

People Framework Part 3

Definitions



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Tracking

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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

- 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 Councils 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.

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

16. Workforce Change