



East
Northamptonshire
Council

Personnel Sub-Committee 14 October 2013

Staff Management Policy

Purpose of report

This report provides an overview of the review of the staff management policy.

Attachments

Appendix A – Staff Management Policy

Appendix B – Equality Impact Assessment

1.0 Background

1.1 In 2012 an audit of the HR policies was undertaken. The following issues were identified:

- There were a lot (over 50)
- Some were out of date and in old formats
- There was a considerable amount of repetition
- It wasn't always that easy for staff to know which policy to refer to
- Some aspects of "policy" were on EUNICE but not actually in a policy format, so were difficult to find and easy to miss
- Some policies had too much process and procedure within them

2.0 The plan

2.1 Having listened to comments from CMT, Members, staff, managers and UNISON, it was agreed by CMT that all of the policies would be reviewed and re-issued between 1 April 2013 and 31 March 2014.

2.2 The following outcomes were identified by HR:

- The number of policies would be reduced
- All of the content would be checked and updated
- All of the policies would be put in the new format
- All aspects of policy would be included in the correct policy format
- Repetition would be reduced to the bare minimum
- Policies would be simplified and shortened as much as possible (without endangering their purpose)
- Procedure and process would be taken out of the policies (as much as possible), and where necessary would become separate guidance documents that can be updated and improved more easily

2.3 In an attempt to make it easier to find the relevant aspect of policy, and in order to reduce repetition, it was agreed by HR and CMT to create 4 new policies:

1. **Family and work life balance (agreed by PSC in June 2013)**
2. **Staff management (including grievances, whistleblowing, capability and disciplinary)**
3. **Recruitment and training**
4. **Pay and benefits**

3.0 Staff management policy

- 3.1 The new staff management policy is attached at Appendix A. It is a collation of a variety of previous policies and documents including:
- Part 5.2 of the Constitution (Employee code of conduct)
 - Rules set out in EUNICE
 - Absence management policy
 - Mental wellbeing and stress in the workplace
 - Grievance policy
 - Whistleblowing policy
 - Bullying and harassment policy
 - Capability policy
 - Disciplinary policy
 - Redundancy policy
- 3.2 The document has been reduced from 109 pages to 56 whilst also hopefully making it clearer and more effective. Much of the policy content is based on ACAS guidance, and some comes from statutory requirements (such as whistleblowing and redundancy).
- 3.3 This policy has been out for consultation with staff (via Xchange) and UNISON, and has been agreed by CMT.
- 3.4 As this will be a longer document, and therefore potentially harder for staff and managers to navigate each page has a header to remind the reader where they are. When viewed electronically there are also automatic links from one part of the document to others (such as from the contents page).
- 3.5 The Whistleblowing Policy will continue to be highlighted separately on the Council's Intranet, EUNICE, and also in contracts of employment.
- 4.0 Financial implications**
- 4.1 There are no direct financial implications of this policy but good staff management should overall lead to a well run and financially sound organisation.
- 5.0 Legal implications**
- 5.1 The implementation of this policy will ensure that ENC are meeting their legal requirements.
- 6.0 Risk implications**
- 6.1 The review of this policy should reduce risks of legal challenge.
- 7.0 Equality implications**
- 7.1 An equality impact assessment was conducted as part of the review (see Appendix B).
- 8.0 Recommendations**
- 8.1 The Sub-Committee is recommended to approve this policy and the proposed cosmetic changes.

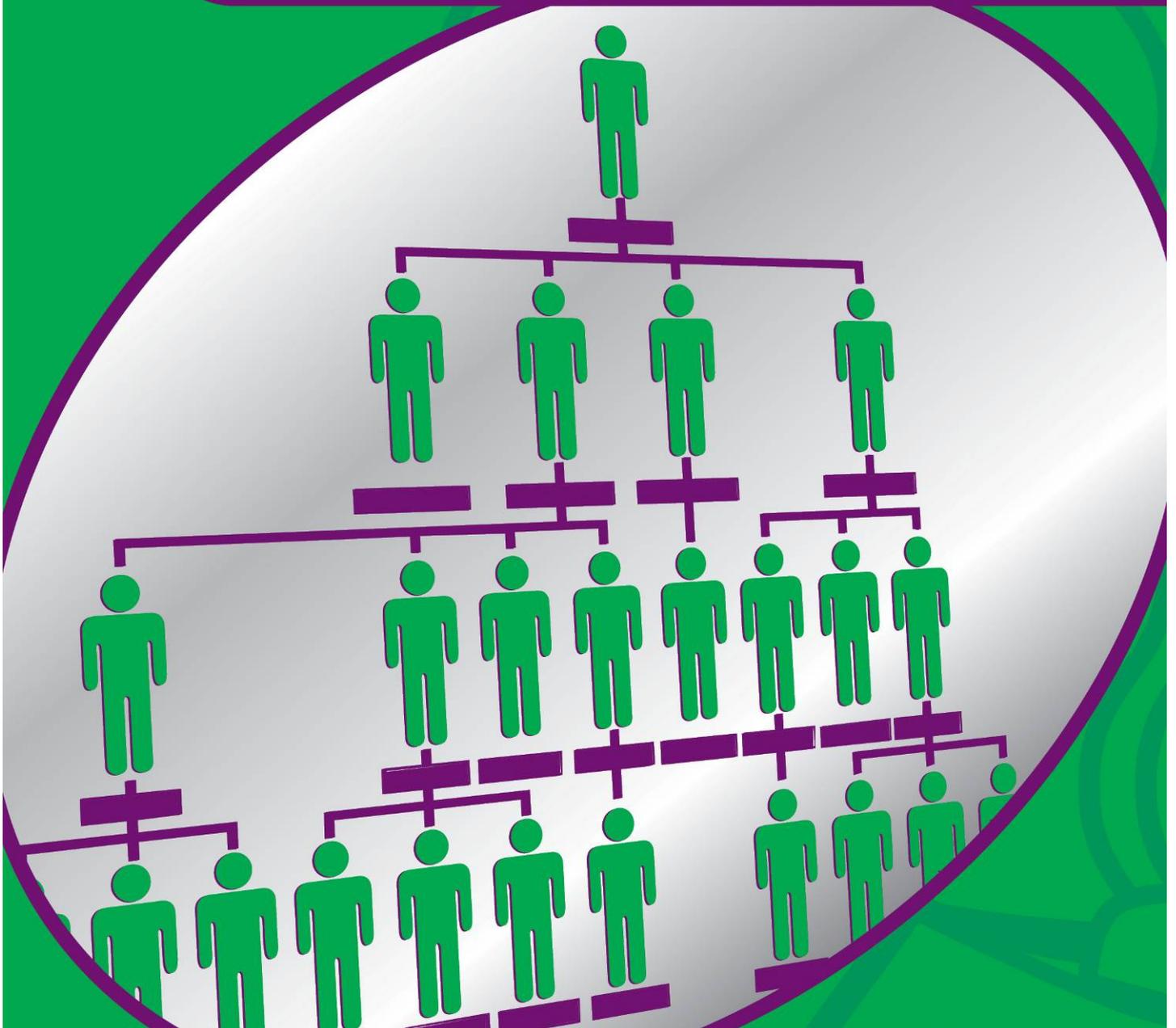
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East
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Staff management policy



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Change History

Issue	Date	Comments
0.1	Dec 2012	Previous policies incorporated into one.
0.2	April 2013	Re-organisation and review by HR Manager
0.3	July 2013	CMT comments incorporated
1.0	Sep 2013	Comments from staff and UNISON incorporated

NB: Draft versions 0.1 - final published versions 1.0

Consultees

Internal	External
Xchange	
CMT	
UNISON	
HR team	

Distribution List

Internal	External
e.g. Individual(s) / Group / Section	e.g. Stakeholders / Partners /Organisation(s)

Links to other documents

Document	Link

Additional Comments to note

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1.0 Introduction

- 1.1 This policy has a broad remit that provides a framework to help staff and managers deal with some of the more challenging aspects of managing staff such as redundancy, grievances and capability matters.
- 1.2 Whilst some sections of this policy may be used by all staff (e.g. how to report sickness absence), much of this policy sets out procedures which will hopefully be used very rarely (such as formal disciplinary processes).
- 1.3 The Council recognises that staff commitment, honesty and reliability are very high. Unfortunately it is still necessary to have policies in place to deal with the unusual situations where this may not be the case.
- 1.4 There are four sections of the policy.
- 1.5 **Part A** deals with **expectations**. In the past these have been recorded in different places, including the Council's Constitution and the Personnel A to Z on EUNICE. They have been brought together into one document to make it easier for staff and managers to find them. The constitutional elements are duplicated below, but still remain with the Council's Constitution. Most of these expectations are common sense notions of how officers of a public sector organisation should behave.
- 1.6 Having healthy employees is not only an intrinsically positive goal but also a way of ensuring the highest levels of service delivery. **Part B** therefore focuses on **how the Council will support the good health of staff**.
- 1.7 Occasionally staff may feel that they have been treated unfairly or have concerns about a particular action or decision. **Part C** sets out how they can deal with these concerns informally or formally through the **grievance, whistleblowing and bullying and harassment procedures**.
- 1.8 **Part D** sets out procedures for dealing with **disciplinary, capability and redundancy** situations, both informally and formally.

2.0 Scope

- 2.1 The principles of this policy apply to all staff.
- 2.2 This policy only applies to staff employed by the Council, with the exception of the whistleblowing policy which is broader (see 17.0)
- 2.3 There are a small number of groups of staff where the procedures may need to be adapted:
 - Casual, fixed term and temporary staff
 - Staff in their probation period.
 - The Chief Executive (to take into account legislation and national terms and conditions)

- 2.4 Throughout this policy reference is made to Heads of Service approving matters for employees. Where the employee is themselves a Head of Service or Director, approval must be given by the employee's line manager. Approval must be sought from the elected Leader of the Council for matters relating to the Chief Executive's employment.
- 2.5 Appropriate records will be kept where applicable in line with Data Protection regulations.

