



HR POLICY HANDBOOK

PLEASE NOTE:

If this Policy handbook is required in a different font type or size, please request this from the Human Resources (HR) department.

DEFINITIONS:

Policy

A policy is a guiding principle used to set direction in an organisation.

HR Policy

HR policies are designed to set out the expected standards for all employees in representation of the organisations objectives and values.

Procedure

A procedure is a particular way of accomplishing something; a step by step guide to conducting a particular task.

PURPOSE:

This handbook sets out the key policies relating to employment with the Council and employees are expected to familiarise themselves with these. In addition, each department will have their own set of policies and procedures which again, employees are expected to familiarise themselves with. All policies can be requested from the line manager, HR or by accessing the Policies page on the intranet. Any associated procedures, guidelines or statements can be found on the intranet or via the HR team.

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INTRODUCTION – LEGALITIES AND INTRODUCTORY MATTERS

INCORPORATION OF TERMS

Terms and conditions which are specific to employment are contained in the Contract of Employment (“the Contract”) which has been issued. This Handbook supplements the letter of appointment and the Contract. Where there is any conflict, the Contract will take precedence.

The Council policies and this handbook are an extension of the Contract and the expectations of the Council and employees.

If employees do not understand any of the information either in the Contract or the Handbook, or if they believe the contents to be incorrect, they should raise this with their line manager, or a member of the HR team.

COMMUNICATIONS

It is the duty of the employee to read all communications, and to comply with their requirements insofar as they relate to the main Terms and Conditions of Employment. Alleged ignorance of any notice will not be accepted as an excuse for non-compliance.

Where an individual requires support, this can be provided verbally or via audio recording.

STATUTORY/CONSTITUTIONAL REQUIREMENTS

The policies outlined within the Handbook are written in compliance with any legal and constitutional requirements. Where there is any discrepancy between either the constitution or policy to that of legislation, the law will take precedence.

POLICY 1: RECRUITMENT AND SELECTION

People are vital to the success of any organisation. It is crucial that we attract, select and retain the right people for the right jobs to help drive our organisations forward and ensure our continued success and competitiveness. Equal Opportunities policy and procedure applies equally to the recruitment process and must be complied with at every stage. This means that prospective candidates should not be discriminated against either directly or indirectly on the grounds of any protected characteristic outlined in the Equality Act 2010. Equally, nor should prospective candidates be placed in a detrimental position from having family members, or friends of existing employees placed in a priority position for interview, selection and, or appointment; candidates are asked to declare any relationship with an existing employee. Where a family member or friend of an existing employee applies, interviews shall take place with a member of the HR team present.

The Council aims at all times to recruit the right candidate for the right role. Recruitment will be based on the applicant’s abilities and individual merit as measured against the job criteria. Qualifications, experience and skills will be assessed at the level that is relevant to the role.

The policy applies equally to permanent, fixed term, agency and casual workers. Where the recruitment of a Chief Officer is required, the Councils’ Joint Appointment Panel shall interview any shortlisted qualified Candidates as per the Constitutions’ Delegations to Committees (Non-executive functions).

Job Description and Person Specification

The Job Description will define the nature of the role, key tasks, duties and responsibilities; the pay grade for the post should be determined. The Person Specification will define job specific skills, qualifications and competencies. There should be no unnecessary conditions attached, or the use of words, which would imply unjustifiable bias.

Advertising

The advert should provide all relevant information to enable potential applicants to determine whether they meet the required criteria and must include working hours, pay and location. In order to reduce the time to recruit, the Council shall advertise all roles externally; internal applications will be accepted. External adverts will run for a minimum of two weeks.

Where job roles require a form of criminal records check, the following statement will be present on the advert:

“The Council is committed to safeguarding and promoting the welfare of vulnerable children and adults and expects its entire staff to share this commitment. All applicants are subject to a satisfactory enhanced check by the Disclosure and Barring Service (formerly CRB), and at least 2 independent references for this post.”

Agency staff employed is not excluded from applying for internal vacancies, however recruiting managers should be aware that agency fees may be applicable should the employee be successful in obtaining a permanent position within the organisation.

Applications

All applicants must complete the organisations application form.

At risk employees

Employees who have been given formal notification of being ‘at risk’ of redundancy should be advised of all vacancies.

Shortlisting

HR will remove any sensitive data from applications prior to sending them to managers for shortlisting. All applications will be shortlisted in line with the following criteria:

- Employment experience, knowledge and skills against essential criteria
- Unexplained gaps in employment
- Relevant education/qualification in relation to the level they are applying for
- Criminal convictions relevant to the requirements of the position in line with recent developments relating to spent convictions
- Desirable and essential criteria

Appointments

All appointments are subject to:

- Proof of eligibility to work in the UK
- Original proof of relevant qualifications
- Returned Medical health disclosure
- Receipt of References
- Receipt of DBS checks and overseas police check where applicable
- Proof of Driving License (where applicable)
- Proof of valid Car insurance (where applicable)
- Completion of a satisfactory 6 month probationary period

Agency Workers Regulations

An agency worker is someone who provides work or services to an organisation, but is contracted via an agency rather than the organisation itself.

- Agency workers are entitled to certain employment rights as at day 1 of any work period such as national minimum wage, information on any vacancies, access to available facilities i.e. staff room, kitchens.
- Agency staff are classed as workers rather than employees.
- The Agency workers directive gives equal treatment to those who have been with the hirer for 12 continuous weeks in a given job.

- To establish the rights in the regulations the agency worker needs to be able to identify a comparator.
- The Agency workers regulations give agency workers the entitlement to the same or no less favourable treatment as comparable employees with respect to basic employment and working conditions, if and when they complete a qualifying period of 12 continuous calendar weeks in a particular job.
- Continuity is only broken in circumstances where a new assignment with the same employer is substantially different or there is a break of six calendar weeks during assignments in the same job.

Fixed Term Employees Regulations 2002

A fixed term contract is defined as:

- a) Contracts that last for a specified period of time, or
- b) Contracts that will end when a specified task has been completed, or
- c) Contracts that will end when a specified event does or does not happen.

** b) and c) above are known as "task contracts".

As from 1st October 2002, fixed term employees now have the following rights:

1. Not to be treated less favourably than comparable permanent employees.
2. A right to receive a written statement from their employer setting out the reasons for the less favourable treatment.
3. A right to treat their contract as a permanent contract if it is successively renewed for more than 4 years.
4. A right to qualify for statutory redundancy payment if they have been employed for the necessary period.
5. A right to receive information on permanent vacancies within the organisation.
6. A right for employees on "task contracts" as well as specified period contracts to claim unfair dismissal at the end of the fixed term contract if it is not renewed and to receive a written statement from the employer with reasons for the dismissal.
7. Employees on fixed term contracts of three months or less now have a right to Statutory Sick Pay and to Payments on Medical Suspension and guarantee payments, (once they have been employed for 1 month).
8. Employees on fixed term contracts of 3 months or less now have a right to receive 1 weeks' notice after they have served 1 month's continuous service if the employer wishes to bring the contract to an end before it is due to expire. They must also give 1 weeks' notice to the employer if they wish to terminate the contract themselves before the expiry date.
9. A right to access to the employer's occupational pension schemes. The rights under 1, 3 and 9 can be denied by the employer if they can justify this on objective grounds. More information should be sought from the HR department.

Employment checks

A minimum of two written references (one which must be of the most recent employer) and where appropriate, the completion of a disclosure check, will be required prior to any new starter being issued a start date. For all internal applicants references are sought at the managers discretion.

