation to the interview, including aids and adaptations.
- Outline the nature of any assessments to be performed at the interview.
- Outline any documentation they are required to bring to the interview.

Interview panel members should meet in advance to plan the interviews and the questions to be asked. The questions should be designed to test whether candidates meet the criteria on the person specification which are measurable at interview.

Interviews may be supplemented with assessments to show how an applicant would respond in a work setting. Assessments should be developed in liaison with the HR Team to ensure that they are not discriminatory in nature.

An interview score sheet should be prepared for each applicant. The 'comments' section of this form should be completed independently by each panel member either during or immediately after each interview.

The Hiring Manager is responsible for ensuring that the assessments/interviews are chaired effectively and conducted fairly with equal treatment of all candidates. The same selection process must apply to all candidates.

The selection processes should be appropriate to the grade and level of responsibility to be held by the post holder.

The Hiring Manager must ensure all aspects of the application form are explored during the interview and documented on the Candidate Interview Assessment form including:

- Interview questions
- Any disclosures made on the application form
- Any potential conflict of interest
- Gaps in employment history

11. Documentary Evidence – The Right to Work in the UK & Qualifications

Under the Asylum and Immigration Act 2006 every external applicant, without exception, should be asked, when they attend for interview, to produce evidence of their right to work in the UK. Details of the type of evidence required can be found in the Recruitment Checklist (Link to Form). Only original certificates, rather than copies, will be acceptable.

Hiring Managers must take a photocopy of the original documentation, which must be signed and dated by the Hiring Manager and returned to HR as part of the recruitment pack. No formal written offer of employment can be made without this documentation: employing someone who does not have the right to work in the UK is a criminal offence. Copies of original qualification certificates and/or proof of membership of professional bodies should be taken if they are listed on the person specification as essential or desirable criteria.

The Hiring Manager should consult HR to ensure that the necessary right to work documentation is in place.

12. Interview Expenses

The Council does not pay for interview expenses.

13. **Decision to appoint**

After interviewing all the candidates, the chair of the panel should, in consultation with the other panel members, come to a decision based on the interview score sheets, in order to determine who should be selected. Appointment must be on merit.

The Hiring Manager must be aware that a verbal offer of appointment is as binding in law as a written offer. When making a verbal offer it is important to state that the offer is subject to pre-employment checks. A member of the interview panel will inform both successful and unsuccessful candidates of the outcome of their interview within an agreed timescale. If a candidate requests detailed feedback it will be provided by the chair of the panel.

The successful candidate will be verbally offered the position, subject to satisfactory pre-employment checks. They should be advised not to resign from their employment until all pre-employment checks are confirmed.

The manager will then need to complete a successful authorisation to appoint form (LINK TO FORM).

When making the initial offer of employment, the successful candidate will be offered the minimum pay point of the grade for the role in line with the Council's Employee Pay & Reward Policy.

Where there is evidence to support making an offer of employment at a higher scale point within the grade, Managers follow the process outline in the Councils Employee Pay & Reward Procedure and must ensure they have authorisation before making the offer. (Refer to Employee Pay & Reward Procedure)

The Hiring manager must provide the name and details of the successful candidate to HR and also upload;

- Copies of mandatory qualifications (taken at interview)
- Copies of mandatory professional registrations (taken at interview)
- Copies of Right to Work and Identity (taken at interview)
- Candidate Interview Assessment Form

On receipt of this forms, HR will issue the conditional offer to the candidate and progress the necessary pre-employment checks before a final offer is made. The offer is subject to successful pre-employment checks including confirming right to work, references and satisfactory DBS and medical checks. If candidates fail to complete their pre-employment checks (which are outlined in their conditional offer) within 10 days the Council reserve the right to withdraw the job offer.

14. **Medical Clearance**

All new employees must be medically cleared before appointment. This is done via our Occupational Health Provider.

It will be used solely to determine the fitness of a prospective employee for a specific post and ensure that their employment will present no risk to the health of themselves or other employees.

Where appropriate, reasonable adjustments will be made for disabled appointees in accordance with the Equality Act 2010.

15. References

HR will request references for a Hiring Manager after the conditional offer has been made. All appointments are subject to the receipt of two satisfactory work references, one of which must be the applicant's present or most recent employer. References will be skeleton confirming mostly the job title and duration of work. **(LINK to LETTER A- Reference request Letter).**

The following exceptions apply to this rule:

- Where an existing Council employee is appointed to a new internal position **and** they will remain in the same team **and** continue to have the same Line Manager, no reference is required.
- Only one reference is required for internal applicants when their line management changes. This should be written by the employee's current line manager.
- In exceptional cases the panel may agree that either one or both references need not be work references (e.g. for school leavers or women returning to work after a long career break). Where this is the case, character references should be sought instead.

The HR team will contact the chair of the panel to arrange for the review of references once they have been received.

When providing a reference for existing employees, the Council will confirm the following information only:

- Dates employed
- Current role held

There is no legal obligation to provide a reference.

16. Disclosure & Barring Service Checks

Where a role is identified as requiring a DBS check, this will be done in line with the Council's Safer Recruitment Procedure.

17. Unsatisfactory Checks

If any of the applicant's pre-employment checks are unsatisfactory, the Hiring Manager should consult HR at the earliest opportunity and decide whether further information should be sought before withdrawing the conditional offer of employment. Detailed guidelines about unsatisfactory DBS checks are outlined in the Council's Safer Recruitment Procedure.

18. Formal Offer of Employment

Once all pre-employment checks have been satisfactorily completed, the line manager will contact the successful candidate and agree a start date. In order to preserve continuity of Local Government Service candidates transferring from another local council should normally finish on a Sunday and commence with the Council on a Monday. The manager should advise the successful candidate to give

notice to resign from their current job only on receipt of a written, unconditional offer from Epsom & Ewell Borough Council. The HR team will then send a contract of employment to the successful candidate.

19. Record Keeping

Managers undertaking recruitment and selection are responsible for ensuring that copies of all documentation, evidence gathered and correspondence sent to individuals are kept securely while in their possession and returned to the HR Team at the earliest opportunity. The HR Team will retain a file in respect of each job advertised. This will include:

- The business case (where applicable)
- The recruitment authorisation form, as completed by the recruiting manager
- A copy of the job profile, person specification and advertisement
- A log of individuals requesting and returning application packs
- All application forms for those not short-listed
- The completed shortlisting assessment sheet
- All application forms of people who were shortlisted, interview notes and score sheets
- Copies of questions asked at interview
- Assessments and their results, where applicable
- Sensitive data relating to applicants will be anonymised and retained for reporting purposes

The recruitment file and any electronic files relating to unsuccessful candidates will be retained for six months after the appointment decision has been taken in order to provide feedback, respond to any complaints of unfair treatment and to keep the details of any reserve candidates available. After this six-month period the file will be shredded and any information kept electronically will be permanently deleted. It is important to ensure that all paperwork contained within the recruitment file is in order, fully completed and signed as it could potentially be required as evidence in an employment tribunal.

20. Unsuccessful candidates

Candidates who are unsuccessful after interview will be informed of the outcome by the HR team. The Hiring Manager should provide constructive feedback to candidates, if requested to do so. Appointable candidates may be re-considered for the role they have applied for should a vacancy arise within 3 months without a further interview/selection process.