3.0 Policy outcomes

- 3.1 The outcomes to be delivered by this policy are:

Staff management policy outcomes	Links to corporate outcomes
<ul style="list-style-type: none"> • Staff know what is expected of them. • Staff know how to raise concerns. • There is a legally and ACAS compliant process for dealing with staff issues. • There is consistency in how staff are treated. 	<ul style="list-style-type: none"> • Effective management • Councillors and staff with the right knowledge, skills and behaviours • Council services which provide good value for money

4.0 Contents page (if you hold down Ctrl you can click straight to the page you want)

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5.0 Part A: What ENC expects of staff

5.1 This part of the policy sets out some rules about the Council's basic expectations of how staff should behave. These are not exhaustive and are mostly common sense. They include:

- 5.0 The Staff Code of Conduct (an extract from ENC's constitution).
- 6.0 The Knowledge, Skills and Behaviour (KSB) Framework.
- 7.0 Equality expectations.
- 8.0 The Staff Handbook – rules that were previously on EUNICE

6.0 Code of Conduct (exact copy of Part 5.2 of the constitution)

6.1 Standards

6.2 The Council expects its employees to give the highest possible standard of service to the public, within the best traditions of local government. Where it is part of their duties, employees are expected to provide appropriate advice to the public, councillors and fellow employees with professionalism and impartiality. These core values are set out in this code for employees.

6.3 Within agreed procedures and without fear of recrimination, employees are expected to bring to the attention of their line manager, the Chief Executive or the Monitoring Officer, as appropriate, any deficiency in the provision of service and to report any impropriety or breach of procedure.

6.4 Disclosure of information

6.5 The Council endorses the principle of open government. The law requires that certain types of information must be available to service users, the general public, councillors, auditors, and government departments. Other types of information may be available by local arrangement. Employees must be aware of which information is available, and to whom, and act accordingly.

6.6 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. To do so is a disciplinary offence and will result in action under the Council's disciplinary procedures. Information received by an employee from a councillor which is personal to that councillor and does not belong to the authority should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

6.7 Employees are under an obligation not to make certain categories of information public or divulge such information to anyone other than a councillor or officer entitled to know it. This reflects a similar obligation on councillors under Part 5.6 of the constitution. Paragraphs 2 and 3 of that protocol specify the categories of information and the practice of containing written information on pink papers. The distribution and security of such information is strictly controlled by Democratic Services officers and there is an internal protocol governing this.

6.8 **Political Neutrality**

6.9 Employees serve the authority as a whole. They serve all councillors equally and not just those of any particular political party. Employees must ensure that the individual rights of all councillors are respected.

6.10 Subject to the authority's conventions, and the Protocol on Member/Officer Relations, some employees may be required to advise political groups. They must do so in ways which do not compromise their political neutrality. Some senior posts are politically restricted within the meaning of the Local Government & Housing Act 1989. Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

6.11 **Relationships with Councillors**

6.12 Employees are responsible to the Head of the Paid Service (the Chief Executive) through their line manager and Chief Officer (Head of Service).

6.13 Mutual respect between employees and councillors is essential to good local government. Over-familiarity between employees and individual councillors can damage working relationships and prove embarrassing to other employees and councillors and should therefore be avoided. All employees must be aware of, and abide by, the Protocol on Member and Officer Relations. (Part 5.3 of the constitution).

6.14 **The Local Community and Service Users**

6.15 Employees should always remember their responsibilities to the local community and they are expected to provide courteous, efficient and impartial services to all groups and individuals within the community. Likewise, the Council recognises employees' equal right to fair treatment and courtesy from service users, citizens and councillors and will establish procedures and guidelines to protect those rights.

6.16 **Contractors**

6.17 Any relationship of a business or private nature with an external contractor, or potential contractor of the Council, should be made known to the employee's line manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

6.18 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their line manager.

6.19 **Appointments and other employment matters**

6.20 All employees involved in staff appointments must ensure that these are made on merit. It is unlawful for an employee to make an appointment which is based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any

possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship with the applicant outside work. There are corporate recruitment and appointment procedures which must be followed.

- 6.21 Similarly, employees should not be involved in decisions relating to promotion, pay adjustments or discipline, for another employee who is a relative, partner, or family group member.
- 6.22 **Outside commitments**
- 6.23 Some employees have conditions of service which require them to obtain written consent to take any other employment. All employees should be clear about their contractual obligations and should not take other employment which conflicts with their position, or the interests of the council. (See 9.20 for more details).
- 6.24 **Personal Interests**
- 6.25 Employees must declare to their line manager any non-financial interests that may bring about conflict with the authority's interests.
- 6.26 Employees must declare to their line manager any financial interest which could conflict with the authority's interests.
- 6.27 **Equality Issues**
- 6.28 All Council employees should ensure that policies relating to equality and human rights agreed by the authority are complied with, in addition to the requirements of the law. All members of the local community, service users, councillors and colleagues have a right to be treated with fairness and equity.
- 6.29 **Separation of roles during tendering**
- 6.30 Employees involved in the tendering process and dealing with contractors must act at all times in accordance with the Council's financial regulations and procurement rules and must be clear about the separation of client and contractor roles. Senior employees who have both a client and contractor responsibility must take account of the need for accountability and openness and ensure compliance with audit requirements.
- 6.31 Employees who are privy to confidential information in respect of tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- 6.32 Employees should ensure that no special favour is shown to current or former employees or their partners, close relatives or associates in awarding contracts to businesses run by them, or employing them.
- 6.33 **Corruption**
- 6.34 Employees must be aware that it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing

favour, or disfavour, to any person in their official capacity. Any offer of such must be reported to the employee's Head of Service, who will report it to the Council's Monitoring Officer, as appropriate. If an allegation of corruption is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

6.35 **Use of financial resources**

6.36 Employees must ensure that public funds entrusted to them are accounted for and used in a responsible and lawful manner. They should strive at all times to ensure value for money to the local community and to avoid legal challenge to the authority.

6.37 **Hospitality**

6.38 Care needs to be taken in responding to offers of hospitality. Invitations to represent the Council at purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. Such events should be properly authorised and recorded. Particular care needs to be taken by those involved during any tender period.

6.39 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operated by the Council.

6.40 Employees must not accept personal gifts, gift vouchers or money from customers, contractors or external suppliers, although insignificant items of token value, such as pens, diaries and calendars may be accepted. All such gifts should be recorded in the register kept by the Monitoring Officer for the purpose.

6.41 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting the hosts. This is particularly important in matters relating to development control or the enforcement functions of the Council.

6.42 Attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where consent is obtained from the employee's line manager in advance and where the manager is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

6.43 **Sponsorship - Giving and receiving**

6.44 Where an external organisation sponsors or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions on the acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

6.45 Where the Council sponsors an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way.

- 6.46 Similarly, where the Council provides sponsorship, grant aid, financial or other support for a community event or project, employees should ensure that impartial advice is given and that no conflict of interest arises.
- 6.47 The Monitoring Officer is responsible for maintaining a record of gifts and hospitality received and the circumstances pertaining thereto.

END OF CONSTITUTION EXTRACT

7.0 Knowledge, Skills and Behaviours Framework

- 7.1 East Northamptonshire Council recognises that our employees' knowledge, skills and behaviours are key strengths in achieving our vision.
- 7.2 The framework sets out the knowledge, skills and behaviours the council values and thinks are important. It describes the core knowledge, skills and behaviours every employee of the council needs to possess and use to be effective and competent in their job, and it describes additional knowledge, skills and behaviours needed by managers.
- 7.3 The Knowledge, Skills and Behaviours (KSB) Framework has been developed by our managers and staff, and will be reviewed periodically so that it evolves and develops with the Council over time.
- 7.4 The KSB framework will be used to assist in recruitment, management of staff, performance development reviews, learning and development.

8.0 Equality Statement

- 8.1 At the Council we are committed to providing equal opportunities in the services we provide and in the way we employ people. This applies when we are developing plans, policies and strategies and in our work with suppliers, contractors and partners.
- 8.2 We will listen to all sections of the community and aim to provide services, which meet the needs of the whole community.
- 8.3 The Council wants to make sure that everyone is treated fairly, regardless of gender, race, disability, ethnic origin, marital status, parental status, age, religion, property status or sexuality.
- 8.4 We monitor the way we do things to make sure employees, potential employees, residents and visitors are treated fairly and without prejudice.
- 8.5 Where appropriate equality impact assessments (EIAs) must be completed.
- 8.6 The Council considers an act of direct or indirect discrimination to be a serious disciplinary offence which may lead to dismissal.

9.0 Staff Handbook

9.1 This section includes items that were previously on EUNICE under the A to Z section.

9.2 Dress Code

9.3 How we dress is very much a matter of personal taste and judgement. But it is important to remember that you are working for an official organisation and that you will often be in the public eye.

9.4 You are expected to use your common sense and to be neatly and smartly dressed.

9.5 If your duties involve site visits, you must wear any personal protective clothing issued to you. Otherwise wear robust footwear and suitable clothing which is unlikely to be damaged by mud or building materials.

9.6 The Council accepts no responsibility for loss or damage to your personal effects.

9.7 Confidentiality

9.8 During your work for the Council you may have access to information about your colleagues or members of the public. Under no circumstances should you discuss any information you receive during the course of your employment with your family, friends or work colleagues other than those engaged on the same tasks as you. You must not give information about members of the public or colleagues to telephone callers except under very specific situation. Guidance on the Data Protection Act is available on EUNICE. Any breach of the Data Protection Act or confidentiality will be a disciplinary offence and will be deemed to be gross misconduct.

9.9 If you receive a request for information from an official body such as the police, follow your departmental procedure and seek advice from your line manager.

9.10 Council property

9.11 Council property issued to you must be safe guarded and a record kept of any property taken off site. Any accident, damage or loss should be reported immediately to your line manager. Items should be used solely for the purpose for which they were intended.

9.12 Outside duties

9.13 If your duties involve visiting members of the public in their homes, on sites or business premises you should check your departmental database before making a visit, to identify any potentially violent or abusive persons. Consider taking a colleague with you and consult your line manager for advice if necessary.

9.14 Always leave a note of your appointment in the office. Do not hesitate to telephone to check that a caller is genuine when confirming appointments. If difficulties arise during a visit and you feel the situation is getting out of hand, make an excuse and leave.

- Do not put your personal safety at risk.
- You must report any incident to the Safety Officer

9.15 **Health and safety**

9.16 Detailed health and safety guidance can be found on EUNICE.

9.17 Briefly, staff have responsibilities to:-

- Take reasonable care of their own safety and the safety of other persons who may be affected by their actions.
- Inform line managers of any H&S concerns (including defective equipment, training needs, or unsafe working practices).
- Cooperate with supervisors and managers on health & safety matters.
- Not interfere with, or misuse, anything provided to safeguard the health, safety, or welfare of employees or the public.
- Use equipment provided in accordance with training received and instructions provided.
- Inform the Council of any work situation which represents a serious & immediate danger to the H&S of employees or the public.
- Ensure that they and their staff are trained effectively on health and safety matters.
- Undertake appropriate risk assessments.