All relevant work permits and UK border requirements will be required where any appointment to an individual outside the EEA is made. The Immigration Act 2016 is UK Law and introduced criminal penalties for failing to comply with requirements of conducting right to work checks.

More information can be found <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

References will not be accepted from existing employees or relatives of the candidate.

Pre-employment Medical check

All successful applicants will be required to complete the pre-employment medical form in order that reasonable adjustments can be where applicable.

Disclosure and Barring Service Checks

The Disclosure and Barring Service (DBS), which replaced the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA), carries out criminal record checks for people carrying out specific roles as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and the Police Act 1997 (Criminal Records) regulations.

All Council roles are assessed for their eligibility for DBS checks, and where appropriate, DBS checks will be requested as part of our recruitment process following an offer of employment.

Probation

All new Council employees are subject to a six month probationary period. The purpose of this is to:

- Enable the Council(s) to manage and assess performance, and also assess the future potential of the employee before making a decision whether to confirm the appointment;
- Enable employees to establish their suitability for the post to which they have been appointed;
- Help identify the employees' training and development needs.

Probation reviews will take place at 3 and 6 month intervals.

Employees with continuous service will be required to have regular 1:1's with their line manager.

Employees working under their probationary period are required to give one month's notice to terminate their employment.

Dismissal during probation must be approved by a Chief Officer in consultation with the Head of Paid Services, S151 and Monitoring Officer.

POLICY 2: MANAGING ATTENDANCE

The Council recognises that the body of staff within it is its most valuable asset and is committed to maintaining a safe and healthy working environment to ensure the health and well-being of all its employees. Whilst recognising that employees may be prevented from attending work due to ill health, the Council has a duty to maintain service delivery and minimise disruption and are therefore is committed to developing awareness of employees' health by managing attendance and sickness absence and believes that this responsibility lies with all staff.

The Council aims to achieve a reduced level of absence by working with both employees and managers to tackle the causes and reasons behind absence, as well as providing effective and timely aid to those returning to work.

Why manage sickness absence?

- To improve the quality of services delivered
- To achieve best employment practice
- To reduce costs incurred through sickness absence
- To improve productivity
- To improve staff morale

Implications of Sickness Absence

Sickness absence affects the ability of the Council(s) to deliver high quality services, reliability and to achieve best practice.

- There is the cost to management time
- There is a cost of sick pay
- The need to cover sickness absence
- The cost of losing skilled staff
- The individual often suffers from loss of confidence or anxiety, which increases the longer they are absent from work
- Increased workload on remaining staff covering for absent staff

Research has shown that early intervention and good communication are key ingredients in managing attendance.

Principles

- It is the employee's responsibility upon commencing employment to discuss with their line manager the process for reporting sickness absence. No excuse will be accepted for failure to follow the procedure outlined by their manager.
- For absences up to 7 days, employees can 'self-certify' on the Councils' Self Certification Form
- For absences exceeding 7 calendar days or more (regardless of bank holidays) a doctor's fit note is required. Employees should ensure that the doctor has stated the reason for their absence and specified the date upon which they believe they will be fit to return to work. Employees should also ensure that their personal details are completed. Further certificates must be produced in relevant time (before the current fit note expires). The Council(s) must be advised of the reason for any lengthy period of absence.
- The Council complies with Statutory Sick Pay upon receipt of evidence of sickness; occupational sick pay is outlined in the Contract.
- Line managers will conduct a return to work interview with the employee following any period of sickness. The purpose of this discussion is to enquire informally after the employee's health.
- Employees are entitled to representation at such discussions however as this is an informal, and often spontaneous, return to work discussion employees may not wish to be accompanied.
- A phased return works by assisting the employee to acclimatise themselves back into a work routine and work tasks, whilst also checking that they are in fact fit enough to return. There will be normal pay during a defined reasonable period. During this period the employee would receive their normal pay, as though they had returned to work their normal contractual hours, but pay during any additional phased return period would be based on the actual number of hours worked.
- The Equality Act 2010 puts employers under an obligation to make reasonable adjustments in relation to the following:
 1. Provisions, criteria or practices, including company policies
 2. Physical features, such as the layout of and access to workplaces
 3. Provision of auxiliary aids, including providing information in an accessible format such as Braille, large print or email
- Medical redeployment may be necessary where it has been identified that an employee cannot complete the duties of their substantive post; it is necessary to consider alternative employment opportunities for the employee
- Medical redeployment may involve referral to occupational health for assistance in identifying an appropriate role.
- No payment will be made to employees for absence through illness in the event that they take action to claim compensation from the Council under Employers Liability or

Common Law in respect of any accident arising during the course of their employment.

Protected Characteristics

- An employee who is suffering from a pregnancy-related illness will be protected under the Equality Act 2010. All female employees, regardless of length of service or hours worked, have a right not to be dismissed on the grounds of pregnancy, a pregnancy-related reason or a reason relating to birth or maternity leave.
- The manager has the right to query the nature of the sickness in order to record the absence as pregnancy related; this is to ensure that the absence is not included as part of the absence monitoring process and excluded from any triggers for monitoring purposes. This is applicable only when the manager has been notified of the pregnancy.
- The fact that an employee is pregnant may be picked up through the normal sickness absence monitoring process of return to work discussions. Once identified it is important that work activities of new and expectant mothers are subject to specific risk assessments and appropriate information given regarding the Council's maternity procedure.
- Many transsexual employees may need a number of different medical interventions requiring absence from work; such absences are covered by Section 16 Equality Act 2010 which states that an employer must not treat a person absent because of gender reassignment less favourably than they would treat:
 - absence due to sickness or injury
 - absence for some other reason if it is not reasonable to do so
- The public sector duty to advance equality requires organisations to have regard to the need to remove or minimise disadvantage and meet the different needs of those with a protected characteristic. This allows and encourages employers to take positive action that removes the significant disadvantage that would inevitably be incurred by staff undergoing gender reassignment.
- Any sickness absence arising from such medical intervention will not be included as part of the absence monitoring process and will be excluded from any triggers.
- The Equality Act 2010 defines disability as "a person having a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities". In other words, where the impairment is likely to last for at least 12 months, or for the rest of the person's life.
- A referral to an Independent Occupational Health Adviser is appropriate to establish what measures, support and adjustments to the work environment need to be considered over the course of the employee's employment.
- Dealing with employees suffering from terminal illness can be very difficult for all concerned. Under the Equality Act terminal illness is defined as those who are not expected to recover within the next 12 months. Each case will need to be dealt with individually. However a referral to an Independent Occupational Health Adviser for support and advice for the employee concerned and colleagues would be deemed appropriate.

Absence due to accidents caused by third parties

In the event that an employee sustains injury caused by a third party from whom they recover damages in respect of loss of salary, the Council reserves the right to claim a refund of any payment made to the employee through illness under this Scheme during absence due to such injury, and any absence due to such injury and any payments made in such event, shall be regarded as a loan repayable by the employee forthwith on receiving payment for such damages.

Exceptions to absence payments

In cases of sickness or injury which, in the opinion of the Management, is due to wilful misconduct of or negligence, employees will receive no payments.

Sickness prior to, or during agreed holiday periods

If an employee is absent and ill following the self-certification period of 7 days prior to an agreed holiday, less if authorised by the line manager, and are unable to take any holiday due to the illness the employee can provide a fit note from their local doctor and subject to them complying fully with all requirements relating to absence due to sickness, they will be considered as away sick and may take those holidays at another time.

