

HAVANT BOROUGH COUNCIL  
PUBLIC SERVICE PLAZA  
CIVIC CENTRE ROAD  
HAVANT  
HAMPSHIRE PO9 2AX



**Havant**  
BOROUGH COUNCIL

Telephone: 023 9244 6019  
Website: [www.havant.gov.uk](http://www.havant.gov.uk)

26 September 2023

## SUMMONS

Dear Councillor

You are requested to attend the following meeting:

**Meeting:** Human Resources Committee  
**Date:** Wednesday 4 October 2023  
**Time:** 5.00 pm  
**Venue:** Hurstwood Room, Public Service Plaza, Civic Centre Road,  
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Steve Jorden  
Chief Executive

## HUMAN RESOURCES COMMITTEE MEMBERSHIP

**Chairman:** Councillor Crellin

Councillors Diamond (Vice-Chairman), Briggs, Coates, Payter and Richardson

Contact Officer: Emma Carlyle 02392 446151  
Email: [emma.carlyle@havant.gov.uk](mailto:emma.carlyle@havant.gov.uk)

## AGENDA

|  | Page         |
|--|--------------|
| <b>1 Apologies for Absence</b>   |              |
| To receive and record any apologies for absence.   |              |
| <b>2 Minutes</b>   | <b>1 - 2</b> |
| To approve the minutes of the meeting of the Human Resources Committee held on 12 July 2023. |              |

**3      Declarations of Interests**

To receive and record any declarations of interests from Members.

**4      Equality Policy Review**

**3 - 16**

**5      Updates of HR Policies**

**17 - 194**

**6      HR Workplan Update**

Verbal update to be provided at the meeting by the Chief HR Officer.

**7      Additional Voluntary Contributions Progress**

Verbal update to be provided at the meeting by the Chief HR Officer.

## GENERAL INFORMATION

**IF YOU WOULD LIKE A VERSION OF THIS AGENDA, OR ANY OF ITS REPORTS, IN LARGE PRINT, BRAILLE, AUDIO OR IN ANOTHER LANGUAGE PLEASE CONTACT DEMOCRATIC SERVICES ON 023 9244 6019**

### **Internet**

This agenda and its accompanying reports can also be found on the Havant Borough Council website: [www.havant.gov.uk](http://www.havant.gov.uk)

### **Public Attendance and Participation**

Members of the public are welcome to attend the Public Service Plaza and observe the meetings. We also endeavour to broadcast the meeting and make the recording available on the Council website for up to 6 months.

### **Disabled Access**

The Public Service Plaza has full access and facilities for the disabled.

### **Emergency Procedure**

Please ensure that you are familiar with the location of all emergency exits which are clearly marked. In the unlikely event of an emergency an alarm will sound.

PLEASE EVACUATE THE BUILDING IMMEDIATELY.

DO NOT RE-ENTER THE BUILDING UNTIL AUTHORISED TO DO SO

### **No Smoking Policy**

The Public Service Plaza operates a strict No Smoking policy in all of its offices, corridors, meeting rooms and toilets.

### **Parking**

Pay and display car parking is available in the Leisure Centre car park opposite the Plaza.



## HAVANT BOROUGH COUNCIL

At a meeting of the Human Resources Committee held on 12 July 2023

Present

Councillors Crellin (Chairman), Briggs, Coates, Richardson and Stone (Standing Deputy)

### 27 Apologies for Absence

Apologies for absence were received from Councillor Diamond and Councillor Payter.

### 28 Declarations of Interests

There were no declarations of interest.

### 29 Minutes

**RESOLVED** that the minutes of the meeting of the Human Resources Committee held on 9 March 2023 be **APPROVED** as a correct record.

### 30 Updated Senior Management Pay Policy.

The Chief HR Officer introduced his report regarding the revised pay scales on the Senior Pay Policy following confirmation of the recommended pay award from the Joint Negotiating Committee for Chief Officers of Local Authorities.

Officers in responding to Members' questions, emphasised that the Council is committed to pay nationally agreed uplifts and these are applied when notification is received from the Joint Negotiating Committee for Chief Officers of Local Authorities.

**RESOLVED** that the Updated Senior Management Pay Policy be **NOTED**.

### 31 HR Work Plan

The Executive Head of Internal Services provided a summary of the work which had been undertaken over the previous year to secure the HR Service and advised that there are a number of policies due to have a refresh in the next year or so that would require consideration and approval by the Committee.

The Chief HR Officer gave an overview of the report, summarising key elements in the workplan that would result in improvements to HR services.

The Chairman thanked the HR Team for their hard work on the HR Work Plan to date.

In response to questions from Members, officers advised that:

- The Work Plan set out in the report was the first stage and more details would be provided for the next Committee meeting in October.
- The Payroll contract established within the 5 Councils partnership was in place until 2025. Any changes to the future of the arrangement would need to be reviewed and this was a priority for the HR Team going forward.
- The Council was not responsible for the training of Norse employees.
- The E learning platform was being reviewed and wider training was a work in progress to ensure it was more bespoke.
- Staff training was not contractual but it was mandatory and was raised with staff in the event the training is not completed.

The Executive Head of Internal Services agreed to circulate to Committee Members the All Member Briefing on the Council's IT provision which took place approximately six months ago.

**RESOLVED** that the HR Work Plan be **NOTED**.

**The meeting commenced at 5.00 pm and concluded at 5.41 pm**

|                             |   |                      |    |
|-----------------------------|---|----------------------|----|
| <b>Name of Committee:</b>   | Human Resources Committee   |                      |    |
| <b>Committee Date:</b>      | 4 October 2023  |                      |    |
| <b>Report Title:</b>        | Equality Policy Review  |                      |    |
| <b>Responsible Officer:</b> | Matt Goodwin, Executive Head of Internal Services   |                      |    |
| <b>Cabinet Lead:</b>        | Councillor Neil Bowdell   |                      |    |
| <b>Status:</b>              | Non-Exempt  |                      |    |
| <b>Urgent Decision:</b>     | No  | <b>Key Decision:</b> | No |
| <b>Appendices:</b>          | Reviewed and updated Equality Policy  |                      |    |
| <b>Background Papers:</b>   | <a href="#">The Essential Guide to the Public Sector Equality Duty</a><br><a href="#">Employment: Statutory Code of Practice   Equality and Human Rights Commission</a> |                      |    |
| <b>Officer Contact:</b>     | Name: Caren Ransom, Equality Diversity and Inclusion Advisor<br>Email: <a href="mailto:caren.ransom@havant.gov.uk">caren.ransom@havant.gov.uk</a>                       |                      |    |
| <b>Report Number:</b>       | HBC/  |                      |    |

**Corporate Priorities:**

**People First:** This policy is designed to ensure positive impacts for all people, across everything we do. It also reinforces positive well-being for all people.

**One Borough:** This policy covers all people across our Borough.

**One Team:** This policy covers all our workforce and Councillors.

**Executive Summary:**

This is a three-yearly review of the current Equality Policy. Consultation has taken place during the summer with key identified stakeholders.

There have only been minor amendments made to the current policy which reflects duties placed upon the Council under the Equality Act 2010.

**Recommendations:**

Members of this Committee are requested to approve the revised Equality Policy 2023.

## 1.0 Introduction

- 1.1 This paper is about a review and update of Havant Borough Council's Equality Policy.

## 2.0 Background

- 2.1 The council adopted its first Equality Policy in 2006/07. This is a key organisation policy. Law and, therefore this policy, has since evolved. Specifically, the rollout of the Equality Act 2010 in 2011/12 and onwards. Specific duties were added in 2017/18 which included Gender Pay Gap analysis and reporting.
- 2.2 The Equality Act 2010 replaced all previous anti-discrimination laws, such as the Sex/Disability and Race Discrimination Acts. The Equality Act 2010 encompasses all past legislation into one law and identified nine protected characteristics (or groups) that are protected from unlawful discrimination.
- 2.3 The protected characteristics are age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex and sexual orientation.
- 2.4 The Equality Act 2010 (section 149) places a proactive duty on the public sector. This is called the Public Sector Equality Duty. The duty has three aims as outlined in the Equality Policy.
- 2.5 To enable the council to discharge this duty and work proactively towards its community and workforce, a framework needs to be in place, such as this policy and subsequent action plan.
- 2.6 The council's governance and good practice is to review policies every three years. Hence, reviewing this in 2023.
- 2.7 The review proved only minor elements of change, such as a transfer to the new policy template and minor amendments to terminology and language in places.
- 2.8 The policy reflects the Public Sector Equality Duty in how we provide services, buy goods and services, employ people, work in partnership and through our role in community leadership.



### **3.0 Options**

- 3.1 The HR Committee could choose to approve the amendment or seek further changes to this policy.

### **4.0 Relationship to the Corporate Strategy**

- 4.1 People First: This policy is designed to ensure positive impacts for all people, across everything we do. It also reinforces positive well-being for all people.
- 4.2 One Borough: This policy covers all people across our Borough.
- 4.3 One Team: This policy covers all our workforce and Councillors.

### **5.0 Conclusion**

- 5.1 This policy will enable the Council to embed equality and diversity into the organisation, highlighting and promoting a real commitment to our people and keeping us legally on track.
- 5.2 This is a proactive policy that should embed equality into every aspect of Council business, people and workforce. This will also help support the Council to discharge the Public Sector Equality Duty through a supporting action plan. That action plan will be reviewed by this Committee annually.

### **6.0 Implications and Comments**

- 6.1 S151 Comments: Whilst this policy has no immediate and direct financial impact, failure to have an appropriate, correct and up-to-date equality policy could increase the risk of negative financial impacts and costs in the future. The high cost of successful equal pay claims on local authorities has been all too well evident in recent weeks.
- 6.2 Financial Implications: See S151 comments - no immediate and direct financial impact.
- 6.3 Monitoring Officer Comments: The adoption of new policy aims in respect of the Council's HR function is within the remit of the Human Resources Committee. The Human Resources Committee may approve the minor amendments to this important policy.

- 6.4 Legal Implications: There are no Legal implications associated with this update.
- 6.5 Equality and Diversity: This policy ensures we adhere to relevant legislation and guidance pertaining to the Equality Act 2010 and the Public Sector Equality Duty.
- 6.6 Human Resources: This has been discussed and developed with support from the HR team. No specific implications, as the policy differs minimally from the existing version.
- 6.7 Information Governance: No Information Governance impact associated with this update.
- 6.8 Climate and Environment: No Climate and Environment impact associated with this update.

## **7.0 Risks**

- 7.1 The council has an ongoing risk of complaints or grievances being made relating to equality. However, having a robust policy and action plan, including training, where appropriate, mitigates this risk significantly. This policy will also help reduce any enforcement action against it regarding the Equality Act 2010 and the Public Sector Equality Duty.

## **8.0 Consultation**

- 8.1 Consultees (beginning July 2023):
  - 8.1.1 HR
  - 8.1.2 Procurement
  - 8.1.3 Insight
  - 8.1.4 Democratic
  - 8.1.5 Complaints (Customer Service Client Manager)
  - 8.1.6 Unison
  - 8.1.7 Health and Safety
  - 8.1.8 Risk Management
  - 8.1.9 Diversity and Wellbeing Group
  - 8.1.10 ELT (23/08/23)

## 9.0 Communications

9.1 If approved, this policy will be communicated widely using a variety of platforms including the staff intranet and Councillor Hub.

| <b>Agreed and signed off by:</b> |                         | <b>Date:</b> |
|----------------------------------|-------------------------|--------------|
| <b>Cabinet Lead:</b>             | Councillor Neil Bowdell | 22/09/2023   |
| <b>Executive Head:</b>           | Matt Goodwin            | 22/09/2023   |
| <b>Monitoring Officer:</b>       | Jo McIntosh             | 25/09/2023   |
| <b>Section151 Officer:</b>       | Steven Pink             | 25/09/2023   |

This page is intentionally left blank

# Equality Policy

|                      |   |
|----------------------|---|
| <b>Author</b>        | <b>Equality Diversity and Inclusion Advisor</b> |
| <b>Approved by</b>   | <b>Human Resources Committee</b>                |
| <b>Approval date</b> | <b>October 2023 (TBC)</b>                       |
| <b>Review date</b>   | <b>October 2026</b>                             |

## 1. Purpose

- 1.1 This policy sets out the Council's commitment to the Public Sector Equality Duty. The overall aims of this policy are to:
- 1.1.1 Eliminate unlawful discrimination, harassment, victimisation (these terms are defined in the Appendix) and any other conduct that is prohibited by or under the Equality Act 2010.
  - 1.1.2 Advance equality of opportunity between persons who share a protected characteristic and those who do not.
  - 1.1.3 Foster good relations between persons who share a protected characteristic and those who do not.
- 1.2 The Council will pay due regard to these aims when we:
- provide services.
  - buy goods and services.
  - employ people.
  - work in partnership.
  - And through our role in community leadership.
- 1.3. The Council is committed to fair access and public service excellence. We are committed to mainstreaming equality practices within our democratic activity, service planning and delivery and all human resource processes.



# Equality Policy

## 2. Scope

- 2.1 The Protected Characteristics (as laid down in the Equality Act 2010) are: Age, Disability, Gender Reassignment, Marriage/Civil Partnership, Pregnancy and Maternity, Race, Religion/Belief, Sex and Sexual Orientation.
- 2.2 This policy applies to Councillors and employees, contractors, and placements regardless of any protected characteristic, working arrangement, and membership of trade union or public interest disclosure status.
- 2.3 This policy also applies to the services the Council provides, including the treatment of our customers.

## 3. Policy Statement

- 3.1 The Council's Statement of Commitment towards equal opportunities and diversity is as follows. We are committed to:
  - Removing unfair treatment.
  - Promoting equality of opportunity and fair access.
  - Fostering good relations between all people.

## 4. Employment

- 4.1. Vacancies for posts are normally concurrently advertised internally and externally and are placed on the Council's website. They are also advertised in media outlets considered accessible to all suitable candidates. Where the Council believes there is an internal recruitment pool, vacancies are advertised internally only. In all circumstances the Council is compliant with the Equality Act 2010.



- 4.2. The Council is a member of the Disability Confident Scheme. This includes considering measures to enable staff to stay in their job - if they become disabled. Also measures in

# Equality Policy

place to assist disabled applicants in recruitment. Wherever possible, the Council will also ensure job information is available in alternative formats if requested.

- 4.3. The Council will only request pre-employment health checks after a job has been offered.
- 4.4. Equality and Diversity awareness training will be available to all staff and elected members. All new members of staff are notified of their personal obligations to equality as part of the Council's Induction process.
- 4.5. The Council will apply the provisions in national and local conditions of service fairly. The Council will consider all reasonable requests for adjustment of working arrangements, subject to the requirements of maintaining an effective public service.
- 4.6. The Council will ensure the development of employment policies, practices and/or working conditions are in line with this policy.
- 4.7. The Council will ensure the composition of the workforce is monitored, in accordance with the [Employment: Statutory Code of Practice | Equality and Human Rights Commission](#). The Council will analyse the results to detect any trends, bias, or discrimination. Workforce data will be published where appropriate, in line with the specific duties within the Public Sector Equality Duty.
- 4.8. Where under representation of any protected groups is identified, the Council may consider using positive action measures.
- 4.9. The Council will ensure that the gender pay gap is reported on, annually.
- 4.10. The Council will explore all reasonable adjustment requests and whether they can be made to overcome the barriers presented by disability.
- 4.11. The Council will seek to ensure staff are engaged and consulted appropriately and proportionately.
- 4.12. The Council will continue to have an open and transparent approach to their pay policies.
- 4.13. The Council's policy is to ensure any concerns of discrimination, victimisation and harassment are investigated and appropriate action is taken.
- 4.14. The Council will, at its discretion, implement schemes that support our commitment to inclusivity and the Public Sector Equality Duty.



# Equality Policy

- 5.1. The Council aims to ensure that all services are free from prejudice and discrimination and are accessible to all.
- 5.2. The Council will seek to ensure that all employees, contractors, and partners have the information they need to provide equality of opportunity and that this is reflected in their conduct.
- 5.3. The Council will require partners and contractors to have equal opportunity policies/or to adopt ours. And will proportionately seek sufficient information and evidence that compliance with equal opportunities legislation is undertaken.
- 5.4. Any organisation working for the Council who commits an act of unjustified or unlawful discrimination, or allows discrimination to occur without taking appropriate action, may have their contract terminated.
- 5.5. The Council will ensure customer information is collected and analysed (where appropriate) to monitor customer satisfaction and representation in the take-up of services.
- 5.6. The Council will ensure that due regard is paid to this policy in the development of services, policies, and practices to identify potential impacts on protected characteristics. This will include using local and national demographic information (such as the Census, Indices of Multiple Deprivation, Labour Market Statistics) as well as local and national research reports.
- 5.7. The Council will seek to ensure customers are engaged and consulted (including minority groups) appropriately and proportionately to the function in question.
- 5.8. The Council will monitor and fully investigate all complaints of discrimination, victimisation and harassment and take appropriate action.



## 6. Responsibilities of Councillors



# Equality Policy

- 6.1 As decision makers, Councillors are responsible for discharging the Council's Public Sector Equality Duty and paying due regard to the three aims of this policy (set out in the policy statement).
- 6.2 All Councillors are responsible for promoting this policy and treating everybody fairly and without assumptions, with respect and promoting equality of opportunity.

## 7. Responsibilities of Managers and Staff

- 7.1 The Chief Executive is responsible for providing leadership in the overall implementation of this policy.
- 7.2 All Executive Directors and Heads of Service are responsible for implementing this policy in their service areas, allocating specific resources to ensure compliance.
- 7.3 Managers at all levels will set an example in non-discriminatory behaviour and are expected to ensure that staff are aware of the Council's policy and act in accordance with it.
- 7.4 All managers are responsible for implementing this policy and for addressing equality issues in their business planning and performance management activities in their areas.
- 7.5 All employees are responsible for ensuring they play their part in implementing this policy by treating all people fairly, with respect and promoting equality of opportunity.
- 7.6 All staff and managers are responsible in ensuring they make themselves available for mandatory equality training.
- 7.7 Officers responsible for advising Councillors in decision making are responsible for advising those decision makers of any impact on equality, to enable them to discharge the Council's Public Sector Equality Duty and make fully informed decisions.

## 8. Failure to Comply with this Policy

# Equality Policy

- 8.1 Any cases of unfair treatment, harassment, or victimisation because of a protected characteristic, whether actual or perceived, will be taken very seriously by the Council.
- 8.2 Service users (customers), partners or anyone else who feel they have been subject to unfair discrimination can make a complaint under the Council's Complaints Procedure.
- 8.3 Employees who feel they have been subject to unfair discrimination should raise the issue informally in line with the terms of the Council's Grievance Procedure.
- 8.4 Employees who are alleged to have committed an act of unfair discrimination or harassment may be liable to disciplinary action in accordance with the Council's Disciplinary Procedure, which may lead to the termination of employment.
- 8.5 Guidance and support will be available and provided to employees who are responsible for ensuring due regard to equality is paid through changes to, or the formation of new policies, services, functions, outsourcing or partnerships.

## 9. Monitor and Review of this Policy

- 9.1 Workforce data will be collected, analysed, and published annually in line with the Specific Duties of the Public Sector Equality Duty.
- 9.2 The Council will ensure that the gender pay gap is reported on annually and kept on the website for three years.
- 9.3 The Council will monitor and fully investigate all complaints of discrimination, victimisation and harassment and take appropriate action.
- 9.4 Monitoring equality in the workplace will be measured through Staff Surveys.
- 9.6 Monitoring equality across the Borough will be measured through Residents Surveys.
- 9.5 This policy will be monitored annually and reviewed every three years.

## 10. Related Documents and Policies

- [Employment: Statutory Code of Practice | Equality and Human Rights Commission](#)
- [Gender Pay Gap](#)

# Equality Policy

- Council Whistleblowing Policy
- Council Members/Officers Relations Protocol
- Council Code of Conduct for Councillors
- Council Code of Conduct for Employees
- Council Grievance Procedure
- Council Complaints Policy (External)
- Council Safeguarding Children and Vulnerable Adults Policy

## Version control record

| Version number | Date | Author / reviewer                        | Comments / changes  |
|----------------|------|--|---|
| V1             | 2017 | Equality Diversity and Inclusion Advisor | Approved  |
| V2             | 2020 | Equality Diversity and Inclusion Advisor | Reviewed no changes to Policy   |
| V3             | 2023 | Equality Diversity and Inclusion Advisor | No major changes. Broken links removed, better use of language, removal of occasional duplicate statements.<br>Also, transfer to new policy template. |



This page is intentionally left blank

|                             |   |                      |    |
|-----------------------------|---|----------------------|----|
| <b>Name of Committee:</b>   | HR Committee  |                      |    |
| <b>Committee Date:</b>      | 4 October 2023  |                      |    |
| <b>Report Title:</b>        | Updates of HR Policies  |                      |    |
| <b>Responsible Officer:</b> | Matt Goodwin, Executive Head of Internal Services   |                      |    |
| <b>Cabinet Lead:</b>        | Councillor Neil Bowdell   |                      |    |
| <b>Status:</b>              | Non-Exempt  |                      |    |
| <b>Urgent Decision:</b>     | No  | <b>Key Decision:</b> | No |
| <b>Appendices:</b>          | Update policies with tracked changes:<br>1. Adoption Leave Policy<br>2. Adverse Weather - Exceptional Circumstances Procedure<br>3. Alcohol Substance Abuse and Addiction Policy<br>4. Capability Policy<br>5. Disciplinary Policy<br>6. Flexible Retirement Procedure<br>7. Flexible Working Policy<br>8. Grievance Policy<br>9. Managing Change Appointments Procedure<br>10. Managing Sickness Absence Policy<br>11. Maternity Policy<br>12. Other Leave Policy<br>13. Parental Leave Policy<br>14. Paternity Policy<br>15. Probation Policy<br>16. Remuneration Policy<br>17. Sabbatical Leave Policy<br>18. Shared Parental Leave Policy |                      |    |
| <b>Background Papers:</b>   | N/A   |                      |    |
| <b>Officer Contact:</b>     | Name: David Fairall, Chief HR Officer<br>Email: david.fairall@havant.gov.uk   |                      |    |
| <b>Report Number:</b>       | HBC/  |                      |    |

|   |
|---|
| <b>Corporate Priorities:</b>                            |
| Policy Development<br>Corporate Strategy - People First |

|   |
|---|
| <b>Executive Summary:</b>   |
| <ul style="list-style-type: none"> <li>• There are currently 18 HR policies that are beyond their published review dates.</li> <li>• These have been updated by the HR team and agreed by Unison.</li> <li>• All recommended changes are tracked on the attached documents.</li> <li>• No material changes have been made to any existing policy or procedure.</li> </ul> |

**Recommendations:**

That the HR Committee approves the proposed amendments to each of the following:

1. Adoption Leave Policy
2. Adverse Weather - Exceptional Circumstances Procedure
3. Alcohol Substance Abuse and Addiction Policy
4. Capability Policy
5. Disciplinary Policy
6. Flexible Retirement Procedure
7. Flexible Working Policy
8. Grievance Policy
9. Managing Change Appointments Procedure
10. Managing Sickness Absence Policy
11. Maternity Policy
12. Other Leave Policy
13. Parental Leave Policy
14. Paternity Policy
15. Probation Policy
16. Remuneration Policy
17. Sabbatical Leave Policy
18. Shared Parental Leave Policy

## 1.0 Introduction

- 1.1 This report provides the HR Committee with updated drafts of 18 policies agreed by the HR team and Unison. If also agreed by the HR Committee, this would mean all previously out-of-date HR policies have been reviewed, amended and published.

## 2.0 Background

- 2.1 Owing to the impending separation of the councils, there was a period in which HR policies were not being systematically reviewed followed by a time in which the HR team needed to be rebuilt with new recruits. The new team inherited this batch of policies beyond their review dates.
- 2.2 At the previous HR Committee, held on 12 July 2023, the Chief HR Officer presented a workplan detailing how updating these policies would be approached in two phases. The first focusing purely on ensuring all existing policies were up-to-date and legally compliant and the second to review the whole look and feel of the suite of HR policies.
- 2.3 The attached updates constitute the end of Phase 1. All tracked changes are shown on each respective document, showing that no material changes have been made to existing policy or procedure.
- 2.4 By no material change, this means all but a handful of sentences and paragraphs have been amended and mostly only by a word or two (e.g. changing the title Head of Service to Executive Head, updating version numbers, contents page etc).
- 2.5 The two paragraph changes to note are:
  - 2.5.1 Grievance Policy: The wording on page 4 has been amended to reflect that it is a fundamental right to be able to raise a grievance, rather than setting examples.
  - 2.5.2 Disciplinary Policy: The wording on page 5 has been simplified in ascertaining if there is a need to suspend someone.

### **3.0 Options**

- 3.1 The HR Committee could choose to approve the amendment or seek further changes to any or all of the policies.

### **4.0 Relationship to the Corporate Strategy**

- 4.1 People First and One Team: Ensuring the council has a set of policies to underpin good, safe and legal practices and procedures.

### **5.0 Conclusion**

- 5.1 The suggested changes to the 18 HR policies make no material changes to any existing policy or procedure, but, if approved, would mean all live HR policies are once again within their published review dates. Therefore, the HR Committee is asked to review and approve the amended policies, so they can be communicated and published, as required.

### **6.0 Implications and Comments**

- 6.1 S151 Comments: The updates to the policies listed have no immediate financial impacts. Ensuring HBC has up-to-date policies will help protect against future financial risks.
- 6.2 Financial Implications: See S151 comments - no immediate financial impacts.
- 6.3 Monitoring Officer Comments: The adoption of new policy aims in respect of the Council's HR function is within the remit of the Human Resources Committee. The Human Resources Committee may approve the minor amendments to proposed to the multiple policy documents.
- 6.4 Legal Implications: There are no Legal implications associated with these updates.
- 6.5 Equality and Diversity: No material change to any existing policy. The Equality Policy has also been updated and will be submitted through a separate paper.



- 6.6 Human Resources: No material change to any existing policy. If approved, this would mean all published policies are within their review date.
- 6.7 Information Governance: No Information Governance impact associated with these updates.
- 6.8 Climate and Environment: No Climate and Environment impact associated with these updates.

## 7.0 Risks

- 7.1 There are no risks associated with the proposed amendments, as they are not materially different from existing policies and procedures. However, the councils carry an ongoing risk if policies remain out of date if audited or if any employment legislation has changed since previous reviews. Approving these minor amendments removes this risk.

## 8.0 Consultation

- 8.1 All proposed changes, as shown on the tracked documents, have been agreed in writing with Unison in line with our collective agreement.

## 9.0 Communications

- 9.1 If approved, all policies will be updated on The Fountain (where all HR policies can be found) and on the Havant Borough Council website, where applicable.

| <b>Agreed and signed off by:</b> |                         | <b>Date:</b> |
|----------------------------------|-------------------------|--------------|
| <b>Cabinet Lead:</b>             | Councillor Neil Bowdell | 22/09/2023   |
| <b>Executive Head:</b>           | Matt Goodwin            | 22/09/2023   |
| <b>Monitoring Officer:</b>       | Jo McIntosh             | 25/09/2023   |
| <b>Section151 Officer:</b>       | Steven Pink             | 25/09/2023   |

This page is intentionally left blank

**Adoption Leave Policy**

|   |   |
|---|---|
| Policy Date   | June 2017 <a href="#">Updated</a><br><a href="#">Reviewed</a> November<br>2019<br><a href="#">Reviewed September</a><br><a href="#">2023</a>  |
| Policy Review Date<br><i>when under review, this policy should<br/>continue to be used</i>  | <del>November 2022</del> <a href="#">September 2026</a>   |
| This policy is non-contractual. Payments are governed by the NJC Green Book conditions  |   |
| Author  | HR <a href="#">Dept</a>   |
| Version<br><br>This policy may be amended prior to the review date to comply with any new, relevant legislation or organisational change that affects how this policy is used | <a href="#">34</a>  |
| Related Policies  | Maternity Policy<br>Parental Leave Policy<br>Paternity Leave Policy<br>'Other' Employee Leave Policy<br>Shared-Parental Leave Policy<br>Flexible Working Policy<br>Grievance Policy |

**Contents**

- 1. Purpose ..... 3**
- 2. Scope ..... 3**
- 3. Principles ..... 3**
- 4. Definitions ..... 4**
- 5. Adoption Pay ..... 4**
- 6. Adoption leave and notification ..... 5**
  - 6.1 Qualifying for Adoption leave ..... 5
  - 6.2 Notification requirements ..... 6
  - 6.3 During Adoption Leave ..... 6
  - 6.4 Returning to work ..... 6
- 7. Terms and Conditions during Adoption Leave ..... 8**
  - 7.1 Annual Leave ..... 8
  - 7.2 Local Government Pension Scheme ..... 8
  - 7.3 Other contractual benefits ..... 9
- 1. Purpose ..... 3**
- 2. Scope ..... 3**
- 3. Principles ..... 3**
- 4. Definitions ..... 4**
- 5. Adoption Pay ..... 4**
  - 5.2 The employee will be notified by HR Payroll if they do not qualify for SAP ..... 4
- 6. Adoption leave and notification ..... 5**
  - 6.1 Qualifying for Adoption leave ..... 5
  - 6.2 Notification requirements ..... 6
  - 6.3 During Adoption Leave ..... 6
  - 6.4 Returning to work ..... 6
- 7. Terms and Conditions during Adoption Leave ..... 8**
  - 7.1 Annual Leave ..... 8
  - 7.2 Local Government Pension Scheme ..... 8
  - 7.3 Other contractual benefits ..... 9

## 1. Purpose

- 1.1 This policy sets out how the council manages the rights and responsibilities of employees who have adopted a child.
- 1.2 The policy offers benefits which equal and improve on statutory entitlements.
- 1.3 The policy has been developed in consultation with UNISON.

## 2. Scope

- 2.1 This policy applies to all eligible employees regardless of gender, gender reassignment, race, religion or belief, disability, sexual orientation, age, trade union membership or public interest disclosure status. It also applies to eligible part time and fixed term employees.

## 3. Principles

- 3.1 ~~3.1~~ Line managers are responsible for ensuring that the policy is followed for their staff. The line manager will make sure that the employee is not treated unfairly, ~~including by other colleagues.~~ This policy is created in line with the Equalities Policy.
- 3.2 ~~Please contact Human Resources for assistance with the contents of this document.~~
- 3.3 This policy will be reviewed from time to time ~~and may be amended~~ to ensure that it ~~continues to meet~~ meets legal and operating requirements.

Formatted: Heading 2, Indent: Left: 0 cm, Hanging: 1.25 cm, Right: 0 cm

#### 4. Definitions

**Statutory Adoption Pay (SAP):** Employees who meet qualifying conditions based on their length of service and average earnings and give the correct notice are entitled to receive up to 39 weeks Statutory Adoption Pay.

**Expected Week of Adoption (EWA):** The date during which the actual adoption is expected to take place.

**Ordinary Adoption Leave (OAL):**

The first 26 weeks of Adoption Leave (regardless of length of service) during which the contract of employment continues, and during which the employee must continue to receive all their contractual benefits except (unless agreed otherwise) wages or salary.

**Additional Adoption Leave (AAL):**

The next 26 weeks (regardless of length of service) during which the contract of employment continues. AAL follows OAL and there must be no gap between the two.

**Keeping in Touch Days:**

Optional days during the period of adoption leave to give employees the chance to go to work, to undertake work related training and keep in touch for up to 10 days without losing the right to Adoption Pay.

#### 5. Adoption Pay

- 5.1 All payments (including SAP) will be made to the employee's bank account at the end of the month, through payroll.
- 5.2 The employee will be notified by HR [via](#) Payroll if they do not qualify for SAP.
- 5.3 SAP and additional adoption pay is treated as earnings and is therefore subject to PAYE deductions such as tax and national insurance.
- 5.4 Employees with **less than 26 weeks service ending with the week in which they are notified of having been matched with the child** have:
  - no entitlement to Statutory Adoption Pay
  - but contractual benefits such as leave entitlement, council pension contributions etc are maintained.
- 5.5 Employees with **26 weeks service ending with the week in which they are notified of having been matched with the child** are entitled to:
  - Statutory Adoption Pay (SMP) for 39 weeks (provided average weekly earnings for National Insurance Contributions, in the 8 weeks before the 15th week before the EWA (Expected Week of Adoption), are at least equal to the lower earnings limit).
  - 90% of average earnings (or the higher rate of SAP whichever is the greatest) for the first 6 weeks of Ordinary Adoption Leave
  - Lower rate SAP for the following 33 weeks.
  - All other contractual benefits, during Adoption Leave.

5.6 Employees with **one or more years continuous service at the 15<sup>th</sup> week before EWA** are entitled to:

- Six weeks at 90% pay, plus
- 12 weeks at half pay plus lower rate SAP (however, if they do not return to work after 52 weeks Adoption Leave for three months or more, then they must repay the 12 weeks half pay)
- 21 weeks at the current SAP rate
- All other contractual benefits, during Adoption Leave

5.7 If the employee chooses to terminate their contract of employment and not return to work, they will be entitled to SAP for up to 39 weeks.

5.8 SAP is calculated on average earnings prior to the period of Adoption Leave. The calculation of average earnings will be adjusted if any increase in pay applies during the employee's Adoption Leave and will be applied upon the employee's return to work and will be backdated.

5.9 SAP will cease for employees who:

- [remove](#) outside the [European CommunityUK](#) (other than on holiday)
- are taken into legal custody
- [Workwork](#) for another employer.

During the Adoption Pay Period, if any of the above occurs, the employee must notify HR [Payroll](#) as soon as possible as entitlement to SAP may be affected.

## 6. Adoption leave and notification

### 6.1 Qualifying for Adoption leave

6.1.1 The right to adoption leave is available to one member only of a couple who have had a child placed with them for adoption. It is up to the adoptive parents to decide which of them takes the Adoption Leave. The council reserves the right to seek further information to clarify this position.

6.1.2 To qualify for Adoption Leave, you must be an employee (i.e. work under a contract of employment) and:

- be matched with a child for adoption by an approved adoption agency in the UK:  
**Or**
- if adopting a child from overseas you must have received 'official notification', **Or**
- be one of a couple who have been jointly matched with a child for adoption;

#### And

- have been continuously employed by the council for 26 or more weeks by the end of the week in which you have been notified of being matched with a child for adoption;

#### And

- have notified the agency that you agree that the child should be placed with you for adoption on the date of placement.