9.18 **Planning applications**

9.19 Planning applications made by officers of the Council in a private capacity or by their families, are always reported to committee for decision and not delegated to Planning Officers to deal with. You should inform the Monitoring Officer if you apply to the Council for planning permission. Special rules apply to officers working in the planning service.

9.20 **Second/additional employment**

9.21 Employees must not take up or continue in secondary employment outside the Council without the written consent of the council. If you wish to take up secondary employment you must obtain consent in advance by applying in writing to your Head of Service and forward a copy of the signed consent to HR (see also section 6.23)

10.0 Part B: Supporting good health

10.1 The health of staff is of vital importance. This part of the policy is split into three sections:

- Absence management
- Mental wellbeing and stress
- Smoking policy

11.0 Absence management

11.1 Introduction

11.2 The council has a responsibility to ensure that work doesn't make any of us ill or make any illnesses we have worse. Equally we all have a responsibility to look after our own health.

11.3 Everyone gets ill from time to time, mostly this will just be a day or two with a cold or stomach bug. The majority of people therefore only need to read and follow the first part of this policy which covers: telling us you are ill, talking to your manager when you get back and filling out some brief paperwork.

11.4 Sometimes people are ill more frequently or have more serious conditions or disabilities. We want to support and care for our colleagues, but we also have a responsibility to ensure delivery of services to the council's customers.

11.5 Everyone's roles are vital, therefore repeated or longer term sickness absence makes it harder to deliver services. The rest of the policy exists to help make sure that we manage these situations fairly and consistently for both staff and customers. There are parts of this policy that we hope will never need to be used.

11.6 This policy relies on individuals following the procedures, managers being skilled and knowledgeable and professional support being provided by the Human Resources (HR) and Organisational Development (OD) team.

- Sections 10.7 to 10.33 of this policy covers the **basic information that everyone needs to know**.
- Sections 10.34 to 10.63 cover situations and circumstances which happen to only a few people and infrequently. Most people will never need to refer to this section
- Sections 10.64 to 10.99 describe the process for managing sickness absence.

What everyone needs to know

11.7 **Telling your manager you are ill** - You must call your line manager as soon as possible, and by 10am at the latest, to tell them that you can't come to work that day.

11.8 To make sure your line manager knows what is going on you should explain:

- What illness you have.

- How long you expect to be absent.
- Any critical meetings or work that will need to be covered.
- Whether you intend to visit your GP (or not).

- 11.9 If you can't get hold of your line manager to tell them you are ill, then tell another manager or your Head of Service.
- 11.10 If you are unable to make the call yourself, then a spouse, partner, parent or friend can make the call for you.
- 11.11 Emails and text messages must only be used if no-one can call. Make sure that you include in the text/ email the same details you would give if you phoned in (listed in 11.8 above).
- 11.12 If you are still not well enough to come in to work on the day you told your manager you would be back, you will need to call in again.
- 11.13 It is your responsibility to keep your line manager up to date on your situation should anything change.
- 11.14 If you are ill while on annual leave you do not need to ring your line manager. If you wish to reclaim your annual leave however you should visit your GP as soon as possible to get a 'fit note' to cover the time you were ill, even if you were only ill for a day. You will need to explain what happened to your line manager when you return. Once they have been given your signed 'fit note' you will be able to record the time as sick leave on your flexi sheet. You will then be able to take your annual leave at another time. Your leave will continue to be recorded as annual leave until your 'fit note' is received.
- 11.15 What to do if you need to be off sick for more than 7 days**
- 11.16 If you need to be off work due to illness for more than 7 consecutive days (including non-working days such as weekends and bank holidays) then you will need to visit your GP. They will give you a 'fit note' that states how long you need to be absent from work due to your illness.
- 11.17 When you get your 'fit note' you should call your line manager (or another manager or Head of Service, if your manager is absent) to explain what it says. You should then send the signed 'fit note' to HR straight away. The 'fit note' is needed as soon as possible to ensure that your pay is uninterrupted.
- 11.18 If you do not feel able to return to work on the day your GP has stated you will be fit for work, you will need to contact your GP again and arrange another 'fit note'. You will then need to call your manager to update them on the situation, and send HR a further 'fit note'.
- 11.19 In certain circumstances your GP may issue a fit note that suggests you may be fit to return to work under certain circumstances. More information about this is provided below in section 11.39
- 11.20 If you are absent from work for a month or longer this is classed as long term sick leave.

11.21 **Sick pay - the basics** - Employees are entitled to receive sick pay for the following periods:

- During 1st year of service 1 month's full pay and (after completing 4 months service) 2 months half pay.
- During 2nd year of service 2 months full pay and 2 months half pay.
- During 3rd year of service 4 months full pay and 4 months half pay.
- During 4th & 5th year of service 5 months full pay and 5 months half pay.
- After 5 years service 6 months full pay and 6 months half pay.

11.22 Where employees have recognised continuous service with a previous organisation this will be used to calculate sick pay.

11.23 More information about sick pay can be found in section 11.51 below.

11.24 **Wellbeing meeting** - When you return to work, you should have a Wellbeing meeting with your line manager.

11.25 The purpose of this meeting is to:-

- Welcome you back and show support and concern for your health and wellbeing.
- Ensure that you are well enough to be back at work.
- Provide an opportunity to discuss your health.
- Discuss any disability issues (if applicable - see section 11.34 for more information).
- Make sure a Wellbeing form has been completed.
- Discuss the implications if your absence was due to an accident or injury at work.
- Feedback any key pieces of work or information you may have missed.

11.26 This meeting will normally be held confidentially in a quiet office. However, if you have only been absent for a day or two, it may be appropriate to have this conversation at your desk, as long as:-

- You are happy to do so (if not a confidential meeting in an office should be arranged).
- The nature of your illness is straightforward (a cold or virus perhaps).

11.27 **Paperwork** - Your line manager will ask you to complete and sign a Wellbeing form during your Wellbeing meeting. You will need to do this for every absence, whether it was a day, a week, or months.

11.28 You should send a copy of the wellbeing form electronically to HR within a week of completion.

11.29 You will also need to record your sickness absence on your flexi sheet.

11.30 **Sickness monitoring and reports** - Sickness levels are monitored by managers and HR. Reports on levels of sickness are produced for performance meetings, managers,

Heads of Service, the Corporate Management Team (CMT) and the Personnel Sub-Committee (PSC). The reports are available on EUNICE after the meetings. The general reports (to CMT, PSC and on EUNICE) do not contain information or details about individuals but give overall statistics and trends.

- 11.31 **Medical Appointments** -General medical appointments (e.g. doctor or dentist) should be arranged whenever possible to be taken outside of core hours. Appointments in core time should be approved by the line manager and will normally count as a debit.
- 11.32 In emergency situations managers have the discretion to allow appointment time to be credited.
- 11.33 Ante natal, hospital and cancer screening appointments should be recorded as special medical appointments and time will be credited.

Things you may need to know

- 11.34 **Disability law** is a complicated area and issues will be dealt with according to each individual employee's personal circumstances and the relevant legislation (such as the Equality Act 2010) and case law.
- 11.35 Where a manager believes that an employee may have a disability, they should contact HR for advice before taking any action.
- 11.36 An employee meets the legal definition of having a disability if:
- They have a physical or mental impairment AND
 - The impairment has a substantial (more than minor or trivial) AND long-term (12 months) adverse effect on their ability to perform normal day-to-day activities (such as eating, washing, walking, concentrating and going shopping).
- 11.37 Progressive conditions such as HIV, cancer or multiple sclerosis are automatically classified as disabilities from the point of diagnosis.
- 11.38 If an employee has a disability, the council is required by law to make reasonable adjustments to their role and policies and procedures (including this one).
- 11.39 **More about GP 'fit notes' and 'may be fit notes'** - The language of GP certificates can be confusing as they are called 'fit notes' even if what they actually say is you are too ill to work.
- 11.40 When you visit your GP they sign the 'fit note' to confirm one of three outcomes:
- You are well enough to return to work.
 - You are too ill to be at work at the moment and until a specific date.
 - You may be well enough to return to work if certain temporary changes to your job are made.
- 11.41 If your GP advises that you may be fit for work, then you should call your line manager to discuss the matter.

11.42 Your GP is the expert on your health, however they do not know all the details about your job or how the council works. Therefore they can only make suggestions and recommendations about temporary changes to your job. They may suggest things like:

- A phased return to work which is a gradual increase in your work duties or working hours, for example after an operation or after injury.
- A temporary change to your working hours.
- Changes to the workplace to take into account your condition, for example allowing you to work on the ground floor if you have problems going up and down stairs.

11.43 Ideally your manager will be able to agree the recommendations.

11.44 If your manager feels that it would be impossible or impractical to make the amendments that your GP has recommended, you may need to remain absent from work until you are able to return to your full duties. Your manager will discuss this with HR before communicating this with you.

11.45 **Keeping in contact during long-term sickness absence** - Unfortunately there are times when employees will be unable to attend work due to sickness for an extended period. This may be for a variety of reasons, from a broken leg to something more serious and long term such as cancer or severe depression.

11.46 If you are likely to be off sick for more than two weeks your manager will contact you to discuss the situation and see how you are. This is not part of the formal absence management process.

11.47 The type of contact will depend on the circumstances. Initially the line manager should contact the employee by phone, but a letter, home visit, or informal meeting somewhere other than the home, may be more appropriate. Visits will be pre-arranged.

11.48 Where a call or home visit would be of little use or have a negative impact, it will be delayed to a more appropriate time. This may be where a member of staff is in hospital or suffering from a mental health issue.

11.49 In some circumstances the employee may feel that it would be more appropriate to speak to someone in HR rather than their line manager. If this is the case they need to let HR know as soon as possible.

11.50 The purpose of the call/visit is to:-

- Offer support to the employee and ensure that they know that they are both missed and that the council, their manager, and colleagues wish them a quick return to health.
- Facilitate an open and frank discussion about the employee's health. This is especially important if any issues at work are causing or contributing to the ill health.
- Get an idea of when a return to work is likely, even if this is only an estimate.

- Enable early discussions about how the employees return to work can be supported and for things to be put in place (for example, temporarily moving someone's work station to the ground floor if they have broken their leg).
- Keep the employee updated of what is going on in the office (where appropriate) so that there will be less anxiety and a smoother transition when the employee returns to work.
- Consider whether a referral to occupational health would be useful.
- Where it is expected that the employee will remain off work for some time, a further call/ home visit should be arranged. The type of contact and timescale will depend on the circumstances but is unlikely to be more than a month from the first call/ home visit.