Any illness that starts during a holiday period will be counted as holiday until such time as the employee would normally have returned at which point they will be considered as on sick-leave subject to satisfactory notification and certification requirements. Illness over a Public or Bank holiday will not entitle an employee to an alternative day(s) of holiday.

Medical Reports

- The Council may seek employee's consent to obtain a medical report from their doctor after or during any sickness absence in order to ascertain the nature of any illness and to indicate whether they are fit to return to or to continue to work. Employees are not obliged to consent, but it is advisable, otherwise the Council may draw adverse inferences from any refusal.
- The Council reserves the right to require an employee, at any time, to be medically examined by a Doctor or Occupational Health Advisor appointed by the Council who will be required to give a second opinion on the nature of any illness and to indicate whether the employee is fit to return or continue to work.
- If the Council receives conflicting medical evidence, or if it appears to be appropriate, the employee may be required to be examined by an independent specialist. If both Doctors certify the employee as being fit to return to work and/or normal duties and the employee does not return, then continued absence from work and/or normal duties will be unauthorised.
- If employees are absent for a prolonged period of sickness, injury or incapacity, the Council may obtain a medical opinion, discuss matters generally with the employee and consider any alternative suitable employment within the Council in line with the Capability procedure. In the light of these investigations, the Council may decide that there is no prospect of the employee returning to work in the foreseeable future and therefore may dismiss the employee. Employees will be given the period of notice specified in their Contract of Employment.

Monitoring of Absences

In order to safeguard the health of employees and to monitor levels of sickness throughout the Council, all sick leave will be recorded, including medical appointments. If the level of sickness absence starts to cause the Council concern, employees may be asked to attend a medical examination either by their doctor (with employee consent) or a doctor/Occupational Health Advisor appointed by the Council, in order to establish reasons for ill health.

POLICY 3: SPECIAL LEAVE

Additional leave, with or without pay, may be granted in special circumstances, for a limited period of time for example bereavement or other compassionate grounds or for jury service. Payment for such leave will be made at the discretion of the line manager and in consultation with the HR Department. Employees should always let their line manager know if they need to take special leave so that each individual situation can be considered fairly and consistently. As a guide the following can apply;

- Death of immediate family member can be up to a maximum of 5 paid days, which includes the funeral day. Maximum amounts are normally given to executors of the

estate to allow them time to organise the funeral and/or estate, additional time may be given where appropriate; this must be discussed with the HR Manager.

Immediate family member includes:

Spouse/Partner

Father/Mother including in-laws and step parents

Brother/Sister/Step Brother/Sister including in-laws

Son/Daughter/Step Son/Daughter including in-laws

Grandparents or Grandchildren

In exceptional circumstances, other relatives may be considered but this must be discussed with the HR Manager.

Other special leave

- Serious domestic instances – one day's paid leave will be given in such cases e.g. house fire, flood or burglary
- Sporting events – up to 5 days' paid leave may be granted where an employee is participating in a national or international event as a representative of their country. Additional leave may be taken as annual leave or unpaid leave.
- Jury service – paid leave will be granted to an employee called for Jury Service, unless exemption is secured. An allowance for loss of earnings is payable by the court which the employee must claim. The court will send the employee a loss of earnings certificate and this should be provided to HR who will arrange for the amount of the allowance to be deducted from their pay.
- Acting as witness -
 - (a) In the case of an employee attending as a witness on behalf of the Council, leave with pay will be granted, on the understanding that witness fees received (excluding travel and subsistence expenses) are paid to the Council.
 - (b) In the case of an employee called by the Court as a witness leave with pay will be granted provided the employee applies to the court for loss of earnings which must be paid back to the Council. Employees should inform their managers as soon as they are informed that they are required to attend and should provide their manager with a copy of the notification.
 - (b) In all other cases where the employee is called to attend court as a witness, leave without pay will be granted. Employees can claim from the person citing them, the relevant amount in respect of loss of earnings.
- Reserve Forces – Employees who are a member of the Reserve or Territorial Army should advise their line manager at the earliest opportunity. Up to a maximum of 10 days paid leave will be granted in any one leave year. As the RA/TA pay for training, the Council will make up the difference in any lost pay. Details of training dates should be provided to the line manager.
- Religious Holidays – Any leave required for specific religious holidays may be taken through the usual annual leave or flexitime request.
- Fertility treatment – Up to 5 days' unpaid leave will be granted in any one year for an employee to undergo fertility treatment.
- Medical appointments – reasonable time off will be granted to attend medical/dental appointments. It is expected that employees will arrange their appointments outside of working hours, however, if this is impossible, employees should ensure that their appointments are at the beginning or end of the day to minimise disruption to their work. There is no statutory right for employees to be paid for this leave, however payment may be made at the discretion of their line manager, who may request evidence of the appointment.
- Any other leave – any leave required not specified in this policy must be discussed with the line manager and HR team.

POLICY 4: PARENTAL RIGHTS

Eligibility for statutory maternity, paternity, adoption and shared pay

- Employees must have 26 weeks continuous service by the 'qualifying week' (i.e. the end of the 15th week before the expected week of childbirth (EWC), or for adoption or paternity leave, by the end of the week in which the child's adopter is notified of matching.
- Employees must be, or expected to be, responsible for the upbringing of the child.
- Employees must be the child's biological or adopting mother or father or the mother's husband or partner (including same-sex partner), or primary care giver of the child.
- The leave must be taken for the purpose of caring for the child or supporting the mother.
- Have given the correct notice.
- Employees must earn more than the lower earnings limit for the payment of National Insurance contributions.
- Employees must notify the HR Department in writing of when they expect their statutory payments will commence.

The amount of Statutory Maternity Pay** payable will be:

- 90% of the employees average weekly earnings for the first 6 weeks of maternity leave;
- The statutory rate of SMP (or 90% of average weekly earnings if lower) for the next 33 weeks.

** If employees do not satisfy the conditions of SMP, they will be issued with a form SMP1, which should be forwarded to the local Social Security Office who will pay Maternity Allowance. SMP rates vary year on year; the HR team can advise employees of the current allowance.

Maternity

- The Council will not unreasonably refuse employees time off in order to attend ante-natal classes or to receive other ante-natal care during their normal working hours. However, it is expected, wherever possible, appointments are arranged outside of normal working hours so as to avoid disruption to the Council.
- All employees are entitled to take up to 52 weeks maternity leave regardless of length of service. Leave is composed of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML). It can commence at any time but no earlier than the 11th week before the Expected Week of Childbirth (EWC). Where an employee has high sickness due to pregnancy in last four weeks of pregnancy the Council may commence their maternity leave immediately. On or before the 15th week before the EWC employees must notify their line Manager and the HR team of:
 - The fact of the pregnancy
 - The expected week of childbirth, supported by a medical certificate (MATB1)
 - Written notice of the date on which they wish to start leave (28 days notice must be provided).
 - If an employee wishes to return before the end of their ordinary maternity leave they must give 8 weeks notice of their intention.
 - Keeping in Touch Days (KIT) days are designed to enable employees to stay in touch with significant developments and undertake necessary training. From 1 April 2007 maternity leave regulations state that a woman can attend work up to 10 days' during her maternity leave, except during the first two weeks following childbirth, without bringing her maternity leave to an end or losing maternity pay.