## 6.2 Notification requirements

- 6.2.1 Employees must notify the council of their intention to take Adoption Leave within seven days of being notified by an approved adoption agency that they have been newly matched with a child for adoption. At the same time, they must advise the council of the date on which the child is expected to be placed with them and the date on which they intend their Adoption Leave to start (adoption leave may begin from the date on which the child is placed with the employee for adoption or from a fixed date up to 14 days beforehand).
- 6.2.2 The council may ask employees to produce evidence, in the form of one or more documents issued by the adoption agency, of:
- the name and address of the agency;
  - the date on which the employee was notified that they have been matched with the child;
  - the date on which the agency expects to place the child with the employee.

**NOTE:** Under no circumstances is the council to request documentary evidence of the name and date of birth of the child.

- 6.2.3 The Adoption Leave start date may be changed as long as the employee gives at least 28 days' notice.
- 6.2.4 The line manager must respond in writing within the next 28 days, informing the employee of the date on which they are expected to return to work if the full 52-week entitlement to adoption leave is taken.

## 6.3 During Adoption Leave

- 6.3.1 The line manager is responsible for and must maintain contact with, the employee (and vice-versa) while they are on Adoption Leave, as long as the amount and type of contact is not unreasonable, ~~to discuss a range of issues~~ – e.g. to discuss plans for returning to work, or to inform of important developments at work. This must include any relevant promotion opportunities or job vacancies that arise during adoption leave.
- 6.3.2 Employees may, by agreement with the council, complete up to 10 days' work – known as **Keeping in Touch (KIT) Days** – under their contract of employment during the Adoption Leave period. These days are different to the reasonable contact described in 5.3.1 because during Keeping in Touch Days employees can actually carry out work, for which they will be paid at the applicable rate of pay (this must be agreed with the employee by the manager before they commence such work).
- 6.3.3 Keeping in Touch Days may be used for any activity which would ordinarily be classed as work under their contract of employment, for which they would be paid, such as attending a conference, undertaking a training activity or attending a team meeting.

## 6.4 Returning to work

Formatted: List Paragraph, Indent: Left: 1.38 cm



- 6.4.1 If the employee intends to return at the end of their full 52 weeks of Adoption Leave they do not need to provide any further notice.
- 6.4.2 The employee can change the dates of their return to work and must give the council at least 21 days notice in writing if this is before the end of the adoption leave. Where notice of less than 21 days is given, the council may postpone the return to ensure 21 days notice but not beyond the end of the Adoption Leave.
- 6.4.3 An employee returning from Adoption Leave has the right to request to return on a flexible basis, i.e. part-time, compressed hours etc. A request must be submitted in writing at least 8 weeks before the intended date of return to work. Please refer to the Flexible Working Policy for further information.
- 6.4.4 The employee has options to help [keep a good](#) balance [in](#) caring for their child and [continuing to](#) work:
- the right to request flexible working
  - ~~rights~~[the right](#) to time off such as parental leave and time off to deal with a family emergency
  - [appropriate](#) financial support from the government such as tax credits
- 6.4.5 The council also provides childcare vouchers for those members of staff who were already within the workplace scheme on or before 4 October 2018 – further information is available from HR. For other members of staff, information on tax-free childcare can be found on [www.gov.uk](http://www.gov.uk)
- 6.4.6 Where reduced hours are agreed the contract is varied at the end of the Ordinary or Additional Adoption Leave as appropriate. Pay and other benefits will be pro-rata'd.
- 6.4.7 Failure to return to work on the agreed date without adequate explanation may lead to disciplinary action being taken ~~that may include dismissal.~~
- 6.4.8 An employee unable to return to work on their due date because of sickness must provide a doctor's certificate.
- 6.4.9 If an employee is returning during or at the end of the first 26 weeks (**Ordinary Adoption Leave**) they are entitled to return to the same job on the same terms and conditions as if they had not been absent unless a redundancy situation has arisen.
- 6.4.10 An employee who returns to work after **Additional Adoption Leave** is also normally entitled to return to the same job on the same terms and conditions as if they had not been absent, unless a redundancy situation has arisen. ~~However, if there is a reason other than redundancy which means that it is not reasonably practicable for the employee to return to the same job, the employee is~~The employee is entitled to be offered suitable alternative work if the employee is unable to return to the same job.
- 6.4.11 An employee who is made redundant during Adoption Leave has the right to be offered suitable alternative employment under a new contract (no less

favourable terms) that begins on the day immediately following the day on which the previous contract came to an end.

6.4.12 If the employee decides not to return to work at the end of their Adoption Leave they are entitled to continue to receive their full amount of statutory Adoption Leave and pay.  
Notice to terminate a contract must be given in the normal way.

6.4.13 When an employee returns to work after Adoption Leave the entire period of leave counts as continuous service for the purposes of entitlement to other statutory employment rights.

## **7. Terms and Conditions during Adoption Leave**

### **7.1 Annual Leave**

7.1.1 Annual leave will accrue during Ordinary and Additional Adoption Leave. However, paid Annual Leave cannot be taken whilst an employee is receiving Statutory Adoption Pay (SAP).

7.1.2 Any outstanding entitlement to Annual Leave up to the start of Adoption Leave may be taken before the start or at the end of Adoption Leave.

7.1.3 Where an employee's Adoption Leave straddles the holiday year, only five days holiday entitlement (or equivalent for part time employees) may be carried over from one year to another.  
However, with the Head of Service approval any leave accrued should normally be taken before the employee returns to work.

### **7.2 Local Government Pension Scheme**

7.2.1 Where the employee is a member of the Pension Scheme, they will continue with full membership of the scheme and pay contributions based on actual gross pay received for the 39 weeks of Ordinary Adoption Leave.

7.2.2 If the employee takes Additional Adoption Leave they will continue with full membership of the scheme and pay contributions for this period based on actual gross pay received during this period.

7.2.3 If the employee remains on leave during the last 13 weeks of AAL, which is unpaid, the council does not continue the pension contributions during the unpaid leave. However, the employee can elect to pay contributions for this period on the rate they were paying immediately before they went into unpaid Adoption Leave.

7.2.4 Where the employee takes additional unpaid leave (including parental leave), their membership of the Pension Scheme will not count unless they have the right to return to work. If so, they can choose to make up pension contributions to cover the unpaid period. The employee must inform their manager within 30 days of returning to work (or within 30 days of leaving if they did not return to work) and the manager must notify Payroll. The cost of contribution is based

on the actual rate of pay (prior to the unpaid period) the employee would have received had they been working.

- 7.2.5 The council contributes to the pension scheme and will make contributions based on actual monies paid for the whole time the employee is receiving any SAP.

### 7.3 **Other contractual benefits**

- 7.3.1 All contractual benefits are maintained during Adoption Leave. This means employees are entitled to receive all benefits as if they were at work.

This page is intentionally left blank



**ADVERSE WEATHER / EXCEPTIONAL CIRCUMSTANCES  
WORKING PROCEDURES**

**HUMAN RESOURCES  
PROCEDURE**

|             |                                  |
|-------------|----------------------------------|
| Applies to: | All employees                    |
| Author:     | HR <a href="#">Adviser</a> - HBC |
| Authorised: | Ver 1.23                         |

**ADVERSE WEATHER / EXCEPTIONAL CIRCUMSTANCES  
-WORKING PROCEDURES**

**CONTENTS**

1. **PURPOSE** ..... 3

2. **SCOPE** ..... 3

3. **PROCEDURE** ..... 3

3.2. **TRAVELLING TO WORK** ..... 3

3.3. **LOCALISED OR PERSONAL TRAVEL DIFFICULTIES** ..... 4

3.4. **ADVERSE WEATHER CONDITIONS** ..... 4

3.5. **OFFICE CLOSURES** ..... 4

3.6. **OPTIONS FOR COVERING TIME LOST** ..... 4

3.6.1 **ANNUAL LEAVE** ..... 5

3.6.2 **FLEXI TIME** ..... 5

3.6.3 **TIME OFF FOR DEPENDANTS** ..... 5

3.6.4 **UNPAID LEAVE** ..... 5

3.6.5 **FLEXIBLE WORKING** ..... 5

4. **RELATED POLICIES/PROCEDURES** ..... 5

5. **FURTHER INFORMATION** ..... 5

1. **PURPOSE** ..... 3

2. **SCOPE** ..... 3

3. **PROCEDURE** ..... 3

3.2. **TRAVELLING TO WORK** ..... 3

\\01fpr\gms\data\Corporate Group\Organisational Development\Personnel & Development\Policies\Joint drafts\Adverse weather - exceptional circumstances procedure - ver 1.1.doc

Style Definition: TOC 1  
Formatted: Top: 3.56 cm

Formatted: Font: 12 pt

[3.3. LOCALISED OR PERSONAL TRAVEL DIFFICULTIES.....](#) 4

[3.4. ADVERSE WEATHER CONDITIONS.....](#) 4

[3.5. OFFICE CLOSURES.....](#) 4

[3.6. OPTIONS FOR COVERING TIME LOST.....](#) 4

[3.6.1 ANNUAL LEAVE.....](#) 5

[3.6.2 FLEXI TIME.....](#) 5

[3.6.3 TIME OFF FOR DEPENDANTS.....](#) 5

[3.6.4 UNPAID LEAVE.....](#) 5

[3.6.5 FLEXIBLE WORKING.....](#) 5

[4. FURTHER INFORMATION.....](#) 5

## 1. PURPOSE

This procedure sets out both councils' approach to dealing with situations where normal arrangements for travelling to or attending work are disrupted. It does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of management. It has been discussed with UNISON who has provided comments.

Formatted: Indent: Left: 1.25 cm

## 2. SCOPE

This procedure applies to all employees of Havant Borough Council ~~and East Hampshire District Council~~ regardless of protected characteristics<sup>1</sup>, full or part time working, permanent, fixed term or temporary contract, membership of trade union or public interest disclosure status. The procedure will be reviewed from time to time and may be amended to ensure that it continues to meet legal and operating requirements.

## 3. PROCEDURE

3.1. The circumstances where normal arrangements for travelling to/from or attending and/or staying at work are disrupted or may occur are:

- Adverse weather
- Building access issues (~~eg~~ e.g. flood, loss of power, emergency closure).

In these circumstances, the council will have due regard to the health and safety of its employees. In general, employees have an obligation to work when they are capable of doing so. The council has a duty to pay a normal day's pay when employees ~~are capable of working~~ can work but they are prevented from working by the council. An employee's ability to undertake work will depend on their role and their ability to work from alternative locations in emergency situations.

**Employees are responsible for notifying their line manager in the normal way concerning their ability to attend work in line with the Council's Absence Policy.** It will be particularly important for Line Managers to keep in touch with all employees to monitor the situation and establish the specific reasons for non attendance. [ServiceLine](#) Managers must maintain an overview of their service area.

### 3.2. Travelling to Work

Line Managers should discuss an employee's delayed arrival or inability to attend their normal place of work with the employee at the earliest possible opportunity. The employee must decide on the most appropriate solution for

<sup>1</sup> The Protected Characteristics (as laid down in the Equality Act 2010) are: Age, Disability, Gender Reassignment, Marriage/Civil Partnership, Pregnancy and Maternity, Race, Religion/Belief, Sex and Sexual Orientation.

themselves. They are not entitled to be paid for time they do not work but they should be given the options available to them – see 3.6.

### **3.3. Localised or personal travel difficulties**

In circumstances where road accidents, flooding etc cause traffic congestion or where an employee's normal mode of transport fails, delaying or preventing attendance at an employee's normal place of work, the council will be flexible and will make allowances for infrequent reasonable delays (eg. by employees making the time up). In these circumstances the council will make reasonable allowances but if employees are unable to work, they will be expected to agree one of the options at 3.6 with their line manager.

### **3.4. Adverse Weather Conditions**

The council does not expect employees to put themselves at unnecessary risk and further information is available at [section 5](#) to assist. The council recognises that the weather is unpredictable and it will be flexible in accommodating employee difficulties. Where weather affects travel to work the council will accept reasonable delays. Where weather and road conditions worsen during the working day, employees may request permission to leave work early from their line manager. In these circumstances the council will make reasonable allowances (eg. by employees making the time up) but if employees are unable to work, they will be expected to agree one of the options at 3.6 with their line manager.

### **3.5. Office Closures**

By closing a workplace or by instructing employees not to work (only [Joint Management Team \(JMT\)ELT](#) in conjunction with relevant officers will decide this), the council is preventing the employee from working on that day and, as this is through no fault of their own, they should receive pay as normal for that day. This is regardless of whether the employee has attempted to attend their workplace or not. In the event that the employee could work from an alternative place of work, eg. from home or an alternative office, the employee will be expected to undertake their duties or those reasonably requested by their line manager, at that site.

If a decision to close offices is made, all reasonable attempts will be made by the council to communicate this information to employees. The council's websites and/or telephones will be the main method for communicating this. All employees are expected to be proactive in finding this information out and not assume a decision has been made to close the offices.

### **3.6. Options For Covering Time Lost**

The various options, which should be discussed and agreed with the employee, are as follows:



**3.6.1 Annual leave.** Employees can request to take a period of annual leave in accordance with their entitlement. Relevant leave records **must** be updated and completed on return to work.

**3.6.2 Flexi time.** Those entitled to flexi time can request to take time off in such emergencies to make up the deficit. Flexi sheets and leave records **must** be completed upon return to work. Flexi leave may be temporarily increased with [ServiceLine](#) Manager approval in circumstances that relate to 3.1.

**3.6.3 Time off for dependants.** Time off for dependants is the right to take reasonable time off work to deal with an emergency involving a dependant (eg a school is closed). The leave is unpaid and **must** be notified to payroll in writing as soon as possible. The amount of leave permitted will normally be one or two days and if longer time off is required, employees will be expected to agree other options such as annual leave, flexi time or compassionate leave.

**3.6.4 Unpaid leave.** Up to ten days unpaid leave can also be requested and will be granted at the discretion of the [Service Manager/Executive Head](#) in circumstances that relate to 3.1. This **must** be notified in writing to the HR Team as soon as possible.

**3.6.5 Flexible working.** Requests for temporary flexible working during circumstances at 3.1 will be considered by line managers and provided that the Council's business and service needs are met and maintained, working from home may be permitted wherever possible and practical. It must be established by [ServiceLine](#) Managers that home working is an effective alternative and that employees have work that can be done in sufficient quantity to justify agreement to working at home.

#### **4. RELATED POLICIES/PROCEDURES**

[Time off for Dependants procedures; Annual Leave Policy](#)

#### **54. Further information**

Please contact the HR Team if further guidance is required.

For more information on winter driving, please visit

[www.highways.gov.uk](http://www.highways.gov.uk)

For weather reports, please visit [www.metoffice.gov.uk](http://www.metoffice.gov.uk)

This page is intentionally left blank

**ALCOHOL, SUBSTANCE ABUSE AND ADDICTION POLICY**

|  |  |
|--|--|
| Policy Date  | March 2021<br><a href="#">Reviewed September 2023</a>  |
| Review Date<br><i>when under review, this policy should continue to be used</i>  | <del>March 2024</del> <a href="#">September 2026</a>   |
| This policy is non-contractual   |  |
| Version<br><i>This policy may be amended prior to the review date to comply with any new, relevant legislation or organisational change that affects how this policy is used</i> | 12   |
| Related Policies   | Managing Sickness Absence<br>Managing Change Protocols (Redeployment)<br>Capability<br>Disciplinary<br>Health & Safety |

Formatted: Indent: Left: 0.63 cm, Hanging: 0.63 cm, No bullets or numbering

Formatted: Different first page header

Formatted: Indent: Left: 1.27 cm, No bullets or numbering

Formatted: Font: 10 pt, Not Italic

**Contents**

|  |   |
|--|---|
| 1. Purpose.....                        | 3 |
| 2. Scope.....                          | 3 |
| 3. Principles.....                     | 3 |
| 4. Substance and Alcohol Abuse.....    | 4 |
| 5. Sanctions.....                      | 5 |
| 6. Drug and/or Alcohol Dependency..... | 5 |
| 7. Disqualification from Driving ..... | 6 |
| 8. Driving incident.....               | 6 |
| Appendix.....                          | 7 |

Formatted: Font: Not Italic

## 1. Purpose

~~1.1.1.1~~ Havant Borough Council ~~and East Hampshire District Council are~~ committed to providing a safe working environment ~~ensuring the~~. Ensuring good health, safety and welfare of all employees. ~~This includes promoting good health and wellbeing for all our employees.~~

Formatted: Indent: Left: 0.5 cm, Hanging: 1.5 cm, No bullets or numbering

Formatted: Bullets and Numbering

~~1.3.1.2~~ The ~~Councils~~Council will take all reasonable steps to reduce, if not eliminate, the risk of injuries or incidents occurring due to employees suffering from the effects of alcohol, substance abuse or addictive behaviours including but not limited to gambling.

~~1.4.1.3~~ This policy sets out how Havant Borough ~~Council and East Hampshire District~~ Council will manage incidents of alcohol and/or substance abuse in work (irrespective of work location). It also details the type of support available to staff who are or might be suffering from an alcohol or substance abuse issue.

~~1.5.1.4~~ The fundamentals within this policy will be applied to other addictive behaviours having an adverse effect on employees.

## 2. Scope

~~2.1.2.2~~ This policy applies to all employees of the council regardless of gender, gender reassignment, race, religion or belief, disability, sexual orientation, age, trade union membership or public interest disclosure status. It also applies to part time and fixed term employees.

Formatted: Bullets and Numbering

## 3. Principles

~~3.1.3.2~~ Employees must not report to work whilst impaired by or in any way influenced through alcohol, drugs or other substances (whether illegal or not).

Formatted: Bullets and Numbering

~~3.2.3.3~~ Employees must not be in possession of alcohol or illegal drugs on the ~~Councils~~Council's premises.

Formatted: Bullets and Numbering

~~3.3.3.4~~ Employees must not consume alcohol, illegal drugs ~~or~~ take or use any substances ~~in a non-permitted way~~ whilst at work or whilst representing the ~~Councils~~Council's. Specific reference is made to those driving Council owned vehicles and those using their own vehicles on Council business.

Formatted: Bullets and Numbering

Formatted: Font: Not Italic

In addition:

~~3.4-3.5.~~ All employees must be made aware of their responsibilities regarding alcohol and substance misuse in the workplace. This will be done via the induction process for new starters, and via line managers raising awareness of this policy through internal health and wellbeing communications.

Formatted: Bullets and Numbering

~~3.5-3.6.~~ Employees who have an alcohol and/or substance related ~~problem~~issue will be encouraged to seek help, in confidence, at an early stage.

Formatted: Bullets and Numbering

~~3.6-3.7.~~ Employees who volunteer an alcohol and/or substance related problem will be dealt with sympathetically, fairly and consistently.

Formatted: Bullets and Numbering

~~3.7-3.8.~~ The ~~Council's~~Council will, where possible, assist an employee with a drug and/or substance related ~~problem~~issue back to the workplace, if appropriate.

Formatted: Bullets and Numbering

#### 4. Substance and Alcohol Abuse

~~4.1-4.2.~~ The misuse of alcohol, drugs or substances by employees ~~might~~may become apparent in a variety of ways. The following could be an indication of ~~a problem~~an issue:

Formatted: Bullets and Numbering

- Absenteeism/poor time keeping
- Change in appearance (unkempt)
- High accident levels
- Decline in work performance
- Mood swings
- Misconduct
- Hand tremor
- Weight loss
- Refusal to appear on screen in digital meetings

~~4.2-4.3.~~ If ~~a manager or an~~ employee has reasonable grounds to suspect that an individual has reported for work in an unfit state ~~through the use of alcohol\*, or illegal drugs that could cause harm to themselves and/or others in the course of their duties,~~ they must immediately notify any available manager. The employee will be immediately instructed to stop work, and if appropriate sent home ~~or~~ and may be suspended from their duties by the manager. The length of suspension will be determined by the available manager, in consultation with HR and Health & Safety.

Formatted: Bullets and Numbering

Formatted: Indent: Left: 0 cm

Formatted: Font: Not Italic

~~[\*For alcohol, an unfit state will normally be defined as someone who is over the legal limit stipulated for driving i.e. 35mcg/100ml of breath alcohol concentration or in the opinion of management, the individual's performance is impaired, or their behaviour may cause embarrassment, distress or offence to others].~~

~~4.3.4.4.~~ Employees who behave in a manner contrary to normal standards of conduct due to occasional excessive use of alcohol, drugs or other substances will be dealt with under the ~~relevant Councils'~~Council's Disciplinary Policy.

Formatted: Bullets and Numbering

~~4.4.4.5.~~ Employees must inform their line manager if they are taking prescribed medication which may have an effect on their ability to carry out their work safely and must follow any instructions subsequently given. In these circumstances, advice must be sought from the HR and Health & Safety Teams, with follow up from Occupational Health where relevant.

Formatted: Bullets and Numbering

~~4.5.4.6.~~ If a manager suspects an employee of having a long-term substance misuse problem, they must discuss this with a member of both the HR and Health & Safety teams before taking any action. It is likely that guidance will be sought from Occupational Health.

Formatted: Bullets and Numbering

~~4.6.4.7.~~ Health & Safety risk assessments are reviewed annually by all services, and due consideration is given to those services which employ members of staff who operate machinery and drive on Council business.

Formatted: Bullets and Numbering

## 5. Sanctions

~~5.1.5.2.~~ Convictions of employees for drug or alcohol offences can damage public confidence in the Council and its services, irrespective of the role performed by that member of staff and whether the offence was committed at work or not. Broadly we would look at each case to establish what the best course of action is when it comes to supporting the individual towards a healthy recovery.

Formatted: Bullets and Numbering

~~5.2.5.3.~~ Employees must not attempt to sell, distribute or supply alcohol or drugs whilst on Council premises or whilst representing the Council [this excludes licensed personal gifts between staff]. If an employee is found to be in possession of an illegal substance, the contravention will be reported to the Police.

Formatted: Bullets and Numbering

~~5.3.5.4.~~ Any breaches of the above will be viewed by the ~~Councils'~~Council as gross misconduct and may lead to suspension and disciplinary action, which could result in dismissal.

Formatted: Bullets and Numbering

## 6. Drug and/or Alcohol Dependency

~~6.1.6.2.~~ An employee suffering from drug and/or alcohol dependency should declare this to their line manager or to HR. The ~~Councils'~~Council will ~~usually~~ provide reasonable

Formatted: Bullets and Numbering

Formatted: Font: Not Italic

assistance if the employee acknowledges that they have a drug and/or alcohol dependency problem.

6-2-6.3. The ~~Councils~~Council reserve the right to move to a disciplinary process if the employee is unwilling to engage with Occupational Health and any subsequent medical support that may be offered at cost to the employee's service area, with the aim of developing a plan for recovery.

Formatted: Bullets and Numbering

6-3-6.4. Absences for treatment and/or rehabilitation will be treated in the same way as any other sickness absence. The provision of counselling and support can be accessed via the Employee Assistance Programme (EAP). Full details of external support organisations available, including the EAP are listed in Appendix 1. These organisations can help managers/staff/HR/Unison to support colleagues with these problems and/or support staff who are experiencing these issues with friends and family members.

Formatted: Bullets and Numbering

## 7. Disqualification from Driving

7-1-7.2. Any employee who becomes disqualified from driving (and who drives as part of their job role) either temporarily or permanently, must let their line manager know immediately.

Formatted: Bullets and Numbering

7-2-7.3. The line manager would then raise the matter in confidence with HR, who would look to approach redeployment on the basis of:

Formatted: Bullets and Numbering

- The nature of the contravention
- The likely duration of the disqualification
- The needs of the service area
- The employee's skillset
- Any vacant posts

7-3-7.4. If the disqualification is permanent and redeployment is not possible, the employee would be managed in line with the Council's Capability procedure.

Formatted: Bullets and Numbering

## 8. Driving incident

8-1-8.2. Any incident that occurs whilst driving on Council business or personal business, resulting in damage to property and/or injury to persons – must be reported to the Police. The Police may take a sample of breath (to detect the presence of alcohol) or undertake a test for the presence of drugs at the scene of the incident, ~~and the~~ HR and Health & Safety teams may request that the employee's line manager refers the employee involved in the accident to Occupational Health.

Formatted: Bullets and Numbering

8-2-8.3. The provisions and positive intention of this policy will apply where a member of staff is involved in an incident on personal business and the incident is related to the use of alcohol or other substances.

Formatted: Bullets and Numbering

Formatted: Font: Not Italic



Formatted: Font: Not Italic

## Appendix 1 - External Agencies

The information below provides a range of contact details for external agencies who can support with substance misuse or addictive behaviours.

### 1. Employee Assistance Programme (EAP)

This free and fully confidential service is available for any member of staff. There is a helpline and also a comprehensive website to help staff with the following areas;

- Work advice
- Counselling
- Financial wellbeing
- Legal information
- Family issues
- Childcare support
- Medical information
- Substance abuse

~~[EHDC staff - username: Hampshire, password: EAP](#)~~

HBC staff - username: Havant, password: EAP

Free 24-hour confidential helpline on 0800 030 5182

<https://healthassuredeap.co.uk/> (External website link)

<http://intranet/basic-page/employee-assistance-programme-0> (Intranet link)

### 2. Occupational Health (Cordell Health)

Cordell Health is the [councils' council's](#) Occupational Health service, which is a service for staff and managers aimed at preventing ill health and supporting those with health conditions. Cordell Health provide independent, professional advice for work related concerns. Referrals can be made online by the Manager working with HR. Face to face, Skype, and telephone consultations are options for appointments.

<http://intranet/basic-page/occupational-health>

### 3. Action on Addiction

[Alcohol Substance Abuse Policy](#)

Formatted: Font: Not Italic

Registered charity with treatment centres for all addictions, throughout England. They also provide support for families and children

- Tel: 0300 330 0659 or email: [admin@actiononaddiction.org.uk](mailto:admin@actiononaddiction.org.uk)
- Website: [www.actiononaddiction.org.uk](http://www.actiononaddiction.org.uk)

#### **4. Options Alcohol & Drug Counselling & Information Service**

Free counselling, information and advice services for people over age 55 with substance misuse problems in the Southwest.

- Address: 147 Shirley Road, Southampton SO15 3FH
- Phone: 023 8063 0219
- Email: [southampton@optionscounselling.co.uk](mailto:southampton@optionscounselling.co.uk)

#### **5. Drinkline**

Helpline offering support to those worried about their own or others alcohol consumption

- Tel: 0800 7 314 314

#### **6. Drinksmarter**

Web resource offering advice and handy tools on sensible drinking

- Website: [www.drinksmarter.org](http://www.drinksmarter.org)

#### **7. AddAction**

Nation-wide drug and alcohol treatment agency which provides links to local groups.

- Email: [info@addaction.org.uk](mailto:info@addaction.org.uk)
- Website: [www.addaction.org.uk](http://www.addaction.org.uk)

Formatted: Font: Not Italic

#### **8. Alcoholics Anonymous**

A fellowship who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism

- Confidential Helpline - 0845 769 7555
- Email: [help@alcoholics-anonymous.org.uk](mailto:help@alcoholics-anonymous.org.uk)
- Website: [www.alcoholics-anonymous.org.uk](http://www.alcoholics-anonymous.org.uk)

#### **9. National Drugs Helpline**

A free and confidential service available 24 hours, 7 days a week.

- Tel: 0800 77 66 00

#### **10. Narcotics Anonymous**

A confidential service, run by volunteers who are recovering addicts, available 24 hours, 7 days a week.

- Tel: 0300 999 1212
- Website: [www.ukna.org](http://www.ukna.org)

Formatted: Font: Not Italic

**CAPABILITY POLICY**

|   |  |
|---|--|
| Policy Date   | June 2017 <a href="#">Updated</a><br><a href="#">Reviewed</a> November<br>2019<br><a href="#">Reviewed</a> <a href="#">September</a><br><a href="#">2023</a> |
| Review Date<br><i>when under review, this policy should<br/>continue to be used</i>   | <del><a href="#">November 2022</a></del> <a href="#">September 2026</a>  |
| This policy is non-contractual.   |  |
| Author  | HR <del>Dept</del>   |
| Version<br>This policy may be amended prior to<br>the review date to comply with any<br>new, relevant legislation or<br>organisational change that affects how<br>this policy is used | <del>3</del><br><a href="#">4</a>  |
| Related Policies  | Probation Policy<br>Disciplinary Policy<br>Managing Sickness Absence Policy  |

**Contents**

|   |           |
|---|-----------|
| <b>1. Purpose</b>   | <b>3</b>  |
| <b>2. Scope</b>   | <b>3</b>  |
| <b>3. Principles</b>  | <b>3</b>  |
| <b>4. Definitions</b>   | <b>4</b>  |
| <b>5. Roles and Responsibilities</b>                          | <b>5</b>  |
| <b>6. Procedure</b>   | <b>7</b>  |
| <b>7. Dealing with Capability due to Performance</b>          | <b>9</b>  |
| 7.1 Stage 1 – Capability Meeting                              | 9         |
| 7.2 Stage 2 – Capability (Review Meeting)                     | 11        |
| 7.3 Stage 3 – Final Capability Meeting (Review of Employment) | 12        |
| <b>8. Dismissal</b>   | <b>14</b> |
| <b>9. Right of Appeal</b>                                     | <b>14</b> |
| <b>APPENDIX 1 – CAPABILITY POLICY FLOW CHART</b>              | <b>16</b> |
| <b>1. Purpose</b>   | <b>3</b>  |
| <b>2. Scope</b>   | <b>3</b>  |
| <b>3. Principles</b>  | <b>3</b>  |
| <b>4. Definitions</b>   | <b>4</b>  |
| <b>5. Roles and Responsibilities</b>                          | <b>5</b>  |
| <b>6. Procedure</b>   | <b>7</b>  |
| <b>7. Dealing with Capability due to Performance</b>          | <b>9</b>  |
| 7.1 Stage 1 – Capability Meeting                              | 9         |
| 7.2 Stage 2 – Capability (Review Meeting)                     | 11        |
| 7.3 Stage 3 – Final Capability Meeting (Review of Employment) | 12        |
| <b>8. Dismissal</b>   | <b>14</b> |
| <b>9. Right of Appeal</b>                                     | <b>14</b> |
| <b>APPENDIX 1 – CAPABILITY POLICY FLOW CHART</b>              | <b>16</b> |

## 1. Purpose

- 1.1. The council is committed to creating a working environment where all individuals have an opportunity to achieve their full potential and to provide a sustained and demonstrable contribution to the service. ~~It is recognised that in order to foster this environment, it~~ is essential that all our employees fully understand both the requirements of their role and the level of performance expected of them and the support they can ~~expect~~ receive from the council to assist them in achieving this.
- 1.2. The council will ensure that employees, who for genuine reasons, are not able to maintain agreed standards of performance, will be treated fairly, sympathetically and in line with contractual obligations. The Capability policy is designed to assist such employees to meet and maintain the required standards of performance through a process of open and honest communication backed up by a range of support mechanisms and services.
- 1.3. This policy sets out a fair and reasonable way of managing capability concerns from poor performance or sickness absence, injury or disability.
- 1.4. ~~The~~This policy has been developed in consultation with UNISON.

## 2. Scope

- 2.1. This policy applies to all employees\* of ~~the council~~ Havant Borough Council, regardless of gender, gender reassignment, race, religion or belief, disability, sexual orientation, age, trade union membership or public interest disclosure status. The policy also applies to employees who are part time and those employed on fixed term contracts.

\* New staff with no ~~prior~~ continuous service ~~within the council within their probationary period are excluded from this policy and~~ will be managed in accordance with the probationary policy.

## 3. Principles

- 3.1. The Capability policy requires the manager to fully review all informal and formal action taken previously to bring about the desired improvement in the employee's performance and that all the relevant information available is taken into consideration when determining next steps.
- 3.2. It is possible that an employee may identify a lack of capability themselves. The principles of this policy will apply where the manager agrees with the employee's assessment of his/her capability. As such, managers should create an environment where employees feel able to freely discuss their concerns and offer support in exploring how best to take forward any issues identified.
- 3.3. Employees will have the right to be accompanied by a Trade Union representative or work colleague at all formal meetings held under the Capability policy. There is no entitlement to be accompanied by a legal representative.

3.4. It is recognised that not every concern/issue regarding performance neatly fits into a category and therefore a number of elements must always be considered:

- The line manager will raise and deal with issues promptly and will not unreasonably delay any meetings, decisions or written confirmation of decisions.
- The line manager will carry out any appropriate investigations and seek further relevant and up to date information
- The line manager will inform employees of the concern/problem and give them an opportunity to respond before any decisions are made.

3.5. When dealing with capability, a distinction between performance and actions that clearly call for disciplinary action (e.g. won't rather than can't) needs to be made. HR advice must be sought if there is any doubt. This policy runs parallel with, but is not part of the disciplinary policy. It sets out a fair and reasonable way of managing poor performance.

3.6. When an employee is being supported through the capability process and is absent due to sickness, it may be necessary to refer to the Managing Sickness Absence Policy for further information ~~on managing this situation. The Capability Policy will apply in all other circumstances.~~

3.7. Individual managers are responsible for ensuring that the appropriate policy is followed and will ensure that the employee is ~~not-treated~~ unfairly/fairly

~~3.8. 3.8~~ Capability issues will be treated as confidentially ~~as possible, so that only those who need to know will be informed or involved.~~

#### 4. Definitions

4.1 'Capability' in the Employment Rights Act 1996 is defined as an employee's 'capability assessed by reference to skill, aptitude, health or any other physical or mental quality'. Lack of capability or loss of capability can arise for various reasons. It can be short or long term in its effects. Some examples of these are:

- Where an employee does not have the necessary skills, knowledge, or experience to do their job. As an example, this may have arisen due to skills sets changing (Introduction to new IT).
- Factors outside the workplace which may affect an employee's work performance as a consequence of a relationship breakdown, illness in the family, financial difficulties.
- Where an employee becomes ill or develops a disability, either physical or mental.

4.2 Where such concerns arise in relation to a pregnant employee, advice and guidance must be sought from HR. Further guidance on pregnancy and maternity rights can be found within the Maternity Policy.

Formatted: Indent: Left: 0 cm

Formatted: Indent: Left: 0 cm, Space After: 0.25 pt, Line spacing: Multiple 1.04 li

Formatted: Indent: Left: 0 cm

Formatted: No bullets or numbering

Formatted: Indent: Left: 2.54 cm, Space After: 0.25 pt, Line spacing: Multiple 1.04 li



## 5. Roles and Responsibilities

### Role of the Employee

All employees have a contractual responsibility to attend work and carry out the requirements of their job to a satisfactory standard. Therefore, employees must:

- Take all reasonable steps required to improve their performance including undertaking any relevant training and development.
- Avoid activities that are likely to impact on their performance at work.
- Comply with all safe working practices and engage in health, safety and wellbeing strategies conducive to supporting good performance at work.
- Engage in regular discussions with the manager to review and address any internal or external factors affecting their ability to perform within their role or to attend work.
- Engage in all meetings arranged under this policy.
- Attend all Occupational Health and other medical referrals / appointments / case conferences when required.
- Comply with reasonable requests made under the Access to Medical Records Act (1998) in a timely way to ensure that relevant information is available to the council to support the employee in addressing an identified underperformance issue.
- Participate in appropriate treatment programmes recommended by Occupational Health.
- Identify and engage in any support mechanisms identified to improve performance.