- 11.51 **More about sick pay** - The terms of the sickness pay scheme, as determined under the National Joint Council for Local Authorities (NJC) "green book", will be applied during an employee's absence due to sickness. Under the terms of the scheme there is an entitlement to sickness pay providing that certain conditions of qualification and notification are fulfilled. Some of those terms are reproduced below.
- 11.52 The scheme is a supplement to Statutory Sick Pay and will ensure that normal pay is maintained during the period of absence.
- 11.53 Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment with the council. Periods of absence in respect of one will not be set off against the other for the purpose of calculating entitlements under the scheme (see section 10.2 of the NJC "green book")
- 11.54 If you have been absent for a long period and have exhausted your allowance under the scheme, you may still be entitled to state benefits.
- 11.55 There may be certain circumstances where you come to work but the council believes that you are either unfit for work or risk the health of other employees (if for example you have a highly contagious disease). The council reserves the right, under these circumstances, to require that you go home for a specified period on full pay. The period of absence on this account shall not be reckoned against your entitlements under this scheme.
- 11.56 If you are required to go home because of a risk to the health of other employees, any absence will not be counted towards the triggers discussed below in section 11.64.
- 11.57 You will not be entitled to sick pay if you are absent on account of sickness due or attributable to deliberate misconduct, deliberate conduct prejudicial to recovery, neglect or active participation in professional sport or injury whilst working in your own time for private gain or for another company (section 10.10 of the NJC "green book").
- 11.58 Sick pay will not be paid to you if you are absent as a result of an accident if damages may be recoverable from a third party. An allowance will be paid to you during your absence, equivalent to your sick entitlement, subject to the requirement that it is refunded when any insurance claim is settled.

- 11.59 Full pay will be paid for agreed phased returns of up to four weeks. In exceptional circumstances pay beyond four weeks will be considered by the Head of Resources and Organisational Development.
- 11.60 **Occupational Health** - There are times when it is helpful to get a medical opinion on how to support your return to work or when you have met a trigger. Where this is the case a referral will be made to the council's occupational health advisors. If a referral is needed, this will be explained to you. The occupational health service will write to you directly to invite you to an appointment.
- 11.61 You can get a copy of the referral and the written report before ENC does if you wish.
- 11.62 Sometimes it is also useful to get copies of your medical records. If this is the case, you will be asked to complete a form to allow these records to be released.
- 11.63 The occupational health advisor will be asked questions that relate to your health as part of the referral. These questions may include:
- Is this a temporary condition or problem or is it likely to be long-term or permanent?
 - Is the condition a disability?
 - Is the employee fit for their post/ position/ grade at present?
 - Is a gradual return to work recommended? If so, on what basis?
 - Are there any actions/ adjustments that the council could make to facilitate a return to work?

Process for managing sickness absence

- 11.64 **Managing absence: stages and triggers** - There are three stages that apply when managing both short and long term absence.
- Informal: Extended wellbeing meeting
 - Stage 1: Absence review meeting
 - Stage 2: Absence review hearing
- 11.65 The purpose of an absence trigger is to initiate a meeting or hearing to discuss your health.
- 11.66 The absence triggers will be as follows:
- Short term
 - 3 periods of sickness in a rolling six month period.
 - AND/ OR 5 periods of sickness in a rolling 12 month period
 - AND/ OR a noticeable pattern, such as Mondays, or the day after annual leave.
 - Long term
 - 1 months absence or when you enter into half pay, whichever comes first

11.67 The council reserves the right to instigate an earlier discussion of an employee's sickness absence record if the situation requires such action. Examples might be a single day of absence that is due to work related stress, a work related injury, an accusation of bullying and harassment, or where there is evidence that the employee was not ill. If a line manager believes that action should be taken before a trigger is reached, they must contact HR for advice before speaking to the employee.

11.68 **Extended wellbeing meeting**

11.69 When a short term or long term absence trigger is reached you will need to have an extended wellbeing meeting with your manager, ideally within 10 days of the trigger being met.

11.70 The purpose of this meeting is to:

- Discuss your health with you, including whether there are any underlying issues at work or home.
- Discover whether there may be any disability issues.
- Offer further support.
- Explain that you have met a trigger, and that if another one is met, you will enter into the formal process (stage one: absence review meeting).

11.71 The extended wellbeing meeting will just be between your line manager and yourself.

11.72 Your line manager will need to complete an extended wellbeing form and submit it to HR following completion of the meeting.

11.73 **Stage One: Absence review meeting**

11.74 If you reach a trigger within 12 months of attending an extended wellbeing meeting, your line manager will invite you to an absence review meeting. This represents stage one of the formal process for managing sickness absence.

11.75 In exceptional situations (such as terminal or life threatening illness) the Head of Resources and Organisational Development can delay the absence review meeting; indefinitely if appropriate.

11.76 You will be entitled to be accompanied to the meeting by either a Trade Union representative or a work colleague.

11.77 A representative from the HR team will be present at the meeting and will advise you and your manager on the process and next steps.

11.78 It is important that any information relating to your health and absence, including your absence record, is collected before the absence review meeting. This might include:

- A referral to occupational health.
- A request (with your permission) for your GP records.

11.79 The purpose of the meeting will be to:-

- Discuss your absence record.
- Ensure that your line manager understands the causes of your illness.
- Consider any disability issues.
- Consider how you might improve your health.
- Consider how the council may be able to support you to improve your health.

11.80 Within a week of the meeting you will receive a letter summarising what was discussed and agreed. The letter will include:

- Details of how to appeal the outcome of the meeting should you wish to do so.
- Details of the circumstances in which an absence review hearing would be triggered.
- Details of how to seek clarification or further information on any aspect of the letter or process.

11.81 Follow up actions will depend on the circumstances, but may include.

- An initial or further referral to occupational health.
- Providing practical support to assist attendance such as allowing occasional working from home.
- Providing support for dealing with work-related problems such as workloads.
- Arranging coaching, mentoring and/ or training to assist you with challenges at work.
- Instigating more frequent management supervision sessions.
- Providing information about the council's confidential counselling services.
- Instigation of the bullying and harassment policy and procedure.
- Requesting that you obtain a GP note for every absence (any cost will be paid by the council).
- A date for a further meeting.
- No further action.

11.82 You have the right appeal the outcome of the absence management meeting (see 28.0 for the process).

11.83 If it is impractical for the member of staff to attend, the meeting can go ahead and the employee can either present something in writing to be considered at the meeting and/or have their views delivered by their representative.

11.84 Where short term absence is to be discussed at the absence management meeting it may be necessary to:-

- Set an attendance improvement target for the future.
- Explain that if the targets are not met you will be invited to an absence review hearing (see section 11.89).
- Consider whether a further meeting is needed.

11.85 The attendance improvement target will depend on the trigger met and the circumstances, but will be discussed with you during the meeting.

- 11.86 If you fail to achieve the improvement target you will be invited to attend an absence review hearing (see section 11.89 below).
- 11.87 Where **long term absence** is being discussed, the purpose of the meeting will also be to:-
- Discuss when you may be able to return to work.
 - Discuss ways of supporting your return to work, including whether a phased return to work would be useful.
 - Set a date for a follow up meeting if required.
 - Set a timeframe for an absence review hearing in case you continue to be absent from work (a hearing trigger).
- 11.88 If you are still absent on the date set as the hearing trigger then you will be invited to attend an absence review hearing (see below for more details).
- 11.89 **Absence review hearing** - You will be invited to an absence review hearing in the following circumstances:
- Short term absence: you have failed to achieve an improvement target set in an absence review meeting discussing short term absence.
 - Long term absence: you are not expected to be back to work by the date set in an absence review meeting as the hearing trigger .
 - You have reached a trigger point or review date previously set.
- 11.90 The purpose of a formal hearing is to consider all the circumstances and whether any more can be done to support your return to work or an improvement in your attendance. An absence review hearing is the second stage of the formal absence management procedure. Outcomes from an absence review hearing can include dismissal and ill health retirement.
- 11.91 In exceptional situations (such as terminal or life threatening illness) the Head of Resources and Organisational Development can delay the absence review hearing; indefinitely if appropriate.
- 11.92 Further details of the hearing process can be found in s 27.0
- 11.93 Before the hearing, your line manager will ensure that a thorough investigation has been undertaken. The investigation should include:
- Previous documentation, including letters from absence review meeting(s).
 - A breakdown of your absences.
 - Making a referral to occupational health.
 - Obtaining up-to-date medical advice (where appropriate).
 - Considering whether re-deployment is a possibility.
 - Considering any reasonable adjustments that could be made if you have a disability.
 - Reviewing the effect of your continued absence on service delivery.
 - Considering whether ill health retirement may be an option.
 - Considering your service history.

- 11.94 It may become necessary to consider as part of an absence hearing, after reviewing all the facts, whether the situation justifies dismissal.
- 11.95 A further hearing may be needed to review the situation again depending on the circumstances.
- 11.96 Absence review hearings deal with genuine illness. If your manager believes that your absences may not be due to genuine sickness they will discuss with HR whether it is appropriate to instigate the formal disciplinary process instead of the formal sickness management procedure.
- 11.97 You have the right to appeal the outcome of the absence management hearing (see s28.0 for process).
- 11.98 **Early retirement on the grounds of ill health** - Early retirement on the grounds of ill health can be considered where occupational health have certified that the employee is:
- permanently incapable of doing their job efficiently, and
 - permanently incapable of doing any comparable job that is available within the council.
- 11.99 Early retirement will be considered on an individual basis and in co-ordination with colleagues from Northamptonshire County Council (who administer the council's pension scheme).