Occupational Maternity Pay

For details of the Occupational Maternity Pay Scheme, please see the Council's procedure and guidelines.

Paternity

On joining the Council, employees should declare any periods of Paternity Leave that they have already taken. The Council may ask ex-employer(s) for confirmation.

Employees are entitled to choose to take either one week or two consecutive weeks' paternity leave, subject to the following conditions:

- The leave, of either one week or two weeks, can start on any day of the week on or following the child's birth but, must be completed within a period of 56 days beginning with either the child's birth or the first day of the EWC, whichever is the later.
- Only one period of leave will be available even if more than one child is born as a result of the same pregnancy.
- Employees must give notice of intention to take paternity leave on or before the 15th week before the EWC (or as soon as is reasonably practicable). Note: If, after providing this notice, the date needs to be amended, further notice of at least 28 days must be provided (or as soon as is reasonably practicable).
- Employees must provide a self-certificate stating the EWC, the date upon which paternity leave is anticipated to begin and whether one or two weeks leave is to be taken.
- As part of the above certificate employees must sign a declaration that the conditions of entitlement to statutory paternity leave and statutory paternity pay are fulfilled.

Adoption

- If an employee adopts a child they have a right to take Statutory Adoption Leave (SAL) and be paid Statutory Adoption Pay (SAP).
- Employees will be entitled to 26 Ordinary Adoption Leave and a further 26 weeks Additional Adoption leave providing they have been employed for a period of 26 weeks by the "Matching Week". Within the context of joint adoptions one parent must opt for Adoption Leave and the other is entitled to Statutory Paternity Leave as outlined above.
- Ordinary Adoption Leave commences either on the date on which the child is placed with the adopter or a date within 14 days before the expected date of placement. Additional Adoption Leave starts from the date Ordinary Adoption Leave ends. Employee's right to return and to their contractual benefits is the same as for Maternity Leave. The HR Department will issue all relevant details relating to leave and pay.

Surrogacy

Surrogacy is when another woman carries and gives birth to a baby for the intended parents. The woman who gives birth to the child will be treated as the mother; however, parental responsibility can be transferred by either an adoption or parental order.

- Parental order must be applied for to become the legal parents of the child - if the intended parents are genetically related to the baby.
- Adoption Order must be applied for where intended parents are not genetically related, and they must use a registered adoption agency throughout the surrogacy process.
- Shared Parental Leave - may be available, subject to meeting the eligibility conditions.
- Antenatal appointments - employees who intend to apply for a parental order have the right to unpaid time off work to accompany the birth mother to 2 antenatal appointments.

There are two types of surrogacy:

- **Traditional or straight surrogacy** - this method uses the eggs of the surrogate mother and the sperm of the intended father. The baby is biologically related to the intended father and the surrogate mother.

- **Gestational or host surrogacy** - this method uses the egg of the intended mother and the sperm of the husband or donor sperm. A baby conceived by this method has no biological connection to the surrogate mother.

Surrogates are the legal mother of any child they carry - even if they're not genetically related, until they sign a parental or adoption order following the birth of the child, this transfers their rights to the intended parents.

The intended parents can apply for a Parental Order 6 weeks after the child is born, and before the child is 6 months old.

Parental or adoption order

- Intended parents must be genetically related to the child to be able to apply for a parental order.
- Adoption using a registered adoption agency, will be necessary for intended parents to become the legal parents if neither are genetically related.

Adoption leave and pay is available to eligible employees who become the legal parents following an application for adoption or parental order. Intended parents will be entitled to 2 unpaid antenatal appointments to enable them to accompany the birth mother. Adoption leave can start the day of the birth or the day after. Employees must tell their employers at least 15 weeks before the baby is due and that they intend to take adoption leave.

Shared Parental Leave

- Shared Parental Leave enables eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption. This could involve returning to work for part of the time and then resuming leave at a later date. These regulations came into force on 1 December 2014 and apply to eligible parents where a baby is due, or a child is placed for adoption, on or after 5 April 2015.
- Qualifying mothers and adopters continue to be entitled to Maternity and Adoption rights but they may also be able to choose to end this early and exchange it for Shared Parental Leave and Pay. They and their named partner will then need to decide how they want to share this new entitlement.
- Where both parents satisfy these tests they will both be able to share the leave. However, a family can still use Shared Parental Leave even when only one parent actually meets the eligibility criteria. Shared Parental Leave may be taken at any time within the period which begins on the date the child is born/date of the placement and ends 52 weeks after that date. An employee is entitled to submit three separate notices to book leave. Leave must be taken in complete weeks and may be taken either in a continuous period, which an employer cannot refuse, or in a discontinuous period, which the employer can refuse.

Parental Leave

- Parental Leave is unpaid and is for a maximum of 18 weeks for each child up to their 18th birthday; the leave can be taken by both mothers and fathers. Leave taken with a previous employer counts towards the maximum entitlement.
- If an employee has a child and has completed one years' continuous qualifying service by the time they want to take the leave, they are entitled to Parental Leave.
- The objective of Parental Leave is to enable those employees with parental responsibility to take unpaid time off to spend time with and to look after a child or to make arrangements for the child's welfare.
- Leave must normally be taken in blocks of one week or more, up to a maximum of four weeks in a year for each child. However, parents of disabled children can take leave in blocks or multiples of one day.

- Employees must give 21 days written notice of their request for Parental Leave. Applications should be addressed to their line and a copy given to HR.
- If employees wish to take Parental Leave immediately after the birth or adoption of their child, they must give 21 days' notice before the beginning of the expected week of childbirth. In the case of adoption they must give 21 days notice of the expected week of placement, wherever possible.
- Except in the circumstances set out above, any leave requested may be postponed by the Council, for up to three months from the date requested, where it is considered that their absence would unduly disrupt the business. Examples of such situations are:
 - Seasonal peak requirements
 - Where a significant proportion of the workforce applies for Parental Leave at the same time
 - Where the absence of a key employee at a particular time would unduly harm the business.
- If, because of postponement, the period of Parental Leave falls after the child's 18th birthday employees will be entitled to take leave after this date.
- The Council reserves the right to request original evidence that the employee is the parent or have parental responsibility for the child. Examples of what might be suitable evidence are:-
 - Information contained on the child's birth certificate
 - Papers confirming a child's adoption or the date of placement in adoption cases
 - In the case of a disabled child, the award of disability living allowance for the child.
- At the end of, or up to four weeks Parental Leave, employees are guaranteed the right to return to the same job as before.
- If the leave is for a longer period than 4 weeks, employees are entitled to return to the same job, or if that is not reasonably practical, to a similar job, with similar or better conditions.

POLICY 5: MANAGING AND SUPPORTING CHANGE

The Council recognise that they must adapt and change to support their strategic objectives in delivering services to the public through its Transformation agenda. Such changes may affect the size and composition of the workforce. The Councils are committed to minimising the effect of such on, and supporting all of their employees through, change and transformation processes. As the Councils move ahead with the transformation programme, it is vital to understand the likely outputs of change, namely:

- Changes to systems and processes;
- Revised 'way of working' i.e. becoming digital, behaviours, performance
- Review of service operations and structures
- Movement of resources within and, or across Councils
- Reduced spend and increase income.

All employees have access to the 'employee assist' Counselling service as a method of external support where required.