21. Induction and Settling-In

The Council's Induction and Settling In procedure will be followed for all new employees.



People Framework

Relocation Procedure



Version number 1
Date June 2019

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1. Purpose

Epsom & Ewell Borough Council aims to recruit the highest quality individuals. This policy is intended to support the organisation by providing financial contribution to the costs new employees incur when they have to relocate nationally or internationally.

2. Scope

The policy applies to employees appointed to positions at grade 6 or above, on an open ended or fixed term contract of two years or more, and who have to relocate their main place of residence in order to take up the appointment. Employees employed at grades 11-7 are not eligible as the Council would normally expect to recruit from within the surrounding area. Relocation expenses of 10% of your gross salary (excluding allowances) or up to a maximum of £8,000, can be claimed.

3. Qualifying Criteria

If you are a new starter moving to Epsom & Ewell Borough Council, the Council may pay some of your relocation expenses. You can apply for relocation expenses if your appointment meets all of the following qualifying criteria:

- Funding for a relocation allowance has been identified as part of the authorisation to recruit process
- The contract of employment includes the relocation expenses paragraph. (if your contract does not include the relocation paragraph, please check with HR to confirm your eligibility)
- The contract of employment with the Council must be at grade 6 or above on an open or fixed term contract.
- The duration of the contract of employment with the Council is no less than two years.
- The costs incurred by the employee are as a result of the moving their permanent residence in order to take up the position.
- The move of permanent residence is as a result of the employee accepting the position at the Council (i.e. the move was not pre-planned by the employee regardless of whether the position was offered and accepted).
- The old residence must be outside a 60 mile radius of the new work location, which is deemed to be a reasonable travelling distance.
- The new residence must be within a 10 mile radius of the new work location.
- The new starter must need to move home to take up an appointment with the Council.

4. Claims

Claims should be made in a timely manner to qualify for payment as follows:

- Any claim should be completed within 12 months of the appointment date.
- All claims forms must be submitted within three months of the expense being incurred by the employee. (Multiple claim forms can be submitted by the employee during the process).

Once the qualifying criteria have been established the following is a list of permissible claims. This list is not exhaustive and is subject to change by the Council or through legislative updates.

5. Permissible Costs

Payments for relocation expenses are treated as part of an appointee's earnings for Income Tax and National Insurance Contribution purposes. However, the first £8,000 is exempt from Income tax and NICs. These are subject to HMRC rules which may be found at <https://www.gov.uk/expenses-and-benefits-relocation/whats-exempt>

The Council's policy has permissible costs which may be reimbursed. These are approved and agreed at the Council's discretion and may not include all the categories of costs outlined in the HMRC rules.

The permissible costs are outlined below:

Professional service costs associated with the sale of the old residence and purchase of the new residence:

- Solicitors fees in respect of the sale and purchase
- Search, survey and property equity fees
- Valuation fees
- Land registry fees
- Estate agents fees
- Letting agency fees (for short-term temporary accommodation only)

Transporting of the employee's belongings to the new residence:

- Moving normal household effects within or into the UK
- Temporary storage of domestic belongings for a period of up to three months
- Insurance of domestic belongings during transit and whilst in storage

For travel and accommodation associated with the move the Council will reimburse the following:

- The reasonable travel costs for one visit by the employee and spouse/partner (only) to visit the area to locate a new residence, including the costs for the employee and spouse/partner to spend up to three nights bed and breakfast accommodation (up to the value of £90 a night including breakfast or £85 a night without breakfast)
- The cost of a single journey for the family to travel from the former residence to the new one. This should either be direct mileage from the old to the new residence or the cost of single economy rail travel
- Where the employee is relocating internationally, in addition to the relocation expenses, a claim for one way economy class or equivalent airfare for the employee and their immediate accompanying family

For short term temporary accommodation costs, these can be reimbursed in exceptional circumstances for a maximum period of up to three months, when:

- The employee is able to evidence that they have dual property commitments as a result of the relocation
- They are agreed in advance by the recruiting manager and HR
- The employee is actively looking to purchase a permanent residence
- The short term accommodation is within 25 miles of the Council
- Costs incurred once the employee has commenced employment with the Council - whilst waiting for the new permanent residence - will be paid

6. Non Permissible Costs

The costs that the Council will not cover are non-permissible costs. The following list is for those non-permissible costs that will not be reimbursed by the Council. (This list is not exhaustive and expenditure should be checked for validity before commitment to the cost is made.)

The following costs associated with the purchase or sale of a property:

- The payment of mortgage or housing subsidies if the employee moves to an area of higher cost housing
- The interest payments on the mortgage for the employee's existing home
- The cost of disconnection and reconnection of utility services
- The redirection of mail
- The mortgage arrangement fees
- Council tax charges whilst the properties are empty
- The compensation for losses incurred on the sale of the property or personal belongings
- Refundable rental deposits/security/advance rent or other refundable payments
- The cost of rent within the employee's new permanent residence

The following costs associated with transportation and/or storage of goods:

- The separate removal of individual items
- The removal of motor vehicles, livestock or domestic animals
- The separate removal of work related equipment e.g. laboratory items, files and cabinets, books, musical instruments or computers other than those owned personally (the employee would normally seek financial assistance from the relevant department for reimbursement towards specific work related costs).

The following costs associated with travel and accommodation:

- First-class travel costs
- Overnight stays not related to the purchase of a permanent residence
- Overnight stays that do not meet with the criteria above
- Visa applications and associated costs with the application

Costs for the purchase of new carpets, curtains or appliances for the new property.

7. Process

Requests for payment of relocation expenses must be submitted to HR using the relocation expenses form together with original receipts. In order to comply with financial regulations the Council will not accept photocopies of itemised receipts and/or any statements or payment slips in lieu of receipts.

All claims and any reimbursements made are done so on the understanding the employee will remain at the Council for a period of two years or more. Should the employee voluntarily leave the Council within two years of commencing employment, they will be required to repay a proportion of the reimbursed expenses. The amount to be repaid will decrease by 1/24th for every month of service completed.

If you have any questions about a claim for relocation expenses, please contact HR for clarification prior to committing to the expenditure.



People Framework

Safer Recruitment Procedure



Version number 1
Date June 2019

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Tracking

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Revision History

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Each revision requires the following approvals:

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1. Safer Recruitment

The Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expects all employees and volunteers to share this commitment. The suitability of all prospective employees or volunteers will be assessed during the recruitment process in line with this commitment.

Having a criminal record will not necessarily bar anyone from working with us. This will depend on the nature of the position and the circumstances and background of any offences.

Under the Rehabilitation of Offenders Act 1974, applicants are expected to only have to declare unspent convictions. However, if the post for which the applicants are applying is one which is an exception under this Act, they must give full details of everything on their criminal record. If this is the case it will be clearly indicated in the advert and role profile.

The criminal record information any applicant is required to provide is not used for shortlisting purposes. However, if applicants are shortlisted for interview, their criminal record information will be discussed with them if the interview panel feel it is relevant to the job for which you are applying. Only the successful candidate will be asked to complete a Disclosure & Barring Service (DBS) check application form.