12.0 Mental Wellbeing and Stress

- 12.1 The Council is committed to protecting the health, safety and welfare of its employees. We recognise that workplace stress is a health and safety issue and acknowledge the importance of identifying and reducing workplace stressors.
- 12.2 **Why should the Council take action?**
- 12.3 Work related stress can lead to ill health and affect the quality of life of the workforce. The Council wants to do as much as it reasonably can to control the risk to its employees.
- 12.4 There are legal requirements imposed upon employers to tackle work based stress. The Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999 place a duty of care on employers to minimise or eradicate the risk to employees by taking steps to make sure that they do not suffer stress as a result of their work.
- 12.5 **Definition of Stress**
- 12.6 The Health and Safety Executive (HSE) define stress as “the adverse reaction people have to excessive pressure or other types of demand placed upon them”. This makes an important distinction between pressure, which can be stimulating and motivating and a positive state if managed correctly, and stress which can be detrimental to health.
- 12.7 Everyone can experience work-related stress, it exists when people perceive they cannot cope with what is being asked of them at work. Work-related stress is not an illness, but if it is prolonged or particularly intense, it can lead to increased problems with ill health.
- 12.8 **Policy Statement**
- 12.9 The Council recognises that its staff are its most valuable asset, and that only through their personal and professional development, in a healthy and safe working environment, can they contribute fully to the achievement of the strategic aims and objectives of the Council.
- 12.10 Whilst the Council has no control over external factors, as a good employer it wishes to promote the physical and mental well-being of all its employees and elected Members. It is committed to ensuring, so far as is reasonably practicable, that no individual is subjected to excessive and sustained level of reasonably foreseeable work-related stress that is detrimental to their health.
- 12.11 **Employee’s Responsibilities**
- 12.12 Employees have a responsibility to take steps to minimise their own stress levels and those of their fellow workers who may be affected by their acts or omissions. They have a legal responsibility to comply with the Health & Safety at Work legislation and other statutory regulations to take reasonable care of their health and safety and that of other persons.

- 12.13 Employees should inform managers of any concerns about work-related stress which might present a health hazard to themselves or other persons. This also includes any external factors affecting the employee.
- 12.14 Employees are responsible for attending staff development events on raising awareness and stress management.
- 12.15 Individuals should make every effort to adopt strategies to combat stress both in and outside of work.
- 12.16 Individuals should use Council supported Counselling services where appropriate.
- 12.17 **What to do if you feel that you or a colleague may be experiencing work related stress**
- 12.18 If you notice (or someone else indicates to you) symptoms of stress in yourself you should discuss this with your manager in the first instance. If you do not feel able to do this, or you feel the matter requires professional guidance, you should contact the HR Section who may refer you to an expert support agency or suggest that you are assessed by the Council's Occupational Health Service (OHS) provider.
- 12.19 If you are concerned that a colleague may be experiencing work related stress, try to talk to them in the first instance. If you do not feel able to do this, or you feel that they are suffering from stress but perhaps not able or ready to discuss it with you, then speak to your line manager or HR in confidence.
- 12.20 The involvement of the OHS at an early stage can help facilitate the co-ordination of communication between the Council and your own doctor as well as providing advice regarding the elimination or reduction (to a safe level) of work-related stress. The release of medical information from your doctor requires your consent in accordance with the Access to Medical Records Act 1988.
- 12.21 **Managers responsibilities**
- 12.22 Managers have a number of responsibilities in relation to work based stress:
- Maintain a positive working environment (see below for more details).
 - Be aware of their own stress levels and how to manage and minimise stress in themselves.
 - Be observant of the potential stress levels of the people around them.
 - Undertake appropriate risk assessments.
 - With guidance from HR, support people in their team who may be suffering from work based stress.
 - Keep records of advice and progress when supporting an employee with work related stress.
- 12.23 A positive working environment can be achieved by:
- dealing with staff in a sensitive and caring fashion
 - monitoring of staff satisfaction and well-being on a regular basis
 - ensuring that all staff know who to talk to about problems

- fostering a team approach and good relationships between staff
- regular two-way communication with staff, not only formal meetings but also informal discussions
- communicating and discussing team objectives
- recognising and praising individual and team achievements or hard work
- giving support and providing constructive criticism when required; making opportunities for staff to discuss their concerns
- listening sympathetically and taking appropriate action
- assessing the impact that your actions and decisions have on the staff that you have responsibility for
- encouraging staff to take annual leave entitlement, meal breaks and TOIL
- provide a proper induction into the section
- encourage a healthy work/home balance
- provide staff with proper training to do their job
- ensuring that there are sufficient resources to suit the workload.

13.0 Smoking Policy

- 13.1 In line with the Smoke-free (Premises and Enforcement) Regulations 2006, the Council's main offices at East Northamptonshire House, The Rushden Centre and the Tourist Information Centre at Oundle have been designated as no smoking areas.
- 13.2 In order to encourage health and wellbeing the Council wishes to support employees who wish to give up smoking, whilst recognising that some people may not want or be able to quit.
- 13.3 At East Northamptonshire House there are external ashtrays situated at specific points for those who wish to smoke.
- 13.4 As it is no longer possible to smoke whilst working in the building, the Council recognises the need for smokers to take a break outside. However, in order to ensure fairness with other employees, managers should ensure that smokers do not take excessive breaks or, if they do, that this time is made up later.
- 13.5 If people wish to use electronic cigarettes they must also take a smoking break outside.

14.0 Part C: What to do if you are unhappy/concerned about something at work

15.0 Informal resolution of concerns

- 15.1 Usually the most effective way of dealing with concerns is to raise them with the individual involved, explaining as calmly as possible:
- What your concern is.
 - Why it is concerning you and/or how it is making you feel.
 - What you would like to happen now and in the future.
- 15.2 In many situations, although this may be difficult and uncomfortable to do, it is the most likely way to resolve the situation. Formal processes, whilst vital in certain circumstances, can result in a more adversarial process which can be difficult for everyone involved.
- 15.3 If an individual wishes to resolve a situation informally but is unsure of how to progress, they may wish to seek guidance from their line manager, trade union representative or HR.
- 15.4 Mediation is another way in which concerns can be resolved informally. Mediation is a process where a neutral third party helps two people to discuss and resolve a situation.
- 15.5 HR can both act as a mediator, or help to find another mediator where appropriate.
- 15.6 Where possible, employees would be expected to attempt to resolve any concerns informally. However a formal process may be needed where:
- An informal process has already been tried, and has not resolved the situation.
 - The severity of the situation makes an informal resolution inappropriate.
 - The nature of the concern makes an informal resolution inappropriate.

16.0 Grievances

- 16.1 According to ACAS, grievances are “**concerns, problems or complaints that employees raise with their employers.**”
- 16.2 The following are some examples of the nature of matters which could be raised under the grievance procedure:
- terms and conditions of employment
 - health and safety
 - work relations (not related to a matter of conduct)
 - new working practices
 - working environment
 - organisational change
 - equal opportunities issues
- 16.3 This procedure is designed to ensure that any problems or grievances any employee may have at work are quickly aired, and resolved fairly and consistently safeguarding the interests of employees, the council and its members.
- 16.4 In the interests of seeking a satisfactory outcome for all, the Council may seek assistance from external specialists at any stage of the Grievance procedure.
- 16.5 A formal procedure (such as capability, redundancy or disciplinary) will not automatically be halted if a grievance is raised in relation to them. The two processes can be run side by side.
- 16.6 **Informal Stage**
- 16.7 If at any time an employee wants to raise a grievance, they should initially discuss it with their line manager. They should outline the cause of their grievance as well as the solution they are seeking.
- 16.8 More information about dealing with concerns informally is provided above in section 15.0.
- 16.9 The line manager should discuss the grievance with the employee and where possible, agree a solution to the satisfaction of both parties. It is hoped that most grievances will be resolved at this stage.
- 16.10 If the manager considers that the nature of the grievance identifies potential misconduct, the matter will be dealt with in accordance with the Disciplinary Policy and Procedure
- 16.11 **Formal Grievance**
- 16.12 Where informal action does not resolve the grievance matter, the employee should put the grievance in writing to HR. The letter should state that it is a formal grievance and outline the grievance in full, stating all facts and steps taken so far, by the employee, to resolve the matter.

- 16.13 A grievance hearing will then be arranged in line with section 27.0.
- 16.14 At the hearing, the chairman will attempt to resolve the grievance to the satisfaction of the employee and the Council.
- 16.15 **Appeal**
- 16.16 If the employee is not satisfied with the solution proposed after their grievance is heard formally, they may appeal following the process set out in 28.0 below.
- 16.17 **Collective Disputes**
- 16.18 In a collective dispute, it may not be practicable to follow every stage of the Grievance Procedure. These should be raised, directly with the appropriate line manager holding responsibility for that group or area and the matter resolved informally where practicable.
- 16.19 If the matter cannot be resolved informally, then the dispute should be put in writing to the Head of Service and copied to the Head of Resources & Organisational Development.
- 16.20 If complainants are members of the Trade Union, the Head of Resources & Organisational Development will notify the appropriate Regional Office.
- 16.21 A collective dispute may arise from circumstances beyond the control of the Council e.g. national action. In such circumstances the spirit and intention of this procedure is that Trade Unions will co-operate with the Council in establishing channels of consultation and negotiation to both resolve the matter and ensure essential services are maintained.

17.0 Whistleblowing

- 17.1 The Council believes in the highest possible standards of conduct and values openness, honesty, integrity and accountability. In line with our Knowledge, Skills and Behaviours framework we expect employees, or partners, who have concerns about any aspect of the Council's work, to come forward and voice their concerns without fear of reprisal.
- 17.2 Employees and Members of the Council are bound by published codes of conduct. These codes form Part 5 of the Council's constitution (see 6.0 above for the employee standards).
- 17.3 You may be the first to realise that something is wrong in the workplace; employees often are. Ideally it is best to raise concerns with your line manager or Head of Service, but you may not feel able to express your concerns in case speaking up would be disloyal to your colleagues, or to the Council. You may be worried about being harassed or victimised and sometimes it seems easier to ignore the concern rather than report what may just be a suspicion that something is wrong.
- 17.4 This policy aims to:
- encourage you to report concerns at the earliest opportunity
 - encourage you to feel confident about raising serious concerns and to question and act on concerns about malpractice or bribery
 - provide reassurance that you will be protected from possible reprisal or victimisation so long as your disclosure is made in good faith;
 - reassure you that any matter reported will be taken seriously and treated in confidence as far as practicable;
 - provide channels for raising concerns in the workplace and for feeding back on any action taken;
 - ensure concerns are dealt with and that you know how to pursue them if you're not satisfied.
 - encourage effective management
 - ensure sound and ethical governance
 - encourage open communications
- 17.5 This policy covers major concerns that fall outside the scope of other procedures. This could be about:
- conduct which is an offence or illegal;
 - miscarriages of justice;
 - health and safety risks, including risks to the public, as well as other employees;
 - damage to the environment;
 - the unauthorised use of public funds;
 - possible fraud and corruption including benefit fraud;
 - sexual or physical abuse of colleagues or clients;
 - bullying, intimidation or other unethical conduct.