The impact of change can have a varying effect on employees and the Councils seek to ensure that employees are supported throughout, expectations are clear and communication is priority. Likely outputs of change include:

- Redeployment
- Relocation
- TUPE
- Redundancy
- Pay Protection

The Council will ensure that change will be:

- designed with clear objectives
- dealt with in line with legislative and regulatory requirements
- conducted with full and meaningful consultation with the appropriate recognised trade union, individual employees and where appropriate, the staff forum.
- managed in a timely manner to minimise disruption and provided clarity to all employees

Redeployment

Whilst the Councils are committed to seeking to redeploy staff at risk, it is acknowledged that this will not always be possible. Reasons for redeployment are as follows:

- An individual is 'at risk' of redundancy;
- A period of funding as ceased;
- Following recommendation for medical redeployment;
- An outcome of any bullying, harassment or grievance complaint; or
- Other reasons, as agreed with their manager and the HR advisor.

Regardless of how the need for redeployment has arisen, any such opportunities should be offered on a fair and equitable basis. Employees should be appointed to such on the basis of whether they are able to carry out the role with reasonable support and training, rather than whether they are demonstrably the best candidate for the position.

Principles

- Where redeployment is offered as a consequence of redundancy, and the employee unreasonably refuses an offer of suitable alternative employment, this may result in entitlement to redundancy compensation ceasing.
- As soon as an employee is identified as being suitable for redeployment, they will be considered for any available position at an equivalent level or below that which they currently hold.
- If the employee could be deemed to meet the requirements of the position, with any reasonable training where necessary, then the position may be offered to them as suitable alternative employment.
- Where there is more than 1 employee deemed to meet the requirements of the role, the employees may be required to interview prior to an offer being made.
- Where redeployment has been offered as a result of a redundancy situation, it may be appropriate to agree a trial period of not less than 4 weeks. In redundancy situations, where the trial period has been unsuccessful, the employee may still be entitled to a redundancy payment, which will be confirmed in writing by HR.
- Employees are entitled to accept suitable alternative employment at a lower salary/ grade point, including reducing their hours of work. In such situations, their salary will reduce at the end of their notice period. Where a redeployed is deployed into a post at a lower grade, any changes to the terms and conditions reflecting that grade/ post will then apply.
- Employees incurring additional daily travelling expenses as a result of redeployment may be eligible to be reimbursed extra travelling costs incurred as a direct result of their redeployment, subject to any HMRC guidance. Entitlement to disturbance allowance will cease following a period of 2 years or should the employee secure another role within the Councils. Entitlement to disturbance allowance shall be subject to review following changes to the employees' personal circumstances, such as their home address.
- Where notice has been given, if the individual has not been successfully redeployed by the end of their notice, they will be dismissed under the terms of their notice.

Relocation

To qualify for relocation assistance, the employee must be:

- Moving to a new place of work due to accepting an offer of employment;
- Taking up a new position in a new geographical area, or;
- Moving due to an office relocation.

Relocation assistance is discretionary. It is not a contractual entitlement and the Councils reserve the right to withdraw it at any time.

To be eligible for relocation assistance, the employee must:

- Currently be living more than 30 miles from their new place of work;
- Be moving to within 30 miles of their new place of work;
- Be moving a minimum of 15 miles nearer;
- Not be in receipt (either directly or indirectly i.e. via spouse/partner) any further assistance from another party.
- Be moving to a permanent residence that will be their main residence.

Principles

- Employees who do not meet these criteria but who feel that they may have a reasonable case to receive support, should in the first instance address this with their manager, who will liaise with HR as appropriate. **Any requests for relocation assistance must be approved by the relevant Chief Officers or one of their delegated authorisers.**
- The maximum amount of relocation assistance provided by the Council(s) will not exceed the HMRC maximum allowance of £8000. This amount may be claimed as a lump sum or reimbursed against smaller elements of expenditure on receipt of valid original receipts.
- All offers of relocation are subject to HM Revenue & Customs (HMRC) regulations. The employee is responsible for any statutory income tax and national insurance liability incurred as a result of receiving relocation expenses. As the relocation is job related, the first £8,000 is exempt from tax provided that certain conditions are met, including that the new property is the employee's main residence. Relocation costs above £8,000 are a taxable benefit.
- At the time of being offered relocation assistance, the employee will be advised of the date by which their relocation must be completed.
- VAT can be reclaimed on invoices made out and sent direct to the Council, in which case only the net total will be debited against the employee's allowance. Due to the advantageous nature of these arrangements, employees are encouraged to arrange for the Council to be invoiced where appropriate and prior agreement has been obtained.
- All relocation expenses must be claimed within 12 months of the employee taking up their position.
- Any offer of relocation assistance are subject to the agreement of the employee that they shall repay some, or all, of the amount given by the organisation in the event that they voluntarily terminate their employment within 2 years of the payment of their final expenses claim. Employees will be required to sign an agreement to this effect. The amount repayable is pro-rated according to the number of completed months serviced between commencement of the repayment period and termination of employment.
- Repayment will not be required where termination of employment is involuntary. In the event that the relocation does not occur, the employee will be required to make repayment in full.

Please see the Council's guidelines on the amount of relocation allowance available.

TUPE

TUPE refers to a transfer of Undertakings (Protection of Employment) is a transfer of employees and any liability associated with them from an old employer to a new one under a specified legal framework.

TUPE Regulation 13(1) defines affected employees vaguely as:

"...any employees of the transferor or the transferee... who may be affected by the transfer or may be affected by measures taken in connection with it..."

"Transferor" being the organisation who has staff to TUPE to a new organisation or provider, these are the "transferee".

Once the Council has established that there will be a relevant transfer, the next two issues that it needs to address are which employees will transfer to the transferee and who else will be affected by the transfer, because it is required to inform and consult the appropriate representatives of those employees:

- Employees who are "assigned" to the business or service that is transferring will transfer to the transferee under TUPE. They are known as "transferring employees". Sometimes, not all of the employees in a particular team will transfer, just those who are employed in a particular specialism for example.
- There may be employees who are not assigned to the business or service that is transferring but who will be affected by the transfer. For example, they will be part of a smaller team, working in a different way, within a different structure.

Principles

- The employers are required to inform appropriate representatives of employees who may be affected by the transfer about the transfer. In the case of the Councils, these representatives will be the recognised Trade Unions. If the transfer gives rise to any changes in the working arrangements of the employees, there is a separate, but related, duty to consult.
- The transferor is required to provide specified information about transferring employees and their employment to the transferee, to help the transferee prepare for the arrival of new employees, this is often information in relation to individuals' terms and conditions of employment and sometimes any absence, disciplinary or performance related matters.
- After the transfer, the Councils need to make a success of their transformed organisation. This will depend to a large extent on how line managers manage their teams, but the Council will provide the following:
 - Induction: The Councils may organise tailored induction and training courses for transferred employees, to help them understand their management style, and what they offer and expect from them, including in terms of performance and behaviour.
 - Team meetings: Regular team meetings, comprising transferred employees and those from the transferee's existing workforce, to build a single team that looks to adopt best practice from both organisations.
 - Mentoring: This will help the new employees to get to know the Councils existing workforces and enable them to ask questions and make suggestions.
- Line managers have an important role to play in supporting these employees after the transfer to maintain business continuity and should be alert to the potential dip in employee morale that can follow a transfer. Practical steps that line managers can take to support remaining employees include:
- Communicating regularly with employees, including listening to their concerns and taking steps to address them; and

- Participating in a team-building event or strategy day, which will encourage employees to air their concerns and to regroup and focus on the future.
- An affected employee can object to their employment being transferred to a new employer under TUPE, and they do not have to give a reason. If an affected employee objects, their employment is treated as coming to an end at the transfer date. This is normally considered to be a resignation, and therefore the employee would not be entitled to any compensation, but simply the notice as per their contract of employment.