### Role of the Manager

Managers are responsible for identifying and addressing any concerns relating to the performance of their employees. It is the responsibility of the manager to monitor the performance of their direct reports and apply the capability policy fairly and consistently taking the individual circumstances of each case [in-teinto](#) consideration. Managers should:

- Ensure every employee understands their role and responsibilities and what is expected of them under the policies that make up their terms and conditions of employment.

- Ensure that employees are aware of the standards of performance expected of them.
- Notify an employee immediately if their performance is a cause for concern and take appropriate action when standards are not met.
- Ensure that they communicate, develop and motivate their employees and ensure that relevant training is provided.
- Provide regular feedback, undertake monthly 1-2-1s and address any minor performance issues in a timely manner in order to minimise the use of formal policies.
- Ensure that all employees are signposted to the council's health and wellbeing support strategies, for example a referral to occupational health or the Employee Assistance Programme.
- Consider any suitable adjustments and / or modifications to the employee's role and / or work environment to maintain performance in work in line with policy and in consultation with Occupational Health and HR.
- Consider if the reason for poor performance is potentially due to a condition covered by the Equality Act (formerly Disability Discrimination Act) in consultation with Occupational Health and HR.
- Identify any issues in the workplace that may be adversely impacting the employee's health, safety and wellbeing.
- Keep a confidential record of all discussions relating to an employee's performance and keep HR informed with the appropriate information.
- Seek advice from HR and Occupational Health when applying this policy and other relevant policies.

### **Role of Occupational Health**

The role of Occupational Health is to:

- Provide advice (including as necessary, recommending medical assessments and obtaining reports) on health issues affecting an employee's performance in work.
- Identify and advise on the nature and extent of any underlying medical issue(s).
- Advise when / if the medical issue is likely to be resolved, taking into consideration the length of time it will take to recover from the illness.
- Advise on the likelihood of the illness reoccurring or of some other related illness emerging.

- Advise whether the medical issue is covered by the Equality Act and what adjustments are required (if any).
- Recommend any suitable rehabilitation programme and / or modified duties which would facilitate the employee in remaining in work or returning to work at the earliest opportunity.
- Advise on whether redeployment should be considered to help retain employment with the council.
- Consider any concerns raised by the employee about their health and / or working environment.
- Note any other relevant medical information or impact an illness may have on the employee and / or workplace.
- Liaise with the employee's general practitioner (GP) to establish prognosis, likelihood of their illness / condition reoccurring, the duration of the illness / condition as well as their ability to perform within their role, attend / return to work or undertake modified duties etc.
- Provide advice and guidance to the employee relating to their health, wellbeing and safety.

### **Role of Human Resources (HR)**

The role of HR is to provide support and guidance to managers and employees who are dealing with performance issues. HR will:

- Provide guidance on how to deal with issues and concerns from both employees and management.
- Provide coaching to managers on how to apply the policies appropriately.
- Ensure that the policies are applied fairly and consistently taking into account the circumstances of each case.
- Be present at all meetings arranged under the Capability policy.
- Provide reports and statistical information at an organisational level.

### **6. Procedure**

6.1. This procedure relates to performance and sets out the action to be taken.

- Application of this policy will arise where standards of performance relating to skills, application of knowledge and / or experience required by employees to perform their role to a satisfactory level are consistently not being met (see Section 7 below).

- 6.2. In most cases, minor concerns regarding an employee's capability will be resolved informally through the use of other mechanisms such as 1-2-1s, informal discussions during the working day or appraisals. Managers are expected to keep notes of these discussions and agreed actions / improvements. Causes could include lack of skills, inadequate training, lack of support, tools or other resources, lack of communication, problematic working relationships or ill-health/underlying medical condition. The manager will give the employee factual examples of unsatisfactory performance and the employee will be asked for their explanation.
- 6.3. However, where informal resolution has not been achieved and there continues to be an impact on service delivery, managers will move into the Capability policy to formally address on-going concerns regarding an employee's performance.
- 6.4. Nothing in this policy is intended to prevent the normal management process of supervisory support whereby managers allocate work, monitor performance, highlight work done well and draw attention to errors and poor quality or quantity of the work output. This should include informal assistance in achieving improvement.
- 6.5. There are three formal stages in this policy which are designed to support an employee in improving their performance within a 12 month rolling period.
- Stage 1 – Capability meeting
  - Stage 2 - Capability (Review Meeting)
  - Stage 3 – Final Capability meeting (Review of Employment)
- 6.6. These stages will be implemented sequentially when managing under-performance relating to skills, knowledge or appropriate experience. Where an improvement following a previous shortfall in performance has failed to be maintained the manager may decide, for example, to enter back into this policy at stage 2 and will explain the reasons for their decision to the employee. Managers will not 'by pass' any of the earlier stages without providing ~~fair and~~ reasonable justification ~~for doing so~~ and without consulting HR for advice first.
- 6.7. If an employee's performance fails to reach the standards expected by the council and all attempts to support the employee in attaining the required standards have been unsuccessful in a time scale set, then steps may be taken to dismiss the employee on the grounds of Capability.
- 6.8. The employee will be entitled to appeal any decision made at any stage of this policy.
- 6.9. A written record of all meetings and any necessary action must be given to the employee and a copy placed upon the employee's personal file at every stage of this policy.

- 6.10. Employees must be given a reasonable period of notice, in writing, of any formal meeting. Any time limits are a guide only and may be amended as applicable as long as if all parties are notified, and reasons given.
- 6.11. The notification at each stage should contain enough information for the employee to understand the reasons for the meeting and allow them to come prepared to discuss the issues concerned.

## 7. Dealing with Capability due to Performance

Capability in relation to underperformance will normally arise where the required improvement has not been achieved through the normal informal process in a time scale set.

### 7.1 Stage 1 – Capability Meeting

- 7.1.1 An employee's line manager may initiate a Stage 1 – Capability meeting where it is considered that an employee is not performing to the appropriate standard, and informal discussions and support mechanisms put in place have not resolved the issue(s).
- 7.1.2 HR support and advice should be sought on all occasions before the meeting takes place.
- 7.1.3 During the meeting, the employee will be informed of his or her identified under performance and will be provided with examples of where their performance has failed to meet the standards required. The employee and their representative will be given the opportunity to respond and explain any causes for the under-performance. They will then be informed of the expected standard of performance to be achieved, the policies/procedures/guidance and competencies against which these standards are being measured, any support or assistance to be provided, the specified timescale for achievement (usually three months) and the consequences of failing to make sufficient improvement.
- 7.1.4 One outcome from the meeting could be that temporary modifications are agreed to the employee's substantive role. The manager must also be clear if they are issuing a first written warning and the reasons why. The warning will normally be issued for a period of not less than 6 months.
- 7.1.5 A record of the meeting will be kept by the manager for reference purposes. The manager will also write to the employee placing a copy of the letter on the employee's personal file, confirming the following:
- The date and time the meeting has taken place under the council's Capability Policy
  - The concerns discussed
  - Expected standards of performance / work
  - Agreed action plans
  - Any support or assistance to be offered

- Whether or not a warning was issued and the period of time it is valid for
- Timescales for achievement and review dates
- Consequences of insufficient improvement
- Right of appeal

During the specified review period, interim meetings will be arranged to review progress which could be held weekly, fortnightly or monthly as appropriate.

- 7.1.6 If during the Stage 1 - Capability meeting the employee and manager agree that the necessary improvement is not going to be achieved within a reasonable timescale and further advice or guidance confirms this, then the meeting should be adjourned and reconvened as a Stage 2 – Capability (Review Meeting) due to the operational impact on the organisation.
- 7.1.7 Whilst an employee is subject to the capability process, they will not be eligible for an increment to their salary.
- 7.1.8 Where the required improvements in performance are achieved during the review period, the process will be deemed to have been satisfactorily concluded and the issues resolved. Confirmation that this is the case will be given in writing to the employee and a copy placed on their personnel file.
- 7.1.9 The employee will continue to be monitored during the period of their live written warning with regular reviews, at least on a monthly basis.

## 7.2 Stage 2 – Capability (Review Meeting)

- 7.2.1 A Stage 2 – Capability (Review Meeting) will be convened by [an Executive Head-of-Service](#), the equivalent or above. This may be the same manager that conducted the Stage 1 – Capability meeting subject to the manager being of sufficient seniority. HR must also be in attendance.
- 7.2.2 The Stage 2 – Capability (Review Meeting) will be called:
- At the end of the stage 1 specified review period (or earlier if there is good reason) where the required improvement has not been achieved; or
  - Where there is evidence that the improvement has not been sustained during this period.
- 7.2.3 The manager, having reviewed all the relevant information, will explain the reasons for calling the Stage 2 – Capability (Review Meeting) clearly outlining with examples, where the employee's performance is failing to meet the required standards. The manager will also recap the action taken to date to support them in achieving the necessary standards giving the employee the opportunity to respond and explain any causes for their continued under-performance. The line manager may also attend to provide details of the action taken to date.
- 7.2.4 The possible outcomes of this meeting could be:
- To agree a further period over which the required improvements can be achieved and extend the first written warning by 6 months. The employee should be reminded of the expected standards of performance to be achieved; the policies/procedures/guidance and competencies against which these standards are measured; any support or assistance to be provided; the specified timescale for achievement and the potential consequences should the employee fail to achieve the required standards or
  - Issue a final written warning valid for a period of at least 12 months from the date of the meeting. The employee should be reminded of the expected standards of performance to be achieved; the policies/procedures/guidance and competencies against which these standards are measured; any support or assistance to be provided; the specified timescale for achievement and the potential consequences should the employee fail to achieve the required standards or
  - To agree a permanent modification to their substantive role. Alternative contractual conditions may include reduced working hours, change of working pattern; revised job description etc. Any changes which require an amendment to an employee's contract of employment must be made in conjunction with advice from HR. Where permanent modifications are agreed to an employee's hours and/or working pattern, the employee's salary will be adjusted as applicable.

- To agree redeployment to another post (where appropriate and subject to availability), in which case the meeting should be adjourned and a copy of the Redeployment policy given to the employee. The employee must be advised to complete a skills assessment form which will be used to assess their suitability for vacant roles. The employee should be advised at this stage that if no suitable alternative employment is secured during the redeployment period, their contract of employment could be terminated on the grounds of capability.
- A failure to agree, resulting in a Stage 3 Capability (Review of Employment) meeting being convened.

7.2.5 The manager will write to the employee confirming the outcome of the Stage 2 – Capability (Review Meeting), placing a copy of the letter on the employee's personal file.

7.2.6 Where the required improvements in performance are achieved during the review period, the process will be deemed to have been satisfactorily concluded and the issues resolved. Confirmation that this is the case will be given in writing to the employee.

### 7.3 Stage 3 – Final Capability Meeting (Review of Employment)

7.3.1 A Stage 3 – Final Capability Meeting (Review of Employment) will be convened by ~~an Executive~~ Head ~~of Service~~ or above. The line manager will ensure that any documentation demonstrating the employee's underperformance must be provided to the employee in advance of the meeting (including a Capability Management report detailing the nature of the concerns and actions taken to date with any improvement made). Since this meeting will involve decisions regarding an employee's future employment, the hearing manager will not have had any previous involvement with the case.

7.3.2 The Stage 3 – Final Capability Meeting (Review of Employment) will be called:

- At the end of the stage 2 specified review period where the required improvement has not been achieved and it has been concluded that sufficient improvement by the employee is unlikely to be achieved within a reasonable period of time; or
  - When following initial attainment of satisfactory performance at either stage 1 or stage 2, there are further failures to meet the agreed standards of performance;
- or**
- The consequences of the employee's under performance have a significant adverse effect on the organisation.



7.3.3 The hearing manager, with the employee, will review all the relevant information provided to the employee and will explain the reasons for calling the Stage 3 – Final Capability Meeting (Review of Employment). They will clearly outline where the employee's performance is failing to meet the required standards. The hearing manager will also recap the action taken to date to support them in achieving the necessary standards giving the employee the opportunity to respond and explain any causes for their continued under-performance. The line manager may also be present at this meeting to explain the action taken to date.

7.3.4 The possible outcomes of this meeting could be to agree:

- A permanent modification to their substantive role. Alternative contractual conditions may include reduced working hours, change of working pattern; revised job description etc. Any changes which require an amendment to an employee's contract of employment must be made in conjunction with advice from HR. Where permanent modifications are agreed, the employee's salary will be adjusted as applicable.
- Redeployment to another post, where appropriate and subject to availability, in which case the meeting should be adjourned and a copy of the Redeployment policy given to the employee. The employee should be advised at this stage that if no suitable alternative employment is secured during the redeployment period, their contract of employment could be terminated on the grounds of capability;
- To determine that dismissal on the grounds of capability is appropriate where it has been demonstrated that the employee has failed to achieve the standards of performance required and no suitable alternatives are available as outlined at Dismissal (Section 8).

7.3.5 In exceptional circumstances, the manager may determine some other suitable outcome is appropriate given the facts of the case. Where this is the case, the manager will seek advice from Strategic HR. The employee will be advised in writing of the particular set of circumstances which have led to the manager's decision; informed of any particular requirements the employee must satisfy and/or achieve, and advised when the situation will be reviewed.

7.3.6 The hearing manager will write to confirm the outcome of the Stage 3 – Final Capability Meeting (Review of Employment), placing a copy of the letter on the employee's personal file.

7.3.7 Where the required improvements in performance are achieved during the review period, the process will be deemed to have been satisfactorily concluded and the issues resolved. Confirmation that this is the case will be given in writing to the employee.

## 8. Dismissal

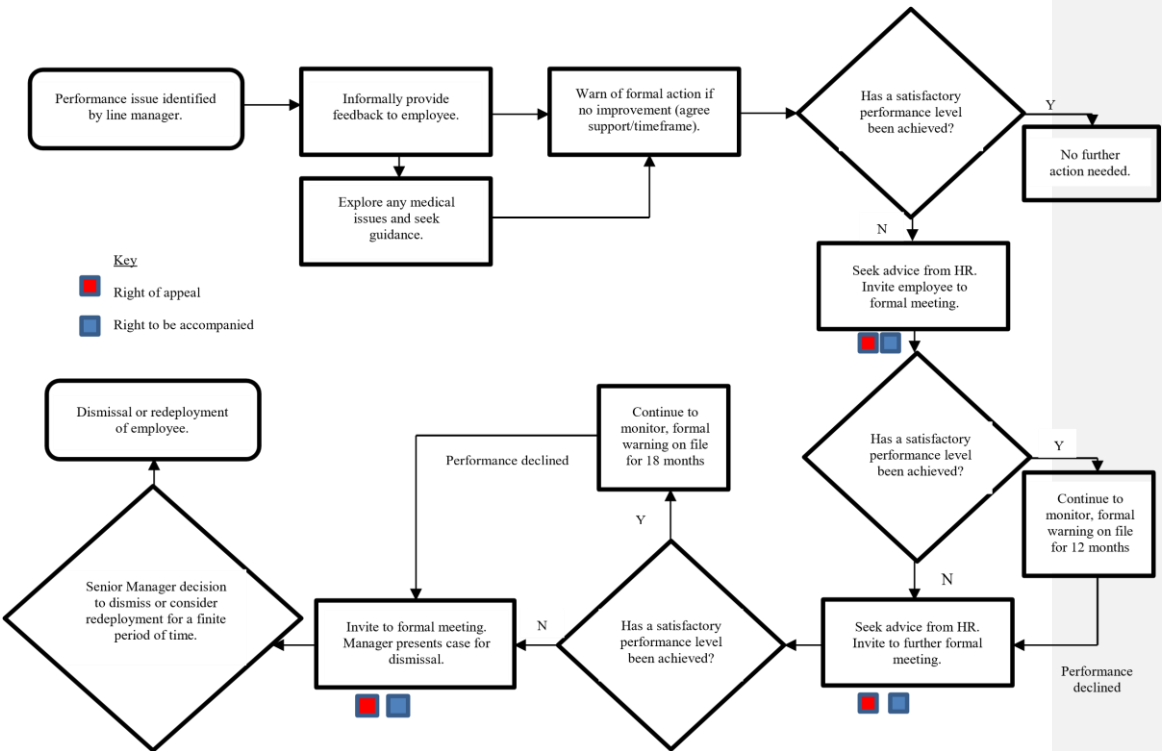
- 8.1 If the employee's performance is confirmed as unacceptable; the criteria for an ill health pension has not been met; all suitable alternative courses of action have been exhausted or refused by the employee or are deemed inappropriate, the decision to dismiss will be taken on the grounds of 'capability'.
- 8.2 A decision to dismiss can only be taken by a Head of Service, the equivalent or above.
- 8.3 Dismissal can only occur, when it is clear that:
- the standards of performance have been made explicitly clear to the employee;
  - the employee has failed to reach or maintain the required standard of performance having been given reasonable time, support and opportunity to do so;
  - Redeployment / modifications (if appropriate) have not proved possible or have been refused by the employee.
  - Occupational Health opinion in relation to the payment of an ill health pension has been sought (only applicable where dismissal occurs as a result of ill health, injury or acquired disability Section 2).
- 8.4 The employee will be entitled to formal notice in accordance with their contract of employment, or payment in lieu of notice (if appropriate). The letter of termination will confirm the effective date of termination and confirm the reason for dismissal as being due to capability. It will also notify the employee of their right of appeal.
- 8.5 Advice must be sought from Strategic HR before any decision to dismiss is taken.

## 9. Right of Appeal

- 9.1 The employee has the right of appeal against an outcome at any stage during this policy. Any appeal must be made in writing to the [Head of Organisational Development/Chief HR Officer](#) within ten working days of receipt of the notification of the decision.
- 9.2 The appeal must clearly state the grounds for the appeal. The grounds of appeal will be one or more of the following:
- That the decision was inappropriate in the circumstances.
  - That new evidence has come to light or that evidence which should have been taken into account was not taken into account.
  - That the policy was not followed correctly.
- 9.3 Appeal panels will comprise as follows:

- An appeal against a written warning/final written warning will be heard by a manager at the next most senior level above the manager who issued the written warning and who has had no previous contact with the case (where necessary this will be a manager from another service). A representative from HR will act as advisor.
  - An appeal against a dismissal for posts at [Executive Head of Service](#) level and above will be heard by three members of the HR Committee. [The Head of Organisational Development/The Chief HR Officer](#) will act as the HR representative.
  - An appeal against a dismissal for posts below [Executive Head of Service](#) will be heard by one member of the HR Committee, [an Executive Head of Service/Service Director](#) and a member of the HR team.
- 9.4 The employee will be given a minimum of 5 working days' notice, in writing, of the Appeal Hearing. The employee will be told of their right to be accompanied by an accredited trade union representative or fellow employee. Any additional information should be exchanged at least three working days before the hearing. New evidence may be disallowed, or cause adjournment if presented on the day of the hearing.
- 9.5 The appeal hearing may result in the appeal being dismissed in which case the decision stands. The decision may be retrospectively cancelled or allowed in part by substituting a lesser decision which could have been imposed at the original hearing.
- 9.6 The decision of the Appeal Panel will, where possible be announced to both parties at the completion of the hearing. The decision will be confirmed in writing within 5 working days. There is no further right of appeal.
- 9.7 Where the issued warning or dismissal is rescinded, the employee will be no less favourably treated than if the action had not been taken. All relevant documentation and supporting evidence from the original Hearing and the Appeal Hearing will be removed from the personal file and disregarded.

**APPENDIX 1 – CAPABILITY POLICY FLOW CHART**



**DISCIPLINARY POLICY**

|   |  |
|---|--|
| <b>Policy Date</b>  | June 2017 <u>Updated</u><br><u>Reviewed</u> November<br>2019<br><u>Reviewed</u> <u>September</u><br><u>2023</u>  |
| <b>Review Date</b><br><br><i>When under review, this policy should<br/>continue to be used.</i>   | <u>November 2022</u> <u>September 2026</u>   |
| <b>This policy is non-contractual</b>   |  |
| <b>Version</b><br><br><i>This policy may be amended prior to<br/>the review date to comply with any<br/>new, relevant legislation or<br/>organisational change.</i> | <u>34</u>  |
| <b>Related policies</b>   | <b>Grievance Policy</b><br><b>Capability (<del>poor Performance</del>)</b><br><b>Policy</b><br><b>Mediation Framework</b><br><b>Investigation &amp; Hearing Guidance</b> |

Formatted: Right: 0.14 cm

## Contents

|  |           |
|--|-----------|
| <b>1 PURPOSE</b>   | <b>3</b>  |
| <b>2 SCOPE</b>   | <b>3</b>  |
| <b>3 PRINCIPLES</b>  | <b>4</b>  |
| <b>4 MEDIATION</b>   | <b>5</b>  |
| <b>5 SUSPENSION</b>  | <b>5</b>  |
| <b>6 TRADE UNION SUPPORT</b>   | <b>6</b>  |
| <b>7 TYPES OF MISCONDUCT</b>   | <b>6</b>  |
| <b>8 MANAGING DISCIPLINARY ISSUES</b>                                    | <b>6</b>  |
| 8.1 Informal Stage   | 6         |
| 8.2 Formal Stage   | 6         |
| <b>9 CRIMINAL OFFENCES OUTSIDE OF EMPLOYMENT</b>                         | <b>7</b>  |
| <b>10 DISCIPLINARY HEARING</b>   | <b>7</b>  |
| 10.1 Procedure   | 7         |
| 10.2 Postponement of a Hearing   | 8         |
| 10.3 Resignation pending a disciplinary hearing                          | 8         |
| <b>11 APPEALS</b>  | <b>8</b>  |
| <b>12 TRADE UNION REPRESENTATIVES SUBJECT TO DISCIPLINARY PROCEDURES</b> | <b>9</b>  |
| <b>13 INVESTIGATION/HEARING – OVERVIEW</b>                               | <b>11</b> |
| <b>1 Purpose</b>   | <b>3</b>  |
| <b>2 Scope</b>   | <b>3</b>  |
| <b>3 Principles</b>  | <b>4</b>  |
| <b>4 Mediation</b>   | <b>5</b>  |
| <b>5 Suspension</b>  | <b>5</b>  |
| <b>6 Trade Union Support</b>   | <b>6</b>  |
| <b>7 Types of Misconduct</b>   | <b>6</b>  |
| <b>8 Managing Disciplinary issues</b>                                    | <b>6</b>  |
| 8.1 Informal Stage   | 6         |
| 8.2 Formal Stage   | 6         |
| <b>9. Criminal Offences Outside of Employment</b>                        | <b>7</b>  |
| <b>10 Disciplinary Hearing</b>   | <b>7</b>  |
| 10.1 Procedure   | 7         |
| 10.2 Postponement of a Hearing   | 8         |
| 10.3 Resignation pending a disciplinary hearing                          | 8         |
| <b>11 Appeals</b>  | <b>8</b>  |
| <b>12 Trade union representatives subject to disciplinary procedures</b> | <b>9</b>  |
| <b>13 Investigation/Hearing – Overview</b>                               | <b>11</b> |

## **1 Purpose**

- 1.1 The purpose of this policy is to describe how breaches of conduct/behaviour and health and safety matters will be managed and to ensure that any warning that is applied is fair and reasonable ~~taking into account~~ considering all the circumstances of the case.
- 1.2 The policy is compliant with relevant employment legislation and as far as is practicable follows the ACAS Code of Practice). The policy has been developed in consultation with UNISON.

## **2 Scope**

- 2.1 The policy applies to all employees of the council regardless of gender, gender reassignment, race, religion or belief, disability, sexual orientation, age, trade union membership or public interest disclosure status. It also applies to eligible part time and fixed term employees.
- 2.2 The only exceptions to this are as follows:
  - Employees who are new staff within their probationary period. Disciplinary matters are dealt with under the council's Probation Policy however the examples of types of misconduct given in this policy still apply. Existing staff (with more than six months service) on secondment or who have transferred to a new post will be subject to the Disciplinary Policy rather than the Probation Policy.
  - The Disciplinary policy does not apply to dismissals due to redundancy or the nonrenewal of fixed term contracts on their expiry.

- Statutory Chief Officers (Head of Paid Service, Monitoring Officer and Section 151 Officer). A separate policy is applied to these employees in accordance with the council's constitution. A designated independent person must be appointed to investigate an allegation of misconduct and this must not be an employee of the council.

### 3 Principles

3.1 The following principles apply in utilising this policy:

- Informal action should be taken wherever possible, where it is appropriate to do so, to address breaches of employee responsibility outlined above.
- Management (meaning the relevant line manager, [Executive Head of Service](#), [Service Director](#) or Chief Executive as appropriate) must raise and deal with issues promptly and not unreasonably delay meetings, decisions, or confirmation of those decisions.
- Where the employee may suffer a detriment due to their personal circumstances, be under the age of 18 or in some way considered vulnerable, the formal process may be adjusted to take account of this and to mitigate any detriment which may arise. For example, enabling the employee to be accompanied by a family member or other third party, such as a social worker. Adjustments may also be made to enable a chosen companion to attend.
- Employees will have the right to be accompanied throughout the formal disciplinary process by an accredited trade union representative or fellow employee. These people are referred to as 'companions'. Chosen companions do not have to agree to the request to attend. The council reserves the right to refuse a chosen companion where a conflict of interest is perceived. Employees are not entitled to be accompanied by a legal representative.
- Disciplinary action should primarily be corrective and provide the employee with the opportunity where necessary to ensure their conduct is in line with the council's policies and procedures.
- No employee will be dismissed for a first breach of conduct, **except** in the case of gross misconduct.
- The employee will be advised of the nature of the complaint against them and be given the opportunity to state their case before decisions are reached.
- The disciplinary policy may be entered into at any stage as is appropriate to the alleged misconduct – minor, general, serious or gross misconduct. Breaches will be dealt with according to the level of seriousness and the impact on the council, customers, colleagues, Members or other party having dealings with the council.
- Employees will have the right of appeal against any disciplinary warning given.
- Employees have a duty to co-operate fully with requirements under this policy.
- Management [have](#) a duty to act fairly and reasonably at all times under this policy.



- Full written records will be made of actions taken under this policy and will be kept confidentially and in line with the HR Document Retention Schedule.
- The authority to dismiss an employee rests with the Chief Executive, [Service Director, Executive Head of Service](#) or any officer who has delegated authority under the council's constitution.

#### 4 Mediation

- 4.1 Mediation may be considered at any stage of the policy where it is deemed as appropriate and where the parties consent. Mediation will be undertaken in line with the council's in-house Mediation Framework.
- 4.2 Mediation can be used to: rebuild relationships, deal with conflict between a line manager and their staff and personality clashes. However, some cases are unsuitable for mediation such as: a line-manager avoiding their managerial responsibilities, a decision where a right or wrong is needed, the individual brings a claim of discrimination or harassment.

#### 5 Suspension

- 5.1 An employee subject to the formal procedure (such as gross misconduct cases) may be asked to remain away from the workplace, where there is reasonable concern by management that their presence may compromise the disciplinary process or present some form of risk to the council, or to the employee. ~~A risk assessment can be found on Skoop and must be completed to determine if suspension is appropriate.~~
- 5.2 Suspension is not a disciplinary sanction and should not be used as such. Prior to making any decision to suspend, the relevant manager will discuss the ~~risk assessment with their Head of Service and the Head of Organisational Development. In the absence of the Head of Organisational Development, the risk assessment should be discussed with the Director of Corporate Resources. The suspension should be ratified by a Director/the Chief Executive in line with the Head of Organisational Development.~~situation with their Executive Head and the Chief HR Officer (or a member of the HR team if the Chief HR Officer is unavailable). This is to ensure the action is proportionate and fair and the necessary arrangements are put in place to instigate the suspension. ~~Alternatives to suspension should be considered, such as temporary redeployment or temporary change in responsibility and suspension should be considered as a 'last resort'. The Head of Organisational Development/The Executive Head~~ has the ultimate responsibility for authorising a suspension.
- 5.3 The suspension should be regularly reviewed against the risk assessment and not be longer than necessary. The investigation officer should be made aware of the timeframe for any investigation. Should this be longer than originally agreed, then the employee's period of suspension should be extended, the employee informed, and the ~~Head of Organisational Development/~~Chief HR Officer should also be informed.

- 5.4 The employee will receive their normal contractual terms and conditions whilst on suspension.
- 5.5 The reason and conditions of the suspension will be confirmed in a letter to the employee once the employee has been verbally informed of the suspension.
- 5.6 During Suspension, a manager will organise 'Keeping in Touch Arrangements'. This is to ensure that the employee continues to receive appropriate support (e.g Occupational Health or the Employee Assistance Programme) from the organisation and is kept informed of the progress of the investigation ~~but~~ without being informed of the details.
- 5.7 Investigating managers should bear in mind that suspended employees are asked to remain away from the workplace when organising any meetings as part of the investigation process.

## **6 Trade Union Support**

- 6.1 Following notification of the instigation of the disciplinary policy, it is the employee's responsibility to contact their union representative to gain the necessary support.

## **7 Types of Misconduct**

- 7.1 Misconduct is a broad term and it is not possible to define every type of breach of council procedure, values or standards of behaviour. Details of what may be considered minor/misconduct or gross-misconduct are outlined in the 'types of misconduct' chart in appendix 1.

## **8 Managing Disciplinary issues**

### **8.1 Informal Stage**

- 8.1.1 Minor breaches may be dealt with informally by management where the breach is considered relatively minor by management and informal action is appropriate. This can include an informal 'light touch' investigation to establish facts.
- 8.1.2 As a minimum, informal action will be a discussion with the employee to address their breach and to outline future expectations of behaviour/conduct. Management is required to consider the root cause of the breach and take appropriate steps to prevent a recurrence, for example, training or other technical support, or coaching in appropriate personal behaviour.
- 8.1.3 Employees should be made aware that whilst the breach is being dealt with informally, any breach is taken seriously by management and could result in formal stages of the policy being used.
- 8.1.4 There is no right of appeal against an informal approach being taken.

### **8.2 Formal Stage**

- 8.2.1 A formal process will be used by management where there is repeated breach, or breaches which have been dealt with informally, or where the misconduct is considered

serious enough to warrant use of the formal stage without reference to the informal stage first.

8.2.2 The following actions must be taken if a formal process is to be used;

- A member of the HR team will be available to provide any necessary HR advice on a disciplinary case and will give guidance on the appropriate treatment of a breach, to ensure consistency and fairness.
- The employee is advised verbally by management that there is an allegation of a breach and that a formal process will be used to manage this. The employee may or may not be required to be away from the workplace during this time (refer to section 5 suspension). The employee will be given details of the Employee Assistance Programme. This is followed up in writing to the employee.
- If it is not appropriate for the line manager to investigate the case, an investigating officer will be allocated to the case having been given a full briefing (see template in the Investigation & Hearing Guidance) by the relevant member of management and will undertake an appropriate and proportionate investigation to establish the facts. For allegations of gross misconduct, an investigator from outside of the service area will normally be appointed.
- The employee will be notified of the outcome of the investigation by the relevant member of management and whether there is a requirement to hold a disciplinary hearing. This will be followed up in writing to the employee.

## 9. Criminal ~~Offences~~Offences Outside of Employment

9.1. Criminal offences or proceedings outside of employment must not be treated as automatic reasons for disciplinary action. Action will only be taken if the alleged offence has an impact on the employee's role and responsibilities, or has a detrimental impact on the council in some way.

9.2. Employees have a responsibility to notify the council of any criminal proceedings against them at the earliest opportunity.

## 10 Disciplinary Hearing

### 10.1 Procedure

10.1.1 Once it is determined that there is a case to answer, a formal disciplinary hearing is convened. The employee is invited in writing and given five working days' notice. They are given full details of the allegation(s) against them and provided with copies of all materials to be used in the disciplinary hearing. Due consideration should be made to the location of the hearing. A note taker should be organised by the manager.

10.1.2 The hearing panel will consider all the evidence provided and make a decision. The employee will be notified verbally by the hearing panel chair and they will follow this up in

writing to the employee. Where necessary, and in serious cases, HR advice can be obtained.

10.1.3 Any warning given under the Disciplinary Policy must be documented fully in writing and a copy given to the employee within a reasonable period of time following the warning being issued. This warning will include the right of appeal.

## **10.2 Postponement of a Hearing**

10.2.1 An employee who is unable to attend the disciplinary hearing on the notified date must advise management as soon as possible and propose an alternative date, which must be no later than **five** working days from the original date of the hearing. There **must** be a substantial reason given for the proposed postponement. The proposed new date may be rejected by management if the reason given for the postponement is not considered substantial or reasonable. It is the employee's responsibility to ensure that their representative is able to attend the hearing. Where the employee is a member of a union, the council expects the union to provide a representative for the hearing without any unnecessary delay.

10.2.2 Occupational Health advice must be sought if the employee is absent due to ill health, to determine their fitness to attend a formal hearing

10.2.3 If the employee cannot attend a hearing within the further five working day period from the original date of the hearing, the hearing will take place without the employee present.

10.2.3 Where an employee fails to attend a hearing without prior notice, the hearing will be rearranged once and the employee notified that the hearing will be held in their absence if they fail to attend again.

## **10.3 Resignation pending a disciplinary hearing**

10.3.1 The council reserves the right to continue disciplinary proceedings where an employee resigns pending a hearing. A hearing will be convened during a notice period where the allegation is one of theft, fraud, child protection or other very serious matter. ~~The employee will be notified of the outcome of the hearing will be notified to the individual and will be communicated to the relevant authorities where it is necessary to do so.~~ The employee will be advised that any reference provided will reflect the outcome of that hearing.

10.3.2 In the event an employee resigns with immediate effect and the allegation is one of theft, fraud, child protection or other very serious matter, the council reserves the right to hold the hearing after employment has been terminated. The outcome of the hearing will be notified to the individual and will be communicated to the relevant authorities where it is necessary to do so. The employee will be advised that any reference provided will reflect the outcome of that hearing.