Section 11, Children Act 2004, sets out the arrangements for safeguarding and promoting the welfare of children and applies to all key local bodies named under section 11(1) of the Act. One of the key features of these arrangements is ensuring safe recruitment procedures are in place. Safer recruitment' practices are in place to identify and deter people who might abuse children or are otherwise unsuitable for employment and to minimise the possibility of children and young people suffering harm from those in a position of trust.

This procedure will help employ a workforce which fulfils its roles and responsibilities with full regard to this commitment.

All vacancies will be advertised with the Council's safeguarding statement.

2. Principals of Safer Recruitment

The Council will meet this commitment by:

- Complying with the Disclosure and Barring Service code of practice.
- Keeping a record of key posts in each department which work with children and vulnerable adults and ensuring that these posts are subject to the DBS checks.
- Undertaking a rolling programme of review for those members of staff who are subject to DBS disclosures.
- Making judgements and decisions consistently and at an appropriate level when a positive DBS check is received.
- Ensuring that recruitment panels are competent to implement recruitment procedures
- Communicating safer recruitment requirements to all who provide services on Epsom & Ewell Borough Council's behalf, e.g. contractors and agencies.

- Ensuring that the protection of children and vulnerable adults is a condition of awards/grants and service level agreements, and is built into contracts for services to the Council.
- Monitoring external service providers' compliance with contracts, including a requirement that the provider will not sub-contract to any personnel who have not been part of a safer recruitment process.

3. Regulated Activity with Adults

Regulated activity is work that a barred person must not do. However, it excludes any activity carried out in the course of family relationships, and personal, non-commercial relationships. An adult is any person aged 18 years or over. Employees only need to carry out any of the activities once to be in regulated activity with adults.

If the Council will be employing someone to do work that is regulated activity with adults an enhanced DBS with an adults barred list check, should be requested.

When an organisation request a DBS check to assess someone to carry out regulated activity with adults this means that they are a regulated activity provider (RAP) which brings obligations under the Safeguarding Vulnerable Groups Act 2006.

Regulated activities with adults are:

- Providing health care by, or under the direction or supervision of, a regulated health care professional
- Providing personal care made up of physical assistance with daily activities or prompting and then supervising or with training, Instructing, providing advice or guidance on how to physically assist an adult who can't carry this out themselves because age, illness or disability or providing social work by a social care worker to an adult who is a client or potential client
- Conveying adults to, from or between health care, personal care and/or social work services who can't convey themselves because of their age, illness or disability.
- Day to day management or supervision of anyone carrying out the above activities.

Further information can be found at the following links:

www.gov.uk/government/publications/dbs-guidance-leaflets

www.gov.uk/find-out-dbs-check (eligibility tool)

4. Regulated Activity with Children

Regulated activity is work that a barred person must not do. It is defined in the Safeguarding Vulnerable Groups Act 2006 (SVGA) which has been amended by the Protection of Freedoms Act 2012 (PoFA).

A child is any person who has not yet reached the age of 18 years. However, if an activity relates solely to their employment e.g. induction training when starting work, they are only considered a child if under the age of 16 years.

If you are employing or assessing someone to do work that is regulated activity with children you could request an Enhanced DBS check with a children's barred list check.

When you request a DBS check to assess someone to carry out regulated activity with children this means that you are a regulated activity provider (RAP) which brings obligations under the Safeguarding Vulnerable Groups Act 2006.

Regulated activity with children is made up of:

- What activity a person carries out and how often the person does it; or
- Where the role takes place and how often the person will work there; or
- Working in specified positions in Wales.

Further information can be found at the following links:

www.gov.uk/government/publications/dbs-guidance-leaflets

www.gov.uk/find-out-dbs-check (eligibility tool)

5. Disclosure & Barring Checks

As part of the Councils commitment to 'Safer Recruitment', when recruiting to all posts for children and adults it will require an Enhanced DBS check and Barred List check. Details about posts which can ask applicants for an Enhanced DBS check and/or a Barred List check require HR advice to be sought.

For jobs working with children and vulnerable adults, plus certain other categories of job where it is required by law that the post-holder must have a DBS check, this will need to be undertaken as part of the recruitment process.

An applicant can refuse to have a DBS check but if this is required by law as part of the job role then confirmation of role appointment cannot be made unless a satisfactory 'disclosure' from the DBS is received.

A risk assessment must be completed as part of the authorisation process. (**LINK to FORM E - DBS Risk assessment**).

It is an offence for a person who is on the DBS Children or Adults Barred Lists to seek to work/volunteer with these groups and the Council will report them to the relevant Authorities.

6. Types of DBS Checks

There are four types of DBS checks. These are:

- Basic – these lists a potential employee's unspent convictions and conditional cautions
- Standard – these list spent and unspent convictions, cautions, final warnings and reprimands

- Enhanced – this type returns information on spent and unspent convictions, cautions, final warnings and reprimands, plus any information held by local police that's considered relevant to the potential candidate's role.
- Enhanced check with barred lists – these list spent and unspent convictions, cautions, final warnings and reprimands, any information held by local police that's considered relevant to the potential candidate's role, plus information on whether the applicant is on the list of people barred from doing a role in general.

7. Unsatisfactory DBS Checks

If an applicant's DBS clearance is unsatisfactory, the manager should consult Human Resources at the earliest opportunity and decide whether any further information should be sought before withdrawing the conditional offer of employment.

Where information obtained by Epsom & Ewell Borough Council raises concerns about a candidate's suitability to work with vulnerable adults, or where a candidate has provided false information in support of an application the facts should be reported to the police and/or the Disclosure and Barring Service or the appropriate authority at the time.

8. DBS Checks with another Employer

A satisfactory DBS check is only recognised by the DBS as clearance for an individual to work for the employer which has requested the check. It will not count as valid clearance for any other employer, who must carry out their own check.

Furthermore, a disclosure carries no formal period of validity and, of course, only reveals information available at the time of its issue.

External job applicants therefore must always undergo a DBS check even if they have recently received a satisfactory DBS check with another organisation.

9. Starting work prior to DBS Clearance being received

It is a criminal offence for anyone to seek or accept work in a regulated position knowing that they are barred from working with children or vulnerable adults or for the Council to offer work to, or employ a person in a regulated position knowing that the person is barred from such work.

HR will send a reminder to individuals after one week if they have still not returned their DBS check form and it is needed to be able to confirm their appointment. At 2 weeks, the line manager will be notified and the next steps discussed.

A Head of Service can, following a risk assessment (Appendix X) and discussions with HR, appoint a candidate before a DBS check has been received on the following conditions:

- They must be able to produce evidence of a satisfactory DBS check within the past three years (or within the past year for fixed-term and agency workers)
- They must sign an agreement confirming that they have not received any convictions since their last DBS check, and that if the Council's check reveals a positive disclosure they will be dismissed without notice

- Their new Head of Service must provide written confirmation that they will ensure the applicant will not have sole access to children or vulnerable adults until a satisfactory DBS check has been received

If an ex-employee returns to work at the Council, a new disclosure must be applied for.