Redundancy

Section 139 of the Employment Rights Act (ERA) 1996 defines redundancy as follows:

'For the purposes of this Act an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is attributed wholly or mainly to:

..the fact this his employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed by him, or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed, or

...the fact that the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where he was so employed, have ceased or diminished or are expected to cease or diminish.'

When reviewing possible redundancies, the following will be undertaken:

1. Establishing the business case.
2. Seek advice and, or specialist support.
3. Inform and Consult. Both collective consultation (with the recognised Trade Union) and individual consultation* will take place in line with the statutory consultation time frames**.
4. Explore alternatives to redundancy.
5. Compulsory redundancy; selection for redundancy will be undertaken in a fair, transparent and objective manner and will not discriminate any individual who falls under a protected characteristic of the Equality Act 2010***.
 - a. Selection criteria will include: cessation of work; skills & experience; performance (evidence based); disciplinary records; timekeeping & attendance; interviews; or other measurable and objective criteria as appropriate as consulted upon and agreed with the recognised Trade Union.
6. Outcome and appeal.

*Legislative requirements at the time of writing this policy provide that where 20 to 99 redundancies are proposed, a minimum of 30 days consultation will take place; where 100 or more redundancies are proposed, a minimum of 45 days consultation will take place. Regardless of the proposed number, the Councils will consult with the appropriate recognised Trade Union(s) at the earliest opportunity.

**Individual consultation will take place with affected staff throughout the process to discuss the reasons for the proposed changes, selection criteria and options. Feedback and alternative suggestions shall also be sought.

*** the following would also constitute unfair dismissal on grounds of redundancy: membership or non-membership of a trade union health and safety activities; exercising their statutory rights; whistleblowing, e.g. making disclosures about their employer's wrongdoing; taking part in lawful industrial action lasting 12 weeks or less; taking action on health and safety grounds; or undertaking jury service.

The Council are duty-bound to notify the Redundancy Payment Service before a consultation starts; failure to do so could result in a fine of up to £5,000.

Notice Periods and Redundancy Pay

The notice period may vary according to length of service:

Service of between 1 month and 2 years	1 weeks' notice
Service between 2 and 12 years	1 weeks' notice for each full year
12 years' service or more	12 weeks' notice

The number of weeks upon which the employee's redundancy compensation shall be calculated as follows:

For each year of service before the age of 22 – 0.5 weeks' pay;

For each year of service aged 22 and over, but before aged 41 – 1 weeks' pay, and;

For each year of service aged 41 or over – 1.5 weeks' pay.

Principles

- All redundancy payments are subject to deduction of tax and national insurance Contributions in accordance with Inland Revenue regulations. At the time of writing, these allow for the first £30,000.00 of compensation to be paid on a tax free basis.
- Employees may, however, not be entitled to a redundancy payment if they:
 - Have found, or have been successfully redeployed, to another post within the Councils, or another organisation listed as per the Modifications Order;
 - Have been offered and refused suitable alternative work without good reason; or
 - Leave employment before the end of the notice period (by resigning) in order to take up alternative work outside the Councils, without having given proper notice.
- HR should be consulted on specific cases.
- The Councils recognise that being made redundant, particularly on a compulsory basis, is a very difficult situation for staff, and as such will provide all reasonable support, including (but not limited to):
 - Reasonable paid time off to look for other work or to undertake training in support of obtaining new employment within the Councils;
 - Unpaid time off to undertake training for alternative employment outside of the Councils, or;
 - Estimates of their redundancy compensation and, where applicable, their pension benefits;
- Requests for time off should, in the first instance, be directed to the relevant line manager and will not be unreasonably refused.
- Employees have the right to appeal against their selection for redundancy. Such appeals can only be made on the grounds that their selection was unfair, or that the reason for dismissal was not truly redundancy.

Pay Protection

The Council aims to provide Pay Protection as a means by which employees can continue their careers within the authorities whilst minimising the risk of financial detriment.

Principles

- All employees of the Councils, regardless of their length of service, are eligible for pay protection. The employees affected must either:
 - Be subject to redeployment following organisational change including but not limited to restructure, pay review;
 - Be subject to a change in role as a result of a service review;
 - Be subject to a reduction in salary following job evaluation, or;
 - Been redeployed as part of an ill health procedure.
- Where hours are changed by the employer;
- In cases where hours are changed as a result of organisational change/restructuring;

- At the end of a fixed term contract. In this instance staff may be eligible to apply for other positions using the Alternative Employment Programme. If a new position is secured pay protection will not apply;
- To temporary arrangements such as: secondments, temporary promotions, acting up arrangements and internal transfers. At the end of the temporary arrangements employees will revert back to their substantive role
- Employees, who qualify for pay protection, will have their former basic salary protected from the commencement date of the new salary.
- Protection of earnings will cease in line with the shortest of the following criteria:
 - The pay protection period has expired;
 - The employee has obtained employment at an equivalent or improved level to their protection;
 - The employee has applied for, and been appointed to, a new position;
 - The salary level attributed to the new position, reach the value of the protected pay level.
- At the end of the protection period, the employee's basic salary shall be the salary value of the top of their new grade.
- Salary enhancements/supplements, such as essential car user allowances or on-going responsibility allowances are not included as part of the salary in these circumstances, and their payment may be ceased where appropriate.

* Please refer to the Council's procedure and guidelines for more information on the periods of pay protection.

POLICY 6: BULLYING AND HARASSMENT

The Council has a firm commitment to equality of opportunity and as such our working environment is one in which bullying and harassment are known to be unacceptable and where individuals have the confidence to complain of such action, should it arise, in the knowledge that their concerns will be dealt with appropriately and fairly.

The Council believes that all staff and visitors, should be able to work and visit without fear of humiliation, intimidation, sexual or racial harassment, oppression or any form of bullying. It is the responsibility of the staff and management that the atmosphere of the Council is caring, happy, relaxed and protective.

Bullying

ACAS Code of Practice defines bullying as "Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient". Examples of bullying include:

- Spreading malicious rumours, or insulting someone by word or behaviour;
- Copying memos that are critical about someone to others who don't need to know;
- Ridiculing or demeaning someone – picking on them or setting them up to fail;
- Exclusion or victimisation;
- Unfair treatment;
- Overbearing supervision or misuse of power or position;
- Unwelcome sexual advances;
- Making threats or comments about job security without foundation;
- Deliberately undermining a competent worker by overloading and constant criticism;
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

Harassment

ACAS Code of Practice define harassment as "unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment" and in the

perception of the recipient of the conduct, it should reasonably be considered as having that purpose or effect.

- Harassment can take a variety of forms ranging from violence and bullying to less obvious action like the 'cold shoulder', abuse of power or coercion.
- Harassment can take many forms including sexual harassment, racial harassment, bullying, intimidation, "mobbing", and victimisation.
- Sexual harassment may take the form of requests for sexual favours, unwelcome contact of a sexual nature, leering, or lewd pin-ups in the workplace.
- Racial harassment can be treatment afforded to an employee because of that person's racial origins, insults and racist comments based on colour, race or ethnic origin. Bullying can range from extreme forms of violence and intimidation, swearing and shouting and humiliating the victim in front of others to the less obvious, sending someone to Coventry.
- Harassment can also occur if employees use the Internet or email to store or distribute abusive or offensive material.
- The Council is opposed to both bullying and harassment in any form and will not tolerate either during the course of employment, at social events (whether organised by the Council or not) or at informal events involving employees or other work-related contacts.