## **11 Appeals**

11.1 Following a formal disciplinary/dismissal sanction, an employee has the right of appeal. Any appeal must be made in writing to the ~~Head of Organisational Development~~ [Chief HR Officer](#) within 10 working days of receipt of the notification of the decision. The appeal must clearly state the grounds for the appeal. The grounds of appeal will be one or more of the following:

- That the decision was inappropriate in the circumstances
- That new evidence has come to light or that evidence which should have been ~~taken into account~~ [considered](#) was not taken into account.
- That the policy was not followed correctly.

11.2 Appeal panels will comprise as follows:

- An appeal against a written warning/final written warning will be heard by a manager at the next most senior level above the manager who issued the written warning and who has had no previous contact with the case (where necessary this will be a manager from another service). A representative from HR will act as advisor.
- An appeal against a dismissal for posts at [Executive Head of Service](#) level and above will be heard by three members of the ~~Joint HR Committee~~ [A member of and the Chief HR team](#) ~~Officer will also be present~~ [as the HR Representative](#).
- An appeal against a dismissal for posts below [Executive Head of Service](#) will be heard by one member of the ~~Joint HR Committee~~ [a and an Executive Head of Service/Service Director and the Head of Organisational Development](#) ~~A member of the HR team will act as the HR Representative~~ [also be present](#).

11.3 The employee will be given a minimum of five working days' notice, in writing, of the Appeal Hearing. The employee will be told of their right to be accompanied by an accredited trade union representative or fellow employee and their right to call any relevant witnesses. Any additional information should be exchanged at least three working days before the hearing. New evidence may be disallowed, or cause adjournment if presented on the day of the hearing.

11.4 The appeal hearing may result in the appeal being dismissed in which case the decision stands. The decision may be retrospectively cancelled or allowed in part by substituting a lesser decision which could have been imposed at the original hearing.

11.5 The decision of the Appeal Panel will, where possible be announced to both parties at the completion of the hearing. In any case, wherever possible, the decision will be confirmed in writing within five working days of the determination of the Appeal hearing. There is no further right of appeal.

11.6 Where the issued warning or dismissal is cancelled, the employee will be no less favourably treated than if the action had not been taken. All relevant documentation and supporting evidence from the original Hearing and the Appeal Hearing will be removed from the personal file and disregarded.

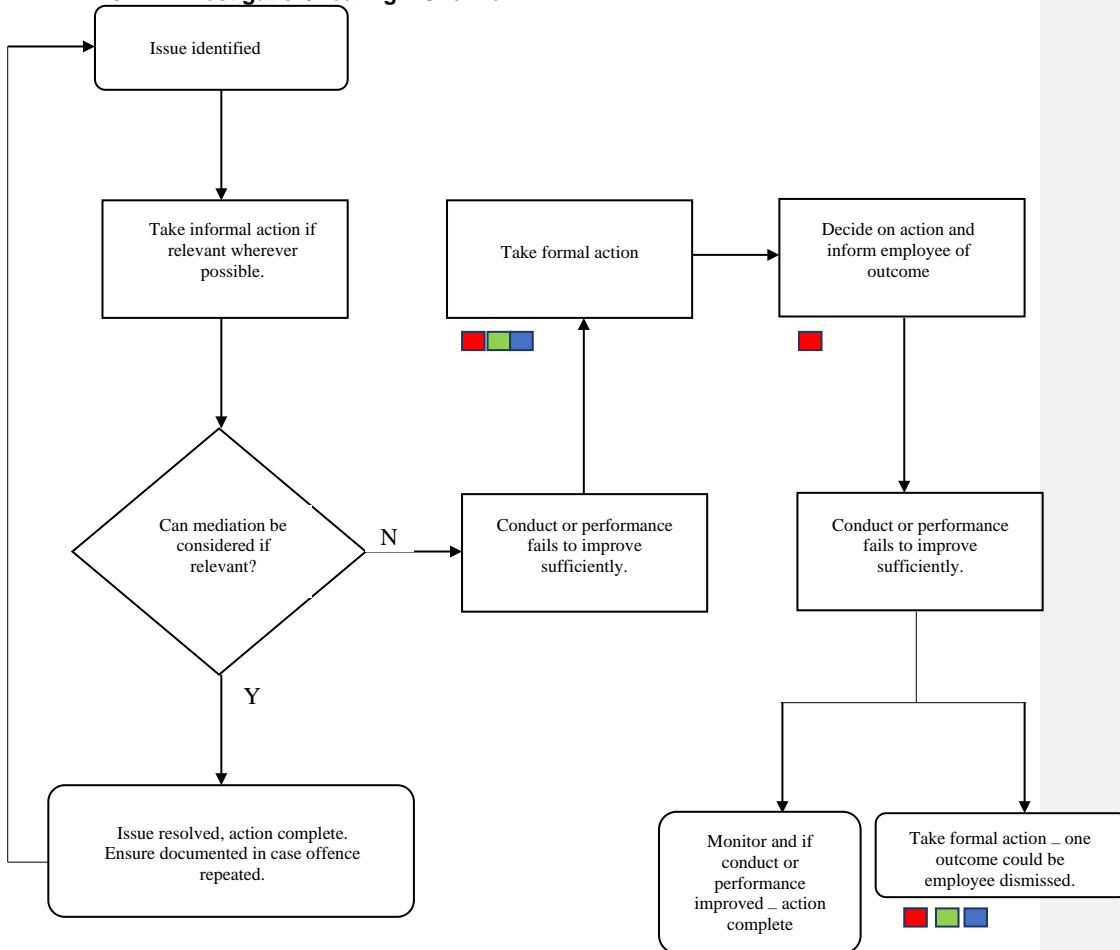
## **12 Trade union representatives subject to disciplinary procedures**

12.1 Formal disciplinary processes must not be instigated against any trade union representative until, having obtained the employee's consent, Strategic Human

Resources have notified the Branch official of the union concerned. Where the Branch official is not available, the Regional representative will be notified. Where the Branch official is the subject of a formal disciplinary procedure, the Regional representative will be notified, once consent is gained from the employee.

- 12.2 If consent is not given by the employee, the disciplinary process will still continue without Branch or Regional representatives being notified.

### 13 Investigation/Hearing – Overview



Key

- Right to Appeal
- Right to be accompanied
- Outcomes
  - No penalty
  - First Written Warning
  - Final Written Warning Dismissal
  - or other sanction

## Appendix 1 Types of Misconduct

Misconduct is a broad term and it is not possible to define every type of breach of council rules or standards of behaviour, and how it will be treated within this policy. The information below gives guidance as to how particular types of misconduct **may** be treated but this is not an exhaustive or prescriptive list.

| Allegation                 | Informal Stage  | First Written  | Final Written Warning  | Gross Misconduct  |
|----------------------------|---|--|--|---|
| <b>Authority level</b>     | Immediate Line Manager                                    | Line Manager or above  | <a href="#">Executive</a> Head of Service or above   | <a href="#">Executive</a> Head of Service or above  |
| <b>Sanction</b><br>Page 76 | Informal approach unless there has been a repeated breach | First written warning – approximately 12 months. Sanction may be lengthened or shortened at the discretion of the Disciplinary Hearing Chair | Final written warning – approximately 18 months. Sanction may be lengthened or shortened at the discretion of the Disciplinary Hearing Chair | Dismissal – with notice where employee has already received a final written notice or without notice (summary dismissal) even for first offence. In exceptional circumstances an indefinite final written warning may be given where the offence is extremely serious but does not warrant dismissal. Demotion may also be considered as an alternative to dismissal. Any sanction of demotion must be discussed/agreed with the employee. Any demotion will not attract pay protection but the salary of the role. |



|   |   |  |   |   |
|---|---|--|---|---|
| <p><b>Examples</b></p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 77</p> | <p>Poor timekeeping, minor acts of insubordination, minor unauthorised absences</p> | <p>Repeats of examples given for minor misconduct where informal action has taken place. Minor breaches of council rules, procedures or policies, minor breaches of confidentiality, excessive breaks, unacceptable conduct or behaviour which has an unfavourable impact on other persons or service delivery</p> | <p>Repeats of examples for General Misconduct where a first written warning has been issued. Behaviour or conduct which has a detrimental impact on other persons or service delivery including; negligence, insubordination, breach of Health &amp; Safety procedures or instructions, unauthorised absence from the workplace, failure to notify sickness absence or other absence as required.</p> | <p>Repeats of examples for Serious Misconduct where a final written warning has been issued. Behaviour or conduct which has a significant and detrimental impact on other persons or service delivery including; conduct contrary to the code of conduct for employees, fraud, deliberate falsification of records, false accounting, corruption or potentially criminal activities, serious abuse of a position of trust, acts of violence, bullying, harassment or threatening behaviour, within or outside of the workplace either directly or indirectly, including the use of social media, serious contravention of council policies, procedures or regulations, incapability at work through the misuse of alcohol, substances or prescription medications, failure to report suspected criminal activities, including abuse of children or other vulnerable individuals, engaging in activities incompatible with absence on sick pay, for example, undertaking other paid or unpaid work for which the employee is considered unfit to undertake for the council, or participating in activity likely to delay a return to work or prolongs absence from work.</p> |
|---|---|--|---|---|

This page is intentionally left blank



**FLEXIBLE RETIREMENT  
PROCEDURE**

**Agreed June 2014**  
**Reviewed September 2023**

**1.0 Purpose and Scope**

- 1.1 The purpose of this procedure is to outline how the Council will exercise its discretionary powers in relation to requests for flexible retirement. The policy applies to employees aged 55 or over and who are active members of the Local Government Pension Scheme (LGPS) and have 3 or more months pensionable service.

**2.0 Considerations**

- 2.1 The Council, will consider the following factors in deciding whether to exercise its discretionary powers -regarding flexible retirement:

2.42 The council will consider all flexible retirement requests under the following conditions

- the reasonableness of the proposals
- the effect upon the service provision to customers
- that the request is workable, affordable and reasonable in terms of foreseeable costs

**3.0 Policy**

Formatted: Indent: Left: 0 cm, Hanging: 1.25 cm

3.1 This is as follows:

- the Council will consider all written requests for flexible retirement and will only approve a request ~~when it is in the Council's interests to do so~~ subject to it being financially and operationally viable for the Council
- All ~~cost~~ costs falling on the Council as an employer must be affordable and within existing cash limits. Where this is not achieved, the proposal should be accompanied by a supplementary plan detailing how any costs will be recovered.
- ~~A request should typically involve a permanent reduction in salary of at least 40%, either through reduced hours of work or level of job responsibility (grade).~~ A request should typically involve a permanent reduction in salary of at least 40%, either through reduced hours of work or level of job responsibility (grade).
- If agreed, the employee's contract of employment will be amended on a permanent basis by mutual agreement to reflect the new hours or grade, and continuity of service will be preserved for terms and conditions purposes.

In exceptional circumstances the Council may consider waiving the member's early payment reduction and this must be agreed by ~~an Executive Director or~~ the Chief Executive.

#### 4.0 Eligibility Criteria

4.1 The employee must be a current member of the pension scheme and aged 55 or more.

4.2 Employee should note that typically, pension benefits will be reduced in accordance with actuarial tables (available from the pension service) unless the council waives the reduction, either fully or in part, or a member has protected rights.

- If a person is granted flexible retirement between the ages of 55 and Normal Pension Age and the 'rule of 85' (service and age in complete years totalling 85) is not satisfied, their pension benefits will be reduced.

**Formatted:** Indent: Left: 1.27 cm, Space After: 0 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

**Formatted:** Font: 12 pt

**Formatted:** Font: 12 pt

**Formatted:** Font: 12 pt

**Formatted:** Font: 12 pt

**Formatted:** Font: 12 pt

- If a person is granted flexible retirement between 55 and 60 and satisfies 'the rule of 85', there will usually be a cost to the employer to cover the strain on the Pension Fund. If the employer consents to flexible retirement in this case, benefits earned before 1 April 2008 (or 1 April 2016 for those born before 1 April 1956) will not be reduced, as long as the person joined the Scheme before 1 October 2006.
- If the person is over 60 and satisfies the rule of 85, there will be no strain on the Pension Fund so there is no cost to the employer. Benefits earned before 1 April 2008 (or 1 April 2016 for those born before 1 April 1956) will not be reduced, as long as the person joined the Scheme before 1 October 2006. —

4.3 A person can remain in the LGPS following flexible retirement and accrue further benefits in the continuing employment.

## 5.0 Consent Process

### 5.1 For All Employees Below ~~Service Manager~~Executive Head Level

Consideration will be given to the impact on the delivery of the service.  
~~The Executive Head must consult with HR, who will ensure that a consistent approach is taken and that decisions are in line with the policy. If there is no financial impact, the case may be approved by the Executive Head of Service and HR.~~

The Executive Head must consult with HR to ensure that a consistent approach is taken and that the decisions made are in line with the policy. †

If there is a Pension Fund charge the business case must also be approved by ~~an~~the Chief Executive ~~Director or above~~ and the Section 151 Officer in consultation with HR.

### 5.2 For Employees at ~~Service Manager~~Executive Head Level and Above

Consideration will be given to the impact on the delivery of the service.

The Chief Executive must consult with HR, who will ensure that a consistent approach is taken and that decisions are in line with the policy.

If there is no financial impact, the case may be approved by the Chief Executive and HR.

If there is a Pension Fund charge the business case must be approved by the Chief Executive and the Section 151 Officer in consultation with HR.

## **6.0 Appeals Procedure**

- 6.1 An employee who wishes to appeal against a business decision not to allow them flexible retirement should lodge an appeal to the next level of management via HR.

## **7.0 Revision**

- 7.1 This procedure will be reviewed in accordance with changes in LGPS regulations and other relevant legislation, and in consultation with the recognised trade union.

**FLEXIBLE WORKING POLICY**

|   |   |
|---|---|
| Policy Date   | June 2017 <a href="#">Updated</a><br><a href="#">Reviewed</a> November<br>2019<br><a href="#">Reviewed September</a><br><a href="#">2023</a>                                |
| Review Date <i>when under review, this policy should continue to be used</i>  | <a href="#">November 2022</a> <a href="#">September 2026</a>  |
| <b>This policy is non-contractual</b>   |   |
| Author  | HR <a href="#">Dept</a>   |
| Version<br>This policy may be amended prior to the review date to comply with any new, relevant legislation or organisational change that affects how this policy is used | <a href="#">3</a><br><a href="#">4</a>  |
| Related Policies  | Adoption Policy<br>Maternity Policy<br>Parental Leave Policy<br>Paternity Leave Policy<br>Shared Parental Leave Policy<br>'Other' employee Leave Policy<br>Grievance Policy |

**Contents**

1. Purpose.....3

2. Scope.....3

3. Principles .....3

4. Eligibility.....3

5. Types of requests.....4

6. The Application .....4

7. Handling the request.....4

8. Grounds for refusing a request.....5

9. Right of appeal.....6

10. Withdrawal of an application.....6

Appendix 1 – Flexible Working Request Form.....7

1. Purpose.....3

2. Scope.....3

3. Principles .....3

4. Eligibility.....3

5. Types of requests.....4

6. The Application .....4

7. Handling the request.....4

8. Grounds for refusing a request.....5

9. Right of appeal.....6

10. Withdrawal of an application.....6

Appendix 1 – Flexible Working Request Form.....7



## 1. Purpose

- 1.1. This policy sets out how to make a request for flexible working, who is eligible and how the council will respond to such requests. The policy aims to ensure that all requests are dealt with in a reasonable manner and with sufficient information ~~to ensure the council can respond.~~
- 1.2. The policy has been developed in consultation with UNISON.

## 2. Scope

- 2.1. This policy applies to all employees who meet the eligibility criteria regardless of gender, gender reassignment, race, religion or belief, disability, sexual orientation, age, trade union membership or public interest disclosure status and includes eligible part time and fixed term employees.

## 3. Principles

~~6.13.1~~ The following principles apply in utilising this policy:

- Before considering a request to work flexibly, employees should give careful consideration to what working pattern they feel could meet their needs, the practical implications of this on the team and any financial impact on them.
- When requesting to work flexibly, employees should make any request in writing using the provided Flexible Working Form stating the date of the request and whether any previous application has been made and the date of that application.
- Managers must ensure that the process for considering a flexible working request is considered and decided upon within three months of the receipt of the request received. This includes any appeal received.
- Managers must have a sound business reason for rejecting any request.
- Employees may make only one request in any 12 month period.

## 4. Eligibility

- 4.1. An employee must have been continuously employed by the council for at least 26 weeks at the time the application is made.
- 4.2. The employee must not have made another application to work flexibly during the past 12 months.
- 4.3. The employee must not be an agency worker.

## 5. Types of requests

5.1. An employee can request a change to:

- Their total hours of work
- Their times of work;  
and/or
- Their place of work.

5.2. The request could, therefore, be for shorter working hours, a shorter working week, flexitime, a system of staggered or annualised hours, job sharing, part-time work or permission to work from home.

5.3. If the employee is only looking for an informal change to their working hours or conditions for a short period, for instance to cope with a bereavement or to pursue a short course of study, managers may wish to consider allowing them to revert back to their previous conditions after a specified period, say three months, or after the occurrence of a specific event, such as the end of a course of study. In these circumstances, the request should not be made through this policy but kept as an informal matter between the employee and their line manager.

5.4. Employees must be aware that if the council approves their application, then they do not have a statutory right to request another variation to working patterns for a period of 12 months although they may still ask without the statutory right.

## 6. The Application

[6.13.1](#) The right to request flexible working requires employees to set out their request in writing to their line manager and must include the following:

Formatted: Bullets and Numbering

- the date of the application
- the change to working conditions the employee is seeking
- when they would like the change to start from, what effect they think the requested change would have on the employer and how, in their opinion, any such effect might be dealt with
- that this is a statutory request referring to any previous applications for flexible working including the dates
- if they are making their request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability

Please see Appendix 1 – Flexible Working Request Form.

## 7. Handling the request

7.1. On receiving a request, the line manager will arrange to discuss it with the employee as soon as possible. If there is likely to be a delay in discussing the request the line manager will inform the employee. It is important that the council deals with requests in a timely manner. The law requires the consideration process be completed within three months of first receiving the request, including any appeal. If for some reason the request cannot be managed within three months then the council can extend

[HBC-Flexible Working Policy](#)

Page 4 of 7

this, provided the employee agrees to the extension.

- 7.2. A discussion will be held to ensure that the proposal put forward is the best solution for both the employer and employee. This does not have to be face to face. If the line manager and employee agree, it can be held by phone via conference call or in some other way.
- 7.3. Any flexible working discussion must be treated like any other confidential management conversation and take place in a location where it cannot be overheard by others. The employee has the right to be accompanied at meetings. It is the employee's responsibility to arrange to be accompanied. The companion may be a work colleague or trade union official.
- 7.4. The line manager must discuss the request with their [Executive Head of Service](#) and seek advice from HR. Consideration must be given to the issues as stated below before refusing a request.
- 7.5. Flexible working requests should be considered in the order they are received. Where the line manager receives more than one flexible working request at the same time, it may be possible to grant all of the requests received. However, where this isn't possible, the manager should have a discussion with the employees to see if there is any room for adjustment or compromise. If this is not successful, each request should be fully considered taking into account the merits of the request and possible impact of refusing it. If the manager is unable to distinguish between the requests, they could agree with the employees to a random selection method to decide which request to accept.

## 8. Grounds for refusing a request

- 8.1. The council can refuse to accept an application for flexible working, but the decision must be based on one or more of the following grounds:
  - Burden of additional costs
  - Inability to reorganise work amongst existing staff
  - Inability to recruit additional staff
  - Detrimental impact on quality or performance
  - Detrimental effect on ability to meet customer demand
  - Insufficient work or requirement for work to be undertaken, during the period the employee proposes to work
  - Planned structural changes
- 8.2. There may be instances where the line manager wants to consider the potential impact of the working arrangements requested before making a decision to accept or reject the request. The line manager and employee may agree flexible working arrangements for a temporary or trial period, during which time the manager can review the impact on the department. At the end of the trial period, the manager will advise whether they intend to refuse or accept the flexible working request.
- 8.3. The line manager must write to the employee with the outcome of the meeting or discussion to either agree to the new pattern of work, or confirm an agreed

[HBC-Flexible Working Policy](#)

alternative pattern of work, or provide clear grounds as to why the application cannot be accepted. The employee must be notified that there is a right of appeal. In the event of any agreement (be it a temporary or permanent change) it will be treated as a contractual change of employment and this will be stated in the letter.

## 9. Right of appeal

- 9.1. Employees will have the right of appeal against a decision to refuse the application. The appeal must be made in writing within 10 working days of receipt of the notification of the decision to the [Head of Organisational Development/Chief HR Officer](#). The appeal should state the grounds for appeal.
- 9.2. Appeal panels will be heard by a manager at the next most senior level above the manager who issued the [written warning/original decision](#) and who has had no previous contact with the case (where necessary this will be a manager from another service). A representative from HR will act as advisor.
- 9.3. The employee will be given a minimum of five working days' notice, in writing, of the Appeal Hearing. The employee will be told of their right to be accompanied by an accredited trade union representative or fellow employee
- 9.4. The decision of the Appeal Panel will, where possible be announced to both parties at the completion of the hearing. In any case, wherever possible, the decision will be confirmed in writing within five working days of the determination of the Appeal hearing. There is no further right of appeal.

## 10. Withdrawal of an application

- 10.1. The council may treat an application for flexible working as having been withdrawn if the employee in question has:
  - Notified verbally or in writing that they are withdrawing the application.
  - On more than one occasion, without good reason failed to attend a meeting to discuss the application or a meeting to discuss an appeal (where the application has been refused)
  - Without reasonable cause, refused to provide information necessary for the council to assess whether it should agree to the contract variation.
- 10.2. Except where the employee has provided written notice of their withdrawal of the application, the line manager should confirm the withdrawal in writing.

**Appendix 1 – Flexible Working Request Form**

| <b>Flexible Working Request Form</b>  |                          |
|---|--------------------------|
| Please let us know what changes you would like to propose by ticking the relevant boxes below:  |                          |
| Total hours of work, and/or   | <input type="checkbox"/> |
| Time of work, and/or  | <input type="checkbox"/> |
| Place of work   | <input type="checkbox"/> |
| Please provide details:   |                          |
| <b>Eg. Requesting to reduce hours from 37 to 20 per week, starting at 9.30am every day.</b>   |                          |
| Date you would like any proposed changes to take place : _____  |                          |
| What effect do you think the requested change would have on your employer and how, in your opinion, any such effect might be dealt with. Please provide details below:  |                          |
| <b>Eg. May have effect on team due to cover. There will still be cover every day but it may impact on other team members and cover in the afternoon. Possible solution may be to offer other team members the opportunity to increase/change hours.</b> |                          |
| By signing this form you are confirming that you are making a statutory request. If you have made a previous application for flexible working, please provide the date of that application below:   |                          |
| Date of any previous application _____  |                          |
| Please confirm if you are making this request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability. Yes <input type="checkbox"/> No <input type="checkbox"/>  |                          |
| Name _____  |                          |
| Signature _____   | Date _____               |
| Please submit this form to your line manager.   |                          |

This page is intentionally left blank

**GRIEVANCE POLICY**

|   |   |
|---|---|
| Policy Date   | February 2015<br><a href="#">Updated</a> <a href="#">Reviewed</a> June 2017, November 2019 and June 2020<br><a href="#">Reviewed September 2023</a> |
| Review Date<br><i>when under review, this policy should continue to be used</i>   | November <del>2022</del> <a href="#">2026</a>   |
| This policy is non-contractual.   |   |
| Author  | HR <del>Dept</del>  |
| Version<br>This policy may be amended prior to the review date to comply with any new, relevant legislation or organisational change that affects how this policy is used | <del>4</del> <a href="#">5</a>  |
| Related policies  | Disciplinary Policy<br>Capability Policy<br>Mediation Framework<br>Investigation and Hearings Guidance  |

**Style Definition:** Heading 1: Indent: Left: 0 cm, First line: 0 cm

**Style Definition:** Heading 2: Indent: Left: 0 cm, First line: 0 cm

**Formatted:** Line spacing: single

**Contents**

1. Scope .....4

2. Definition .....4

3. Principles.....4

4. Guidance for Managers and Members of Staff .....5

    4.1 Informal Stage .....6

    4.2 Mediation.....6

    4.3 Formal Stage.....6

5. Appeal.....7

6. Collective Grievance.....7

7. Adjustments.....8

8. Right to be accompanied .....9

9. Grievance during notice period .....9

10. Disciplinary action .....9

Appendix 1 – Responsibilities.....10

1. Scope .....4

2. Definition .....4

3. Principles.....4

4. Guidance for Managers and Members of Staff .....5

    4.1 Informal Stage .....6

    4.2 Mediation.....6

    4.3 Formal Stage.....6

5. Appeal.....7

6. Collective Grievance.....7

7. Adjustments.....8

8. Right to be accompanied .....9

9. Grievance during notice period .....9

10. Disciplinary action .....9

Appendix 1 – Responsibilities.....10



1.

**Formatted:** Font: 12 pt, Bold

**Formatted:** Indent: Left: 0.02 cm

**Formatted:** Font: Bold

## Purpose

**Formatted:** Font: Bold

**Formatted:** Indent: Left: 0.02 cm, Hanging: 0.02 cm

1.1 ~~4.1~~ The purpose of this policy is to outline how complaints will be managed to ensure that all staff have the opportunity to raise concerns ensuring they are dealt with in a swiftly manner The council also aims to promote fairness and transparency through this policy.

**Formatted:** Font: 12 pt, Bold

**Formatted:** Indent: Left: 0.02 cm

**Formatted:** Font: Bold

1.2 ~~The policy is compliant with relevant employment legislation and as far as is practicable utilises best practice advocated by the Arbitration, Conciliation and Advisory Service (ACAS). The policy has been developed in consultation with UNISON.~~

**Formatted:** List Paragraph, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: -0.01 cm + Indent at:

1.2 This policy is compliant and in line with best practice advocated by ACAS. This policy has been developed in consultation with UNISON

Formatted: Indent: Left: -0.01 cm, Hanging: 1.27 cm

#### 4.2. Scope

Formatted: Indent: Left: 0 cm, First line: 0 cm

Formatted: Bullets and Numbering

2.1 The policy applies to all employees of the council regardless of gender, gender reassignment, race, religion or belief, disability, sexual orientation, age, trade union membership or public interest disclosure status. It also applies to eligible part time and fixed term employees. This includes statutory Chief Officers (Head of Paid Service, Monitoring Officer and Section 151 Officer).

#### 2.3. Definition

Formatted: Bullets and Numbering

3.1 aA grievance is defined as a concern, problem or complaint that the employee raises with the council.

~~For a grievance to be accepted under this policy, the employee must be able to demonstrate that the issue is having a material detrimental impact on their working life. Examples are given below;~~

- ~~• Breach of terms and conditions of employment~~
- ~~• Health and Safety practices compromised~~
- ~~• Problematic working relationships~~
- ~~• Bullying~~
- ~~• Harassment~~
- ~~• Victimisation~~
- ~~• Discrimination~~
- ~~• Unfair treatment arising from new working practices~~
- ~~• Unfair treatment arising from organisational change~~

~~The council reserves the right to reject the use of this policy when the issues raised do not qualify as a grievance. This rejection and the reason why will be detailed in writing to the employee.~~

Formatted: Indent: Left: 0.02 cm, Hanging: 0.02 cm

3.2 In addition, a number of issues are specifically excluded from this policy and will therefore not be managed under this policy, even where the employee raises a grievance in connection with them. Exclusions are given below;

- ~~• Matters of pay or grading covered by the Job Evaluation Procedure~~
- ~~• Decisions under council policies which include a right of appeal (e.g. Disciplinary Policy, Managing Sickness Absence Policy)~~
- Issues subject to collective bargaining between the council and UNISON
- Issues outside of the authority e.g. rates of income tax, pension regulations

#### 3.4. Principles

Formatted: Bullets and Numbering

4.1 The following principles apply in utilising this policy;

- Employees should aim to settle most grievances informally with their line manager through honest and open communication.
- Management (meaning the relevant line manager, ~~Executive Head of Service, Service Director~~ or Chief Executive as appropriate) must deal with issues promptly and not unreasonably delay meetings, decisions or actions

- The grievance policy may be entered into at the formal stage if the employee or council considers it appropriate. Whilst employees are encouraged to deal with concerns informally in the first instance wherever possible, this does not prevent employees raising a formal grievance.
- Where the employee's line manager is the subject of the grievance, the matter must be dealt with by the next level of line management. A manager from another service area can also be called upon to manage a grievance
- Issues must be raised by an employee at the time the issue occurs. Past issues will not normally be addressed unless there is a significant material reason for doing so.
- As a remedy mediation is available to all parties. Mediation will only take place with express consent from all parties. [See the In-House Mediation Framework](#)

Formatted: No bullets or numbering

- The employee raising the grievance will have a right of appeal against the outcome.
- The council is committed to managing employee concerns in a fair, open and transparent manner.
- all employees must- adhere to the following principles when raising concerns;
- Be respectful and professional at all times
- Have a commitment to work towards a solution and engage fully in resolving grievances
- Be available and willing to attend meetings

Formatted: No bullets or numbering

- Be completely clear about the complaint and the outcome sought
- Mobile phone or other recording devices are not permitted to be used by any party in formal or informal meetings.
- Full written records will be made of actions taken under this policy and will be kept confidentially and in line with the HR Document Retention Schedule.
- HR will provide advice and assistance in the grievance process.
- The council reserves the right to refuse to hear grievances which have already been submitted and concluded and where there is no material change to the nature of the complaint.
- Employees have the right to be accompanied during a formal grievance process. This includes employees called as witnesses.
- Employees will not suffer a detriment or be treated unfairly as a result of raising a grievance in good faith.

Formatted: No bullets or numbering

#### **4.5. Guidance for Managers and Members of Staff**

Formatted: Bullets and Numbering

#### 4.15.1 Informal Stage

Formatted: Bullets and Numbering

5.1.1 An employee should make their line manager aware that they have a complaint and be clear that this is being raised informally. The complaint can be made verbally. Employee responsibilities are set out fully in Appendix 1.

5.1.2 The line manager should explore the complaint with the employee to fully understand the employee's position and perceptions on the matter. If appropriate, the line manager should undertake a brief investigation. The line manager should conclude the informal grievance by confirming the outcome to the employee. Line manager responsibilities are shown fully in Appendix 1.

~~The line manager should explore the complaint and if appropriate the line manager should undertake a brief investigation and then conclude by confirming an outcome. Responsibilities are shown fully in Appendix 1~~

5.1.3 There is no right of appeal against the outcome of an informal stage grievance process.

#### 4.25.2 Mediation

Formatted: Bullets and Numbering

5.2.1 Mediation may be considered at any stage of the policy where it is deemed as appropriate and where the parties consent. Mediation will be undertaken in line with the council's in-house Mediation Framework.

5.2.2 Mediation can be used to: rebuild relationships, deal with conflict between a line manager and their staff or for personality clashes. However, some cases are unsuitable for mediation such as: a line-manager avoiding their managerial responsibilities, a decision about a right or wrong is needed; the individual brings a claim of discrimination or harassment.

#### 4.35.3 Formal Stage

Formatted: Bullets and Numbering

5.3.1 An employee may raise a formal grievance where either a) the employee does not feel that an informal grievance has produced satisfactory outcomes or b) the employee considers the matter so serious that a formal grievance is warranted. The formal grievance must be in writing and it must be made clear that it is a formal grievance. An email is acceptable.

5.3.2 The following actions must be taken if a formal process is to be used;

- ~~A work request~~The grievance should be ~~logged with HR~~sent to the HR Advisory email address ([hradvisory@havant.gov.uk](mailto:hradvisory@havant.gov.uk)) and ~~an~~ HR Advisor will be allocated to the grievance case and will give guidance to ensure consistency and fairness. Consideration will also be given to utilising the provisions of the Disciplinary Policy, depending upon the nature of the grievance.
- ~~Management~~A manager will be appointed as Chair, who will acknowledge the grievance in writing and invite the employee to a formal meeting to gather the full facts of the complaint, and the outcome sought, ideally within five working days of receipt of the written grievance.
- In formal cases, it is expected that an investigation will take place. The line manager will normally investigate the facts of the grievance and may be accompanied by a member of HR team. If it is not appropriate for the line manager to investigate the case, an investigating officer (or team, which may

include a member of HR) will be allocated to the case. They will be given a full briefing by the relevant member of management and will undertake an appropriate and proportionate investigation to establish the facts.

- The employee will be notified of the outcome of the investigation (or the outcome of the grievance meeting if no investigation is required), and any subsequent actions, by the relevant member of management. Where possible, this should be done in a face-to-face meeting, but where this is not possible or would cause an unreasonable delay, the employee can be notified of the outcome in writing. All outcomes must be confirmed in writing to the employee, ideally within five working days of notification of the outcome.
- The employee will be notified in writing of their right of appeal against the outcome of the formal grievance process.
- Where a grievance is submitted relating to an incident or employee of a partner organisation, the employee who has submitted the grievance will be contacted and where possible, a meeting arranged to discuss the matter within five working days.
- However, please note that it is the partner organisation's grievance policy and procedure which will apply for any subsequent investigation and outcome. Therefore, the process and timescales following this initial meeting as outlined above may vary.

#### **5.6. Appeal**

- 6.1 An employee who wishes to appeal against the outcome of their grievance should write to the [Head of Organisational Development/Chief HR Officer](#) within 10 working days of receipt of the notification of the decision.
- 6.2 The employee must clearly set out in writing the grounds for their appeal, which must be one or more of the following;
  - Why they believe their complaint or issue remains unresolved
  - That new evidence has come to light or that evidence which should have been taken into account was not considered
  - That the policy was not applied fairly or followed correctly
- 6.3 The appeal will be acknowledged in writing and will be heard as follows;
  - [Executive Head of Service](#) and above – by a panel convened from the [Joint Human Resources Committee](#)
  - Below [Executive Head of Service](#) – by the next level of management not previously involved in the case.
- 6.4 The employee will be notified of the outcome of the appeal at the conclusion of the appeal hearing (wherever possible), and this must be followed up in writing within five working days of the appeal hearing.
- 6.5 There is no further internal right of appeal.