- reporting an incident where a Member makes you feel uncomfortable in terms of proper behaviour;
- a breach of the Council's constitution or policies;
- an act which falls below established standards or practice; or you think amounts to improper conduct.

- 17.6 Issues raised through the whistleblowing procedure may trigger other policies and procedures such as the disciplinary process for staff or an investigation under the Members code of conduct.
- 17.7 This policy takes account of the Public Interest Disclosure Act 1998, which gives legal protection to workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act. The Act is incorporated into the Employment Rights Act 1996, which already protects employees who take action or raise concerns about health and safety at work.
- 17.8 This policy forms part of this Council's response to the 2010 Bribery Act under which individuals may be convicted of bribery or the Council may be prosecuted for failing to prevent bribery taking place.
- 17.9 The policy applies to all East Northamptonshire Council employees and to employees of contractors working for the Council on Council premises or providing council services in the District, for example those managing the Council's Leisure Centres or cleaning the offices, agency staff, consultants and private contractors.
- 17.10 If a member of staff has a concern relating to their own employment or the Council's employment policies that should be raised under the grievance process in s 16.0 above.
- 17.11 Some whistleblowing allegations may be more appropriately continued using the corporate complaints procedure or the procedure for complaints about alleged breaches of the Councillors Code of Conduct.
- 17.12 This policy complements the Council's Benefit Counter Fraud Strategy and associated policies, and our Children, Young People and Vulnerable Adults Policy and Procedure.
- 17.13 **Safeguards against harassment and victimisation**
- 17.14 The Council is committed to good practice and high standards and wants to be supportive of employees. Managers recognise that the decision to report something can be difficult to make, for fear of reprisal from those responsible for the matter(s) reported.
- 17.15 If an allegation made in good faith is not confirmed by an investigation, no action will be taken against the person who reported it. However, frivolous or malicious allegations, allegations made for personal gain or to cause trouble or annoyance without good reason will be investigated to decide whether disciplinary action is required.
- 17.16 The Council will not tolerate harassment or victimisation (including informal pressures) and will do all it lawfully can to protect employees who raise a concern in good faith.
- 17.17 Victimising employees or others, or deterring them from raising a concern is a disciplinary offence.

17.18 This does not mean however that if you are already the subject of disciplinary or redundancy procedures, that those procedures will automatically be halted as a result of a whistleblowing allegation.

17.19 Confidentiality

17.20 The Council will do its best to ensure that your concerns are treated in confidence and appropriate arrangements will be made to safeguard your identity. Depending on the nature or severity of the allegation, it may be necessary for a statement to be taken from you as part of the evidence, for example if the external auditors or the Police become involved. In some circumstances, in order to take effective action, the Council will need proper evidence which may later be required to stand up to examination in court or at a tribunal.

17.21 Anonymous Allegations

17.22 Employees are encouraged to put their name to an allegation whenever possible. This is because concerns expressed anonymously are much less powerful; anonymous complaints will be considered as far as possible, at the discretion of the person to whom the complaint is made.

17.23 Factors to be taken into account in responding to anonymous reports include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

17.24 How to raise a concern

17.25 The earlier you raise your concerns, the easier it is to take action. In the first instance, you should contact:

- the Council's Monitoring Officer (currently the Executive Director)

17.26 Or, if for any reason you feel it is inappropriate, or you are uncomfortable speaking to the Monitoring Officer you can also contact any of the people below:

- Any Head of Service
- The Chief Finance Officer/s151 officer
- The Chief Executive
- The Council's Internal Audit Manager (currently provided by the Welland Internal Audit Partnership)
- One of the two council members nominated by the Leader of the Council. (These members not to be Leader, Deputy Leader or any Chairman). Please see EUNICE for the Members' names.

17.27 If you do not know how to contact any of the above please look at the Council's website or contact the Customer Services Centre on 01832 742000.

- 17.28 It's best if your concerns are put in writing. There is a form you can use if you want to, but a letter or email is okay too. Set out the background and history of what's troubling you, giving names, dates and places where possible, and the reasons why the situation is a particular concern. Alternatively, speak to one of the above in person; they will take your worries seriously, listen to you and give you advice about how to proceed.
- 17.29 Someone making an allegation is not expected to prove beyond doubt the truth of the matter but you need to demonstrate that there are reasonable grounds for concern.
- 17.30 How the Council will respond**
- 17.31 It's important to remember that investigating your concerns is not the same as either accepting or rejecting the validity of the allegation. Where appropriate, the matters raised might:
- be investigated by a senior manager, internal audit, or through the disciplinary process;
 - be referred to the Police;
 - be referred to the external auditor;
 - be the subject of an independent inquiry; or
 - be reported to the Council.
- 17.32 In order to protect you, the Council, and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle the Council will follow is to establish the facts and to protect employees and the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, bullying or harassment issues), will normally be dealt with under those procedures.
- 17.33 Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required, it will be taken before any investigation is conducted.
- 17.34 Within five working days of raising your concern, the person you contact will write to you to acknowledge that the matter has been received and to let you know how the matter will be dealt with.
- 17.35 The amount of contact between the person making an allegation and the officer(s) considering it depends on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.
- 17.36 When a meeting is arranged, you can be accompanied by a trade union representative or colleague. Meetings can be held off-site if you so wish.
- 17.37 The Council will take steps to minimise any difficulties which anyone may experience as a result of raising a concern. For instance, the Council would provide legal advice to one of its employees who is asked to give evidence in criminal or disciplinary proceedings at a court or tribunal hearing on the Council's behalf. The advice would cover the preparation of witness statements, the procedures before the court and the responsibilities as a witness.

17.38 We recognise that you need to be assured that the matter has been properly dealt with and will endeavour to keep you informed on a regular basis as matters progress. We will tell you when the investigation is completed, but you may not necessarily be told the outcome of the investigation; this is because it may involve confidential employment matters or be subject to legal constraints.

17.39 **The Responsible Officer**

17.40 The Monitoring Officer is responsible for maintaining and operating the policy. The Monitoring Officer will maintain a record of concerns raised and records of the outcomes in a form which does not prejudice your confidentiality or the confidential nature of any investigation.

17.41 Any of the officers or members identified in s 17.26 shall, if approached by employees with concerns, advise the Monitoring Officer at the soonest appropriate time to enable the record to be maintained.

17.42 **How the matter can be taken further**

17.43 This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- your trade union;
- The Council's External Audit Manager (Currently KPMG - contact details from the Council's website or contact the Customer Services Centre)
- relevant professional bodies or regulatory organisations;
- Northamptonshire Police,
- Public Concern at Work (www.pcaw.co.uk). This is a charity set up to support whistle blowing.

17.44 This policy has been discussed with the local Unison representative and our auditors and has their support.

Example 1

You are working in a service area which regularly engages outside contractors. You have noticed that one which is a supplier we often use doesn't deliver on time or to budget. Your Head of Service, who is very friendly with one of the employees in the contracting firm, doesn't appear to share your concerns, and is quick to make excuses for them. You suspect your Head of Service may be receiving gifts and hospitality from the contractor. What should you do?

ANSWER: Report the suspicion to the Monitoring Officer.

Example 2

You work in the finance team processing monthly accounts and notice that the Executive Director has used a corporate procurement card to purchase new clothing. What would you do?

ANSWER: Report the matter to the Chief Executive or our Internal Audit Manager.

18.0 Bullying and Harassment Policy and Procedure

18.1 Introduction

18.2 This Bullying and Harassment Policy and Procedure sets out the steps East Northamptonshire Council will take to prevent and manage any cases of bullying and harassment. Conduct and behaviours expected from employees are set out in the Officer Code of Conduct and Knowledge, Skills and Behaviours booklet (see s 5.0 for more details).

18.3 We recognise that a complaint of bullying and harassment can be distressing for both the complainant and the complained of. There may be occasions where the person being complained of may not be aware of the impact of their behaviour. Complaints have the potential to damage working relationships and therefore should be addressed as quickly and sensitively as possible.

18.4 This policy and procedure outlines the Council's approach to addressing bullying and harassment matters and provides guidance to:

- Help prevent any cases of bullying or harassment
- Deal effectively with any cases of bullying or harassment
- Ensure fairness to the employee while safeguarding the interests of other staff, the council and its officers

18.5 We believe all of our employees have the right to work in an environment free from bullying behaviour and any form of harassment, be it on the grounds of their sex, sexual orientation, race, religion or belief, political opinion, marital status, disability, age or nationality. Such behaviour will not be tolerated and we seek to ensure that our working environment is sympathetic to all our employees and to those who have business dealings with us, and that they are treated with dignity and respect.

18.6 We aim to ensure that employees are protected from harassment of any kind from clients, customers and other business contacts.

18.7 In summary these steps include:

- Any employee who feels that they are being subjected to bullying or harassment should immediately inform either their Line Manager or a representative from HR
- An employee may decide whether they address the bullying or harassment matter informally, or formally in accordance with the Council Disciplinary policy and procedure
- Holding a meeting with the employee to discuss the allegations and informing the employee what disciplinary action, if any, will be taken against them
- Holding an investigation into the alleged case
- Giving the employee the right of representation at meetings

18.8 Examples of Bullying and Harassment

18.9 **Bullying** is defined as persistent behaviour against an individual that is intimidating, degrading, offensive or malicious and undermines the confidence and self esteem of the employee.

18.10 **Harassment** is defined as unwanted behaviour that may be related to age, sex, race, disability, religion or belief, sexual orientation or any personal characteristic of the individual. It may be persistent or an isolated incident. It can take many forms, from relatively mild banter to actual physical violence.

18.11 The important point is that the actions or comments are viewed as demeaning or unacceptable by the recipient.

18.12 Employees may not always realise that their behaviour constitutes bullying or harassment but they must recognise that what is acceptable to one person may not be acceptable to another.

18.13 Bullying and harassment can range from extremes such as physical violence to less obvious forms like ignoring someone. It can be delivered in a variety of ways – with or without witnesses. It can be persistent or a one off act. The following examples are not exhaustive but give a clear indication of the sorts of actions that constitute bullying or harassment. These include:

- Physical contact which is unwanted
- Unwelcome remarks about a person's age, dress, appearance, race or marital status
- Jokes, offensive language, gossip, slander, sectarian songs and letters
- Posters, graffiti, obscene gestures, flags, bunting and emblems
- Unwanted emails, texts or humiliating data published on social networking sites or abusing company technology to contact an employee in a malicious or intimidating manner
- Isolation or non-cooperation and exclusion from social activities arranged via work
- Coercion for sexual favours including threats of dismissal or demotion for refusal
- Pressure to participate in political/religious groups
- Intrusion by pestering, spying and stalking
- Failure to safeguard confidential information
- Shouting at staff
- Setting impossible deadlines
- Persistent criticism
- Personal insults
- Excessive monitoring of an individual's performance

18.14 Serious examples may constitute gross misconduct which could lead to summary dismissal (see Disciplinary Policy and Procedure below at 24.0)

18.15 All acts of bullying or harassment by council staff will be dealt with. This includes not only situations at work but at any time on our premises, or externally whilst attending social functions or training courses arising from employment with the Council.