All complaints will be taken seriously by the Council and will be dealt with in line with the Grievance procedure. No employee who makes a complaint in good faith, or participates in an investigation of a complaint, will be victimised for doing so. Complaints that are not made in good faith and involve deliberate misuse of the above procedure will result in disciplinary action being taken against the complainant.

POLICY 7: EQUAL OPPORTUNITIES

The Council expects all its staff to work in an environment that is free from all forms of discrimination; not only for existing staff, but other workers in the Council and unless otherwise stated, including potential employees and former employees, full-time and part-time employees, as well as agency workers, casual workers, temporary workers and contractors, visitors and councillors.

The Council will not tolerate unlawful discrimination on any of the following grounds:

Sex	Race
Marital Status	Colour
Disability	Ethnic or national origin
Gender Reassignment	Sexual Orientation
Age	Religious Belief
Union activities	Part-time status

All employees have a responsibility not to discriminate against or harass fellow employees and to report any such behaviour of which they become aware. Any breaches of this Policy will be treated very seriously by the Council. Our selection procedures are reviewed from time to time to ensure that individuals are appropriate for achieving our objectives and for avoiding unlawful discrimination.

Personal Liability and forms of discrimination

The following are forms of discrimination that this policy aims to avoid:-

- Direct Discrimination occurs when a person is less favourably treated because of race, colour, ethnic or national origin, sex, marital status, disability, gender reassignment, age, sexual orientation, religious belief.

- Indirect Discrimination is where a requirement or condition, which cannot be justified, is applied equally to all groups but has a disproportionately adverse effect on one group.
- Victimisation occurs where someone is treated less favourably than others because he/she has raised a complaint under this policy or taken legal action against the Council or because he/she has supported someone else in doing this.
- Harassment is a form of direct discrimination and may involve inappropriate actions, behaviour, comments or physical contact that causes offence or is intimidating or objectionable.

Disability Discrimination

There are special provisions that protect disabled employees and job applicants against discrimination in the workplace. The Council will ensure that employment policies and practices fully comply with these provisions and will consider making appropriate reasonable adjustments to ensure that disabled applicants or employees are not substantially disadvantaged.

There are a number of ways in which the Council can ensure equal opportunities in the workplace, including:

- Recruitment and Selection
Recruitment and selection procedures will be free from bias or discrimination. Recruitment procedures will be conducted objectively and decisions regarding an applicant's suitability for a position will be based upon specific and reasonable job-related criteria.
- Employment Conditions
Terms and conditions of employment, including pay and benefits, will be offered to employees fairly and equally. Terms and conditions of employment for part-time employees will be provided on a pro-rata basis to full-time employees, except when different treatment can be objectively justified.
- Employment Policies and Practices
The HR Manager will periodically monitor and review this policy and will be responsible for ensuring that all employment-related policies, procedures and practices are non-discriminatory.
- Working Environment
Employees have the right to be treated with dignity and respect and the Council will make every effort to provide a working environment free of discrimination and harassment in any form. Employees are expected to help prevent discrimination and/or harassment in the workplace.

All complaints will be taken seriously by the Council and no employee who makes a complaint in good faith, or participates in an investigation of a complaint, will be victimised for doing so. Complaints that are not made in good faith and involve deliberate misuse of the above procedure will result in disciplinary action being taken against the complainant.

POLICY 8: CAPABILITY

Employees are expected to deliver their day-to-day work as outline in their job description and annual objectives (where they apply) in a timely and professional manner and fully meet the standards and competencies for the job role level as set out in the Job Description and Person Specification. Poor performance occurs where the quality of work deteriorates below the required standard due to lack of ability, skill or knowledge.

The Council will aim to ensure that:

- Employees understand what is expected from them in terms of performance;
- That performance is monitored via regular one to one meetings with their line manager and via the annual performance review management process;

- Employees are given appropriate training and support to meet those standards.
- Employees are not normally dismissed for performance reasons without receiving prior warnings.
- Performance issues will normally be dealt with informally between employee and their line manager as part of day-to-day management. Employees are encouraged to have early and open dialogue with their line manager or other senior managers about performance and any anticipated failures in meeting standards.

Informal discussions may cover the following issues:

- Clarification of the required standards;
- Identification of areas of concern;
- Identification of the likely causes of poor performance;
- Any training, coaching or support needed in order to help the employee meet the required standard;
- Any issues not work related that may be having an impact on the employee's performance; and
- Setting a time period for improvement and review.
- A potential outcome of an informal meeting may include a verbal warning.

Employees have the right to be accompanied to any formal meeting. A companion at a hearing is permitted to:

- Address the hearing to summarise or explain the employee's case, but not to answer questions on behalf of the employee
- Confer with the employee during the hearing
- Ask questions (of the employer and employee) at the hearing
- Be permitted reasonable time to confer privately with the employee, either in the hearing room or outside
- The companion cannot answer questions on behalf of the employee.

Line managers shall ensure that the employee has had every opportunity to improve prior to instigating the formal Capability procedure. Line managers shall also work with the HR team to:

- Identify potential learning and development required;
- Counselling or other employee assist programmes;
- Coaching opportunities
- Provide as much support as is reasonable to allow the employee to improve their performance.

Outcomes of capability

Potential outcomes of Formal Capability include:

- First written warning
- Final written warning
- Dismissal, Demotion or Redeployment

Appeal

If an employee feels that a decision about their performance under this procedure is wrong, or unjust, they should appeal in writing, stating their grounds for appeal, to the HR Manager within 5 working days of the date on which they were informed of the decision.

Following the Appeal Hearing, the Council may:

- Confirm the original decision;
- Revoke the original decision; or
- Substitute a different decision and the sanction.

POLICY 9: GRIEVANCE

Grievances are concerns, problems or complaints highlighted by an employee and must be made in writing. It is not practicable for us to fully list all standards and issues that a Grievance may be concerned with, however, please see below for a few examples:

- Terms and conditions of employment
- Health and safety
- Work relations
- New working practices
- Working environment
- Organisational change
- Discrimination

This list is not exhaustive

Principles

- Managers are responsible for ensuring that both informal and formal grievances are dealt with effectively in accordance with the procedures set out in this policy by:
 - Taking the grievance seriously
 - Investigating the facts and surrounding circumstances, and showing both parties that this has been done thoroughly and sensitively
 - Where practicable, actively look for a solution that will satisfy the complainant without causing disproportionate difficulty for the organisation
 - Provide feedback to the complainant about what can, and, or cannot be done to resolve the grievance; and
 - Taking any necessary follow-up action.
- Under certain circumstances, including but not limited to serious breaches of Council standards such as harassment, bullying, theft and violence, the Council may decide to suspend either or both parties on full basic pay, while the matter is being investigated. **This is not a disciplinary sanction**, but a way of ensuring that a full review of the circumstances can take place as effectively as possible.
- Suspension is a value-free administrative process aimed to limit the potential risk of any interference to the investigation. Where two respondents are under investigation, both are likely to be suspended as a matter of fairness and compliance.
- Where an employee, while on suspension, fails to attend any meeting without reasonable notice or justifiable cause on more than 2 occasions, the employee may have their pay withheld until the completion of the investigation.
- The Grievance Policy does not cover matters relating to strategic business or policy decisions taken by the Council
- Mediation assists to clarify the issues involved in the case and explore options for resolution. The process is entirely voluntary and mediated disputes involve no obligation to accept decisions or proposed options. It can be especially beneficial in problems associated with working relationships.
- All employees have a right to a companion at any formal meeting. This companion may be either an employee colleague who is not involved in the incident or a Trade Union official. Companions must be announced to the HR department no less than 24 hours prior to any meeting.