#### **6.7. Collective Grievance**

- 7.1 Where two or more employees wish to raise a grievance on the same issue, a collective grievance can be raised. This may be raised directly with management or may be raised on the employees' behalf through UNISON.
- 7.2 It is expected that the informal stage will be used in the first instance for a collective grievance, to try to resolve the issue.
- 7.3 If a collective grievance cannot be resolved informally, the grievance can proceed to the formal stage as described in Section 5.2.
- 7.4 Employees wishing to pursue a collective grievance should nominate individuals to represent their interests throughout the process. These people will be referred to as 'nominated representatives'. These need not necessarily be the same individuals at each stage of the process and may or may not be trade union representatives.
- 7.5 Nominated individuals will be responsible for representing the interests of all employees in the collective grievance, including presenting the case at meetings. The maximum number of nominated representatives allowed throughout the grievance policy is as follows:
 

| Number of employees with grievance: | Maximum number of nominated reps: |
|-------------------------------------|-----------------------------------|
| 2 to 5                              | 2                                 |
| 6 to 12                             | 3                                 |
| 13 to 20                            | 4                                 |
| 21+                                 | 5                                 |
- 7.6 A collective grievance letter setting out the formal grievance must include the name, job title and contact details of the nominated representatives, and whether they are acting in the capacity of a trade union representative.
- 7.7 The grievance letter must be signed by all employees to whom the grievance applies to confirm that they give their consent to be represented by the nominated representatives. The letter should be dated, and a copy kept by the nominated representatives.
- 7.8 Nominated representatives will be invited to a formal grievance meeting and an investigation undertaken (if required) in line with the provisions of 5.2.2. Nominated representatives will also be notified of the outcome under these provisions.
- 7.9 Prior to the formal grievance meeting, the nominated representatives must inform the employer of the names of the people attending the meeting in their capacity as nominated representatives and any witnesses they wish to attend.
- 7.10 The right of appeal exists against the outcome of a collective grievance where the majority of employees (50% + one) feel that their grievance has not been satisfactorily resolved. Appeals will be heard in line with the provisions of Section [6-5](#).

**7.8. Adjustments**

- 8.1 Where the employee may suffer a detriment due to their personal circumstances, for example a disability, is under the age of 18 or is in some way considered vulnerable, the informal and/or formal process may be adjusted to take account of this and to

Formatted: Bullets and Numbering

mitigate any detriment which may arise. For example, enabling the employee to be accompanied by a family member or other third party, such as a social worker. Adjustments may also be made to enable a chosen companion to attend.

#### **8.9. Right to be accompanied**

- 9.1 Employees have the right to be accompanied throughout the formal grievance process by an accredited Trade Union representative or fellow employee. These people are referred to as 'companions'. Chosen companions do not have to agree to the request to attend.
- 9.2 It is the employee's responsibility to organise a companion. Failure on the part of the employee to find a companion will not be reason to delay the grievance hearing.
- 9.3 The council reserves the right to refuse a chosen companion where a conflict of interest is perceived. Employees are not entitled to be accompanied by a legal representative.

#### **9.10. Grievance during notice period**

- 10.1 Where an employee raises an informal or formal grievance and subsequently begins their contractual or statutory notice period, the council will continue with the informal/formal stages as described in this policy.
- 10.2 In the event that the employee's notice period expires before the outcome can be concluded, the outcome will be notified to the employee in writing as soon as possible. The council will endeavour to conclude the grievance process during the notice period. The employee will have a right of appeal, even if their notice period has expired

#### **10.11. Disciplinary action**

- 11.1 Where a grievance is found to have been lodged maliciously the matter shall be dealt with under the Disciplinary Policy.

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

## Appendix 1 – Responsibilities

The following table sets out the responsibilities of each party.

|          | Employee  | Line Manager/Management   | Human Resources   |
|----------|---|---|---|
| Page 100 | <ul style="list-style-type: none"> <li>Advise line manager of complaint as soon as possible.</li> <li>Attend informal meeting with line manager to fully detail the complaint and how it has arisen.</li> <li>Provide evidence to support grievance e.g. description of incident(s), date(s), time(s), witness(es).</li> <li>Be clear on what the complaint is and how it has come about.</li> <li>Provide evidence of attempts to resolve the problem prior to approaching the line manager.</li> <li>Provide constructive suggestions for resolutions.</li> </ul> | <ul style="list-style-type: none"> <li>Assess if the grievance needs to be dealt with by another manager.</li> <li>Discuss issue with HR.</li> <li>Arrange to meet informally with employee as soon as possible.</li> <li>Create a 'safe' and confidential environment to enable the employee to explain their complaint.</li> <li>Be clear on the detail of the complaint.</li> <li>Undertake a discreet investigation (if required)</li> <li>Notify employee of investigation outcomes and any next steps.</li> <li>Consider solutions put forward by the employee.</li> <li>Confirm whether the grievance is upheld, partly upheld or not upheld.</li> <li>Provide employee with a summary note of the process undertaken for their records.</li> <li>Consider root cause of issues raised and solutions e.g. an amendment to working practices or environment, improvement of working relationships, coaching, mentoring.</li> <li>Monitor situation if grievance is resolved informally.</li> <li>Ensure service delivery is not affected and take remedial action if necessary.</li> </ul> <p>Monitor possible indicators of unsettled employee e.g. short term/intermittent sickness absence, work underperformance, withdrawal, change in normal behaviour, change in normal habits (arriving for work later, leaving early for example).</p> | <ul style="list-style-type: none"> <li>Be available for employee who wishes to confidentially discuss a possible complaint.</li> <li>Agree next steps (if any) with employee.</li> <li>Assess whether another HR team member should give advice to line manager on informal stage, if advice given to the employee already.</li> <li>Consider whether any changes to HR practice, policies, procedures are necessary from the issue(s) raised by the employee.</li> </ul> |



|                         | <b>Employee</b>  | <b>Line Manager/Management</b>   | <b>Human Resources</b>  |
|-------------------------|--|--|---|
| <b>Formal Grievance</b> | <ul style="list-style-type: none"> <li>• Advise line manager/next level of management of complaint as soon as possible.</li> <li>• Submit the grievance in writing and be clear that it is a formal grievance.</li> <li>• Attend formal meeting with management to fully detail the complaint and how it has arisen.</li> <li>• Provide evidence to support grievance e.g. description of incident(s), date(s), time(s), witness(es).</li> <li>• Be clear on what the complaint is and how it has come about.</li> <li>• Provide evidence of attempts to resolve the problem prior to submitting a formal grievance.</li> <li>• Provide constructive suggestions for resolutions.</li> </ul> | <ul style="list-style-type: none"> <li>• Assess if the grievance needs to be dealt with by another manager/next level of management.</li> <li>• Discuss issue with HR.</li> <li>• Consider interim support mechanism for employee/other team members e.g. EAP, HR support, other managers.</li> <li>• Arrange to meet formally with employee as soon as possible, advising of the right to be accompanied.</li> <li>• Create a 'safe' and confidential environment to enable the employee to explain their complaint.</li> <li>• Be clear on the detail of the complaint.</li> <li>• Undertake an investigation or appoint an investigating officer (if required).</li> <li>• Hold any follow up meetings to complete the investigation process.</li> <li>• Notify employee of investigation outcomes and any next steps in a follow up formal meeting.</li> <li>• Consider solutions put forward by the employee.</li> <li>• Confirm whether the grievance is upheld, partly upheld or not upheld.</li> <li>• Provide employee with a written outcome</li> <li>• Consider root cause of issues raised and solutions e.g. an amendment to working practices or environment, improvement of working relationships, coaching, mentoring.</li> <li>• Monitor situation if grievance is resolved formally.</li> <li>• Ensure service delivery is not affected and take remedial action if necessary.</li> <li>• Monitor possible indicators of unsettled employee e.g. short term/intermittent sickness absence, work underperformance, withdrawal, change in normal behaviour, change in normal habits (arriving for work later, leaving early for example).</li> </ul> | <ul style="list-style-type: none"> <li>• Be available for employee who wishes to confidentially discuss a formal complaint.</li> <li>• Assess whether another HR team member should give advice as a formal stage case, if advice given to parties at informal stage already.</li> <li>• Consider whether any changes to HR practice, policies, procedures are necessary from the issue(s) raised by the employee.</li> </ul> |

This page is intentionally left blank

**MANAGING CHANGE APPOINTMENTS PROCEDURE**

|   |  |
|---|--|
| Policy Date   | November 2020<br><a href="#">Reviewed September 2023</a>   |
| Review Date<br><i>when under review, this policy should continue to be used</i>   | <del>November 2023</del> <a href="#">September 2026</a>  |
| This policy is not contractual.   |  |
| Author  | HR Dept  |
| Version<br>This policy may be amended prior to the review date to comply with any new, relevant legislation or organisational change that affects how this policy is used | <del>6</del> 7   |
| Related Policies  | Grievance Policy<br>Managing Change Policy<br>Redeployment and Redundancy Policy<br>Recruitment Policy |

**Contents**

1. Purpose ..... 4

2. Scope ..... 4

3. Appointment Principles ..... 4

4. Comparative Analysis ..... 5

    a) Assimilation (Slotting) ..... 6

    b) Ring fence ..... 6

    c) At Risk ..... 6

    d) Open Competition ..... 7

5. Comparative Analysis Process ..... 7

6. Additional Points ..... 8

    1. Purpose ..... 4

    2. Scope ..... 4

3. Appointment Principles..... 4

4. Comparative Analysis..... 5

    a) Assimilation (Slotting)..... 6

    b) Ring-fence ..... 6

    c) At Risk ..... 6

    d) Open Competition ..... 7

5. Comparative Analysis Process..... 7

6. Additional Points..... 8

7. Review of Procedure..... ~~Error! Bookmark not defined.~~



## 1. Purpose

- 1.1 ~~EHDC and HBC are~~ [Havant Borough Council is](#) committed to managing change in a fair and transparent way ensuring that there are clear procedures in place which can be applied where change has employee implications.
- 1.2 This procedure details the appointment principles which will be adopted during change and identifies the appropriate appointments process which will apply to employee's dependent on their individual situation.
- 1.3 Whilst going through a period of significant change, all vacancies should be filled on a temporary basis unless a business case is approved by the Executive Board to appoint on a permanent basis.
- 1.4 This procedure aims to ensure that the disruption which can be created by organisational change is kept to a minimum and staff can transition through change with the least amount of disruption and return to steady state as soon as practicable. Wherever possible redundancies will be kept to a minimum.
- 1.5 This procedure should be used in conjunction with [EHDC good managing change practices](#) and [HBC Managing Change Protocols; Redeployment and Redundancy Policy](#). ~~Copies of these can be located on the intranet.~~ [Other relevant policies.](#)

## 2. Scope

- 2.1 This procedure will apply to all employees except:
- Employees whose fixed term contracts are expiring where the reason for expiry is not redundancy
  - Staff who have less than 12 months continuous employment with ~~EHDC and/or~~ HBC.
  - External agency workers, contractors/consultants and persons engaged by the Council who are "self employed";
  - Casual employees or agency workers where there is no "mutuality of obligation" to provide/accept work by either party;

## 3. Appointment Principles

- 3.1 ~~EHDC and HBC are~~ [is](#) committed to minimising the disruption created by change and where possible, will identify where employees are able to be assimilated to posts in the new structure. This will be subject to a full comparative analysis process taking place.
- 3.2 A comparative analysis process will be used to identify the degree of difference between current and future jobs in each area affected by change. Comparative analysis works by comparing each job in an existing structure to jobs in the future structure to determine the degree of change and the appropriate appointments process to be adopted for each employee.
- 3.3 Assimilation will occur when comparative analysis identifies that an employee's job is 75% or more the same as a future job within the new structure. Assimilation to a job will mean

that an employee is not required to undergo a formal assessment process. However, where there are more people than posts available a competitive assimilation process will apply.

- 3.4 Roles which are newly created and to which employees have no claim i.e. roles which are significantly different from any existing positions affected by change will be recruited to using the [EHDC/HBC Recruitment Policy](#). Posts of this nature can be open to all employees including external applicants, where appropriate.
- 3.5 The appointments procedure will consider only substantive positions.
- 3.6 Redeployment procedures will apply for any employees (within scope) who become displaced as a result of managing change processes.
- 3.7 Where a job is attached to a specific location, every effort will be made to assist the employee to be able to take up the position. Each individual case will be looked at on its own merits and personal circumstances considered (e.g. travel arrangements and caring responsibilities). A change of location may be deemed to be a 'suitable alternative', however this will depend on individual circumstances and will need to be discussed as part of any consultation. Where an employee is not able to take up the job and alternative arrangements cannot be found, the employee will become displaced and redeployment procedures will apply.
- 3.8 Heads of service who need to change the location of a shared team need to include the costs of any resulting expense claims as part of the business case and show that the payback period for the review is less than three years taking into account redundancy, pension, accommodation and any other costs.
- 3.9 Any expenses incurred because of an increase in travel to work mileage between the two locations will be paid for 12 months to compensate for relocation from the existing contractual work location to a new one.
- 3.10 The outcome of comparative analysis will be shared with UNISON prior to formal individual consultation commencing to ensure that all employee implications are fully understood and to provide UNISON with the opportunity to put forward any proposals to mitigate the impact of change for [EHDC/HBC](#) to consider.

#### **4. Comparative Analysis**

- 4.1 Current and future structures will be compared using a comparative analysis process. This process may require current jobs on differing grades or roles to be considered together. Comparative analysis will focus on jobs and not on individuals to identify the most appropriate appointments process.
- 4.2 Comparative analysis will identify the degree of change between current and future structures and current and new jobs. Comparative analysis will measure the degree to which the key accountabilities, skills and competencies required to do the job alter.

- 4.3 Where the change to a job is identified as more than 25%, ~~EHDC and~~ HBC will deem this change to be significant. Where the change to a job is identified as less than 25%, ~~EHDC and~~ HBC will deem this to be normal development expected in a job.
- 4.4 Comparative analysis will identify the level of claim an employee has to a post(s) in the future structure and the most appropriate appointments procedure for filling the post. These are as follows:

**a) ~~a)~~ Assimilation (Slotting)**

Formatted: Font: Bold

Formatted: List Paragraph, Indent: Left: 0.74 cm, Line spacing: Multiple 1.08 li

- i. This will occur when comparative analysis identifies that an employee can claim that 75% or more of their substantive job appears in a new job\*.
- ii. In these circumstances, an employee would be assimilated to the role in the new structure without the need to go through an assessment process.
- iii. Where there are more people than posts available in the future structure who are eligible to be assimilated (i.e. their claim to a new job is 75% or more), then appointment to the new structure will be through an assessment process. This is known as competitive assimilation.

\*An employee cannot be slotted to a role which is at a higher grade than their substantive job unless comparative analysis shows a match of 75% or more. In these circumstances appointment to the role would be through a competitive assessment process.

**b) ~~b)~~ Ring-fence**

Formatted: Normal, Indent: Left: 0.11 cm

- i. This will occur when comparative analysis identifies that between 50% - 74% of an employee's substantive job is undertaken in a new job(s)\*.
- ii. In these circumstances, appointments to jobs would be subject to the employee undergoing a ring-fenced assessment.
- iii. An employee can be in a ring fence for two jobs. Employees are not able to claim assimilation to a post and a ring fence.

\*An employee cannot have a ring fenced claimed to a role at a higher grade than their substantive job. In these circumstances appointment to the role would be through a competitive assessment process.

**c) ~~c)~~ At Risk**

Formatted: Normal, Indent: Left: 0.11 cm

- i. This will occur when comparative analysis identifies that an employee has no claim to any job in the new structure on either an assimilation or ring-fenced basis.



- ii. Employees in this position will be deemed to be displaced and will be at risk of redundancy. Redeployment procedures will apply in these circumstances.
- iii. Any Head of service who feels that a request for voluntary redundancy should be considered should include this as a business case to be considered by the Executive Board. Factors such as loss of talent, skills and knowledge, impact on the existing team and wider workforce should be included as well as costs and the payback period.

#### **d) Open Competition**

Formatted: Normal, Indent: Left: 0.11 cm

- i. This will occur when comparative analysis identifies that a job in the future structure is significantly different from any existing jobs within the area of change and as such, there are no employees who can lay a claim to the job (i.e. 49% or less)
- ii. In these circumstances, appointments to these jobs will be through a competitive assessment process which will be open to all staff including external applicants (where applicable).

### **5. Comparative Analysis Process**

- 5.1 Comparative analysis will be conducted by management in conjunction with HR. In usual circumstances, this will be approached on a tier by tier basis. However, it may not necessarily follow that appointments will be made on a hierarchical basis as there may be an immediate need for some roles to be filled.
- 5.2 All current job information – task and competencies - (the 'as is' picture) will be reviewed by a panel\* and compared with the future scoped roles to identify the degree of change. This will be done by taking each new accountability in turn and comparing this with all current 'as is' evidence to establish the degree of match from current job to future job. This will include a review of the person specification of current and future role to assess competency match. (\*An example of a panel could be a manager for the area affected by change; [an Executive Head of Service](#) and an HR Representative.)
- 5.3 A professional judgement will then be applied to the number of matches or partial matches that have been identified through the process to establish the degree of similarity. A % match will be agreed by the panel.
- 5.4 The panel will then determine the appropriate appointment process option(s) for any post holders who occupy the jobs that have been compared through comparative analysis. The options will either be a slot, a ring fence or open competition. In certain circumstances, it may be identified that an employee has no claim and as such will be deemed to be 'at risk'.
- 5.5 Once comparative analysis has been completed, the outcome will initially be shared with UNISON in advance of communicating the outcome to staff to ensure that all employee implications are fully understood. Following this, the outcome will then be communicated to staff in line with consultation requirements and the agreed communications strategy.

**6. Additional Points**

- 6.1 The appropriate appointment procedures for employees will be determined by their substantive post. Only employees in a permanent position or who have been seconded or have acted up for more than 12 months and no longer have a substantive post to return to will be considered for comparative analysis.
- 6.2 If there is only one employee who can lay a claim to a ring fence, then there is the possibility that this employee could be assimilated to the role. However, this will be subject to discussion and agreement between the manager and the employee. A true assessment of the employee's ability to undertake the new role must have been completed. If the assessment identifies a significant gap which cannot be bridged through training and development within a three-month period, then employees will be required to undergo a ring fenced assessment process.
- 6.3 Employees who are on maternity leave or long term sick leave must be treated as if they are at work. Consultation should be held where possible to understand employee preferences. Employees in this situation should be invited to attend assessment, however, where an employee is unable to attend due to health or maternity related reasons, a discussion should be held with the employee and their representative (where applicable) and appointments to their post made on a temporary basis. Absences for longer than six months or where there is no clear date for return will be jointly reviewed with UNISON and a reasonable approach agreed.
- 6.4 An employee made redundant at or after the 15th week before the expected week of confinement will retain her entitlement to statutory maternity pay. Employees on Maternity leave, if prevented from returning to original role, due to redundancy or reorganisation, will be entitled to be offered any existing suitable alternative employment ahead of other employees. This means work that is suitable and appropriate and on terms and conditions that are not substantially less favourable.
- 6.5 Where redundancy will take effect during Additional Maternity Leave, the employee will retain her right to return to work on the notified date of return. The employee will be entitled to be offered any existing suitable alternative employment at this point. Where no suitable vacancy exists, the date of termination of employment will be the notified date of return unless mutual agreement is reached on an earlier date of termination. The relevant notice period will be on full pay (less any maternity payments).
- 6.6 Occupational Health advice will be sought, as necessary, regarding the need for, and practicality of, making any reasonable adjustments to a suitable alternative post in order to accommodate any health or disability related issues redeployed staff may have.
- 6.7 In certain situations, it may be deemed appropriate to advertise the ring-fenced vacancies where it has been identified that it is unlikely that all ring-fenced applicants will fill all the roles. Ring fencing principles will be applied throughout the short-listing process.

Formatted: Right: 0.24 cm

- 6.8 Each change programme will ensure that a record is kept of all decisions made and the rationale for the decisions.
- 6.9 Where grievances arise out of a restructure or change programme, the [EHDC/HBC joint Grievance Policy](#) will apply.

This page is intentionally left blank

**MANAGING SICKNESS ABSENCE POLICY**

|   |   |
|---|---|
| Policy Date   | November 2016 <a href="#">Updated</a><br><a href="#">Reviewed</a> July 2019<br><a href="#">Reviewed September</a><br><a href="#">2023</a> |
| Review Date<br><i>when under review, this policy should continue to be used</i>   | <a href="#">July 2022-September 2026</a>  |
| This policy is non-contractual. Payments are governed by the NJC Green Book conditions  |   |
| Author  | HR Dept   |
| Version<br>This policy may be amended prior to the review date to comply with any new, relevant legislation or organisational change that affects how this policy is used | <a href="#">34</a>  |
| Related Policies  | Probation Policy<br>Disciplinary Policy<br>Capability Policy<br>Occupational Health referral form   |

**Formatted:** Font: 14 pt, Bold

**Contents**

|   |    |
|---|----|
| 1 Purpose .....                                     | 3  |
| 2 Scope .....                                       | 3  |
| 3 Principles .....                                  | 3  |
| 4 Procedure .....                                   | 4  |
| 4.1 Definitions: .....                              | 4  |
| 4.2 Reporting absence .....                         | 4  |
| 4.3 General .....                                   | 5  |
| 4.4 Critical and life limiting illness .....        | 6  |
| 4.5 Monitoring and Informal Stage .....             | 7  |
| 5 SHORT TERM or INTERMITTENT SICKNESS ABSENCE ..... | 8  |
| 5.1 Formal Stage 1 – First Written Warning .....    | 8  |
| 5.2 Formal Stage 2 – Final Written Warning .....    | 8  |
| 5.3 Formal Stage 3 – Dismissal .....                | 9  |
| 6 Long term or intermittent sickness absence .....  | 9  |
| 6.1 General .....                                   | 9  |
| 6.2 Formal Stage 1 .....                            | 10 |
| 6.3 Formal Stage 2 .....                            | 11 |
| 6.4 Formal Stage 3 .....                            | 11 |
| 7 Right to be accompanied .....                     | 12 |
| 8 Right of Appeal .....                             | 12 |
| 1 Purpose .....                                     | 3  |
| 2 Scope .....                                       | 3  |
| 3 Principles .....                                  | 3  |
| 4 Procedure .....                                   | 4  |
| 4.1 Definitions: .....                              | 4  |
| 4.2 Reporting absence .....                         | 4  |
| 4.3 General .....                                   | 5  |
| 4.4 Critical and life limiting illness .....        | 6  |
| 4.5 Monitoring and Informal Stage .....             | 7  |
| 5 SHORT TERM or INTERMITTENT SICKNESS ABSENCE ..... | 8  |
| 5.1 Formal Stage 1 – First Written Warning .....    | 8  |
| 5.2 Formal Stage 2 – Final Written Warning .....    | 8  |
| 5.3 Formal Stage 3 - Dismissal .....                | 9  |
| 6 Long term or intermittent sickness absence .....  | 9  |
| 6.1 General .....                                   | 9  |
| 6.2 Formal Stage 1 .....                            | 10 |
| 6.3 Formal Stage 2 .....                            | 11 |
| 6.4 Formal Stage 3 .....                            | 11 |
| 7 Right to be accompanied .....                     | 12 |
| 8 Right of Appeal .....                             | 12 |

## 1 Purpose

- 1.1. The council is committed to maintaining a strongly motivated and effective workforce capable of achieving and maintaining a reliable and acceptable level of attendance.
- 1.2. This policy is non contractual and only deals with issues of frequent or excessive short term absence and long term absence through ill-health. Issues of frequent or excessive short term and long term absence through ill-health that arise during an employee's probationary period will be dealt with under the probation policy. The disciplinary policy addresses issues relating to employees' misconduct, which includes abuse of the sickness absence reporting procedures, unauthorised absence and refusal to explain an absence.
- 1.3. The council recognises that a high level of absence due to sickness should not be treated automatically as a disciplinary offence. The policy sets out a fair and reasonable way of managing capability due to sickness absence.
- 1.4. The policy has been developed in consultation with UNISON.

## 2 Scope

- 2.1. This policy applies to all employees, excluding those on probation, regardless of gender, gender reassignment, race, religion or belief, disability, sexual orientation, age, trade union membership or public interest disclosure status. It also applies to part time employees and employees on fixed term contracts and will have regard to the needs of particular groups.
- 2.2. This policy will be reviewed from time to time and may be amended to ensure it continues to meet legal and operating requirements.

## 3 Principles

- 3.1. It is the responsibility of all employees to ensure their regular attendance at work. The council recognises that some ill health is unavoidable, but where absence significantly impacts on an individual's ability to fulfil their role, it is legitimate and appropriate for this to be reviewed.
- 3.2. It is recognised that not every problem regarding sickness absence neatly fits into a category and therefore [a number of several](#) elements must always be considered:
  - The line manager must raise and deal with issues promptly and not unreasonably delay any meetings, decisions or written confirmation of those decisions.
  - The line manager will carry out any appropriate risk assessments needed and seek further relevant and up to date medical information relating to the sickness absence.
  - The line manager must inform the employee of the problem and give them an opportunity to improve before any decisions are made.
- 3.3. When dealing with capability, a distinction must be made between absence due to ill health or injury and other absence (e.g. unauthorised absence) where disciplinary action may need to be taken. HR advice must be sought if there is any doubt.

- 3.4. Individual managers are responsible for ensuring that the appropriate process is followed and will ensure that the employee is not treated unfairly, including by their colleagues.

#### 4 Procedure

##### 4.1 Definitions:

**Sickness absence** – any period of absence, attributed to ill-health or injury, lasting at least half a working day.

**Short Term Sickness Absence:** Where an employee has been absent continuously due to sickness for 20 working days or less.

**Long Term Sickness Absence:** Where an employee has been absent continuously for 21 working days or longer or it is known that they are likely to be absent for such a period due to illness or injury.

**Trigger point:** 10 working days and / or 5 separate occasions, or more, of sickness absence in a rolling period of twelve months and is the point at which management action is necessary for unsatisfactory attendance. Patterns of absence will also be a trigger point.

**Unsatisfactory attendance** – any pattern of absences, long term or short term or a combination of both, which exceeds the trigger point.

**Occupational Health Provider (OH)** – the externally appointed occupational health provider to whom the council refers for medical assessment.

**Underlying medical condition** – a medical condition with a range of symptoms that may lead to higher levels of sickness absence.

**Equality Act 2010** – The legislation aims to protect disabled people and prevent disability discrimination. It underpins employer awareness of disabled employees. The management of disabled individuals may mean the need to make 'reasonable adjustments' to the job.

**RTWI** – Return to Work Interview.

**Chronic Illness** – a health problem that requires ongoing management. A chronic illness has no known cure but is controlled through the use of medication and/or other therapies. A chronic illness may fall within the Equality Act.

**Acute Illness** – a health condition which has a sudden onset and is likely to be short term in nature. A person may also experience an acute episode of illness linked to a chronic illness.

##### 4.2 Reporting absence



- 4.2.1 If an employee is absent due to sickness or any other unplanned leave such as dependency leave or compassionate leave, they must telephone their line manager to report their absence. If their line manager is not available, they may inform a member of their team. It is not acceptable for employees to text or email to inform a manager of their absence or continued absence except in extenuating circumstances.
- 4.2.2 Upon an employee's return to work, their line manager will arrange to meet with the employee and hold a return to work conversation. [The employee will be expected to complete self-certification if absence has been less than eight days. If absence had exceeded eight days, the employee will be required to provide a doctors note.](#)
- 4.2.3 Absence which is unreported and/or unauthorised will be investigated and may result in the employee's pay being stopped.
- 4.2.4 Should employees become sick during annual leave they will be regarded as being on sick leave from the date on their doctor's certificate (fit note) and any annual leave from that date will be cancelled. Any costs associated with obtaining the fit note will be paid for by the employee. Annual leave will only be cancelled when the employee produces a valid fit note for the period of absence.
- 4.3 General**
- 4.3.1 The line manager is responsible for monitoring and handling sickness absence on a day to day basis ~~because they are in the best position~~ to address any problems ~~as early as possible~~ and ~~to give~~ provide appropriate support.
- 4.3.2 Exceptionally, if the employee feels that the nature of their illness or injury is such that they would prefer to discuss it with a manager of the same sex as themselves – and the immediate manager is of the opposite sex - their immediate manager will arrange for this preference to be met.
- 4.3.3 Genuine illness will be treated sympathetically. However where an employee does not take reasonable action to ensure their regular and reliable attendance at work, e.g. fails to seek or follow medical advice, this may be considered a disciplinary issue.
- 4.3.4 Absences relating to mental health (stress, depression, anxiety) or musculoskeletal must be referred to the council's Occupational Health Provider and managed appropriately. Line managers are specifically reminded that the referral to the medical adviser owing to these reasons is designed to give as much assistance and support as possible to the individual(s) concerned as early as possible.
- 4.3.5 An employee who is, in the opinion of the line manager, unwell or unfit for work on arrival, or who becomes unwell during their working day, will be sent home. Where possible, the manager will contact the next of kin and/or assist with transport.
- 4.3.6 Where an individual's sickness absence level has reached the trigger point, consideration is given as to what action needs to be taken, taking individual circumstances into account. For example, if an individual has reached the trigger due

to a long term or recurring ill health problem a different approach is necessary from that of an individual who has short term or intermittent absence.

- 4.3.7 The line manager must maintain regular contact with the employee from the beginning of any sickness absence. The line manager and the employee will agree the nature, frequency and location(s) of the contact arrangements, which may be at the employee's home. Home visits must be with the agreement of the employee and the line manager must be accompanied by another council employee.
- 4.3.8 Such meetings are to discuss progress, offer support and advice on what is going on in the workplace. The employee must be aware these meetings are part of the process of monitoring fitness to return to work within a reasonable time period.
- 4.3.9 During a phased return to work that has been advised from Occupational Health, employees will (subject to a limited number of exceptions) continue to be paid full salary for an agreed period of time regardless of the number of hours worked during that period. [Executive Heads of Service](#) may extend this period at their discretion with support and further guidance from Occupational Health.

#### 4.4 Critical and life limiting Illness

- 4.4.1 The council understands that a diagnosis of a critical or potentially life limiting illness is a highly stressful time for an employee, as well as impacting on colleagues and customers. Critical/potentially life limiting illness can cover a range of conditions, including heart attack or stroke, loss of limbs, or diseases like cancer, multiple sclerosis or Parkinson's disease. This is not an exhaustive list.
- 4.4.2 In order to support employees in this situation, the council has in place;
- an Employee Assistance Programme (EAP), which includes access to telephone and face to face counselling for free for the employee;
  - Access to the EAP for the employee's spouse/partner and dependents\*;
  - Occupational Health (OH) services to support employees and provide information for line managers/Heads of Service/Human Resources

\*Counselling is not available for spouses/partners through the EAP although access to all other information/advice provided by the EAP is available for free. Dependents are individuals between 16 and 24 years of age living in the same household as the employee and still in full time education.

- 4.4.3 The council recognises that some employees may want to keep their diagnosis to themselves, find information on their own and organise their own system to cope at work. However, if the council knows that an employee has a critical or potentially life limiting illness, we can help them by providing support.
- 4.4.4 The council understands the need for flexibility, as each employee's diagnosis and experience is different. The earlier the employee can tell their line manager about their diagnosis, the more time there will be to plan and support the employee at work. As the

situation becomes clearer, employees should ensure they keep their line manager up to date.

- 4.4.5 An OH referral should take place to obtain medical advice about the employee's diagnosis and recommendations for supporting the employee during necessary absence and treatment and as appropriate, how to support the employee in their return to work.
- 4.4.6 It is the responsibility of the manager to ensure that they keep up to date with the employee and their current health situation. This can take the form of regular one-to-one meetings, or telephone calls if the employee is not at work.
- 4.4.7 If an employee is absent for an extended period of time (4 weeks or more), the employee should be supported through the council's long term sickness procedure. Occupational Health advice will be sought to support as part of this process.

## 4.5 Monitoring and Informal Stage

- 4.5.1 An employee's absence will be monitored regularly by the line manager. If the line manager has concerns about an employee's level of sickness absence, they will bring these concerns to the employee's attention. The line manager will try, where possible, to resolve matters informally before using any formal process. It is best practice to keep a note of discussions which may be used if formal procedures are necessary. Return to work interviews (RTWI) are vital to managing absence.
- 4.5.2 Monitoring both periods of absence and the reasons for absences can help to identify any triggers for illness, links between absences and any other factors which lead to acute illness and absence. Consideration should be given to the existence of an underlying medical condition, which may be an undiagnosed chronic illness. Advice from the employee's GP and Occupational Health should be sought where a chronic illness is suspected.
- 4.5.3 Using the informal stage, the line manager will explain why there is a concern about their level of sickness absence and will discuss with the employee whether there are any underlying issues which are contributing to the level of absence and whether there is any support or adjustments which will help the employee in improving their level of attendance to the required standard. The manager may consider whether a referral to Occupational Health should be arranged. Having taken into account any underlying factors and all information available (including Occupational Health or other expert advice or recommendations) the line manager will advise the employee that there needs to be an improvement in their attendance and within a specified timescale. The employee may be warned that their attendance will continue to be monitored and unless there is an improvement, formal action will be taken.
- 4.5.4 The situation may change over a period of time and flexibility is applied according to circumstances. For example, where short term absence becomes long term absence and action has already commenced, the case may be transferred to the long term sickness procedure at the appropriate stage. It is not necessary to start again at the beginning of each stage. Likewise if a formal warning has been issued and a relapse

in attendance occurs (during the warning period) the procedures can be opened at an appropriate stage.

## 5 SHORT TERM or INTERMITTENT SICKNESS ABSENCE

### 5.1 Formal Stage 1 – First Written Warning

5.1.1 On reaching the trigger point or before a pattern of absence has occurred, the manager must consider the circumstances of the absence and make an informed decision to determine if it is necessary to move into the formal stage of the process. When the manager is already fully aware of, and has documented the circumstances of the employee's absence and is reasonably confident of a return to work, or a resolution that does not require formal intervention, a formal meeting need not be held. (For example where the employee has suffered an injury such as a broken limb or has been hospitalised and is expected to be fit to return to work after a suitable period for recovery) If the manager makes the decision to move into the formal stage, the employee must be invited in writing, to attend a formal meeting with their line manager

Formatted: Font color: Auto

#### 5.1.2 At the meeting:

- Absence records are available for reference.
- The line manager must be satisfied that the reporting procedures have been fully complied with by the employee.
- The employee's absence and impact on service delivery is discussed including any patterns or trends and the nature of sickness.
- Discuss how improvement can be achieved and maintained.
- The importance of regular attendance is emphasised.
- Any relevant medical reports are discussed.

Formatted: Font color: Auto

Formatted: Indent: Left: 0.02 cm, Hanging: 1.3 cm, Space After: 0.25 pt, Line spacing: Multiple 1.04 li

#### 5.1.3 The meeting has three possible outcomes:

- No further action - the sickness absence has been adequately explained and the reason for this decision is recorded and the matter closed.
- Issue a first written warning, set a monitoring period (maximum of three months) and agree an action plan for appropriate improvement.
- Agree alternative arrangements, where it is apparent that the employee is temporarily unable to achieve an acceptable level of attendance. This may include alternative tasks, reduced hours, compressed hours, job sharing etc, although there is no obligation to do so.