18.16 Any allegations of bullying or harassment of staff by councillors will be dealt with in accordance with the Councillors Code of Conduct.

18.17 **Bullying and Harassment Procedure**

18.18 The sensitive nature of complaints of bullying or harassment is recognised and therefore we encourage any employee to discuss the problem in confidence with someone they trust and feel comfortable talking to.

18.19 Any employee who believes they have been the subject of bullying or harassment in the course of their work may either address the matter informally or formally with either their Line Manager or a representative from HR. In all cases, the matter will be treated in the strictest confidence.

18.20 **Informal Stage**

18.21 If at any time an employee feels that they have been treated in a way that makes them feel uncomfortable they should make it clear to the perpetrator that the behaviour is unacceptable to them and that it must stop. If they feel unable to do this verbally, then a written request may be effective.

18.22 If the behaviour stops, then no further action is required.

18.23 Where this action does not stop the bullying or harassment, the employee should discuss this matter again with either their Line Manager or a representative from HR.

18.24 If an employee feels uncomfortable dealing with the matter informally themselves it may be possible to arrange mediation (see 15.4 above) or it may be more appropriate to go straight to the formal procedure (see 18.25 below).

18.25 **The Formal Procedure**

18.26 Where informal methods fail, or serious bullying or harassment occurs, the employee is advised to bring a formal complaint.

18.27 The complaint will be investigated by an appropriate manager or Head of Service with support from HR.

18.28 Whilst recognising the feelings of the employee and the effect that the alleged behaviour may have had on them, it is important to establish the facts. An employee making a formal complaint will be asked to provide details of their allegations including:

- What happened?
- Where did it occur?
- Who was involved?
- Whether this was the first incident?
- If not, details of previous incidents?

- When did it occur?
- Were there any witnesses?
- Has any informal action been taken by them or a designated person?

18.29 The complaint should be made as soon as possible after the event or circumstance, so that it can be dealt with as quickly and effectively as possible.

18.30 The person(s) accused of bullying and harassment will be informed of the allegations, and given an opportunity to discuss the matter with the investigating officer accompanied by a trade union representative or colleague.

18.31 An employee may be supported whilst making this complaint by a work colleague or Trade Union representative.

18.32 Further action

18.33 Once an initial investigation has been undertaken, the investigating officer should write a summary and recommend one or more of the following actions:

- No further action
- Progression to a disciplinary hearing (to be heard by someone not involved with the original investigation) see s 24.29
- Progression to a capability hearing (to be heard by someone not involved with the original investigation) see s 23.5
- Mediation
- Counselling – for either or both parties
- Training and development
- In exceptional circumstances, some serious cases of bullying or harassment may be referred to the police as criminal charges may be appropriate.

18.34 Where action has been taken which is short of dismissal, consideration should be given and appropriate steps taken to minimize the contact between the affected individuals where possible.

18.35 Following the Complaint

18.36 Once the case has been resolved and time has been given to allow relationships to stabilise and return to normal, contact should be maintained with affected employees informally, normally by their line manager. If further problems of bullying, harassment or victimisation are being encountered or stress or anxiety is being suffered, immediate action should be taken to investigate or find a solution.

18.37 Any employee who brings a complaint of bullying or harassment will not suffer victimisation for having brought the complaint. The complainant should not be moved except at his/her request. However, if the complaint is found to be untrue and has been brought in bad faith or maliciously, disciplinary action may be taken against the complainant.

19.0 Part D: How to deal with capability and disciplinary matters, organisational change and redundancy

20.0 Supervision and Performance development reviews (PDRs)

- 20.1 To be an effective manager it is important to ensure that the staff you manage understand their roles and what is expected of them. This is a process that starts with induction and continues through supervision and the annual performance development review (PDR).
- 20.2 There is no requirement to have a formal supervision session or one to one. However some quiet and private time set aside each month with each direct report can help to ensure there is effective communication.
- 20.3 Managers may find it helpful to keep notes of actions agreed during supervision.

21.0 Informal resolution of issues

- 21.1 If a manager has any concerns about performance or behaviour ideally this should be dealt with informally through supervision and the PDR process.
- 21.2 The line manager should provide the employee with examples of under performance and clarify the standards required.
- 21.3 Ideally small issues should be dealt with privately and supportively as soon as possible after the event.
- 21.4 The employee is not entitled to be accompanied at informal discussions, during supervision or PDRs. However, if the manager and the employee agree that this would be helpful, the employee may be accompanied by a Trade Union representative or a work colleague.

22.0 Fixed term workers and probation

- 22.1 **Dealing with capability and disciplinary matters during probation and fixed term contracts.**
- 22.2 Disciplinary matters should be dealt with in the same way as for other employees – see s 24.0.
- 22.3 Capability issues should be dealt with in the same way as for other employees, however an abridged process will be used. Instead of having first, second and third hearings, the matter will go straight to a third hearing where dismissal will be considered.

22.4 Extending the Probationary Period

- 22.5 In disciplinary and capability hearings held during an employee's probationary period managers have the additional option to extend an employee's standard probationary period up to a maximum of 2 years. However, any decision to do this should be taken after careful consideration of all the reasons for the potential extension and whether sufficient guidance and support have already been given to the employee.
- 22.6 Where a situation arises at the end of the probation period, the probation period can be automatically extended for up to 3 months pending the outcome of the investigation and hearing.

23.0 Capability

23.1 This Capability Policy and Procedure sets out the steps East Northamptonshire Council will take to manage unsatisfactory performance where the required standard has not been met due to lack of knowledge, experience, skill or aptitude.

23.2 Unsatisfactory performance should only be dealt with formally if:

- The issues have already been discussed informally in supervision and/or a PDR but there has been no improvement.
- The impact and severity of the consequences of the unsatisfactory performance are so great as to require the immediate commencement of formal procedures.

23.3 The Formal Procedure

23.4 To ensure compliance with employment law and fairness and consistency when applying the Capability Policy and Procedure, line managers must consult HR before taking any action under the formal procedure

23.5 First Formal Hearing

23.6 After advice from OD, the line manager will inform the employee of the performance issues, invite the employee to a first formal hearing and confirm it in writing.

23.7 The hearing will follow the procedure set out in s 27.0

23.8 During the hearing, the performance issues will be discussed. If the chairman of the hearing concludes that there has been unsatisfactory performance, the following will be discussed.

- Improvement targets/standards.
- Training, development and support required.
- Supervision and monitoring.
- A review period.

23.9 Where there is no significant improvement in performance by the end of the agreed review period, the matter will progress to the second formal hearing stage.

23.10 **Second Formal Hearing**

23.11 Where performance issues persist, the line manager will communicate this to the employee and invite them to attend a second formal hearing in accordance with the process set out in s 27.0 below.

23.12 During the hearing, the performance issues will be discussed. If the chairman concludes that there has been unsatisfactory performance, the following will be discussed.

- Improvement targets/standards.
- Training, development and support required.
- Supervision and monitoring.
- A review period.

23.13 If the hearing finds that the performance has continued to be unsatisfactory the employee will be advised that should their performance not improve to the agreed standard, further action may be taken which could result in their dismissal

23.14 **Third formal hearing**

23.15 If the employee's performance does not improve to the required standard by the agreed review periods, in accordance with the First and Second formal stages of this policy a further hearing will be arranged.

23.16 Consideration will be given to the following at this hearing:

- Suitable alternative work, if available, offered on a trial basis
- Termination of the employment contract, with notice, on the grounds of capability

23.17 In extreme circumstances it may be necessary to jump straight to a third level hearing. This will only be appropriate where:

- There has been a single incident or a number of incidents over a short period of time; AND
- The impact or consequences of the unsatisfactory performance has been substantial. Examples of this could be putting employees or customers at physical risk, or putting the Council at significant legal or reputational risk; AND
- It can be shown that the employee knew, or should have known, what the expected level of performance was; AND
- The employee was suitably qualified for the role; AND
- Appropriate supervision, training, balances and checks were in place; AND
- It could create too many risks to allow the employee the necessary time and support to improve their performance up to a satisfactory level.

23.18 **Appeals**

Employees are entitled to appeal the outcome of a capability hearing using the procedure set out in s 28.0 below.

24.0 Disciplinary Policy and Procedure

24.1 Introduction

24.2 This Disciplinary Policy and Procedure sets out the steps East Northamptonshire Council will take to manage alleged employee misconduct.

24.3 Misconduct can be defined as an act or omission that is unacceptable or improper. It may be any or all of the following; deliberate, dishonest, improper or unethical.

24.4 Misconduct should not be confused with a lack of capability.

24.5 An example of a capability issue would be to give an honorarium to a member of staff without following procedures.

24.6 An example of misconduct would be to give an honorarium to a member of staff the employee has a personal relationship with without following procedures or to give an honorarium to a member of staff intentionally avoiding procedures and the proper process of authorisation. The differences here are the personal relationship and the intention to avoid procedures.

24.7 Disciplinary Procedure

24.8 Informal Discussions

24.9 Most cases of minor misconduct, such as poor time keeping, are best dealt with through informal processes such as supervision, rather than through the formal disciplinary policy and procedure. Managers should discuss minor misconduct issues with the employee at the earliest opportunity to encourage improvement and avoid escalation of the matter. The manager should provide the employee with examples of their concerns, for example dates and arrival/departure times for poor timekeeping.

24.10 The manager should agree a review date with the employee, monitor the situation and ensure a file note is made of all conversations that take place with the employee about the alleged misconduct. The manager must place the file note on the employee's personal file, which is held by Human Resources.

24.11 The employee is not entitled to be accompanied at informal discussions. However, if the manager and the employee agree that this would be helpful, the employee may be accompanied by a Trade Union representative or a work colleague.

24.12 Where there are continued misconduct issues a disciplinary investigation should be undertaken (see 24.15 below).

24.13 Where there is no re-occurrence of the misconduct issues the manager should communicate this to the employee and no further action need take place.