10. Checking Existing Employees

Epsom & Ewell Borough Council employees who transfer from a post which does not require clearance to one which does must undergo a DBS check before starting work in their new post.

Employees should be rechecked every 3 years as long as they remain in a post that requires clearance.

A Head of Service or equivalent may, at any time and after consulting their HR adviser, ask an employee who has contact with vulnerable clients to undergo a DBS check if they have cause for concern about the employee's suitability to work with this client group. Other than in the circumstances detailed above, a manager may not ask an existing employee, who is not in a post eligible for a DBS check, to undergo a disclosure.

When DBS checks are renewed on a 3-yearly cycle, HR will send a series of reminders to individuals after two weeks and three weeks if they have still not returned their DBS check form. At 3 weeks, this reminder will be copied to the employee's line manager. At 4 weeks if the form has still not been returned the issue will be escalated to the Head of Service.

If a DBS certificate is lost or destroyed, the DBS cannot provide a replacement certificate; a new one will need to be applied for and paid for again.

11. Management of Disclosure Information

In keeping with the DBS statutory guidance on posts which fall within the definition of "regulated activity" under the Protection of Freedoms Act 2012 and the GDPR 2018, Epsom & Ewell Borough Council will ensure the following:

Storage and Access: Disclosure information will never be kept on an applicant's personal file but will be stored in a secure, lockable and non-portable container with access strictly limited to relevant members of the Human Resources team.

Handling: In accordance with section 124 of the Police Act 1997, Disclosure information will only be accessed by the relevant members of the HR team and the manager of the post in question. Epsom & Ewell Borough Council recognises it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage: Disclosure information will only be used for the specific purpose it was requested for; after the applicant's full consent has been given and in accordance with the conditions specified in this procedure. All those with access to the

information will treat it with the strictest confidentiality and security. Failure to do so could result in disciplinary action.

Retention: The Council will not keep disclosure information for more than 6 months after its receipt.

Disposal: Disclosure information will be destroyed by secure means immediately at the end of the retention period. No further copies will be retained in any form.

The only information that will be retained in a secure manner is:

Name of the subject

- Type of disclosure requested
- The position for which the disclosure was requested
- The unique reference number of the disclosure
- The details of any offence and recruitment decision taken

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People Framework

Shared Parental Leave Procedure



Version number 1
Date June 2019

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Tracking

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1. Introduction

Shared Parental Leave (SPL) enables eligible parents to choose how to share the care of their child during the first year after birth or placement for adoption.

All eligible employees have a statutory right to take Shared Parental Leave.

Mothers/adopters who are eligible for statutory maternity/adoption leave and pay can choose to bring both to an early end and share the remaining leave with their partner as statutory SPL and pay.

In contrast to maternity, adoption and paternity leave, the employee may be able to stop and restart their SPL and return to work between periods if they wish.

The employee and their partner may also be able to take SPL and pay at the same time.

Where the employee and their partner are both employed and meet the qualifying requirements for SPL and pay, they will need to decide how they wish to share the entitlement between them, as leave and pay taken by one parent will reduce the amount of leave and pay that is available to the other.

SPL should not be confused with Ordinary Parental Leave (the entitlement to up to 18 weeks' unpaid leave for each child up to the age of 18 years). Please see the Council's Ordinary Parental Leave Procedure.

2. Eligibility for Shared Parental Leave

Provided that the employee and their partner comply with the eligibility and notice requirements detailed in this policy, they may take SPL if they are:

- The child's mother/adopter
- The biological father of the child
- The spouse, civil partner or partner of the child's mother/adopter

Continuity of Employment Test

This is applied to the mother/adopter. To be eligible for SPL, the mother/adopter of the child must:

- Be/have been entitled to maternity/adoption leave and/or statutory maternity/adoption pay or maternity allowance and have either returned to work or given notice to end these entitlements.
- Have at least 26 weeks' continuous employment with the Council by the end of the 15th week before the EWC (or at the week in which the adopter was notified of having been matched with a child for adoption).
- Still be employed by the Council in the week before any period of SPL is to be taken.

Employment and Earnings Test

This is applied to the other parent. To be eligible for SPL the employee's partner must:

- Have worked (in either an employed or self-employed capacity) for at least 26 of the 66 weeks leading up to the child's due date or placement date.
- Have had average weekly earnings above the Maternity Allowance threshold (LINK) during 13 of the 66 weeks.

In addition, the employee must have correctly notified the Council of their entitlement to SPL and provided evidence as detailed in Section xx).

Subject to meeting these eligibility criteria, parents are entitled to:

- Convert up to 50 weeks of untaken statutory maternity/adoption leave to statutory SPL.

- Convert up to 37 weeks of untaken statutory maternity/adoption pay to statutory Shared Parental Pay (ShPP).
- The right to return to their post, or a suitable alternative post, on terms and conditions no less favourable, at the end of a period(s) of SPL. A partner who takes SPL has the same enhanced protection against detriment and dismissal that a mother/adopter has during their protected period.

3. Shared Parental Leave

The first two weeks following birth or placement for adoption are the compulsory maternity/adoption period and are reserved for the mother/adopter. Therefore, the earliest that the mother/adopter's SPL can start is 2 weeks after the date on which the child is born or 2 weeks after the date of the placement of the child for adoption. For this reason, the maximum amount of SPL available to be shared by both parents is 50 weeks.

The mother/adopter's partner can begin a period of SPL at any time from the date of the child's birth or placement for adoption, however, SPL only becomes available once the mother/adopter has given notice to end their entitlement to maternity/adoption leave early. As long as this notice has been given, SPL may overlap maternity/adoption leave, allowing both parents take leave at the same time.

The partner of the mother/adopter is entitled to take up to two weeks' paternity leave following the birth or placement of the child. This entitlement will be lost if SPL is taken first.

SPL cannot begin before the child is born or placed for adoption and must end no later than 52 weeks after this (i.e. the day before the child's first birthday or the first anniversary of the placement of an adopted child).

The employee can choose to opt in to SPL at any time, as long as there is sufficient untaken Maternity/Adoption leave available to share.

SPL must be taken in blocks of at least a week but can begin on any day of the week.

SPL cannot be converted back to maternity leave or adoption leave. Once the mother/adopter has curtailed their maternity/adoption leave and pay, this decision cannot be reversed and all rights relating to maternity or adoption leave cease altogether.

4. Shared Parental Pay

Shared Parental Pay (ShPP) may be available for eligible parents to share between them whilst on SPL, provided that they meet the criteria set out in Section 2.0, in addition to the criteria listed below:

- The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have curtailed their maternity/adoption or maternity allowance pay period.
- The employee must intend to care for the child during the week(s) in which ShPP is payable.
- The employee must have average weekly earnings not less than the lower earnings limit for national insurance contributions for a period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date.
- The employee must remain in the employment of the Council until the first week of ShPP has begun.

