

Policy 1. Recruitment & Selection

Item	Statutory?	Constitutional?	National Guidance?	Council Discretion?
Employment Checks	Yes: The Immigration Act 2016			
Criminal Records Checks	Yes: Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and the Police Act 1997 (Criminal Records) regulations ¹			
Recruitment of Chief Officer or Deputy Chief Officer		Yes The Councils' Joint Appointment Panel shall interview any shortlisted qualified Candidates as per the Constitutions' Delegations to Committees (Non-executive functions).		
Shortlisting	Yes: Data Protection Act 1998		Yes – Information Commissioner's Office: The Employment Practice Code	
Agency Worker	Yes: Agency Worker Regulations 2010			
Fixed Term Employees	Yes: Fixed Term Employees Regulation 2002			
Probation	Yes: Employment Rights Act 1996 ²		Yes: CIPD – probationary period must be over a 'reasonable' time frame.	Yes. 6 months' probation as per current policy. 1 months' notice period to terminate during probation, as per current policy

¹ All Council roles have been assessed for their eligibility for DBS checks.

² Section 1 of the ERA 1996 requires employers to provide, within 2 months of starting employment, a 'written statement of particulars' which enables the use of probation periods.

Policy 2. Managing Attendance

Item	Statutory?	Constitutional?	National Guidance?	Council Discretion?
Principles	Yes: Social Security (medical evidence) Regulations 1976 & Amendments 2010 The Equality Act 2010		Yes: Return to Work Interviews – ACAS Code of Practice	
Absence due to accidents caused by third parties ³				Yes: As per current policy
Sickness and Holidays	Yes: Working Time Regulations 1998			
Medical Reports	Yes: The Access to Medical Reports Act 1988 Equality Act 2010 – re: Reasonable Adjustments		Yes: ACAS Guidance	

Policy 3. Special Leave

Item	Statutory?	Constitutional?	National Guidance?	Council Discretion?
Compassionate Leave	Yes: Section 57A Employment Rights Act 1996		Yes: ACAS Guidance	
Other Leave	Yes: S43 Employment Rights Act 1996 Reserve Forces (Safeguard of Employment) Act 1985 The Reserve Forces (Payments to Employers and Partners) Regulations 2014 (SI 2014/2410)		Yes: ACAS Guidance	Yes: Acting as witness on behalf of the Council.

³ Where an employee has suffered injury by third party causing absence (i.e. road traffic accident) and received compensation for loss of earnings.

Policy 4. Parental Rights

Item	Statutory?	Constitutional?	National Guidance?	Council Discretion?
Maternity Leave & Pay	<u>Yes:</u> Employment Rights Act 1996, Part VIII			
Paternity Leave & Pay	<u>Yes:</u> Employment Rights Act 1996, Part VIII			
Adoption Leave & Pay	<u>Yes:</u> Employment Rights Act 1996, Part VIII			
Shared Parental Leave & Pay	<u>Yes:</u> Employment Rights Act 1996, Part VIII			
Parental Leave	<u>Yes:</u> Employment Rights Act 1996, Part VIII			

Policy 5. Managing Change

Item	Statutory?	Constitutional?	National Guidance?	Council Discretion?
Redeployment	<u>Yes:</u> Employment Rights Act 1996		<u>Yes:</u> ACAS Code	
Relocation			<u>Yes:</u> HMRC 480(2016) Expenses and Benefits - a tax guide	
TUPE	<u>Yes:</u> Transfer of Undertakings (Protection of Employment) Regulations 1981		<u>Yes:</u> ACAS Code	
Redundancy	<u>Yes:</u> S139 Employment Rights Act 1996 Trade Union and Labour Relations (Consolidation) Act 1992. The Collective Redundancies and Transfer of Undertakings (Protection of Employment) Regulations 1995. The Redundancy Payment Service		<u>Yes:</u> ACAS Code	

	The Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 The Information and Consultation of Employees Regulations 2004			
Pay Protection			Yes: Benchmarking	Yes: As per current policy

Policy 6. Bullying and Harassment

Statutory?	Constitutional?	National Guidance?	Council Discretion?
Equality Act 2010		ACAS Code of Practice	

Policy 7. Equal Opportunities

Statutory?	Constitutional?	National Guidance?	Council Discretion?
Equality Act 2010		ACAS Code of Practice	

Policy 8. Capability

Item	Statutory?	Constitutional?	National Guidance?	Council Discretion?
General			Yes: ACAS Code of Practice	
Right to be accompanied	Yes: Employment Relations Act 1999			
Right to an appeal			Yes: ACAS Code of Practice	

Policy 9. Grievance

Item	Statutory?	Constitutional?	National Guidance?	Council Discretion?
General			Yes: ACAS Code of Practice	
Right to be accompanied	Yes: Employment Relations Act 1999			
Right to an appeal			Yes: ACAS Code of Practice	

Policy 10. Disciplinary

Item	Statutory?	Constitutional?	National Guidance?	Council Discretion?
General			Yes: ACAS Code of Practice	
Right to be accompanied	Yes: Employment Relations Act 1999			
Right to an appeal			Yes: ACAS Code of Practice	

Policy 11. Training and Development

Item	Statutory?	Constitutional?	National Guidance?	Council Discretion?
	Yes: Employment And Training Act 1973 Section 63D of the Employment Rights Act 1996			The right to recover training costs should the employee leave the Council – as per current policy.