### 5.2 Formal Stage 2 – Final Written Warning

5.2.1 If, during or after the review period the employee's attendance has deteriorated or not improved to the level expected, the employee should be referred to the council's OH provider.

5.2.2 The employee is invited to attend a further meeting chaired by a manager of the equivalent level to the line manager or above with HR in attendance and follow the format shown in 5.1.2.

5.2.3 There are three possible outcomes:

- No further action – there is an adequate explanation and the attendance has improved.
- Agree appropriate alternative arrangements such as re-training, alteration to duties, working arrangements or physical conditions, the provision of appropriate aids and/or redeployment on medical grounds. If redeployment is appropriate, a period of time will be set for this. If no redeployment is achieved by the end of the period set then the case will move to Stage 3.
- Issue a final written warning, set a further monitoring period – (maximum of three months) and agree an action plan for appropriate improvement.

### 5.3 Formal Stage 3 - Dismissal

5.3.1 If, during or after the review period the employee's attendance has deteriorated and/or not improved as expected, the employee is again referred to Occupational Health.

5.3.2 The employee is invited to attend a further meeting chaired by ~~an Executive~~ Head of ~~of~~ Service with HR in attendance and follow the format shown in 5.1.2. The manager will also be present to recommend to the Head of Service to adopt one of the following options:

- Extend the final written warning and set a further monitoring period – usually ~~three to six~~ three to six months.
- Terminate the employee's employment with due notice on the grounds of capability due to ill health;
- Retire the employee on the grounds of ill health (refer to OH advice & LGPS conditions);
- Based on the circumstances terminate the employee's contract for some other substantial reason (i.e. inadequate attendance).

5.3.3 The power to dismiss any employee rests with the Chief Executive, ~~Service Director~~ Executive Head of ~~of~~ Service and any other ~~Officer~~ officer with ~~designated~~ delegated authority to dismiss under the council's constitution. The employee has a right of appeal against dismissal.

## 6 Long term or intermittent sickness absence

### 6.1 General

6.1.1 Sometimes short term absences may become a long term absence. Where the case is already being managed, the long term sickness absence procedure can be entered into at Stage 2 or 3 as appropriate. In addition, where there have been intermittent periods of long term absence, a manager may at any stage make an informed decision to issue

a written warning in line with section 5 of this document. An example of this circumstance could be where the absence has caused consistent disruption to the service delivery.

Formatted: Indent: Left: 0.02 cm, Hanging: 1.3 cm

## 6.2 Formal Stage 1

6.2.1 The employee must be referred to OH once it is apparent the sickness absence will be long term, in order to determine if there will be a return to work in the foreseeable future.

6.2.2 On receipt of the OH report, the employee is invited to attend a meeting with the line manager to discuss the matter. The meeting may be at the home of the employee. The manager should not attend a home visit alone.

6.2.3 The meeting is concerned with achieving a return to work as soon as possible as well as managing the health and welfare of the employee on their return to work and to address any reasonable adjustments. The OH report will determine whether there is an underlying medical condition and advise whether the Equality Act 2010 applies.

6.2.4 The meeting has three possible outcomes:

- Agree a return to work date, making appropriate reasonable adjustments as necessary, such as a phased return to work, light duties, alternative location, etc.
- Investigate redeployment on medical grounds, if applicable
- Remains unfit to return to work, set a review date (maximum of three months) and seek to obtain a further OH report to gain an up to date medical position.

### 6.3 Formal Stage 2

6.3.1 The medical position and progress of the employees return to fitness is reviewed at a meeting chaired by a manager of the equivalent level to the line manager or above with HR in attendance. The line manager will also attend to state the management case in terms of the business impact.

6.3.2. The meeting is focused on achieving a return to work as soon as possible, as well as managing the health and welfare of the employee on their return to work.

- The council will not normally consider terminating the employment of an employee who is absent from work due to genuine sickness or injury until their contractual sick pay entitlement has been exhausted. The position will be reviewed regularly and ultimately it may become necessary from a business perspective to consider termination of employment due to capability. At the review meetings, the manager will review the employee's absence record to assess whether or not it is sufficient to justify dismissal;
- consult the employee;
- obtain up-to-date medical advice;
- advise the employee in writing as soon as it is established that termination of employment has become a possibility;
- discuss the options and consider the employee's views on continuing employment.

### 6.4 Formal Stage 3

6.4.1 If the employee is unable to achieve a return to work in the foreseeable future (normally 6 months from start of long term sickness absence), the case is reviewed by ~~an~~ Executive Head of Service at a meeting with the employee, with HR in attendance.

6.4.2. The Head of Service will review all relevant and up to date information with the employee, including review if there are any other jobs that the employee could do prior to taking any decision on whether or not to dismiss.

6.4.3. If there is no likelihood of a return to work in the foreseeable future, the Executive Head of Service will make a decision from 2 options:

- Dismiss the employee on the grounds of capability. Capability is a potentially fair reason for dismissal because an employee whose long-term absence is due to sickness will not be capable of performing their job.
- Retire the employee on the grounds of ill health (with reference to OH advice and LGPS conditions).

6.4.4. The power to dismiss any employee rests with the Chief Executive, Service Director ~~or Executive Head of Service~~ and any other Officer/officer with ~~designated/delegated~~ authority to dismiss under the council's constitution. The employee has a right of appeal against dismissal (see section 8 below).

## 7 Right to be accompanied

7.1. At all stages in all the formal procedures the employee has the right to be accompanied and this must be stated to the employee in writing every time an invite to a meeting is sent. It is the employee's responsibility to arrange to be accompanied.

sent:

~~It is the employee's responsibility to arrange to be accompanied.~~ The companion may be:

- A work colleague.
- An official of a trade union, whether full-time or lay, who has been reasonably certified in writing by their trade union as having experience of, or having received training in, acting as a worker's companion.

7.2. Where the employee's chosen companion is unable to attend on the date initially set for a meeting they may request a postponement provided this is for no longer than five working days.

## 8 Right of Appeal

8.1. The employee has the right of appeal against any formal warnings, or dismissal decision. Any appeal must be made in writing to the Head of Organisational Development/Chief HR Officer within 10 working days of receipt of the notification of the decision.

8.2. The appeal must clearly state the grounds for the appeal. The grounds of appeal will be one or more of the following:

- That the decision was inappropriate in the circumstances
- That new evidence has come to light or that evidence which should have been taken into account was not taken into account.
- That the procedure was not followed correctly.

8.3. Appeal panels will comprise as follows:

- An appeal against a written warning/final written warning will be heard by a manager at the next most senior level above the manager who issued the written warning and who has had no previous contact with the case (where necessary this will be a manager from another service). A representative from HR will act as advisor.
- An appeal against a dismissal for posts at Executive Head of Service level and above will be heard by three members of the Joint HR Committee. The Head of Organisational Development/The Chief HR Officer will act as the HR representative.
- An appeal against a dismissal for posts below Executive Head of Service will be heard by one member of the Joint HR Committee, an Executive Head of Service/Service Director and a member of the Head of Organisational Development/HR team will act as the HR Representative also attend.

Formatted: Indent: Left: 1.25 cm, Hanging: 0.05 cm



- 8.4. The employee will be given a minimum of five working days' notice, in writing, of the Appeal Hearing. The employee will be told of their right to be accompanied by an accredited trade union representative or fellow employee. Any additional information should be exchanged at least three working days before the hearing. New evidence may be disallowed, or cause adjournment if presented on the day of the hearing.
- 8.5. The appeal hearing may result in the appeal being dismissed in which case the decision stands. The decision may be retrospectively cancelled or allowed in part by substituting a lesser decision which could have been imposed at the original hearing.
- 8.6. The decision of the Appeal Panel will, where possible be announced to both parties at the completion of the hearing. In any case, wherever possible, the decision will be confirmed in writing within five working days of the determination of the Appeal hearing. There is no further right of appeal.
- 8.7. Where the issued warning or dismissal is cancelled, the employee will be no less favourably treated than if the action had not been taken. All relevant documentation and supporting evidence from the original Hearing and the Appeal Hearing will be removed from the personal file and disregarded.

This page is intentionally left blank

**MATERNITY POLICY**

|   |  |
|---|--|
| Policy Date   | June 2017 <a href="#">Updated</a><br><a href="#">Reviewed</a> November<br>2019 <a href="#">and September</a><br><a href="#">2023</a>   |
| Review Date<br><i>when under review, this policy should<br/>continue to be used</i>   | <a href="#">November 2022-September 2026</a>   |
| This policy is non-contractual. Payments are governed by the NJC Green Book conditions  |  |
| Author  | HR <del>Dept</del>   |
| Version<br><br>This policy may be amended prior to the review date to comply with any new, relevant legislation or organisational change that affects how this policy is used | <del>3-4</del>   |
| Related Policies  | Flexible Working Policy<br>'Other' Leave Policy<br>Parental Leave Policy<br>Paternity Leave Policy<br>Shared Parental Leave Policy<br>Management of Change Policy<br>Redeployment Policy<br>Grievance Policy |

Formatted: Font: 12 pt

**Contents**

|   |   |
|---|---|
| 1. Purpose .....                                      | 3 |
| 2. Scope .....  | 3 |
| 3. Principles .....                                   | 3 |
| 4. Definitions .....                                  | 3 |
| 5. Notification of Maternity leave .....              | 4 |
| 6. Maternity pay .....                                | 5 |
| 7. Time off for ante natal care .....                 | 6 |
| 8. Maternity Support Leave .....                      | 6 |
| 9. During maternity leave .....                       | 7 |
| 10. Returning to work .....                           | 7 |
| 11. Health and Safety .....                           | 9 |
| 12. Terms and Conditions during maternity leave ..... | 9 |
| 1. Purpose .....                                      | 3 |
| 2. Scope .....  | 3 |
| 3. Principles .....                                   | 3 |
| 4. Definitions .....                                  | 3 |
| 5. Notification of Maternity leave .....              | 4 |
| 6. Maternity pay .....                                | 5 |
| 7. Time off for ante natal care .....                 | 6 |
| 8. Maternity Support Leave .....                      | 6 |
| 9. During maternity leave .....                       | 7 |
| 10. Returning to work .....                           | 7 |
| 11. Health and Safety .....                           | 9 |
| 12. Terms and Conditions during maternity leave ..... | 9 |

**1. Purpose**

- 1.1 This policy sets out how the council manages the rights and responsibilities of pregnant employees.
- 1.2 The policy offers benefits which equal and improve on statutory entitlements.
- 1.3 The policy has been developed in consultation with UNISON.

**2. Scope**

- 2.1 This policy applies to all eligible employees regardless of race, religion or belief, disability, sexual orientation, age, trade union membership or public interest disclosure status and includes eligible part time and fixed term employees.
- 2.2 Individual managers are responsible for ensuring that the policy is followed for their staff. The manager will make sure that the employee is not treated unfairly, including by other colleagues.
- 2.3 Please contact HR for assistance with the contents of this document.
- 2.4 This policy will be reviewed from time to time and may be amended to ensure it continues to meet legal and operating requirements.

**3. Principles**

- 3.1 The following principles apply in utilising this policy:
  - Pregnant employees should inform their manager of their pregnancy at the earliest opportunity to ensure that relevant risk assessments can be completed.
  - Council employees are entitled to 52 weeks maternity leave
  - Employees must take a minimum of two weeks compulsory maternity leave following the birth of their child.

**4. Definitions**

**Expected week of childbirth (EWC):**

Is the date of the beginning of the week on or immediately before your child is expected to be born, as calculated by your midwife/doctor and included on your MATB1 form. This is a key date and determines your maternity rights.

**Week of childbirth:**

The week in which your child is actually born.

**Statutory Maternity Pay (SMP):** Pregnant employees who meet qualifying conditions based on their length of service and average earnings and give the correct notice are entitled to receive up to 39 weeks' Statutory Maternity Pay.

Formatted: Font: Times New Roman, 12 pt

**Occupational Maternity Pay:**

The amount the council will pay to those who have one year's continuous service. The payment is in addition to entitlement to SMP.

**Ordinary Maternity Leave (OML):**

The first 26 weeks of maternity leave (regardless of length of service) during which the contract of employment continues, and during which the employee must continue to receive all their contractual benefits except (unless agreed otherwise) wages or salary.

**Additional Maternity Leave (AML):**

The next 26 weeks (regardless of length of service) during which the contract of employment continues. AML follows OML and there must be no gap between the two.

**Keeping in Touch Days:**

Optional days during the period of maternity leave to give employees the chance to go to work, to undertake training and keep in touch for up to 10 days without losing the right to maternity pay.

**Compulsory Maternity Leave:**

The minimum amount of maternity leave a woman must take. This is two weeks from the date of birth.

**5. Notification of Maternity leave**

- 5.1 To qualify for Maternity Leave a woman must be an employee (i.e., work under a contract of employment).
- 5.2 Before taking maternity leave, the employee must inform the council in writing no later than the end of the 15th week before the week the baby is due (or as soon as is reasonably practicable) that:
  - they are pregnant;
  - when the expected week of childbirth is;
  - when they want their maternity leave to start, by submitting the Maternity Certificate (MATB1 Form).
- 5.3 The employee's maternity leave can start no earlier than the beginning of the 11th week before the expected week of childbirth (although it could start automatically if the employee gives birth early).
- 5.4 The maternity leave start date may be changed as long as the employee gives 28 days' notice.
- 5.5 The employee must take a minimum of two weeks maternity leave as required by legislation.
- 5.6 If the employee is absent from work owing to a pregnancy-related reason after the beginning of the fourth week before the expected week of childbirth, but before the date they have notified, the maternity leave period begins

automatically on the day after the first day of absence. Pregnancy-related illness is excluded from any sickness absence monitoring.

- 5.7 Employees who suffer a still birth after 24 weeks are entitled to retain rights to Maternity/Paternity leave and pay if they qualify for it.

## 6. Maternity pay

- 6.1 All payments (including SMP) will be made to the employee's bank account at the end of the month, through Payroll. The employee will be notified by Payroll if they do not qualify for SMP.
- 6.2 SMP is treated as earnings and as such is subject to deductions such as income tax; national insurance and pension where they are due.
- 6.3 Employees with less than 26 weeks service at the 15th week before the EWC have no entitlement to SMP (but may be able to claim Maternity Allowance).
- 6.4 Employees with 26 weeks continuous service up to and including the 15th week before the EWC are entitled to:
- Statutory Maternity Pay (SMP) for 39 weeks (provided average weekly earnings for National Insurance Contributions, in the eight weeks before the 15th week before the EWC, are at least equal to the lower earnings limit).
  - 90% of average earnings (or the higher rate of SMP whichever is the greatest) for the first six weeks of Ordinary Maternity Leave
  - Lower rate SMP for the following 33 weeks.
  - All other contractual benefits, during Maternity Leave
- 6.5 Employees with one or more years continuous service at the 15th week before EWC are entitled to:
- Six weeks at 90% pay, plus
  - 12 weeks at half pay plus lower rate SMP
  - 21 weeks at the current SMP rate
  - All other contractual benefits, during Maternity Leave
- 6.6 For details on the current rate of SMP applicable, please refer to [www.gov.uk](http://www.gov.uk)

**Please note that enhanced council payments over and above SMP are made only where an employee intends to return to work at the end of their maternity leave period and remains in the council employment for at least three months. If the employee does not return or returns for less than three months, the council will require them to repay any pay received in excess of SMP.**

- 6.7 SMP is calculated on average earnings prior to the maternity leave. The calculation of average earnings will be adjusted if any increase in pay applies during the employee's maternity leave and will be applied upon the employee's return to work and will be backdated.

6.8 If the employee chooses to terminate their contract of employment and not return to work they will be entitled to SMP (or MA) for up to 39 weeks.

6.9 SMP will cease for employees who:

- ~~move~~ outside the ~~European Community~~UK (other than on holiday)
- are taken into legal custody
- work for another employer (this will apply to election duties).

During the Maternity Pay Period, if any of the above occurs, the employee must notify Payroll as soon as possible as entitlement to SMP may be affected.

6.10 Maternity Leave and pay entitlements will still apply when an employee has unfortunately suffered a miscarriage or stillbirth where this has occurred after the end of the 24th week of pregnancy.

6.11 If your baby is born prior to the intended start of your maternity leave, your maternity leave and pay will start the day following the birth of the baby.

## 7. Time off for ante natal care

7.1 Ante natal care may include relaxation and parentcraft classes, as well as medical examinations related to the pregnancy.

7.2 The council allows pregnant women regardless of length of service reasonable time off with pay for antenatal care. Except for the first appointment, the employee should show their manager the appointment card.

7.3 The council also allows a husband, civil partner or partner of a pregnant woman the right to unpaid time off to attend up to two ante natal appointments. Confirmation of appointments must be provided on each occasion.

## 8. Maternity Support Leave

8.1 Maternity support leave is available to employees who are the primary provider of support at or around the time of birth.

8.2 Maternity support leave consists of up to five days paid leave at or around the time of the birth.

8.3 In order to be able to plan workloads and cover etc, applications should be submitted to the employee's line manager at least two months before the expected date of birth. It is recognised that this could vary from the anticipated dates stated at the time of making the leave application.

8.4 The application should be made in writing to the employee's line manager.

8.5 If the employee does not provide a minimum of two months' notice and there are no exceptional mitigating circumstances, the employee's line manager can decline the

Formatted: Indent: Left: 0.02 cm



request. If there is any doubt in this context then a Head of Service or Service Director will act as the final arbiter.

- 8.6 Employees are required to provide a copy of the mother's MAT B1. Where the employee is a 'nominated carer', the expectant mother must provide a signed statement which confirms that they are the primary provider of support at or around the time of birth.
- 8.7 If the employee is also taking paternity leave and being paid Statutory Paternity Pay, the weeks' Maternity support leave will count as five of the 10 days Statutory Paternity Pay entitlement.

## **9. During maternity leave**

- 9.1 The manager is responsible for and must maintain contact with, the employee (and vice-versa) while they are on maternity leave, as long as the amount and type of contact is not unreasonable, to discuss a range of issues – e.g. to discuss plans for returning to work, or to inform of important developments at work. This must include any relevant promotion opportunities or job vacancies that arise during maternity leave.
- 9.2 Employees may, by agreement with the council, do up to ten days' work – known as Keeping in Touch (KIT) Days – under their contract of employment during the maternity leave period. These days are different to the reasonable contact described above because during Keeping in Touch Days employees can actually carry out work, for which they will be paid at the applicable hourly rate of pay (this must be agreed with the employee by the manager before any work commences).
- 9.3 Keeping in Touch Days may be used for any activity which would ordinarily be classed as work under the contract, for which the employee would be paid, such as attending a conference, undertake a training activity or attend a team meeting.
- 9.4 If an employee enters into any form of additional paid work whilst on maternity leave other than Kit days as mentioned above, then their maternity payments will cease.
- 9.5 It is the manager's responsibility to ensure payment of KIT days by advising Capita Payroll of the relevant dates.

## **10. Returning to work**

- 10.1 If the employee intends to return at the end of the full 52 weeks of maternity leave they do not need to provide any further notice.
- 10.2 The employee can change the dates of their return to work and must give the council at least 21 days notice in writing if this is before the end of the maternity leave. Where notice of less than 21 days is given, the council may postpone the return to ensure 21 days notice but not beyond the end of the maternity leave.
- 10.3 An employee returning from maternity leave has the right to request to return on a flexible basis, i.e. part-time, compressed hours etc. A request must be submitted in

writing at least eight weeks before the intended date of return to work. Please refer to the Flexible Working Policy for further information.

- 10.4 The employee has options to help them and their partner to balance caring for their child and work:
- Consider the use of Shared Parental Leave
  - The right to request flexible working
  - Rights to time off such as parental leave and time off to deal with a family emergency
  - Financial support from the government such as tax credits
- 10.5 The council also provides childcare vouchers for those members of staff who were already within the workplace scheme on or before 4 October 2018 – further information is available from HR. For other members of staff, information on tax-free childcare can be found on [www.gov.uk](http://www.gov.uk)
- 10.6 Where reduced hours are agreed the contract is varied at the end of the Ordinary or Additional Maternity Leave as appropriate. Pay and other benefits will be on a prorata basis.
- 10.7 Failure to return on the agreed date without adequate explanation may lead to disciplinary action being taken that may include dismissal.
- 10.8 An employee unable to return on their due date because of sickness must provide a doctors certificate.
- 10.9 If an employee is returning during or at the end of the first 26 weeks (Ordinary Maternity Leave) they are entitled to return to the same job on the same terms and conditions as if they had not been absent, unless a redundancy situation has arisen.
- 10.10 An employee who returns to work after Additional Maternity Leave is also normally entitled to return to the same job on the same terms and conditions as if they had not been absent, unless a redundancy situation has arisen. However, if there is a reason other than redundancy which means that it is not reasonably practicable for the employee to return to the same job, the employee is entitled to be offered suitable alternative work.
- 10.11 An employee who is made redundant during maternity leave has the right to be offered suitable alternative employment under a new contract (no less favourable terms) that begins on the day immediately following the day on which their previous contract came to an end.
- 10.12 The manager is responsible for carrying out a risk assessment following the return to work to identify risks to the employee after they have had their child.

Formatted: Indent: Left: -0.02 cm

10.13 If the employee decides not to return to work at the end of her maternity leave they are entitled to continue to receive her full amount of statutory maternity leave and pay. Notice to terminate a contract must be given in the normal way.

10.14 When an employee returns to work after Maternity Leave the entire period of leave counts as continuous service for the purposes of entitlement to other statutory employment rights.

## 11. Health and Safety

11.1 The employee should inform their manager of the fact that they are pregnant as early as possible so that a risk assessment can be carried out and ensure that they are not exposed to any unnecessary risks. Also the manager will know that the pregnant employee is entitled to paid time off for antenatal care, and that particular health and safety and sex discrimination rules apply. This will allow time for adjustments to the job to be made as appropriate.

~~11.2 If the employee chooses not to inform their manager then they should consider the risks themselves. When the employee informs the council of the fact make sure that they are pregnant the employee and their manager should refer to the Health and Safety Policy for their responsibilities.~~

~~11.3 The council is committed to ensuring the work with health, and safety and welfare of all employees which includes pregnant and breastfeeding employees as covered by the Management of Health and Safety at Work Regulations 1999. Details of this, along with a template to ensure pregnancy risk assessment can be found on the intranet under Health and Safety for new and expectant mothers assessments are completed.~~

Formatted: Indent: Left: 1.27 cm, First line: 0 cm, Space After: 0 pt, Line spacing: Multiple 1.08 li

## 12. Terms and Conditions during maternity leave

### 12.1 Annual leave

12.1.1 Annual leave will accrue during Ordinary and Additional Maternity Leave. However, paid annual leave cannot be taken whilst an employee is receiving Statutory Maternity Pay (SMP). When a bank holiday falls during ordinary and additional maternity leave you will be credited back your entitlement to take in addition to your annual leave. If you require clarification of how this affects you, please contact HR.

12.1.2 Any outstanding entitlement to annual leave up to the start of Maternity Leave may be taken before the start or at the end of Maternity Leave. Any annual leave taken in excess of current entitlement will be deducted from salary.

12.1.3 Where an employee's maternity leave straddles the holiday year, only five days holiday entitlement may be carried over from one year to another. However, any leave accrued may be taken before the employee returns to work.

12.1.4 On return from Maternity Leave annual leave will be calculated:

Formatted: Indent: Left: 1.27 cm

- for the period of Ordinary and Additional Maternity Leave, plus
- from the date of return, on a pro rata basis, for the remainder of the holiday year.

**12.2 Local Government Pension Scheme**

12.2.1 Where the employee is a member of the Pension Scheme, they will continue with full membership of the scheme and pay contributions based on actual gross pay received for the 39 weeks of Ordinary Maternity Leave.

12.2.2 If the employee takes Additional Maternity Leave they will continue with full membership of the scheme and pay contributions for this period based on actual gross pay received during this period.

12.2.3 If the employee remains on leave during the last 13 weeks of their AML, which is unpaid, the council does not continue the pension contributions during the unpaid leave. However the employee can elect to pay contributions for this period on the rate they were paying immediately before they went into unpaid maternity leave. For further information on this, please speak to HR-

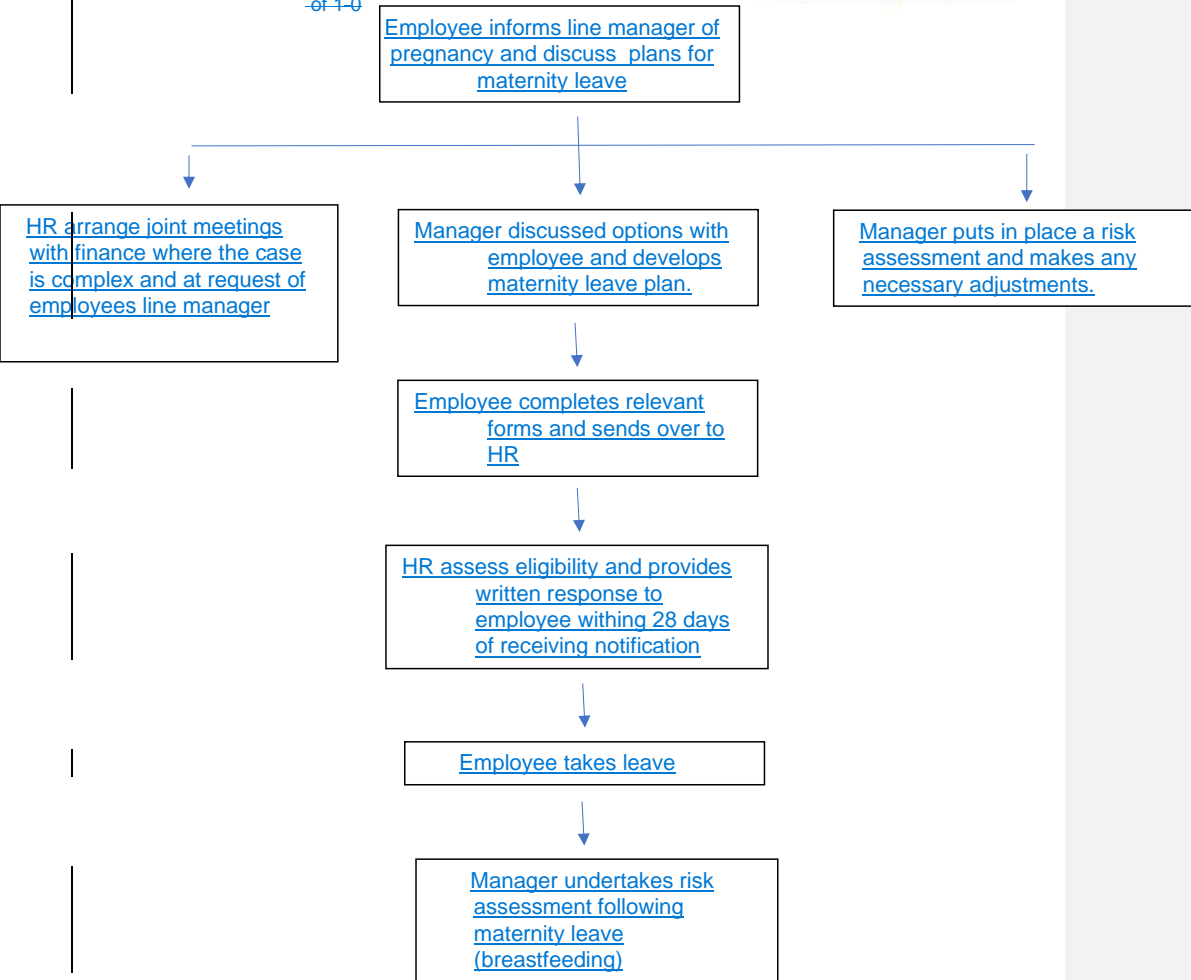


12.2.4 Where the employee takes additional unpaid leave (including parental leave), membership of the Pension Scheme will not count unless the employee has the right to return to work. If so, the employee can choose to make up pension contributions to cover the unpaid period. The employee must inform their manager within 30 days of the return to work date excluding any holiday (or within 30 days of leaving if they did not return to work) and the manager must notify Capita payroll. The cost of contribution is based on the actual rate of pay the employee would have received had they been working.

12.2.5 The council contributes to the pension scheme and will make contributions based on actual gross pay for the whole time the employee is receiving any SMP or occupational maternity pay from the council.

### **12.3 Other contractual benefits**

12.3.1 All contractual benefits are maintained during maternity leave. This means pregnant employees are entitled to receive all benefits as if they were at work.



This page is intentionally left blank



**OTHER LEAVE POLICY**

|  |   |
|--|---|
| Policy Date  | February 2016<br>Updated September 2016, February 2018,<br>August 2019 <del>and</del> , June 2020 <del>and September</del><br><u>2023</u> |
| Review Date<br><i>when under review, this policy should<br/>continue to be used</i>  | <del>August 2022</del> <u>September 2026</u>  |
| This policy is not contractual.  |   |
| Author   | HR Dept   |
| Version<br>This policy may be amended prior to<br>the review date to comply with any<br>new, relevant legislation or<br>organisational change that affects how<br>this procedure is used | <del>4</del> <u>5</u>   |
| Related Policies   | - <u>Flexible Working Policy</u>  |

Formatted: Top: 3.25 cm

Formatted: Indent: Left: 0 cm, Line spacing: single

Formatted: Font: 14 pt, Bold

**Contents**

|  |   |
|--|---|
| 1. Purpose .....   | 3 |
| 2. Scope .....   | 3 |
| 3. Principles .....  | 3 |
| 4. Time off for Dependents .....                             | 3 |
| 5. Compassionate leave .....                                 | 4 |
| 6. Special Leave - Time off for Public Duties.....           | 5 |
| 7. Marriage / Civil Partnership Leave .....                  | 5 |
| 8. Unpaid Leave.....   | 5 |
| 9. Trade Union Representatives (for trade union duties)..... | 6 |
| 10. Reserve & Cadet Forces.....                              | 6 |
| 11. Time off in Lieu (TOIL) .....                            | 6 |
| 12. Other.....   | 6 |

## 1. Purpose

- 1.1 This policy sets out the different types of leave for circumstances where employees may require additional leave. However, where appropriate the council will take into consideration the use of outstanding leave/flexitime entitlements when agreeing reasonable time off.

The policy covers:

- Time off for dependants
- Compassionate leave
- Special leave
- Marriage / Civil Partnership leave
- Unpaid leave
- Time off for Union Work
- Reserve & Cadet Forces
- Time off in lieu (TOIL)
- Other

## 2. Scope

- 2.1 This policy applies to all employees of the council, regardless of gender, gender reassignment, race, religion or belief, disability, sexual orientation, age, trade union membership or public interest disclosure status. The policy also applies to employees who are part time and those employed on fixed term contracts.

## 3. Principles

- 3.1 'Other' Leave requests will be considered fairly, promptly and with sensitivity and assessed against individual merit.
- 3.2 Every effort will be made to agree leave requests, subject to reasonable notice and operational need.

## 4. Time off for Dependents

- 4.1 Employees have a right to request a 'reasonable' period of **unpaid** time off to deal with an emergency involving a dependant.
- 4.2 There is no qualifying period of service to request time off to care for dependants. A 'dependant' for these purposes is:
- Spouse, partner, child, grandchild, parent, *or someone who depends on you for care.*
- 4.3 Emergencies are broadly defined as:

- When a dependant falls ill or has been involved in an accident or assault and who is either distressed or physically injured.
  - Where long-term care arrangements have to be made for a dependant who is ill or injured.
  - Where a dependant dies and there is a need to make funeral arrangements or to attend the funeral. (See also guidance for Compassionate leave)
  - Where a partner is having a baby.
- 
- Where care arrangements, e.g. involving a nurse or child-minder, break down.
  - Where a child is involved in an incident at school.
- 4.4 There is no set limit to the amount of time that can be taken off but it is expected to be 'reasonable' in the circumstances. In most cases this will be a day or two.
- 4.5 There isn't a legal definition for reasonable time off but the council will take into account the following:
- needs of line managers and co-workers
  - importance of health and safety at work
  - amount of time already taken
- 4.6 Requests for time off to care for dependants must be made direct to your line manager as soon as possible (normally by telephone), stating the reasons for it and how long you expect to be off. If your line manager is not available, then the request must be directed to their line manager. This situation is NOT sickness absence.
- 4.7 Responding to requests for time off for dependants must be (where possible) via a personal discussion to ascertain necessary detail to allow a decision to be made. In most cases line managers may grant a day or two off and explain this will be unpaid. [Capita](#)-HR and payroll must be informed of the discussion so that the appropriate deductions to pay can be taken.
- 4.8 Should longer periods be necessary, line managers may agree to extend the time off with paid annual leave, and/or flexi. In circumstances where annual leave has been used up, additional unpaid leave may be granted by [an Executive Head-of Service](#).
- 4.9 Line Managers may also suggest and agree for staff to use annual leave and/or flexi instead of unpaid leave in the first instance so that staff do not suffer financial loss. The discretion is the line managers.

## 5. Compassionate leave

5.1 Occasionally the need arises for employees to be granted Compassionate leave with pay. This may apply in circumstances such as:

- A bereavement (someone from a close relationship).
- A close relative suddenly taken ill or involved in a serious accident
- A severe personal problem.

5.2 Executive Heads-of-Service have discretion to grant up to ten days' leave with pay in any one year (i.e. 1st April to 31st March). Upon the death of a child, parents are automatically entitled to two weeks' paid leave. Consideration should be given to the impact of the event on the individual to gauge the amount of leave granted. The Service Directors/Executive Heads have discretion to extend such leave of absence for a total period not exceeding 28 days in any year as previously defined. In other circumstances staff should refer to the section on dependency. Absence should be reported through the correct reporting procedure.

## 6. Special Leave - Time off for Public Duties

6.1 Providing an employee first obtains the permission of the Executive Head-of-Service before accepting such a voluntary appointment, paid leave of absence may be granted up to a maximum of 18 days per annum, depending upon the extent of the public duties and the duties of the employee in each individual case.

Examples of public duties covered in this policy are:

- magistrate (also known as a justice of the peace)
- a school governor
- a member of any statutory tribunal (e.g. an employment tribunal)
- a member of a Regional or Area Health Authority
- a member of a Local Authority or Police Authority
- a member of the managing or governing body of an educational establishment
- a member of a Customer Liaison Panel (or equivalent) of a Statutory Undertaker
- time off for Jury Service

Time off for the following examples may be considered as unpaid leave at discretion of the Council.