- The employee must, at least eight weeks before ShPP is due, have given their line manager written notice of their entitlement.
ShPP is payable for a maximum of 37 weeks.
ShPP is paid at the statutory rate (or at a rate equivalent to 90% of your weekly earnings if this figure is lower). Where applicable, the remaining weeks (Week 38 to Week 50) of SPL are unpaid.
Unlike statutory maternity pay, there is no provision for the first six weeks of ShPP to be paid at 90% of the parent's actual weekly earnings. This is the case even if the mother/adopter returns to work during the period in which the higher level of maternity pay would have been available to them.
If the employee opts to take discontinuous periods of Shared Parental Leave, they will receive their contractual rate of pay for the weeks during which they are at work. ShPP will start on the employee's first day of SPL.

During SPL, payments will be made through payroll on the usual pay date (20th of the month.) ShPP is treated as earnings and is subject to tax, NI deductions and pension contributions.

5. Notification Requirements

Employees are advised to discuss their intention to take SPL with their line manager at an early stage so that all parties are able to plan ahead effectively.

The employee must give their line manager written notice of their entitlement and intention to take SPL at least eight weeks before the leave is due to start by completing a Notice of Entitlement and Intention to take SPL form.

The employee may submit up to three notifications specifying the periods of SPL they are intending to take. A notification can be for either:

- A period of continuous leave, i.e. a number of weeks taken in a single unbroken period.
- Two or more periods of discontinuous leave, where there are breaks between the leave during which the employee returns to work. For example, an employee may take an initial six weeks of shared parental leave and then work every other week for a period of three months.

The employee has the right to take a continuous block of leave requested in a single notification as long as it does not exceed the total number of weeks SPL available to them **and** they have complied with the notification requirements outlined above.

The Council will consider requests for discontinuous periods of leave but these may be refused where there is concern over accommodating the leave pattern requested. If this happens, a meeting will be arranged with the employee to discuss how their leave might be accommodated.

If the proposed periods of discontinuous leave are refused, the employee may either:

- Accept an alternative pattern of discontinuous SPL
- Withdraw their request within 15 days of giving it
- Opt to take their SPL in one continuous period

The Council will respond to the employee's notification of SPL in writing within 14 days of the request being made, confirming the relevant start and end dates of leave and, if applicable, the rate of pay the employee will receive.

HR will write to confirm the final decision to the employee (approved or rejected) once notified by the Line Manager.

There is no right of appeal against a refusal of discontinuous SPL. Where an employee feels aggrieved by the decision, the provisions of the Council's Grievance Procedure will apply.

6. Providing the information required for SPL

There are a number of forms the employee must complete if they wish to take SPL. Completed forms must be given to the Line Manager at least eight weeks prior to the date on which the employee wishes to commence their leave.

FORM SPL1 - Maternity/Adoption Leave Curtailment Notice

The mother/adopter must provide a Maternity/Adoption Leave Curtailment Notice to bring maternity/adoption leave to an end for the purposes of taking SPL.

FORM SPL2 - Notice of Entitlement and Intention to take SPL (Mother/Adopter)

The mother/adopter must provide a Notice of Entitlement and Intention to take SPL form (only applicable where the mother/adopter wishes to take SPL).

FORM SPL3 - Notice of Entitlement and Intention to take SPL (Partner)

The partner must provide a Notice of Entitlement and Intention to take SPL form (only applicable where the partner wishes to take SPL).

FORM SPL4 - Period of Leave Notice – Request to Book (or Vary) SPL

The mother/adopter and partner must each provide a Period of Leave Notice to their employer(s) to confirm the dates on which they intend to take SPL.

7. Curtailment of Maternity/Adoption Leave

Curtailment of maternity/adoption leave and pay is legally binding and can only be revised by the mother/adopter. Variation is only possible if:

- The curtailment notice was given in advance of the birth; *and*
- The curtailment is being amended within 6 weeks of the birth; *and*
- The curtailment is being amended before the date of curtailment itself.

Requests to vary the curtailment of Maternity/Adoption Leave and Pay should be submitted to the Line Manager using **FORM SPL5 - Revised Curtailment of Maternity/Adoption Leave Details form.**

8. Variation of SPL

The mother/adopter or partner may vary or cancel any authorised period of Shared Parental Leave provided that the request is submitted to the Line Manager using **FORM SPL4 - Period of Leave Notice - Request to Book (or Vary) SPL.**

The employee must provide at least eight weeks' notice of the variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

The Request to Vary a Period of Leave Notice can:

- Vary the start or end date of any period of SPL
- Request that a continuous period of SPL becomes discontinuous
- Request that a discontinuous period of SPL becomes continuous
- Cancel a request for SPL

Any request to vary or cancel SPL submitted, including notice of the intention to return to work early, will count as one of the three permitted notifications. However, where the change is as a result of the child being born early, or as a result of the Council requesting a variation which the employee agrees to, it will not be counted.

9. Terms and conditions of employment during SPL

During SPL, all terms and conditions of the employee's contract except salary will continue. Salary payments will be replaced by ShPP where the employee is eligible for this. If there are any changes to an employee's terms and conditions of employment whilst they are on SPL, for example changes to the pay scales, policies and procedures, etc., these will also be applied.

10. Annual leave

Annual leave will continue to accrue during both paid and unpaid periods of SPL. In addition, employees have a contractual right to time off for public holidays and are therefore entitled to the appropriate number of days off in lieu of any public holiday which occurs during their SPL.

The normal rule of carrying over a maximum of 5 days' annual leave continues to apply. Therefore if the end of the annual leave year (31 March) falls within the employee's SPL period, the full year's annual leave entitlement should be taken before SPL commences.

Where SPL crosses two annual leave years, the employee should discuss and plan when to take their annual leave with their manager as soon as possible. Where annual leave is transferred to the next leave year, this must be taken in a block immediately before the employee returns to work so that they do not lose their entitlement.

As with any annual leave requests, the employee must agree their annual leave dates with their manager in advance. Where the employee is not intending to return to work following SPL, they should take any accrued annual leave before their SPL commences. Where this is not possible, payment will be made for any outstanding annual leave on termination of employment. Equally, where an employee has taken more annual leave than they have accrued, they will be required to repay the overtaken annual leave.

11. Loans

The employee will be required to continue to make repayments in respect of loans throughout their period of SPL, even though they may be on reduced earnings. If at any stage an employee is on unpaid SPL, it will be their responsibility to make necessary arrangements for the ongoing repayments during the unpaid period. Advice can be sought from HR

12. Pension

The Council will continue to make pension contributions based on the employee's normal pay during periods of SPL. However, employer pension contributions will cease during any periods of unpaid SPL. Where the employee is a member of the Local Government Pension Scheme (LGPS) and takes unpaid SPL, they can choose whether or not to pay pension contributions for their period of unpaid leave.

If the employee elects to pay pension contributions to cover lost pension, they can do this by paying an age related Additional Pension Contribution (APC) within 30 days of returning to work or, if they do not return to work, within 30 days of ceasing to be employed by the Council.

If the employee purchases an APC within the 30 day period, the Council will share the cost. It will be assumed that the employee does not wish to pay contributions unless they elect to do so within the 30 day timescale. Pension contributions for the period of unpaid SPL are based on the actual pay that the employee received immediately before the period of unpaid leave started.

If the employee chooses not to pay pension contributions for the period of unpaid SPL, this period will not count as service for pension purposes.