Outcomes of a grievance

- An appropriate manager will hear the full details of a grievance by way of a Grievance Hearing; the employee(s) will have the right to be accompanied.
- There are two likely outcomes of a grievance:
 - Not Upheld – if it found that there is no case to answer; or
 - Upheld – if it is found that there is a case to answer.
- In some cases, part of a grievance may be upheld while other areas of complaint may not; evidence is vital to ensure that an accurate outcome is made.

- Where a grievance/or part of a grievance is upheld, an investigation will take place at which point the process will move from Grievance to Disciplinary and shall be picked up at the investigation stage.
- The complainant will be advised of the outcome of their grievance and if upheld, will be assured that an investigation is taking place. However, they will not be advised of the outcome of the investigation.

Appeal

All employees have a right to appeal against any outcome sanctioned following a grievance hearing. The Appeal Hearing is designed to review the grievance process and identify whether it has been conducted to Policy and Procedure, it is not an opportunity to submit any new evidence or have full details of the case heard again.

POLICY 10: DISCIPLINARY

Disciplinary situations include misconduct and behaviour; it is not practicable for us to fully list all standards and issues that a Disciplinary may be concerned with, however, please see below for a few examples:

Misconduct:

- Misuse of the Council E-Mail, Internet or internal mailing facilities
- Repeated minor breaches
- Persistent absenteeism or lateness
- Poor effort or sub-standard work
- Absence without authorisation
- Insubordination or refusal to carry out reasonable tasks
- Accepting gifts from service users without proper authorisation from Management
- Any minor breach of Council policies and procedures

This list is not exhaustive

Gross Misconduct:

- The supply or possession of illegal drugs, or being under the influence of drink or drugs on the Council premises or during working hours
- Incapacity through drink or drugs
- Misuse, abuse or deliberate damage to the Council property, including intellectual property, or that of other employees
- Breach of confidence, including unauthorised passing of trade information and/or financial operations, disclosure of confidential information
- Making malicious complaints against other employees
- Bullying and, or harassment
- Unmanaged, unsafe or unacceptable practices
- Falsification of documents, financial, clinical or otherwise
- Misappropriation of service user or Council property
- Taking bribes in connection with their employment
- Theft, fraud or dishonesty (including attempt of theft or fraud)
- Any serious or repetitive breach of Council policies and procedures

This list is not exhaustive.

In line with the above non-exhaustive lists, this policy shall be invoked where there is an allegation of:

- Repeatedly failing to meet Council standards as per the Council's Code of Conduct Policy;
- Consistent absence following the invocation of the Councils; Managing Attendance Policy and Procedure;

- Any malicious act deriving from one complaint from a complainant to another individual which is evidenced as being false as per the Council's Whistleblowing and Grievance Policy and Procedure.

Definition of Conduct

It is expected that every employee should:

- be honest;
- maintain at all times a high standard of integrity and conduct;
- not use their position to further private interests or those of relatives and friends;
- fulfil the duties specified in their contract of employment/job purpose / role profile.

Principles

- Where an issue is addressed informally, a potential outcome may be a verbal warning.
- If it becomes necessary to formally address issues regarding employee's conduct, attendance or job performance, the matter will firstly be investigated by an appropriate person or a panel of appropriate people. *The meeting should be held without unreasonable delay.*
- Under certain circumstances, including but not limited to serious breaches of Council's standards such as harassment, bullying, theft and violence, the Council may decide to suspend employees on full basic pay, while the matter is being investigated. **This is not a disciplinary sanction**, but a way of ensuring that a full review of the circumstances can take place as effectively as possible.
- Suspension is a value-free administrative process aimed to limit the potential risk of any interference to the investigation. Where two employees are under investigation, both shall be suspended as a matter of fairness.
- Where an employee, while on suspension, fails to attend any meeting without reasonable notice or justifiable cause on more than 2 occasions, the employee may have their pay withheld until the completion of the investigation.
- All employees have a right to a companion at any formal meeting. This companion may be either an employee colleague who is not involved in the incident or a Trade Union official. Companions must be announced to the HR department no less than 24 hours prior to any meeting.

Employees have the right to be accompanied to any formal meeting. A companion at a hearing is permitted to:

- Address the hearing to summarise or explain the employee's case, but not to answer questions on behalf of the employee
- Confer with the employee during the hearing
- Ask questions (of the employer and employee) at the hearing
- Be permitted reasonable time to confer privately with the employee, either in the hearing room or outside
- The companion cannot answer questions on behalf of the employee.

Outcomes of disciplinary

Potential outcomes of a disciplinary Hearing:

- No formal sanction; but recommendations for resolution
- First written warning
- Final written warning
- Dismissal with notice
- Summary dismissal (without notice)

Appeal

All employees have a right to appeal against any outcome sanctioned following a disciplinary hearing. The Appeal Hearing is designed to review the disciplinary process and identify

whether it has been conducted to Policy and Procedure, it is not an opportunity to submit any new evidence or have full details of the case heard again.

*please note there is a separate Disciplinary process in respect of the Chief Executive, Monitoring Officer and Section 151 Officer – specific advice can be sought from the HR Team.

POLICY 11: TRAINING AND DEVELOPMENT

The Council is committed to the training, education and development of its members of staff. Training opportunities are available should there be a need for employees or their manager to develop employee's skills in a particular area, or to learn new skills appropriate to their specific function and role within the Council.

Ideally employees should discuss their training needs in their one to one's or annual appraisals but they can discuss training opportunities with their manager or contact the HR Department at a convenient time.

Principles

Employer Responsibilities - To ensure that:

- There is always an active annual training plan in place covering all mandatory training
- Funding is set-aside in the financial budget to cover planned training expenditure for the current / impending financial year.
- Employees fully understand their job function and expected performance standards through having accurate job descriptions and an annual appraisal review.
- Each employee has the opportunity to learn and become more experienced in their primary job function.
- Each employee has the opportunity to learn and become experienced in secondary skills.
- Each employee is enabled and actively encouraged to develop their personal potential.
- All employees receive appropriate levels of mandatory training as per governing requirements
- All employees may request non mandatory training as part of their Continuing Professional Development

Employee responsibilities - To ensure that:

- They are aware of the Mandatory training they are required to complete as per the contract of employment
- They query, where necessary, with their line manager leave from duty to attend training
- They maintain their Mandatory training levels which will be identified to them upon commencement of employment

Employees have the right, under section 63D of the Employment Rights Act 1996, to request that the Council allow them time to undertake training. They do not have the right to be paid for the time spent training when the Council agrees to their request.

For some training the Council provides, a reasonable commitment to stay with the Council will be expected. Partial repayment of fees in the event of early termination of employment for any reason may be expected as follows.

The Council reserves the right to recover the full cost of such training should the employee leave the Council, or discontinue or fail the qualification without good reason. Repayment is based on a sliding scale details, more information can be sought from the HR department.

Induction

All new employees will be required to undertake an Induction programme; new starters will be invited to this.