- a member of the General Teaching Councils
- a member of the Environment Agency
- a member of the prison independent monitoring
- a local councillor

For more information and guidance on public duties please visit: <https://www.gov.uk/timeoff-work-public-duties>

## 7. Marriage / Civil Partnership Leave

7.1 On marriage or civil partnership, one extra week's leave with pay shall be granted to employees who have completed four years' service with the Council.

## 8. Unpaid Leave

8.1 ~~Executive~~ ~~Heads of Service~~ have discretion to grant up to ten days' leave without pay for good and sufficient reasons. The ~~Service Director~~ ~~Chief Executive~~ has discretion to grant up to three months' leave without pay in exceptional circumstances.

**9. Trade Union Representatives (for trade union duties)**

9.1 There is an agreement in place between the Council and Unison to allow reasonable time off for trade union representative duties. Please refer to the Unison Branch Secretary for details.

**10. Reserve & Cadet Forces**

10.1 Employees who are volunteers in the reserve & cadet forces and who attend summer camp are granted up to two weeks' additional paid leave of absence irrespective of normal leave entitlement.

**11. Time off in Lieu (TOIL)**

11.1 TOIL will only apply for hours which are worked outside of the flexi time bandwidths. TOIL rates will be:

- TOIL at plain time for evening working between 7pm – 10pm Monday to Friday.
- TOIL (x1.5) to be applicable for Saturday working (if not part of their normal working week) and those staff who work Monday – Friday between 10pm and 7am.
- TOIL (x2) to be applicable for Sunday & Bank Holiday working (if not part of their normal working week).

Where excessive use of TOIL is being used in a service area the Head of Service will review the use of TOIL and staffing levels.

**12. Other**

12.1 Paid time off will be given for employees who elect to give blood, and for election duties.

12.2 Leave is normally given to officers to attend interviews with other authorities, provided this is not excessive in the opinion of your line manager.

**(From intranet)**

Parental Leave Policy

|  |   |
|--|---|
| <u>Policy Date</u>   | <u>June 2017</u><br><u>Reviewed November 2019 and September 2023</u>  |
| <u>Review Date</u><br><i><u>when under review, this policy should continue to be used</u></i>  | <u>September 2026</u>   |
| <u>This policy is not contractual.</u>   |   |
| <u>Author</u>  | <u>HR</u>   |
| <u>Version</u><br><u>This policy may be amended prior to the review date to comply with any new, relevant legislation or organisational change that affects how this procedure is used</u> | <u>4</u>  |
| <u>Related Policies</u>  | <u>Flexible Working Policy</u><br><u>Maternity Policy</u><br><u>Adoption Leave Policy</u><br><u>Paternity Leave</u><br><u>Shared Parental Leave Policy</u><br><u>'Other' Leave Policy</u> |

Formatted: Top: 4.25 cm

Formatted: Footer

## Purpose

1.1 This policy sets out the eligibility for and how to request parental leave. It also sets out how the council will respond to such requests. The aim being to ensure all requests have sufficient information from which the council can ensure fairness in its responses.

1.2 The policy has been developed in consultation with UNISON.

## Scope

2.1 This policy applies to all employees who meet the eligibility criteria in 4.1 regardless of gender, gender reassignment, pregnancy, maternity and paternity, race, religion or belief, disability, sexual orientation, age, trade union or public interest disclosure status. The policy also applies to eligible part time and fixed term employees.

## Principles

3.1 The council is committed to providing a wide range of family friendly policies.

3.2 Where employees are considering requesting parental leave, they are encouraged to speak to their line manager at the earliest opportunity.

3.3 Managers should consider every request and where difficulties may arise as a result of a request, speak to their employee at the earliest opportunity to determine a compromise where possible.

## Eligibility

4.1 To qualify for parental leave, an employee must have at least one year's continuous service with the council and have responsibility for a child that they are the birth or adoptive parent of a child under 18 years of age.

## What is Parental Leave?

5.1 An employee who is the parent or adopter of a child under the age of eighteen has the right to take up to 18 weeks' **unpaid** parental leave in respect of that child. The leave must be taken before the child's 18th birthday.

5.2 The limit on how much parental leave parents can take in each year is four weeks. A 'week' equals the length of time an employee normally works over seven days. For example, if a parent works three days a week, a week of parental leave will consist of three days. The anniversary of each year will be a rolling year starting from the date of the first day of the first week of parental leave.

Formatted: Font: Arial, 12 pt, Font color: Auto

Formatted: None, Line spacing: Multiple 1.08 li, Pattern: Clear

Formatted: Footer



5.3 The time should be taken in blocks of a week or multiples of a week, and should not be taken as "odd" days off, unless agreed otherwise or the child is disabled.

5.4 Parental leave is different to Shared Parental Leave which has its own eligibility and pay arrangements. For further information, please see the [Shared Parental Leave Policy](#).

Formatted: Hyperlink, Font: Arial, 12 pt, No underline, Font color: Auto

Formatted: Font: Arial, 12 pt, Font color: Auto

### How to Make a Request

6.1 An application for Parental Leave must be made in writing to the line manager at least 21 days in advance of the first requested date off and must:

- be headed 'Parental Leave Request' and dated.
- specify the pattern of time off requested.

### Responding to Requests

7.1 Line managers must meet with the employee in person within five working days of receipt to discuss the request for parental leave.

7.2 To help with responding to requests, line managers may ask the employee to produce evidence of parenthood or parental responsibility. This could be in the form of, for example, a full birth certificate or adoption papers.

7.3 Agreements and details reached for parental leave must be confirmed in writing to the employee within five days of the meeting taking place and copied to [HR](#) to place on the employee's file. Line managers should also advise Payroll of the agreed dates.

Formatted: Hyperlink, Font: Arial, 12 pt, No underline, Font color: Auto

Formatted: Font: Arial, 12 pt, Font color: Auto

### Postponing Requests

8.1 Line managers may postpone a requested period of parental leave, for up to three months, if the employee's absence from work during that period would cause substantial disruption or harm. Line managers must note that the council has no legal right to postpone a period of parental leave that is intended to begin on the day on which the employee's child is born or placed for adoption.

8.2 Before postponing a requested period of parental leave, the line manager must first seek [HR](#) advice and discuss the situation with the employee, agree an alternative date for taking that leave, and write to the employee confirming the new arrangements. The letter must be sent within seven days of the date on which the employee's initial request for leave was submitted.

Formatted: Hyperlink, Font: Arial, 12 pt, No underline, Font color: Auto

Formatted: Font: Arial, 12 pt, Font color: Auto

### Return to Work After Parental Leave

9.1 An employee returning to work after a period of parental leave lasting four weeks or less is entitled to do so in the job in which they were employed before that period of leave began and on the same terms and conditions.

Formatted: Footer

9.2 An employee who takes parental leave for more than four weeks is likewise entitled to return to work in the job in which they were employed before that period of absence began or, if it is not reasonably practicable for the council to permit the employee to do so, in another job which is both suitable and appropriate.

9.3 A woman who takes four or fewer weeks' parental leave at the end of her additional maternity leave period is entitled to return to work in the job in which she was employed before her absence began. This is unless it would not have been reasonably practicable for her to return to that same job at the end of her additional maternity leave period and it is still not reasonably practicable for her to do so at the end of that period of parental leave.

**Terms and Conditions During Parental Leave**

10.1 Time taken as parental leave shall be treated as continuous service.

10.2 Employees who fall sick during a period of parental leave and who give the council the relevant notification in accordance with the [Managing Sickness Absence Policy](#) shall be entitled to pay under the sickness scheme and this period shall not count towards their parental leave entitlement.

Formatted: Hyperlink, Font: Arial, 12 pt, No underline, Font color: Auto

Formatted: Font: Arial, 12 pt, Font color: Auto

Formatted: Font: Arial, 12 pt

Formatted: Footer

**PATERNITY LEAVE POLICY**

|   |  |
|---|--|
| Policy Date   | June 2017<br><br><u>Updated</u><br><u>Reviewed</u> November 2019 <u>and September</u><br><u>2023</u>                                       |
| Procedure Review Date<br><br><i>when under review, this procedure should continue to be used</i>  | <u>November 2022-September 2026</u>  |
| This policy is non-contractual. Payment are governed by the NJC Green Book conditions   |  |
| Author  | HR Dept  |
| Version<br><br>This policy may be amended prior to the review date to comply with any new, relevant legislation or organisational change that affects how this policy is used | <u>34</u>  |
| Related Policy  | Adoption Policy<br>Flexible Working Policy<br>Maternity Policy<br>Shared-Parental Leave Policy<br>'Other' Leave Policy<br>Grievance Policy |

Formatted: Top: 3.25 cm

Formatted: Indent: Left: 0.1 cm, Right: 0 cm

Formatted: Indent: Left: 0 cm

Contents

1. PURPOSE ..... 3

2. SCOPE ..... 3

3. PRINCIPLES ..... 3

4. ELIGIBILITY FOR PATERNITY LEAVE AND PAY ..... 3

5. ENTITLEMENT ..... 4

6. CLAIMING PATERNITY LEAVE OR PAY ..... 5

7. CONTRACTUAL BENEFITS ..... 5

8. SHARED PARENTAL LEAVE (SPL) ..... 5

    1. Purpose ..... 3

    2. Scope ..... 3

    3. Principles ..... 3

    4. Eligibility for Paternity Leave and Pay ..... 3

    5. Entitlement ..... 4

    6. Claiming Paternity Leave or Pay ..... 5

    7. Contractual benefits ..... 5

    8. Shared Parental Leave (SPL) ..... 5

Formatted: Indent: Left: 0 cm

## 1. Purpose

- 1.1 This policy sets outlines how the council manages the rights and responsibilities of employees who are entitled to Paternity leave and Paternity Pay. Employees may be entitled to Paternity Leave and Pay if their partner is having a baby, adopting a child or having a baby through a surrogacy arrangement.
- 1.2 The policy offers benefits which equal and improve on statutory entitlements.
- 1.3 The policy has been developed in consultation with UNISON.

## 2. Scope

- 2.1 This policy applies to all eligible employees regardless of gender, gender reassignment, race, religion or belief, disability, sexual orientation, age, trade union membership or public interest disclosure status. It also applies to eligible part time and fixed term employees.

## 3. Principles

- 3.1 The following principles apply in utilising this policy:
  - Individual managers are responsible for ensuring that the policy is followed by their employees. The manager will make sure that the employee is not treated unfairly, including by other colleagues.
  - Employees wishing to take paternity leave should inform their line manager at the earliest opportunity.
  - Employees may be entitled to Paternity ~~leave~~Leave and pay if their partner is expecting a baby, adopting a child or having a child through a surrogacy arrangement.
  - Employees can take a maximum of two consecutive weeks paternity leave in the eight weeks following the birth or adoption of their child.
- 3.2 Please contact HR for assistance with the contents of this document.

## Guidance for line managers

### 4. Eligibility for Paternity Leave and Pay

- 4.1 Paternity leave is available to employees who meet the following eligibility:
  - They have or expect to have responsibility for the child's upbringing • They are the biological father of the child or the mother's husband or partner (including same sex relationships).
  - They have worked continuously for the council for 26 weeks ending with the 15th week before the baby is due, or the end of the week in which the child's adopter is

Formatted: Indent: Left: 0 cm

notified of being matched with the child (UK adoption), or the date the child enters the UK (overseas adoptions).

- They have average weekly earnings above the Lower Earnings Level that applies at the end of the Qualifying Week.
- They have or will give the council notice of the expected date of leave by the Qualifying Week. The length and start date can be changed as long as 28 days notice is given or if this is not possible as soon as it is reasonably practicable.

4.2 If you use a surrogate to have a baby, for you to be eligible for Paternity Pay and Leave, you must meet all statutory conditions:

Employees must:

- be in a couple
- be responsible for the child (with your partner)
- have worked for the council for at least 26 weeks by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week')
- meet other relevant statutory conditions as stated in section 4.1.

## 5. Entitlement

5.1 Eligible employees will be allowed up to two weeks' leave to be taken as follows:

- within the first eight weeks of the birth
- on the date of placement / arrives in the UK (adoptions) or
- an agreed number of days after the date of placement / after the child arrives in the UK (adoptions).
- the day the child's born or the day after if you're working that day (surrogate parents)

5.2 Leave must be taken as a single period of either one or two weeks. Employees will receive one week's full pay for the first week and the second week at the current rate of Statutory Paternity Pay. Please refer to [www.gov.uk](http://www.gov.uk) for information on the rates of Statutory Paternity Pay.

5.3 Employees should inform their manager if they intend to take two or one weeks leave which should be taken in whole weeks and not days.

5.4 Employees will need to take their paternity leave within 56 days of the actual date of birth of the child or the date of placement or the child's arrival in the UK. Paternity leave can't start until the birth of the baby/ placement of the child; employees may be able to take some annual leave beforehand.

5.5 If employees are also taking Maternity Support Leave this will be substituted for the first week of entitlement with the second week at Statutory Paternity Pay.

Formatted: Indent: Left: 0 cm

5.6 The council also allows a husband, civil partner or partner of a pregnant woman the right to unpaid time off to attend up to two ante natal appointments. Confirmation of appointments must be provided on each occasion.

## 6. Claiming Paternity Leave or Pay

6.1 To claim paternity leave and pay for births, you must complete form SC3 (available from gov.uk) and submit to your line manager at least 15 weeks before the baby is due.

6.2- For UK adoptions and surrogacy, you should use form SC4 (available from www.gov.uk) for:

- leave – submit no later than seven days of your co-adopter or partner being matched with a child
- pay – submit at least 28 days before you want your pay to start

6.3 For overseas adoptions, you should use form SC5 (available from www.gov.uk) for:

- leave – submit no later than 28 days of the date of official notification from the UK authority once you have reached 26 weeks continuous service.
- pay – submit at least 28 days before you want your pay to start

~~4.6.6~~ For employees who are adopting from the UK or overseas, to claim for paternity leave and pay, employees should also provide evidence of the adoption. This can be a letter from the adoption agency, matching certificate or Official Notification document. Employees should provide this information within 28 days before you plan to start Paternity leave.

~~5.6.6~~ Eligible employees will receive the first week at full pay and the second week at the statutory rate of paternity pay. Please refer to [www.gov.uk](http://www.gov.uk) for further information on Statutory Paternity Pay.

~~6.6.6.7~~ Statutory Paternity Pay is treated as earnings so PAYE deductions such as income tax; national insurance and pension will be deducted where they are due.

## 7. Contractual benefits

7.1 You are entitled to the benefit of your normal terms and conditions of employment, except for terms relating to wages or salary, throughout your paternity leave.

## 8. Shared Parental Leave (SPL)

8.1 Shared Parental Leave enables mothers/adopters to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner. Employees who take paternity leave can take Shared Parental Leave. Please refer to the Shared Parental Leave Policy for more information.

Formatted

Formatted

Formatted: List Paragraph, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 1.27

Formatted: Bullets and Numbering

Formatted: Indent: Left: 0 cm

This page is intentionally left blank



**PROBATION POLICY**

|  |  |
|--|--|
| <b>Policy Date</b>   | <p>November 2015<br/> <del>Updated:</del><br/> <a href="#">Reviewed</a> September 2016<br/> <del>Updated:</del> June 2017<br/> <del>Updated:</del> November 2019 <a href="#">and</a><br/> <a href="#">September 2023</a></p> |
| <p><b>Review Date</b></p> <p><i>When under review, this policy should continue to be used.</i></p>   | <p><del>November 2022</del> <a href="#">September 2026</a></p>   |
| <b>This policy is non-contractual</b>  |  |
| <p><b>Version</b></p> <p><i>This policy may be amended prior to the review date to comply with any new, relevant legislation or organisational change that affects how probationary periods are managed.</i></p> | <p><a href="#">45</a></p>  |
| <b>Related Policies</b>  | <p><b>Disciplinary Policy</b><br/> <b>Capability Policy</b><br/> <b>Managing Sickness Absence Policy</b></p>   |

Formatted: Top: 3.5 cm

Formatted: Font: Bold

**Contents**

|  |          |
|--|----------|
| <b>1. PURPOSE</b> .....                        | <b>3</b> |
| <b>2. SCOPE</b> .....                          | <b>3</b> |
| <b>3. PRINCIPLES</b> .....                     | <b>3</b> |
| <b>4. MANAGING A PROBATIONARY PERIOD</b> ..... | <b>4</b> |
| <b>5. RIGHT OF APPEAL</b> .....                | <b>6</b> |
| <b>6. FLOWCHART</b> .....                      | <b>8</b> |
| 1. Purpose .....                               | 3        |
| 2. Scope .....                                 | 3        |
| 3. Principles .....                            | 3        |
| 4. Managing a probationary period .....        | 4        |
| 5. Right of Appeal .....                       | 6        |
| 6. Flowchart .....                             | 8        |

**1. Purpose**

- 1.1 The council is committed to providing an effective probation period for employees who are new to the council or employees transferring into a new role within the council, either substantively or arising from a secondment arrangement.
- 1.2 The purpose of this policy is to enable line managers with the skills to be able to assess an employee's performance in their new role. [Probation ensures that new employees are capable and fit for the roll.](#)
- 1.3 The policy has been developed in consultation with UNISON.

**2. Scope**

- 2.1 This policy applies to;
- all new employees of the council regardless of previous Local Authority service
  - all employees transferring into a new substantive role within the council
  - all employees temporarily engaged on a secondment arrangement within the council, regardless of whether the employee is employed by the council or another organisation
  - individuals previously engaged through a third party to undertake work for the council and who have been subsequently engaged as an employee of the council
- 2.2 The policy applies to all employees regardless of gender, gender reassignment, race, religion or belief, disability, sexual orientation, age, trade union membership or public interest disclosure status. It also applies to eligible part time and fixed term employees.

**3. Principles**

- 3.1 The following principles apply in utilising this policy;
- Probation periods should be a two way process and therefore it is the responsibility of both the probationer and line manager to feedback on performance and any issues arising on a regular basis.
  - Management (meaning the relevant line manager, [Executive Head of Service, Service Director](#) or Chief Executive as appropriate) must deal with actions related to probation activity promptly and not unreasonably delay meetings, decisions, or confirmation of those decisions.

- All concerns arising from an employee's performance, conduct or attendance during their probationary period will be managed under this policy. The council's Capability and Disciplinary Policies will not apply during their probationary period unless the member of staff is an existing employee who has transferred to a new substantive role. In this situation, if an issue arises in the probationary period of the new substantive role, the line manager should refer to the relevant Capability or Disciplinary policy.
- Long term sickness absence during a probation period will be dealt with through the council's Managing Sickness Absence Policy.
- Employees leaving the council as a result of probation activity will be treated fairly and with respect.
- Full written records will be made of probation actions taken under this policy and these will be kept confidentially and in line with the HR Document Retention Schedule.
- The authority to dismiss an employee rests with the Chief Executive, [Service Director, Executive Head of Service](#) or any officer who has delegated authority under the council's constitution.

#### 4. Managing a probationary period

4.1 All employees will be subject to a probation period in a new role as follows;

- Permanent positions – six months
- Fixed term positions and secondments – equivalent to one quarter of the contract length or six months, whichever is the shortest timescale.

4.2 The line manager will meet with the employee at the start of their first day to outline a plan for monitoring performance during their probation period. This will include;

- Setting SMART (Specific, Measurable, Achievable, Realistic, Time-bound) targets for performance – using the appraisal process and setting targets proportionate to the remainder of the performance year.
- Agreeing dates of formal review meetings on a monthly basis with the employee during the probation period. There is no right for the employee to be accompanied by a representative to these meetings. Notes of the meeting will be taken and kept by the line manager.

4.3 Where managers have concerns about the employee's performance, conduct or attendance at any time during the probation period, HR should be contacted to discuss appropriate action.

4.4 Where performance, conduct and attendance are satisfactory during the probation period, the following steps will apply;

Step 1: The line manager will arrange a meeting with the employee to take place six months from the employee's start date (or at the planned end date of probation if the probation period is shorter than six months).

Step 2: The line manager will review the formal monthly meeting notes with the employee and confirm that all performance targets have been met and conduct and attendance have been satisfactory.

- Step 3 The line manager and the employee may agree any further development actions where the line manager does not feel performance to date has been unsatisfactory and warrants action under 4.7 (see below).
- Step 4 The line manager will notify payroll, and will also confirm this in writing to the employee at the end of the probation period
- 4.5 Other than agreeing targets until the annual appraisal process, no further action needs to be taken once the employee is confirmed in post. Normal performance management principles will apply once the probation period has ended.
- 4.6 HR will undertake a feedback exercise with the employee at the end of the probation period, to gather views on the quality and relevance of the induction process and probationary period activities. This will inform the council's practices in relation to induction and probation.
- 4.7 If, during an employee's probation, it is suspected or established that the employee does not have the qualifications, experience or knowledge that they have claimed to have at the point of recruitment, the matter should be discussed with the employee to establish the facts. If the evidence suggests that the employee misrepresented their abilities in any way, the council has the right to terminate employment through the probationary period. If the employee is an existing employee who has been transferred or promoted into a different role, the council's capability/disciplinary policy will apply.
- 4.8 Where there is evidence of unsatisfactory performance, conduct or attendance, which has not been rectified following feedback at formal review meetings, the following steps will apply;
- Step 1: The line manager will notify HR and the [Executive Head of Service](#) (or next level of management).
- Step 2: For existing employees who have transferred to a new substantive role, the line manager will follow the relevant capability or disciplinary policy depending on the issue(s) raised.
- Step 3: For new employees, the line manager will prepare a written report giving details of the following;
- [Pre-planned induction activity to support the employee in their new role](#)
  - [Dates of and agreed actions arising from formal review meetings during the probationary period](#)
  - [Details of the unsatisfactory performance, conduct or attendance](#)
  - [Details of support given to the employee to rectify this during the probation period](#)
  - [Any other relevant details](#)

Formatted: No bullets or numbering

Step 3: The employee will be invited in writing to a formal meeting with the relevant [Executive Head of Service](#) giving five working days' notice and be provided with a copy of the report with the letter at that time. The employee may be accompanied by either an accredited UNISON representative or a fellow colleague.

Step 4: The line manager will present the report to the [Executive Head of Service](#). A representative from Human Resources will be available to give advice. The [Executive Head of Service](#) will make a decision to either;

- Extend the probation period where there are exceptional circumstances for a maximum of three months – detailing the length and conditions applicable and any SMART objectives set
- Terminate the employee's contract of employment. If applicable, end the secondment arrangement and return the employee to their substantive post/organisation

Step 5: Where a probation period is extended and there is continuing evidence of unsatisfactory performance, attendance or conduct, the above steps will be repeated. The line manager will only be required to provide evidence of the relevant issues arising from the extended probationary period.

Step 6: Where there is evidence of unsatisfactory progress after an extended probation period, the employee will be dismissed from employment unless there are exceptional and extenuating circumstances.

4.9 An extension should only be agreed where there is evidence the employee is willing and able to make the necessary improvements.

4.10 In the event that the contract of employment is ended as a result of this policy, the employee has a right of appeal (see section 5 below).

## 5. Right of Appeal

5.1 The employee has the right of appeal against a decision of termination of employment through the probationary period. Any appeal must be made in writing to the [Head of Organisational Development/Chief HR Officer](#) within 10 days of receipt of written confirmation of the termination of employment.

5.2 The appeal must clearly state the grounds for the appeal. The grounds of appeal will be one or more of the following:

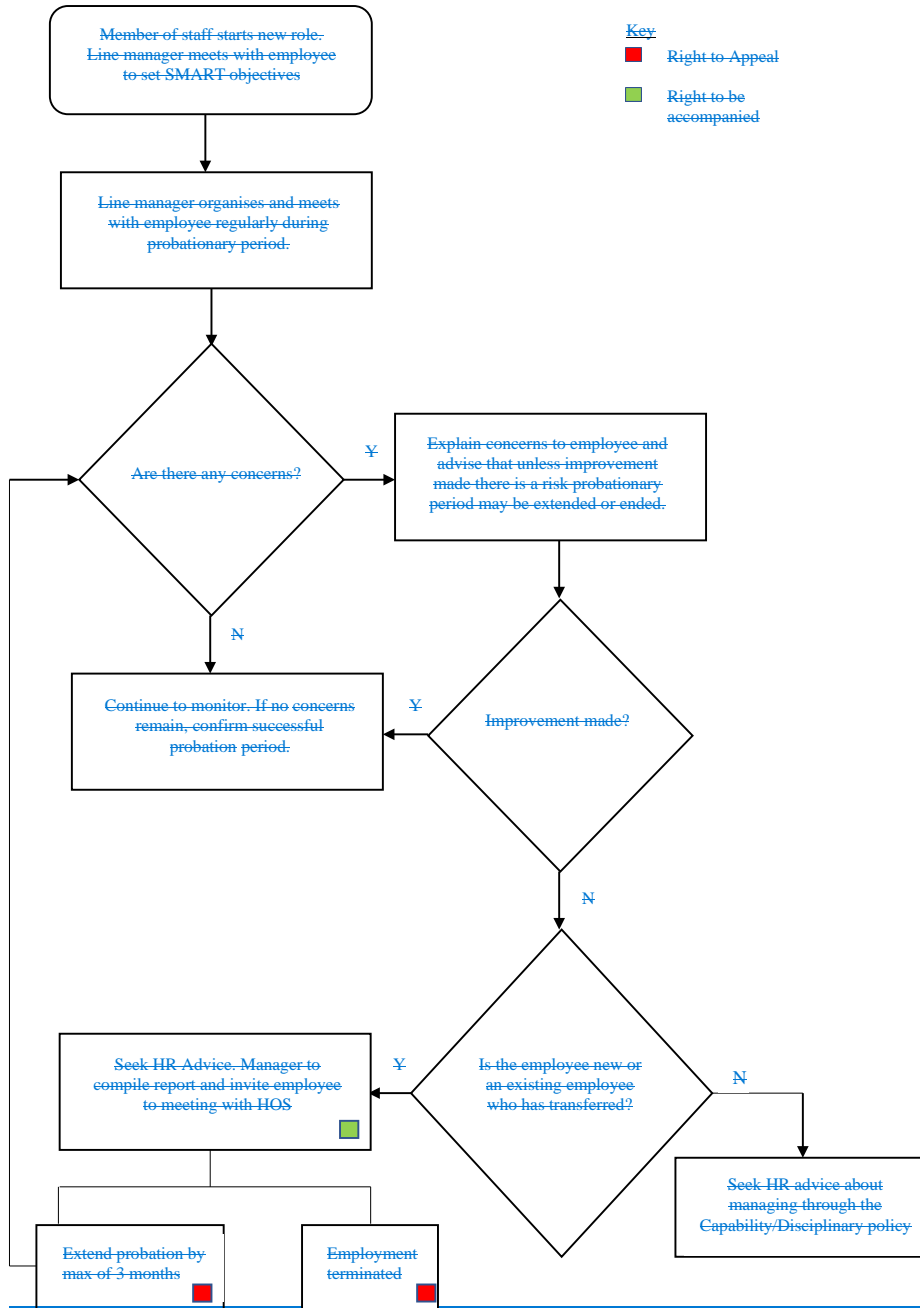
- That the decision was inappropriate in the circumstances.
- That there were circumstances which should have been taken into account, but were not.
- That the policy was not followed correctly.

- 5.3 An appeal against termination of employment will be heard by one member of the [Joint HR Committee](#), [an Executive Head of Service or Director](#) and the [Head of Organisational Development/Chief HR Officer](#) will act as the HR representative to the panel.
- 5.4 The employee will be given a minimum of five working days' notice, in writing, of the Appeal Committee Hearing. The employee will be told of their right to be accompanied by an accredited trade union representative or fellow employee.
- 5.5 The Appeal Committee has the authority to either uphold the decision to terminate employment or to extend the probationary period further by a maximum of three months.
- 5.6 The decision of the Appeals Committee will, where possible be announced to both parties at the completion of the hearing. In any case, wherever possible, the decision will be confirmed in writing within five working days of the determination of the Appeal hearing. There is no further right of appeal.

Formatted: Font: 12 pt

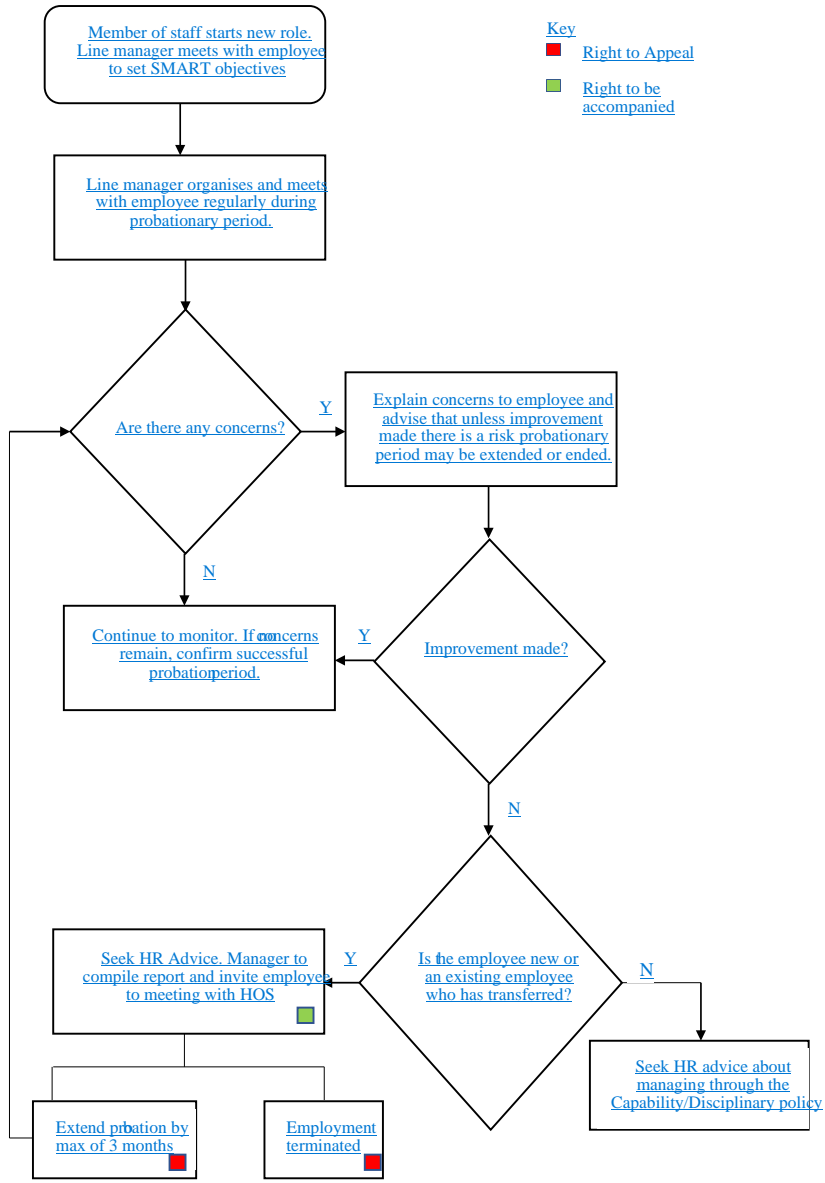
6. Flowchart





Key  
■ Right to Appeal  
■ Right to be accompanied

Formatted: Indent: Left: 0.04 cm



**REMUNERATION POLICY**

|   |   |
|---|---|
| <b>Policy Date</b>  | <b>March 2019</b><br><br><b>Updated November 2019 <u>and</u><br/><u>September 2023</u></b>        |
| <b>Review Date</b><br><br><i>When under review, this policy should continue to be used.</i>   | <del>November 2022</del> <u>September 2026</u>  |
| <b>This policy is non-contractual</b>   |   |
| <b>Version</b><br><br><i>This policy may be amended prior to the review date to comply with any new, relevant legislation or organisational change.</i> | <u>34</u>   |
| <b>Related policies</b>   | Annual Pay Policy Statements<br>Annual Leave Policy<br>Job Evaluation Procedure Flexi-time Policy |

Formatted: Font: Bold

**Contents**

|  |           |
|--|-----------|
| <b>1. PURPOSE</b> .....                                      | <b>4</b>  |
| <b>2. SCOPE</b> .....  | <b>4</b>  |
| <b>3. PRINCIPLES</b> .....                                   | <b>4</b>  |
| <b>4. DETERMINATION OF PAY</b> .....                         | <b>4</b>  |
| <b>5. PAY PROGRESSION</b> .....                              | <b>5</b>  |
| <b>6. PAY ARRANGEMENTS</b> .....                             | <b>5</b>  |
| <b>7. DEDUCTIONS FROM PAY</b> .....                          | <b>5</b>  |
| <b>8. CALCULATION OF PAY</b> .....                           | <b>6</b>  |
| <b>9. SALARY ON APPOINTMENT</b> .....                        | <b>6</b>  |
| <b>10. MARKET RATE SUPPLEMENT</b> .....                      | <b>6</b>  |
| <b>11. CAREER GRADES</b> .....                               | <b>7</b>  |
| <b>12. ACTING UP ALLOWANCE</b> .....                         | <b>7</b>  |
| <b>13. HONORARIA</b> .....                                   | <b>7</b>  |
| <b>14. LINK TO HOLIDAY ENTITLEMENT</b> .....                 | <b>8</b>  |
| <b>15. ADDITIONAL PAYMENTS</b> .....                         | <b>9</b>  |
| <b>16. VARIATION IN HOURS</b> .....                          | <b>9</b>  |
| <b>17. REDEPLOYMENT, PAY PROTECTION AND REDUNDANCY</b> ..... | <b>9</b>  |
| <b>18. ADDITIONAL HOURS/OVERTIME</b> .....                   | <b>10</b> |
| <b>19. REVIEWS OF SALARY</b> .....                           | <b>11</b> |
| <b>1. Purpose</b> .....                                      | <b>4</b>  |
| <b>2. Scope</b> .....  | <b>4</b>  |
| <b>3. Principles</b> .....                                   | <b>4</b>  |
| <b>4. Determination of Pay</b> .....                         | <b>4</b>  |
| <b>5. Pay Progression</b> .....                              | <b>5</b>  |
| <b>6. Pay Arrangements</b> .....                             | <b>5</b>  |
| <b>7. Deductions from Pay</b> .....                          | <b>5</b>  |
| <b>8. Calculation of Pay</b> .....                           | <b>6</b>  |
| <b>9. Salary on appointment</b> .....                        | <b>6</b>  |
| <b>10. Market rate supplement</b> .....                      | <b>6</b>  |
| <b>11. Career Grades</b> .....                               | <b>7</b>  |
| <b>12. Acting Up Allowance</b> .....                         | <b>7</b>  |

|   |                    |
|---|--------------------|
| <a href="#">13. Honoraria .....</a>                                   | <a href="#">7</a>  |
| <a href="#">14. Link to Holiday Entitlement.....</a>                  | <a href="#">8</a>  |
| <a href="#">15. Additional Payments .....</a>                         | <a href="#">9</a>  |
| <a href="#">16. Variation in Hours .....</a>                          | <a href="#">9</a>  |
| <a href="#">17. Redeployment, Pay Protection and Redundancy .....</a> | <a href="#">9</a>  |
| <a href="#">18. Additional Hours/Overtime.....</a>                    | <a href="#">10</a> |
| <a href="#">19. Reviews of Salary .....</a>                           | <a href="#">11</a> |

**1. Purpose**

- 1.1 This policy sets out the arrangements for salary, wages and related allowances paid to employees at Havant Borough Council (HBC) ~~and East Hampshire District Council (EHDC).~~ It sets out the basis for determination of salary, how salary levels are arrived at and the method of pay progression. It also provides clarity on the different types of payments that are in place and how/when an employee may receive these during the course of their employment.
- 1.2 The policy has been developed in consultation with UNISON.