13. Contact during SPL

The Council reserves the right to maintain reasonable contact with employees during SPL. This may be to discuss the employee's plans for returning to work or to discuss and update them on developments at work during their absence, including internal vacancies and training opportunities.

Shared Parental Leave In Touch (SPLIT) days

An employee may work (or attend training) for up to 20 Shared Parental Leave in Touch (SPLIT) days during their SPL without bringing it to an end. Managers cannot insist that employees attend or carry out any work and employees cannot insist that their manager gives them work during their SPL.

A SPLIT day is defined as anything from attending a 1 hour meeting to working the full contractual hours for the day. Employees will receive their normal rate of pay for the hours they attend or carry out work. However, where an employee is in receipt of ShPP, this will be offset from the payment. SPLIT days cannot be used to accrue overtime or TOIL.

If an employee works during their SPL, they must ensure that **FORM SPL6 - Shared Parental Leave In Touch payments form** is completed, signed by their Line Manager and submitted to HR so that payment can be made. The employee's period of SPL will not be extended because they have carried out some work during their leave.

14. Returning to Work

Subject to legislative requirements and the notification requirements set out in this procedure, the employee may return to work at any time during SPL. Alternatively, they may take their full period of SPL entitlement and return to work at the end of this period. If the employee wishes to return to work before their full period of SPL leave has elapsed, they must give at least eight weeks' notice in writing to the organisation using form SPL5. This will count as a new notification and will therefore reduce the employee's right to book or vary SPL.

The employee is required to return to work on the date stated in the letter from HR.

If the employee is returning to work after either a continuous period or discontinuous periods of SPL plus any maternity, adoption or paternity leave totalling less than 26 weeks, they will return to the same job on the same terms and conditions of employment as if they had not been absent.

If the employee is returning to work after SPL plus any maternity, adoption or paternity leave which totals 26 weeks or more (whether or not taken consecutively), they will return to the same job, unless this is not reasonably practicable and then a similar job on terms and conditions no less favourable than their original job will be offered.

15. Reducing Hours of Work

There is no automatic right to return to work on different terms than before, e.g. part-time hours. Employees who wish to change their working arrangements must contact to their manager as soon as possible in advance of their return. Requests should be made in line with the Council's Flexible Working Procedure. Managers will consider requests for flexible working and will seek to agree the changes wherever possible, however, requests may be rejected if there are genuine business reasons to do so.

16. Resignation during or following SPL leave

If the employee decides during SPL that they do not wish to return to work, they must give written notice of resignation to the Council as soon as possible and in accordance with the terms of their contract of employment.

17. Failure to return to work

Failure to return to work at the end of SPL will be treated as unauthorised absence unless the employee is sick and produces a Fit Note before the end of the SPL period.

18. Fixed term and temporary contracts

Prior to commencing SPL, the employee will need to discuss with their Line Manager the way in which their contract will be reviewed. Where possible, a decision should be made prior to the commencement of SPL.

19. Reorganisations/Restructuring

Where a restructure occurs whilst the employee is absent on SPL they will be consulted on any proposals for change in line with the Management of Workforce Change Procedure.

20. Data Protection

When managing an employee's SPL and pay, the Council processes personal data collected in accordance with its Data Protection Policy. Data collected from the point at which an employee informs the Council that they wish to take SPL is held securely, accessed by and disclosed to individuals only for the purposes of managing SPL and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's Data Protection Policy. Where appropriate, action may be taken in line with the Council's Disciplinary Procedure.

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People Framework

Special Leave Procedure



Version number 1
Date June 2019

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1. Bereavement Leave

Bereavement Leave is appropriate in a case of bereavement of a close family member, it also can include time to travel a long distance/abroad to attend a funeral, make arrangements for a funeral and/or to deal with matters concerned with the estate of the deceased. By its very nature bereavement leave is only intended to be for a reasonable time period and staff may need to take other types of leave that may be linked to their loss.

Please see below an example table outlining recommendations for reasonable bereavement leave. This may vary and managers should apply their discretion to ensure the council adopts a supportive approach in cases of bereavement:

Initial notification of bereavement	Funeral Arrangements	Funeral
As best practice it is suggested that up to 3 days bereavement leave may be appropriate following initial notification of bereavement. Consideration should be given to how close the relationship is with the deceased.	A further 1-2 days bereavement leave to enable funeral arrangements may be appropriate in circumstances where the individual is responsible for these.	A day's bereavement leave to attend the funeral. In some circumstances it may be reasonable to extend this to 2 days dependent on distance required to travel to the funeral.

The Council recognise and understand that individuals may require a longer length of time away from the workplace following bereavement. In these circumstances consideration should be given to the use of annual leave/time in lieu, sickness absence or unpaid leave.

2. Emergency Dependant Leave

In emergency situations this leave allows you to take a reasonable amount of time off work to deal with sudden unexpected emergencies involving a dependant, and to make any necessary longer-term arrangements.

A dependant is someone who is married to, is a civil partner, or a partner (whether opposite or same sex) "a near relative" or someone who lives at the same address as the employee. A relative for this purpose includes: children, parents, parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents and step relatives or is someone who relies on the employee in a particular emergency.

A sudden emergency regarding a dependant may include the following incidents:

- Becomes ill or suffers an injury
- Distress (e.g. is a victim of a mugging incident)
- Unexpected incident of a child during school hours
- When a dependant is having a baby
- To deal with a breakdown of care arrangements for a dependant
- Deterioration of an existing condition etc.

It is unlikely for both parents to be absent from work in an emergency situation involving their child, but some situations may necessitate both parents taking emergency leave. A common-sense approach will be taken by your line manager, in conjunction with HR if necessary.

One or two days should be enough to deal with the emergency, as the right is only intended to cover genuine emergencies that could not have been foreseen. Again, a common-sense approach will be taken. If the issues continue, then other types of leave (e.g. annual leave) should be considered.

If you know in advance that you are going to require time off work, then you should request annual leave in the usual way. Alternatively, if the reason you need leave relates to your child, you may be entitled to take parental leave (please see Parental Leave policy).

There is no qualifying period to take this type of leave and the leave is paid.

If your manager considers that you are abusing the right to emergency time off for dependants, this could ultimately result in disciplinary action.

3. Compassionate Leave

Compassionate leave may also be appropriate but not exclusive to the following instances:

- Where there is a need for ongoing care and support of a family member
- Accompanying a dependant during a hospital stay
- Severe damage or disruption to property e.g. fire, burglary, flooding involving traumatic experience and necessitating the employee's presence at home or with dependants
- To allow an employee to go home after a situation that may have occurred at work

The amount of paid time will be up to five days, and the Manager, in consultation with HR, will decide whether additional leave beyond this, without pay, is appropriate.

4. Time off for Public Duties

Employees who are Justices of the Peace (also known as magistrates) or who are officials or members of certain public bodies, including local authorities, statutory tribunals, health authorities and education bodies, have the legal right to be permitted a reasonable amount of time off work to enable them to carry out their functions.

Justices of the Peace can use time off for public duties to perform any of the duties of their office.

Officials or members of any of the prescribed public bodies can take time off to attend a meeting of the body or any of its committees or sub-committees, and to do anything to discharge the functions of the body or any of its committees or sub-committees.

If an employee is unsure whether or not the legal right covers their public duties, they should contact the HR department for clarification.

Any time off for public duties will be unpaid.

5. Jury Service

An employee receiving a summons to serve on a jury must report the fact to his/her manager who will grant leave of absence unless exemption is secured with the court. At that time they should record their absence on the Trent/HR system (under Other Absence, Jury Service) an employee will receive normal pay during absences. During periods where attendance at Court is not required, staff are expected to return to work.

6. Time off to accommodate Religious Beliefs

Requests for time off work, either for the purpose of prayer, or to attend a religious ceremony or festival will be granted where it is possible and practicable to do so (for example by varying the employee's daily working schedule or granting time off out of annual holiday entitlement).

7. Time off for Trade Union Activities/Training

Staff who are Trade Union Representatives and are appointed to attend their Trade Union Conferences, meetings, seminars and workshops are granted reasonable paid time off.

8. Time off for Territorial Army/Reservist Training

So that we can support reservists, the organisation asks that new recruits who are already reservists or existing staff who become reservists inform their line manager as soon as possible that they are, or intend to become, reservists. This request is made purely to allow us to deal with the practical implications and reservists who do this will not be disadvantaged in any way.

Volunteer members of non-regular forces may be granted leave in addition to their normal annual leave to attend camp and training.

In normal circumstances paid leave of up to 2 weeks will be granted to attend camp. Where there is a requirement to attend camp goes beyond 2 weeks, any additional time off must be taken as part of annual leave entitlement. In exceptional circumstances, unpaid leave of up to 1 week may be granted subject to the agreement of the Head of Service.

9. Continuity of Employment & Pay

Continuity of employment is maintained during the employee's special leave which means there is no break in service during an absence from work.

10. Pension Contributions

The Council will continue to make pension contributions based on the employee's normal pay during paid special leave. However, employer pension contributions will cease during any periods of unpaid leave.

Where the employee is a member of the Local Government Pension Scheme (LGPS) and takes unpaid leave, they can choose whether or not to pay pension contributions for the period of unpaid leave.

If the employee elects to pay pension contributions to cover lost pension, they can do this by paying an age related Additional Pension Contribution (APC) within 30 days of returning to work.

If the employee purchases an APC within the 30 day period, the Council will share the cost. It will be assumed that the employee does not wish to pay contributions unless they elect to do so within the 30 day timescale.

Pension contributions for the period of unpaid leave are based on the actual pay that the employee received immediately before the period of unpaid leave started. If the employee chooses not to pay pension contributions for the period of unpaid leave, this period will not count as service for pension purposes.

11. Gender Reassignment

The Council has a duty, under section 16 of the Equality Act 2010, not to treat employees less favourably in relation to an absence that is because of gender reassignment. The employee and line manager should discuss what time off is likely to be required and when, if known. The employee may require time off for medical or other treatment. Time off for these purposes will be treated no less favourably than time off for illness or other medical appointments.

Some employees may wish to take a period of leave before returning to work in their acquired gender. The employee and line manager will need to agree whether this is to be part of the employee's normal annual leave entitlement or unpaid leave.

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People Framework

Suspension Procedure



Version number 1
Date June 2019

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1. **Suspension**

There may be instances where it is necessary to suspend an employee whilst investigations are carried out. It is important to note that suspension is a neutral act, does not constitute formal action and does not itself imply any presumption of guilt on the part of the employee.

Employees will receive their full pay and benefits during any period of suspension.

Any period of suspension will be kept as brief as possible. Suspension will be reviewed regularly to decide if it is still necessary and the employee will be kept informed of progress.

2. **Grounds for Suspension**

An employee may be suspended from work:

- Where they are accused of an act of gross misconduct
- Where there is a clear concern that the employee may be placed at risk by remaining in the work place.
- Where working relationships have severely broken down to the point that there is a potential significant risk to other employees, property, customers or business interests if the employee remains in the workplace
- Where it is considered possible that the employee may influence witnesses or interfere with relevant evidence.
- To ensure the health and safety of the employee and/or their colleagues on medical or safety grounds
- Where the employee is the subject of audit or criminal investigations which may affect their ability to do their job.
- Where suspension it is considered to be in the interests of the employee and/or the Council
- On medical grounds (Please see Absence Management Procedure)

Where bullying, harassment or victimisation is alleged, it will be the employee who is the subject of the complaint who is suspended or temporarily transferred to a different work location or asked to work from home where such actions are considered necessary.

3. **Alternatives to Suspension**

Alternatives to suspension from work, such as temporarily transferring an employee to another department or work location or facilitating working from home, will be explored and carefully considered before initiating suspension.

Where an alternative to suspension is agreed, the agreed action will be confirmed in writing to the employee. (TEMPLATE). It is the manager's responsibility to ensure that the temporary arrangements are kept under regular review.

Where these alternatives are not considered appropriate, the reasons for this will be recorded. If it is considered necessary for the employee who has raised the complaint to take time away from work (e.g. to recover from the stress of the alleged

incident) consideration will be given to granting authorised absence in line with the Council's Special Leave Procedure. This will not be classed as suspension.

4. Decision to Suspend

The manager will seek advice from HR and consideration will be given as to whether there are sufficient grounds to suspend.

Authority to suspend must be obtained from, at minimum, a Head of Service.

Where a Head of Service is not available, it may be necessary for the manager at the site to require the employee to leave the place of work for the remainder of the shift or period of duty on authorised absence until the authority to suspend is received.

5. Practical Arrangements

Where authority to suspend an employee is given, the Head of Service will discuss the practical arrangements of implementing the suspension with the manager and HR, including:

- Ensuring that the suspension meeting takes place in private
- Safeguarding of relevant documents, records and other items of Council property
- Handing over keys and other equipment, e.g. a work mobile, IT equipment, ID and access cards
- Accompanying the employee back to the workplace to collect personal belongings or arranging for these to be delivered to/collected by the employee
- Limiting or removing access to Council buildings and IT systems
- Providing guidance to the employee about contacting other employees, contractors or Councillors whilst suspended, for example, it may be necessary in some circumstances for a suspended employee to be prohibited from contact with other employees.
- Escorting the employee off the premises
- How the employee's absence from work will be communicated to internal and external colleagues and customers

HR will prepare a letter confirming the details of the suspension in advance of the suspension meeting. This letter will be signed by a Head of Service and handed to the employee at the suspension meeting. ([LINK to Suspension Notification Letter](#)).

6. Suspension Meeting

When the above arrangements are in place, the manager will convene the suspension meeting. The meeting should take place as soon as possible after the decision to suspend has been authorised.

The manager will ask the employee to attend the suspension meeting, giving a brief outline of the reasons for the meeting.

Those present at the suspension meeting will normally be:

- The manager
- The employee who is being suspended
- A HR representative

The manager will explain the reasons for the suspension and advise the employee:

- Why they are being suspended
- That the suspension is a neutral act
- That the suspension is not a formal action
- That the suspension will be on full contractual pay
- How long the suspension is likely to last
- Where applicable, that they will have a full opportunity to state their version of events, explain their conduct, and answer any allegations at a subsequent investigation interview

The employee will be given as much information as possible about the allegations or issues of concern which have led to the decision to suspend and the proposed next steps.