**2. Scope**

- 2.1 This policy applies to all employees of the councils. As an equal opportunity employer, care is taken to ensure that salaries are applied equally regardless of race, colour, ethnic origin, nationality, religion, gender, gender reassignment, sexual orientation, disability, marital status, and age, parental or caring responsibilities.
- 2.2 Please contact Human Resources for assistance with the contents of this document.
- 2.3 This policy will be reviewed regularly and may be amended to ensure that it continues to meet legal, nationally/locally agreed or operational requirements.

**3. Principles**

- 3.1 Pay is principally based on a series of incremental scales. The placing of roles on the scales is determined through a job evaluation procedure at each council which ensures fairness and parity amongst jobs.
- 3.2 The council aims to ensure value for money whilst enabling the council to deliver high quality services to the residents of Havant Borough ~~and East Hampshire Districts.~~
- 3.3 The council will set pay rates that are competitive, but will determine pay at an appropriate level in accordance with relevant legislation, overall affordability, job evaluation and other relevant factors in recruiting and retaining its workforce.

**4. Determination of Pay**

- 4.1 ~~HBC~~—The council operates a nationally agreed pay structure in collaboration with the National Joint Council (NJC) for local government services at Havant Borough Council. New job roles are evaluated using the NJC Job Evaluation scheme. Any reevaluation of an existing role would also be conducted using this scheme.
- 4.2 ~~EHDC~~—Local pay and grading arrangements have been agreed at East Hampshire District Council. New job roles are evaluated using the Hay Job Evaluation scheme. Any re-evaluation of an existing role would also be conducted using this scheme.
- 4.3

4.2 There are a small number of employees whose pay is set at an individual level. This may be on a fixed point due to the unique nature of the role. There are also groups whose pay is set as an hourly rate and this is most often used for those required on an ad-hoc basis including those doing work to support elections.

## 5. Pay Progression

5.1 Pay progression is based on increments. Progression continues up to the maximum of the grade through the incremental salary points. Salaries normally increase from 1<sup>st</sup> April each year based on satisfactory performance.

5.2 New employees and employees promoted internally normally receive their first increment, if they have completed their probation successfully and, subject to satisfactory performance, six months after their start date. This is applied in line with the timescales below:

- For those who start after 1st October, the increment is not awarded in April but is delayed until six months after the start date and then annually in April thereafter.
- For those who start before 1st October, the increment is awarded six months after the start date and then again in the following April.

5.3 When a post is regraded between 1st April and 31st October, the increase to the next increment will take effect from the next April, subject to satisfactory performance. When a post is regraded between 1st November and 31st March, the increase to the next increment will take effect from the date 12 months following the regrade, subject to satisfactory performance. In the subsequent year, the increment will take place on 1st April, subject to satisfactory performance. There is no probationary period linked to a regrade and there is no incremental rise after six months associated with this.

5.4 Existing employees who are working under a secondment arrangement will be granted an incremental increase relevant to their substantive role, unless the employee has already reached the top of the salary scale for their substantive role.

## 6. Pay Arrangements

6.1 All employees are paid monthly into a bank or building society account nominated by the individual ~~as follows:~~

- ~~• EHDC employees are paid on the 24th day of each month.~~
- ~~• HBC employees are paid on the last working day of each month.~~

6.2 Where the above dates fall on a Saturday, Sunday or public holiday, salary will be paid on the preceding Friday.

## 7. Deductions from Pay

Formatted: Indent: Left: -0.01 cm, Hanging: 1.29 cm, No bullets or numbering

7.1 For the purposes of the Employment Rights Act 1996, the council will be entitled to deduct from salary any over payments, loans or advances made to an employee in the course of their employment.

7.2 No other deductions, with the exception of statutory deductions<sup>1</sup> may be made without the express authorisation of the employee.

## 8. Calculation of Pay

8.1 For annual salaried employees, a day's pay is calculated by dividing the annual salary by 260, the number of working days in the year.

8.2 The monthly salary is the annual salary divided by 12. In the month in which an employee joins or leaves the council, they will be paid for actual time worked.

8.3 For hourly paid employees, the hourly rate is determined by dividing the full-time salary by 52.143 (weeks) and 37 (hours).

## 9. Salary on appointment

9.1 Any new employee will normally be appointed to the bottom of the grade for their job. The [Executive Head of Service](#) has the discretion to appoint to the spinal point within that grade.

9.2 [Executive Heads of Service](#) and above will be appointed within the salary band for the role. This is normally at the entry point and an individual would move to the competent rate once they are judged to be meeting the full demands of the role.

## 10. Market rate supplement

10.1 Some jobs may attract a market rate supplement based on external pay and benchmark comparison data. Market rates are not definitive but are an indication of the going rate which is being paid for that type of work at that point in time.

10.2 A market rate supplement is only applied in exceptional circumstances and must be agreed by the relevant [Director Executive Head](#) in conjunction with the [Head of Organisational Development/Chief HR Officer](#). Relevant evidence must be provided to warrant the application of a market supplement.

10.3 Any agreed market rate supplement must be reviewed annually and is not deemed to be part of base pay.

10.4 Market rate supplements can be removed at any point if the data gained from the market determines that the market pay for the role has shifted. The relevant notice would be provided to the employee to remove this supplement.

---

<sup>1</sup> (e.g. income tax, national insurance, Child Support Agency payments, Council Tax orders and Court Orders)



**11. Career Grades**

- 11.1 Some jobs are designated as career graded posts. This means that the salary band for the role spans over multiple grades, usually 2-3 grades.
- 11.2 An employee who is appointed to a career graded post can progress through a number of grades (normally two or three) on the basis of professional development, experience and level of responsibility. The route for progression through these grades will be agreed between the line manager and the employee.

**12. Acting Up Allowance**

- 12.1 'Acting up' is where an individual agrees to cover some or all of the duties of a more senior post on an agreed temporary basis. When an employee agrees to act up in a higher position, they are entitled to receive additional salary based on the following formula:
- Lowest salary point for the higher post, less their existing salary, multiplied by the % of the higher-level job they are undertaking.
  - The percentage is determined by the [Executive Head of Service](#) in consultation with Human Resources based on the job description and the percentage of the job description which is being undertaken.

This payment will be incorporated into monthly salary. Example:

|   |   |         |
|---|---|---------|
| Lower salary point for higher level job/additional duties | = | £25,500 |
| Existing salary   | = | £22,000 |
| Percentage of higher level duties                         | = | 85%     |
| Therefore 'Acting Up' allowance would be                  |   |         |
| $£25,500 - £22,000 = £3,500 \times 85\%$                  | = | £2,975  |

This would be payable as £248 per month.

**13. Honoraria**

- 13.1 All employees are expected to perform any other duties commensurate with their job grade as reasonably required from time to time. However, there may be exceptional circumstances where an employee agrees to take on additional duties and responsibilities that may be at the same level as their substantive grade but are beyond the reasonable scope of their normal job remit. In such circumstances, it may be possible to justify an honorarium payment.
- 13.2 An honorarium payment should only be considered where there is a justifiable reason and the individual is not eligible for any additional hours or acting up payment or a payment under any other council policy.

13.3 An honorarium payment is a token payment to recognise the employee's ~~good will~~ goodwill in undertaking duties beyond the scope of their normal job remit and is not intended to be rewarded on a purely hours worked basis.

**14. Link to Holiday Entitlement**

14.1 For all staff appointed after 1 April 2017 the entitlement to annual leave is 25 days increasing to 30 days after 5 years' continuous local government service. The entitlement is irrespective of grade. Staff who were in service prior to this can elect to move to this scheme for annual leave with effect from the beginning of the annual leave year (ie the next April).

14.2 Annual leave entitlements for staff who were in service prior to April 2017 and who have not elected to move to the new annual leave arrangements are directly linked to the annual leave entitlement for the grade as shown and include 1 day incorporated Christmas extra day:

| HBC Grades        | Basic   | With five years' local government service |
|-------------------|---------|---|
| Grade A to C      | 24 days | 29 days                                   |
| Grade D to E      | 25 days | 29 days                                   |
| Grade F to G      | 27 days | 30 days                                   |
| Grade H to K      | 28 days | 31 days                                   |
| Heads of Service* | 32 days | 35 days                                   |
| Directors         | 34 days | 37 days                                   |

**EHDC Grades**

leave shown in days

| Grades | Basic | 5-years + | 10 years + | 20 years + | 30 years + |
|--------|-------|-----------|------------|------------|------------|
| 1-2    | 24    | 29        | 30         | 31         | 32         |
| 3      | 25    | 30        | 31         | 32         | 33         |
| 4      | 26    | 31        | 32         | 33         | 34         |

|     |    |    |   |    |   |
|-----|----|----|---|----|---|
| 5-6 | 27 | 32 | 3 | 34 | 3 |
| 7+  | 29 | 34 | 3 | 36 | 3 |

*\*(now Executive Heads)*

|                  |         |         |
|------------------|---------|---------|
| Heads of Service | 31 days | 34 days |
| Directors        | 33 days | 36 days |

Part time employees are entitled to leave/public holidays pro-rata to their contracted hours.

**Formatted:** Font: Arial

**Formatted:** Indent: Left: -0.01 cm, Space After: 0.25 pt, Line spacing: Multiple 1.04 li, Tab stops: 2.07 cm, Centered + 3.83 cm, Centered + 5.1 cm, Centered + 7.05 cm, Centered + 8.91 cm, Centered + 10.18 cm, Centered + 12.13 cm, Centered

**15. Additional Payments**

15.1 An additional payment will be paid to all employees who are qualified and approved First Aiders. This payment is in recognition of the qualification and is paid regardless of hours worked. Payments are as follows:

- Three Day First Aiders will be paid £100 per annum
- One Day First Aiders will be paid £50 per annum
- People Movers will be paid £50 per annum
- Fire Marshalls will be paid £50 per annum

15.2 In addition, additional payments of £175 are made to Out of Hours Co-ordinators for each week worked with an additional payment of £35 made for each Bank Holiday worked.

15.3 For information on overtime/additional hours payments, please refer to section 18.

**16. Variation in Hours**

16.1 Where an employee changes their hours of work in agreement with their manager, this is known as a variation. Their salary and leave entitlement will be adjusted accordingly.

**17. Redeployment, Pay Protection and Redundancy**

17.1 The councils have agreed that where the grade in the previous role is one above the post to which the employee could be redeployed, the former salary will be protected on a "marked time" basis for two years or until any pay awards, pay increments or grade restructuring takes the basic salary of the redeployed basic salary above that of the original redundant post. Any benefits such as annual leave which are associated with that grade are also protected for the same period.

~~This will be effective for staff employed at East Hampshire District Council from 1 November 2016.~~

Staff at Havant Borough Council who were employed prior to 1 April 2017 will have a protected entitlement for four years (until 31 March 2021) of three years' protected pay only.

- 17.2 Pay protection will not normally apply in cases where redeployment is due to medical or capability reasons. In these circumstances, an employee will transfer to the terms and conditions associated with the role at the point at which their notice period would have ended.
- 17.3 From 1st November 2016, using the statutory redundancy payment scheme, the council will enhance payment by applying a multiplier of 1.5 to actual basic pay in calculating the compensation payment of any member of staff dismissed due to redundancy. This is inclusive of any contractual allowances but not inclusive of any non-contractual ones which are defined as temporary (for example acting-up allowances, honoraria, fair pay payments etc.). Calculations of payments for pension purposes in these circumstances are defined by the LGPS rules.

~~This will be effective for staff employed at East Hampshire District Council from 1 November 2016.~~

Staff at Havant Borough Council who were employed prior to 1 April 2017 will have a protected entitlement for seven years (until 31 March 2024) of a redundancy multiplier of x2.

## 18. Additional Hours/Overtime

- 18.1 The councils do not normally pay overtime. Additional hours worked over and above the contractual hours, agreed in advance with the manager, are normally compensated through flexi-time.
- 18.2 Where there is a likelihood of regular and planned overtime for particular jobs, this must be agreed in advance by the [Executive Head of Service](#). Exceptional overtime must also be agreed in advance by the [Executive Head of Service](#).
- 18.3 Rates are as follows:
- Saturdays are paid at time and a half.
  - Sundays are paid at double time.
  - Bank holidays are paid at double rate for any hours worked during normal working hours. Time worked outside of normal working hours is paid at double time. In addition a half day TOIL is given for up to four hours work and a whole days TOIL is given for over four hours work.
  - Part-time employees are paid at basic rate for all hours worked up to 37 hours per week after which overtime rates would apply.

- Attendances at evening meetings are incorporated into flexi-time hours. Overtime does not apply except where meetings extend before 7am and after 7pm.
- Employees who have a contractual working pattern which includes weekends and public holidays will not receive overtime. Time off in lieu is given at a double time rate for hours worked on a public holiday.

**19. Reviews of Salary**

19.1 An annual pay review is undertaken in collaboration with the NJC and Trades Unions nationally. Any increase is payable from 1st April each year unless otherwise advised. ~~This applies for staff who are HBC employed.~~

~~19.2 For EHDC staff, an annual pay review is undertaken in collaboration with the locally recognised trade union. Any increase is payable from 1<sup>st</sup> April each year unless otherwise advised.~~

This page is intentionally left blank

## SABBATICAL LEAVE POLICY

### 1. POLICY

- 1.1 Permanent employees with five or more years' service at the council will be eligible to apply for unpaid sabbatical leave to undertake, for example, research, further education, travel or volunteering on a temporary basis.
  - 1.2 Both full-time and part-time employees with the relevant service are potentially eligible. The purpose of sabbatical leave will normally be linked to personal development outside the usual confines of the job, allowing the employee to return to work with new ideas and enhanced skills.
- Unless exceptional circumstances apply, sabbatical leave will only be granted once during ~~the course of~~ an employee's employment.
- 1.3 In exceptional circumstances the individual may be granted the right to remain in paid or part-paid employment. This would ordinarily be where the employee would undergo specialist training/further education or seek work experience which enhances their skills/knowledge base
  - 1.4 Agreement to paid or part-paid employment would be the decision of the remuneration panel. This panel consists of the Head of Paid Service, Section 151 Officer and the ~~Head of Organisational Development~~ Chief HR Officer. The remuneration panel's decision will be final.
  - 1.5 Any employee who is granted paid or part-paid employment during their sabbatical would be required to pay back to the Council a proportion of the payment made should they leave the Council within 3 years of returning from their sabbatical. 100% of payment in year one, 75% of payment in year two and 50% of payment in year three. This payment would be waived if an employee were to be made compulsory redundant during this period.

### 2. PROCEDURE

- 2.1 Any eligible employee wishing to make an application for sabbatical leave should do so in writing to their ~~Executive~~ Head of Service/Director, stating the proposed objectives and duration of the sabbatical and the perceived benefits for the council and the employee.

SABBATICAL LEAVE POLICY  
Dated: ~~December 2018~~  
Next review: ~~November 2024~~

Formatted: Top: 4.78 cm

Formatted: Font: Bold

Formatted: Indent: Left: 0 cm, Space After: 1.2 pt, Line spacing: Multiple 1.08 li, Border: Top: (No border), Bottom: (No border), Left: (No border), Right: (No border)

Formatted: Centered, Space After: 1.2 pt, Line spacing: Multiple 1.08 li

Formatted: Indent: Hanging: 0.33 cm

Formatted: Left, Indent: Left: 12.03 cm, First line: 0.03 cm, Right: 0 cm, Line spacing: Multiple 1.05 li

- 2.2 The council will consider any such request against business need and sabbatical leave, where granted, will be entirely at the council's discretion and with such qualifications and conditions as the council sees fit. There is no statutory right for an employee to be granted sabbatical leave and requests will usually only be granted when they are at no additional cost to the council.
- 2.3 Sabbatical leave will be granted for a minimum of one month and a maximum of one year. This period could be extended by agreement. Employees may request to use some of their annual leave towards their sabbatical leave which will be paid, but the remainder of the period will be unpaid.
- 2.4 Employees who wish to take a prolonged period of absence from work to care for a child have an entitlement to unpaid leave in accordance with the Council's 'Parental Leave' Policy.
- 2.5 Employees who wish to take a prolonged period of absence from work to care for a dependent relative have an entitlement to request unpaid leave in accordance with the Council's 'Other Leave' Policy.

### 3. IMPACT ON TERMS AND CONDITIONS OF EMPLOYMENT

3.1 If an employee is a member of the Local Government Pension Scheme, for any period of unpaid leave, the rules of the Scheme will apply. Currently he or she will be invited to pay contributions based on the pay they were receiving immediately before the unpaid period started, as follows:

- For the first 30 days of any period of unpaid leave, the employee and the employer must pay the contributions which would have been paid if not for the leave of absence.

- For periods in excess of 30 days (up to a maximum of three years) the employee can choose whether ~~or not~~ to pay pension contributions. If they choose to pay, both the employee and employer must pay the contributions which would have been paid if not for the leave of absence. ~~•~~

- Regardless of the employee's choice any additional contributions (e.g. for the purchase of extra pension) must continue to be paid in full.

3.2 This will enable the unpaid period to count in full for pension purposes. Employees have up to 30 days after they return to work to decide whether they

Formatted: Indent: Left: 1.25 cm, Hanging: 0.98 cm

Formatted: Indent: Left: 1.25 cm, No bullets or numbering

Formatted: Left, Indent: Left: 12.03 cm, First line: 0.03 cm, Right: 0 cm, Line spacing: Multiple 1.05 li

SABBATICAL LEAVE POLICY  
Dated: ~~December 2018~~  
Next review: ~~November 2024~~



wish to make up these contributions. Figures can be provided to the employee by the Payroll Team on the amount due before a decision is made.

- 3.3 Any accrued but unused annual leave entitlement for the current leave year must be taken prior to the start of the employee's sabbatical leave. Annual leave will not accrue during any period of unpaid leave and the employee will therefore receive a pro rata leave entitlement, based on complete months worked, for the leave year(s) that the unpaid sabbatical period falls within.
- 3.4 If an employee is due to receive an increment during their period of sabbatical leave, this will be payable on their return to work provided that performance before commencing sabbatical leave has been satisfactory.
- 3.5 During the period of the employee's sabbatical leave, the employee remains an employee of the council on the normal terms and conditions of employment save as amended below.
- 3.6 The following benefits will cease to apply during the unpaid sabbatical period but will resume when the employee returns to work:

#### 3.6.1 Car Loans

~~Employees with a car loan must contact the Capita HR & Payroll Team before commencing a period of sabbatical leave to agree a revised car loan repayment schedule.~~

#### 3.6.23.6.1 Child Care Vouchers:

Entitlement to Child Care Vouchers will cease during unpaid sabbatical leave. The employee will be eligible to re-join the scheme when they return to work on the conditions that are in place at that time.

#### 3.6.33.6.2 Other Allowances:

If the employee is in receipt of a payment for first aider, fire marshal, emergency planning duties or standby, these will cease to be paid during unpaid sabbatical leave. Where applicable, the allowances will be paid on a pro rata basis for complete months worked when the employee returns to work.

#### 3.6.43.6.3 Deductions from salary:

During unpaid sabbatical leave, employees will need to make alternative arrangements for any deductions which are usually made from their salary, e.g. for Council Tax, UNISON subscriptions, car loan, etc.

SABBATICAL LEAVE POLICY  
Dated: ~~December 2018~~  
Next review: ~~November 2024~~

Formatted: Space After: 0.4 pt

Formatted: Left, Indent: Left: 12.03 cm, First line: 0.03 cm, Right: 0 cm, Line spacing: Multiple 1.05 li

## 4. CONTINUOUS EMPLOYMENT

- 4.1 The employee continues to be employed during their sabbatical leave period, which counts towards their period of continuous employment for the purposes of entitlement to other statutory employment rights (e.g. the right to a redundancy compensation payment).

## 5. RIGHT TO RETURN TO WORK

- 5.1 The employee has the right to return to the same job in which he or she was employed under their original contract of employment and on terms and conditions not less favourable than those which would have been applicable had they not been absent where possible.
- 5.2 However, there can be exceptions to this, as follows. Where it is not practicable by reason of redundancy for the authority to permit the employee to return to work in their original job, the employee shall be entitled to be offered a suitable alternative vacancy, where one exists. Any new job must be suitable to the employee and appropriate to the circumstances, and the capacity and place in which he or she is employed, and the terms and conditions of employment must not be substantially less favourable than if they had been able to return in the job in which they were originally employed.
- 5.3. Suitable alternative employment may also be offered if exceptional circumstances occur (other than redundancy) whilst the employee is on sabbatical leave and would have occurred had the employee not been absent. For example, a reorganisation may occur where it may be necessary to change an employee's post. Any new position offered to the employee must be suitable and appropriate to the circumstances, and the capacity of the individual and the place in which he or she is to be employed and the terms and conditions should not be less favourable. Pay protection will apply as if the employee had not been absent for paid or part paid sabbaticals.
- 5.4 If the employee decides not to return to work following a period of sabbatical leave, they must give notice of their resignation as soon as possible and in accordance with the terms and conditions of their contract of employment.
- 5.5 If the employee wishes to end their sabbatical leave early, they must make a written request to their line manager to do so, giving at least eight weeks' notice wherever possible. If the employee wishes to return to work earlier than the eight week notice period, it is at the manager's discretion to consider such

requests and decide whether or not it can be approved subject to business needs.

## 6. KEEPING IN TOUCH

6.1 The employee will be required to keep in contact with his/her line manager whilst on sabbatical leave, usually monthly. This should be agreed with the line manager before sabbatical leave begins. This contact should ideally be by telephone or e-mail, but could alternatively be by post, depending on the employee's access to communications technology whilst they are away on sabbatical leave.

## 7. WORKING WHILST ON SABBATICAL LEAVE

7.1 The employee will not be permitted to take up alternative employment during sabbatical leave without the prior written permission of their [Executive Head of Service/Director](#). Any request for temporary or casual work should be included in the employee's written application for sabbatical leave.

## 8. CONDUCT

8.1 Employees will continue to be employed by the council during any period of sabbatical leave and must therefore maintain conduct of the highest standard such that public confidence in their integrity is sustained.

8.2 All provisions as to confidential information will continue to apply.

## 9. FURTHER INFORMATION

9.1 Employees and line managers can seek guidance or further information about the Sabbatical Leave Policy by contacting the [Capita](#) HR team.

SABBATICAL LEAVE POLICY  
Dated: [December 2018](#)  
Next review: [November 2024](#)

Formatted: Left, Indent: Left: 12.03 cm, First line: 0.03 cm, Right: 0 cm, Line spacing: Multiple 1.05 li

This page is intentionally left blank

## Shared Parental Leave

|   |   |
|---|---|
| Policy Date   | June 2017<br>Reviewed November 2019<br>Reviewed September 2023  |
| Review Date<br><i>when under review, this policy should continue to be used</i>   | September 2026  |
| This policy is non-contractual. Payments are governed by the NJC Green Book conditions  |   |
| Author  | HR  |
| Version<br><br>This policy may be amended prior to the review date to comply with any new, relevant legislation or organisational change that affects how this policy is used | 4   |
| Related Policies  | Adoption Leave Policy<br>Maternity Policy<br>Parental Leave Policy<br>Paternity Leave Policy<br>Flexible Working Policy<br>'Other' Leave Policy |

## Contents

|     |   |   |
|-----|---|---|
| 1   | Purpose   | 3 |
| 2   | Scope   | 3 |
| 3   | Principles  | 3 |
| 4   | Eligibility for Shared Parental Leave and Shared Parental Pay | 3 |
| 5   | Entitlement   | 4 |
| 6   | Starting and taking SPL                                       | 4 |
| 7   | Notification requirements                                     | 5 |
| 7.1 | Written notice of entitlement                                 | 5 |
| 7.2 | Notice Curtailing Maternity/Adoption Leave                    | 5 |
| 7.3 | Employee's notice of Entitlement and Intention                | 6 |
| 7.4 | Employee's Period of Leave Notice                             | 7 |
| 7.5 | Notice of a continuous period of leave                        | 7 |
| 7.6 | Notice of a discontinuous period of leave                     | 7 |
| 7.7 | Requesting a variation to leave                               | 8 |
| 7.8 | Total number of notices                                       | 8 |
| 7.9 | Cancelling the decision to end maternity or adoption leave    | 8 |
| 8   | Shared Parental Leave Keep in Touch Days (SPLIT)              | 9 |
| 1   | Purpose   | 3 |
| 2   | Scope   | 3 |
| 3   | Principles  | 3 |
| 4   | Eligibility for Shared Parental Leave and Shared Parental Pay | 3 |
| 5   | Entitlement   | 4 |
| 6   | Starting and taking SPL                                       | 4 |
| 7   | Notification requirements                                     | 5 |
| 7.1 | Written notice of entitlement                                 | 5 |
| 7.2 | Notice Curtailing Maternity/Adoption Leave                    | 5 |
| 7.3 | Employee's notice of Entitlement and Intention                | 6 |
| 7.4 | Employee's Period of Leave Notice                             | 7 |
| 7.5 | Notice of a continuous period of leave                        | 7 |
| 7.6 | Notice of a discontinuous period of leave                     | 7 |
| 7.7 | Requesting a variation to leave                               | 8 |
| 7.8 | Total number of notices                                       | 8 |
| 7.9 | Cancelling the decision to end maternity or adoption leave    | 8 |
| 8   | Shared Parental Leave Keep in Touch Days (SPLIT)              | 9 |

## 1 Purpose

- 1.1 The policy aims to ensure that all requests are dealt with in a reasonable manner and with sufficient information to ensure the Council can respond.
- 1.2 If you are expecting a baby, or adopting a child you may be entitled to Shared Parental Leave (SPL) and Shared Parental Pay (ShPP). SPL and ShPP allows parents the opportunity to share an entitlement to time off and pay during the first year of a child's life, or the first year following adoption.
- 1.3 The policy has been developed in consultation with UNISON.

## 2 Scope

- 2.1 This policy applies to all employees who meet the eligibility criteria regardless of gender, gender reassignment, pregnancy, maternity and paternity, race, religion or belief, disability, sexual orientation, age, trade union membership or public interest disclosure status. Eligible part-time and fixed term employees are also covered under this policy.

## 3 Principles

- 3.1 This policy has been provided to support you with the process for determining eligibility and to provide you with an understanding of how SPL works in practice. In addition to this policy, HR are also available to offer you individual support and guidance.
- 3.2 You and your partner must determine your own eligibility to this provision. You can do this by visiting <https://www.gov.uk/pay-leave-for-parents>. This is an online tool to assist you and your partner determine eligibility. It will also calculate your entitlements. If after using this tool, you determine that you qualify for SPL/ShPP and wish to take it you must notify the Council following the process outlined in 4.2
- 3.3 The eligibility criteria and the notification requirements for SPL are complex. If you are considering taking SPL you are encouraged to talk to your line manager or seek HR advice about the sort of arrangements you might like. Early discussion may mean you can reach early agreement and formalise the arrangement through the notification process.
- 3.4 The right to maternity or adoption leave and pay remains in place however if you choose to bring your maternity or adoption leave and pay to an end early then eligible working parents are able to share the balance of the remaining leave and pay as SPL and ShPP. Partners of the mother or primary adopter maintain their entitlement to up to two weeks paternity leave and pay, but this will be deducted from any available SPL and ShPP. Depending on your eligibility, SPL and/or ShPP may be available to one or both parents.

## 4 Eligibility for Shared Parental Leave and Shared Parental Pay

- 4.1 To be eligible for SPL, the child's mother or the adoptive parent must be eligible for maternity leave or pay, maternity allowance or adoption leave or pay.

4.2 If you wish to take SPL you must:

- have at least 26 weeks continuous service by the end of the 15th week before the due date (or by the date you are notified of a match for adoption),
- be entitled to statutory maternity or adoption leave in respect of the child (for the mother/primary adopter of the child),
- still be employed by the council when you take SPL,
- have (or are expected to have) parental responsibility for the child, and
- give the correct notice, including a declaration that your partner meets the employment and income requirements for SPL. Specific notice forms are available on the intranet for this purpose.

4.3 You may be eligible for Shared Parental Pay (ShPP) during a period of SPL if:

- you qualify for Statutory Maternity Pay, or Statutory Adoption Pay, or
- you qualify for Statutory Paternity Pay and your partner qualifies for Statutory Maternity Pay, or Statutory Adoption Pay.

## 5 Entitlement

5.1 If you are eligible and you or your partner bring your maternity or adoption leave and pay to an end early, then you may:

- take the remaining balance of the 52 weeks' leave as SPL
- be paid the current rate of ShPP in line with other statutory rates for the balance of the 39 weeks' pay period.

5.2 The mother must take a minimum of two weeks' maternity leave following the birth, therefore the maximum leave that can be shared is 50 weeks and the maximum pay to be shared is 37 weeks.

5.3 Any statutory ShPP due during SPL will be paid at a rate set by the Government for the relevant tax year (see [www.gov.uk](http://www.gov.uk) for current rates), or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. ShPP is subject to PAYE deductions.

5.4 If your partner is eligible for SPL you can take the leave together or at different times. You may request SPL in continuous or discontinuous periods. A continuous period would be where you take your SPL in a fixed block of, for example, one month. A discontinuous period would be where you ask to take your leave in shorter blocks, so for example you might ask to take every other week off over a period of eight weeks.

5.5 SPL must be taken in blocks of at least one week.

## 6 Starting and taking SPL

6.1 For SPL to begin, the mother or adopter must do one of the following:





- After the compulsory maternity leave period, which is the two weeks after birth;
- At least eight weeks after the date on which the mother gave her maternity leave curtailment notice to her employer; and
- During the period of maternity leave.

Or for adoptions:

- two weeks after the first day of the adopter's ordinary adoption leave period;
- eight weeks after the date on which the adopter gave the adoption leave curtailment notice to his/her employer; and
- one week before what would be the end of the additional adoption leave period

7.2.3 The mother/adopter must provide their leave curtailment notice at the same time they provide either their “notice of entitlement and intention” or a “declaration of consent and entitlement” signed by the mother/adopter confirming that her partner has given their employer a notice of entitlement and intention (see employee’s “notice of entitlement and intention” below).

### **7.3 Employee’s notice of Entitlement and Intention**

7.3.1 The employee, whether the mother/adopter or the partner, must provide the council with a non-binding “notice of entitlement and intention”. The employee’s “notice of entitlement and intention” must be in writing and provided at least eight weeks before the start date of the first period of SPL to be taken by the employee and must include specific information.

7.3.2 To ensure the employee/partner complies with the statutory requirement the Council has produced specific forms which must be completed. The relevant “notice of entitlement and intention” form must be fully completed by the employee and submitted to the council as this fulfils all the requirements set down by employment legislation.

7.3.3 Within 14 days of receiving a “notice of entitlement and intention” from the employee in relation to births, whether the mother or partner, the organisation can request from the employee:

- A copy of the child’s birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth – if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child’s birth will suffice); and
- The name and address of the other parent’s employer (or a declaration that the other parent has no employer).

7.3.4 The employee has 14 days from the date of the request to send the organisation the required information.

7.3.5 Within 14 days of receiving a notice of entitlement and intention from the employee in relation to adoptions, whether the adopter or partner, the organisation can request from the employee in relation to adoptions within the UK, documentary evidence from the adoption agency of:



your original notice was given. You must give us your new start dates within five days of the end of the two-week period. If you don't provide a new date then your leave will start on the date given in your original notice.

7.6.5 You may, if you wish, decide to withdraw a request for discontinuous SPL. This request will not count towards the three blocks of leave that you can request provided you do so before we have agreed a period of leave with you, and within 14 days of providing notice of your request.

## **7.7 Requesting a variation to leave**

7.7.1 Any dates indicated in your notice of entitlement are not binding. If you wish to request a variation to either a period of continuous or discontinuous leave you must set out your request in writing. Any variation notice must also be signed by your partner. Your request should set out the SPL periods you are entitled to (i.e. what has already been agreed) and then you may:

- vary the start or end of any period of SPL (provided you give at least eight weeks' notice)
- ask for a single period of leave to become discontinuous or vice versa
- cancel completely or vary the amount of leave requested (provided you give at least eight weeks' notice)

## **7.8 Total number of notices**

7.8.1 You may only give a maximum of three period of leave or variation of period of leave notices to take SPL. The following do not count towards this maximum:

- any notices withdrawn by the Council because the request is for discontinuous leave
- any notice that varies an earlier notice because the child is born earlier or later than expected
- any notice where you change your mind providing you have given at least eight weeks' notice before the original start date.

## **7.9 Cancelling the decision to end maternity or adoption leave**

7.9.1 In certain circumstances the mother or adopter may be able to change the decision to end maternity or adoption leave early provided the planned end date has not already passed and she has not already returned to work.

7.9.2 These circumstances are where:

- you find out during the eight week notice period that neither the mother/adopter nor partner is eligible for SPL or ShPP
- the mother or adopter's partner has died, or
- the mother gave notice before the birth and then tells her employer less than six weeks after the birth.

7.9.3 In the first instance, the mother or adopter should complete a revocation of SPL form.

## **8 Shared Parental Leave Keep in Touch Days (SPLIT)**

- 8.1 You and your partner can work for up to 20 days each during SPL. These days are known as SPLIT days and may be taken in addition to the 10 Keeping in Touch days already available if you are taking maternity or adoption leave.
- 8.2 There is no obligation for you to work, or for us to offer you any SPLIT days but where such days are agreed, payment will be agreed in advance and provided you do not work more than the maximum, your entitlement to ShPP will be unaffected.

This page is intentionally left blank