The manager and employee will agree what will be communicated to internal and external colleagues and customers to explain their absence from work.

At the conclusion of the suspension meeting, the manager must give the employee the pre-prepared suspension letter and any documents relevant to the suspension, including a copy of the appropriate Council Procedures.

7. Support during Suspension

The manager will maintain regular contact with the employee throughout their period of suspension to:

- Discuss the employee's wellbeing and any support needed by the employee
- To update the employee regarding the progress of the investigation/next steps

The manager will ensure that the employee is provided with the details of the Council's Employee Assistance Programme.

The Council will ensure that all employment matters relating to an individual employee remain confidential.

8. Sickness during Suspension

If the employee becomes unwell during their period of suspension, they are expected to comply with the sickness absence notification procedures set out in the Council's Absence Management Procedure in the same way they would if they had not been suspended from work.

Normal contractual sick pay entitlements will apply for the duration of the sickness. Therefore, the employee's pay may be affected by their sickness absence in the same way as if they had not been suspended.

HR advice will be sought and a referral made to Occupational Health if appropriate.

9. Leave during Suspension

Annual leave will continue to accrue during the employee's period of suspension. The employee may request annual leave in the normal way and must obtain their manager's authority to take any leave during their period of suspension.

The terms of the employee's contract of employment will continue to apply during the period of suspension and the employee is expected to make themselves available for any meetings or interviews during their normal working hours.

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People Framework

Working from Home Procedure



Version number 1
Date June 2019

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Tracking

Policy Title	Working from Home Procedure		
LT sign off	15 November 2019		
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Service			

Revision History

Revision Date	Revisor	Previous Version	Description of Revision

Document Approvals

Each revision requires the following approvals:

Sponsor Approval		Name	Date

1. Introduction

Epsom & Ewell Borough Council recognises that, on occasion, there may be circumstances where it may be more beneficial or flexible for employees to work from home, for example:

- In order to complete a particular task or project
- Where a specific task needs dedicated and focussed input and could be dealt with more efficiently and productively at home, e.g. to save travelling time and prevent interruption
- Where it is difficult for an employee to get to work, e.g. due to adverse weather conditions or travel disruption
- To facilitate a short but unavoidable commitment at home, e.g. boiler repair
- As part of an agreed phased return to work

Whenever possible, working from home arrangements must be approved in advance by the manager to ensure that the impact on colleagues and the organisation is kept to a minimum.

Working from home on a regular basis may be agreed as part of a flexible working request. Please see the Council's Flexible Working Procedure.

Working from home on an occasional basis does not change the employee's place of employment as specified in their contract of employment. Unless a contractual change has been agreed following a Flexible Working request, working from home arrangements will be subject to review and change.

It is recognised that there are some employees who, due to the nature of their role, are unable to work from home.

2. Working from home during the Settling In Period

Managers are responsible for monitoring a new employee's performance and progress during the Settling In period and it is expected that new employees will attend their place of work rather than working from home during their first weeks of employment.

Managers will decide whether it is appropriate for employees to work from home during the Settling-In period, taking into consideration the nature of their role, the requirements of the service, the level of support needed and their ability to review and assess the employee's performance, capability and suitability for the role.

3. Working from home as a reasonable adjustment

Where a request to work from home is being made on the grounds of reasonable adjustment due to a disability, e.g. to enable the employee to attend hospital appointments or receive treatment, the manager must consult HR, who will seek advice from the employee's GP and/or the Council's Occupational Health provider.

4. Compliance with policies and procedures

All employees must comply with the Council's policies and procedures when working from home.

5. Caring responsibilities

Occasional home working is not a substitute for childcare or the care of other dependants. Employees must ensure that they are able to fulfil the requirements of their role whilst working from home by making adequate provision for the care of their dependants during working hours. The Council reserves the right to request evidence of the employee's childcare arrangements.

6. Absence

The usual provisions relating to reporting sickness absence will apply. Working from home is not appropriate where an employee is too unwell to attend their place of work.

Where an employee is unable to attend work due to an emergency involving a dependant or at home, the Council's Special Leave Procedure will apply.

Environment – An occasional home worker needs a home environment which offers adequate equipment including computer, broadband connection, etc., freedom from interruptions and distractions, security and confidentiality, ability to meet health and safety requirement

7. Health and safety requirements

Health and safety legislation applies to homeworkers and the Council has the same legal duty to protect their health, safety and welfare as if they were attending their normal place of work.

Before home working starts, the employee must complete a Homeworking risk assessment. The risk assessment must be reviewed by the manager and the manager must be satisfied that there is low risk to the employee and that any required changes to the working environment have been implemented.

8. ICT support

Employees must liaise with ICT to ensure that they are provided with the appropriate secure access to IT facilities for working from home.

The Council's ICT team can only offer limited support for home computers, e.g. access to the Council's network via CITRIX, and cannot be held responsible for issues arising from the use of an individual's home computer equipment to access the Council's systems.

In the event of an ICT systems failure, employees should contact their manager, who will need to establish the extent of the issue and the impact on the service before deciding on the appropriate course of action.

9. Confidentiality and security of data

Managers and employees must ensure that all Council information is kept confidential and secure at all times. Employees are not permitted to keep Council data (including electronic and paper files) at home on a permanent basis.

Employees who work from home must ensure compliance with the Council's Data Protection and ICT Security & Acceptable Use Policies at all times.

10. Insurance

Employees should ensure that all Council property is used appropriately and responsibly and that all reasonable precautions are taken to prevent damage and/or theft. Employees must report any damage or theft of Council property to their manager immediately.

Employees who work from home are covered by Council's "Employer's Liability Insurance" and Public Liability Insurance, providing that the rules of this policy have been followed.

Working from home may affect the provisions of the employee's home contents insurance policy. Employees are advised to inform their insurer prior to commencing working from home. The Council will not accept liability for damage caused to personal property.

11. Attendance and availability

Where it is agreed that an employee can work from home, they must be available and able to work, unless their absence is due to an authorised form of leave or sickness.

Employees are expected to be available to come into the office on a working from home day if they are asked to do so, e.g. in the event of the sickness of a colleague, a work emergency or to attend a meeting. Where an employee is asked to attend the office at short notice, the manager will try to provide sufficient notice to enable the employee to arrive at their normal starting time. Where this is not possible the employee's travelling time will be considered as part of their working day.

12. Communication and contact

Employees who are working from home must be readily contactable, normally by email and by telephone, during normal working hours. Employees must advise their manager of any times they will not be contactable, seeking permission as appropriate.

13. Hours of work

Employees are expected to work their normal contractual hours when working from home.

Where an employee requests a working pattern which is outside of the normal working hours of their service, this must be agreed by their manager, who will need to ensure that there is sufficient cover to meet operational demands.

14. Equipment and expenses

The Council will not provide additional equipment for home working, other than that which is provided as standard, unless this is agreed as a reasonable adjustment to enable the employee to carry out the duties of their role.

No contribution will be made by the Council towards normal household expenses attached to working from home, e.g. heating and lighting.

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