24.14 **The Disciplinary Investigation**

24.15 To ensure compliance with employment law and fairness and consistency when applying the Disciplinary Policy and Procedure, line managers must consult with a representative from Human Resources before and during any disciplinary investigation.

24.16 Before a formal disciplinary investigation is commenced, it may be appropriate to check some simple facts. However it is important that this does not become an informal investigation.

24.17 Where there are allegations of financial impropriety or fraud, these must be reported to the Chief Financial Officer (CFO) or Deputy CFO immediately.

24.18 It is important that all allegations of alleged misconduct are investigated before deciding if disciplinary action is necessary. In most cases the investigation will be conducted by the employee's line manager. Where this is not possible or not appropriate, the employee's Head of Service, or another senior manager (where Head of Service is not available), will appoint an alternative manager to conduct the investigation.

24.19 The employee will be informed as soon as possible of the allegation. This will be confirmed in writing, stating who the investigating officer will be.

24.20 The investigation should include:

- Establishing the facts promptly and carefully
- Allowing the employee involved time to give an explanation
- Interviewing witnesses and obtaining witness statements from them

24.21 The employee has the right to be accompanied at formal investigation meetings.

24.22 Once the investigation is finished the manager will produce an investigation report. This report will include:

- A description of the allegation.
- A summary of the investigation process.
- A summary of the evidence collected.
- Copies of any documentary evidence (including any witness statements).
- A recommendation either to proceed to a disciplinary hearing, a capability hearing or that no further action is required.

24.23 Any hearing will not be chaired by the manager who undertook the disciplinary investigation.

24.24 The investigation report will be shared with the employee.

24.25 **Suspension from Work**

24.26 When an allegation of misconduct is made it is sometimes necessary to suspend an employee from work. Employees will be suspended on full pay. Suspension might be necessary when:

- An allegation of gross misconduct is made
- The behaviour of the employee is such that they may be a danger to themselves or to others
- Relationships have broken down
- There is a risk to our property, asset or finances

24.27 The decision to suspend an employee can be made by a Head of Service or any member of CMT after advice from Human Resources.

24.28 Confirmation of the suspension will be sent to the employee in writing by the line manager responsible for undertaking the suspension, within three working days of the action being taken

24.29 **Disciplinary Hearing**

24.30 The guidelines for a hearing are set out in s 27.0.

24.31 **Disciplinary Hearing Outcomes**

24.32 The following are a list of possible outcomes of a disciplinary hearing.

- Allegation unsubstantiated – no further action
- First written warning
- Final written warning
- Dismissal
- Demotion
- Recommendation for additional training or support
- Recommendation for monitoring under the capability process

24.33 The seriousness of the alleged misconduct, and any current disciplinary sanctions against the employee, will determine the action to be taken.

24.34 **First Written Warning**

24.35 A first written warning may be given when either:

- Informal attempts to resolve the matter have failed; or
- The matter is considered to be too serious to be resolved by informal processes.

24.36 Examples of misconduct which may attract a first written warning include:

- Continued poor timekeeping
- Minor breaches of policies or procedures
- Minor abuse of flexible working arrangements
- Use of inappropriate language

24.37 A first written warning will remain in place for one year from the date of receipt.

24.38 **Final Written Warning**

24.39 A final written warning may be given where:

- An employee's conduct has not improved as a result of a first written warning that is currently in force
- An offence has been committed which is too serious for a first written warning but does not warrant a dismissal.

24.40 Examples of misconduct which may attract a final written warning include:

- Refusal to follow reasonable management instructions.
- Breach of recognised health and safety procedures.

24.41 A final written warning will remain in place for two years from the date of receipt.

24.42 In serious cases which fall short of justifying dismissal, in addition to issuing a final written warning it is also possible to apply one of the following sanctions:

- Demotion, loss of seniority or amendment of terms and conditions of employment
- Transfer to another post in the Council, for example where the employee is considered unsuitable to continue the responsibilities of their current post

24.43 **Dismissal**

24.44 The employee may be dismissed with notice where they have a final written warning currently in force and they commit another offence.

24.45 The employee may be summarily dismissed (i.e. dismissed without notice or pay in lieu of notice) where they have committed an act of gross misconduct

24.46 Examples of gross misconduct include:

- Theft from the Council, our staff, councillors, customers, suppliers or visitors
- Fraud or dishonesty
- Unauthorised removal or use of Council property
- Discrimination
- Bullying and harassment
- Fighting, physical or verbal assault, including abusive behaviour
- Falsification of claims documentation to the benefit of the employee or someone friendly with, related to or giving direction to the employee.
- Falsification of qualifications which are a stated requirement of employment, or which result in other gain
- Deliberate and serious damage to property belonging to the Council or that of our staff, councillors, customers, suppliers or visitors.

- Serious breaches of safety regulations endangering self and/or other people, including deliberate damage to, neglect or misuse of safety equipment
- Serious insubordination
- Defiance of proper orders and refusal to work
- Serious breaches of the officer code of conduct
- Serious misuse of Council property or name bringing it into disrepute
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Serious incapability at work brought on by alcohol or illegal drugs
- Causing loss, damage or injury through gross negligence
- Serious breach of confidence

24.47 Appeals Against Disciplinary Action

24.48 Employees who have had a formal disciplinary sanction imposed against them have the right to appeal against the decision.

24.49 See section s 28.0 for guidance on appeals.

24.50 Disciplinary records will be retained on the employee's personal file which is held by Human Resources for the specified period of the warning. The records will be kept confidential and will be retained and destroyed in accordance with the Data Protection Act.

24.51 Grievances Raised During a Disciplinary Case

24.52 If during the course of a disciplinary procedure an employee raises a grievance that is related to the case it may be appropriate to suspend the disciplinary process action.

24.53 Depending on the nature of the grievance it may be necessary to appoint an alternative manager to deal with the disciplinary procedure.

24.54 Criminal Offences Outside of Employment

24.55 Criminal offences or proceedings outside of employment should not be treated as automatic reasons for disciplinary action. Action will only be taken if the offence is relevant to the employee's duties and responsibilities and/or could bring the Council into disrepute.

25.0 Organisational change (including redundancy)

- 25.1 The Council recognises that sometimes it needs to make changes which can lead to:-
- changes to people's roles
 - changes to the structure of teams or the way they operate
 - a reduction in the number of people employed (redundancies)
 - creation of new jobs
- 25.2 The Council understands the importance of job security for its employees and the need to retain employees with the right knowledge, skills and behaviours. It will take steps to minimise the need for redundancy through effective planning of its people requirements.
- 25.3 The Council also recognises that sometimes it cannot prevent redundancy. Where redundancy is unavoidable, the Council will manage it in a fair, consistent and sympathetic manner.
- 25.4 This policy and procedure outlines how the Council will manage organisational change.
- 25.5 It is important that any change which could result in redundancy is planned in advance of any communication taking place. In all cases the Council's Project Management Framework must be followed to ensure all aspects of the change are considered before deciding if the change is viable.
- 25.6 The Council will always attempt to avoid the need for redundancy.
- 25.7 **Consultation**
- 25.8 Consultation will be meaningful, undertaken whilst a proposal is still being considered and by various means which could include:
- information being provided on EUNICE
 - team and individual meetings
 - letters or email communications
 - updates to the Council's employee communication and consultation group Xchange.
- 25.9 The Council will provide affected employees and trade union representatives with clear details of the change that is being proposed, the timetable and possible implications
- 25.10 There is a statutory duty to consult with the recognised trade union(s) about change which is likely to result in a redundancy situation. This applies even where employees concerned are not union members.
- 25.11 The minimum statutory consultation periods are as follows:
- 20 – 99 redundancies: at least 30 days before the dismissal takes effect
 - 100 + redundancies: at least 45 days before the dismissal takes effect

25.12 Where fewer than 20 redundancies are proposed, there is no statutory minimum consultation period, but in line with good practice the Council will consult at least 30 days before the changes take effect.

25.13 The Council will follow any current statutory requirements of notification.

25.14 At the end of the consultation period, CMT will take into account all views and opinions received and will advise the recognised trade unions and employees of any alterations made to the proposals.

25.15 **Approval to consult on minor changes**

25.16 Where minor changes to job roles and teams are being proposed, approval to consult is required from the Head of Service. HR must be informed prior to consultation commencing.

25.17 Examples of minor changes

- Changes to job descriptions that are unlikely to result in a change of grade.
- Changes of line management.
- Office moves.
- Reduction of staffing levels (without redundancy, e.g. choosing not to recruit to a role following a resignation).
- Renaming a role or team.
- Removing essential car user allowance.

25.18 **Approval to consult on major changes**

25.19 Where there are major changes proposed permission needs to be granted by Members via the Personnel Sub Committee to commence consultation with staff.

25.20 Examples of major changes:

- Potential redundancies.
- Creation of new posts.
- Where changes to a post may result in a higher grade after job evaluation.
- Creation or deletion of teams.
- Creation of new shared services.
- TUPE (into or out of the organisation).
- Increases in staffing levels.
- Adding to the establishment (more roles or more hours).

25.21 **Final approval of the proposed change**

25.22 Where minor change is proposed, once consultation has been taken into consideration, Heads of Service can approve the change.

25.23 Where major change is proposed, once consultation has finished CMT will submit a report to the Personnel Sub Committee detailing the proposed change. The report will contain the following information:

- Proposed new structure
- Reason for the change
- Summary of feedback received during consultation
- Cost of the proposed restructure
- Next steps

25.24 In some cases the Personnel Sub Committee may ask for changes to be made to the proposal before they approve it. Where that happens the Committee may request a further period of consultation. If that is necessary, the Committee will agree the extended consultation period which will take into consideration the impact of the extended timescales on those individuals directly affected by the change and the need to ensure consultation is meaningful.

25.25 When there is a fundamental recommendation to change the type of services that will be delivered to customers a report will also be submitted to the Policy and Resources Committee prior to implementation.

25.26 The agreed structure will be communicated as soon as possible after it has been approved by Members.

25.27 **Selection for redundancy**

25.28 In some cases it will not be necessary for the Council to use selection criteria to identify which posts will be made redundant because it will be obvious. For example, where there is only one employee and their job is to be made redundant.

25.29 However, where it is necessary to reduce the number of employees who all do the same job by a certain number it will be necessary to select which employees will be made redundant.

25.30 As far as possible, objective criteria precisely defined and capable of being applied in an independent way will be used when determining which employees are to be selected for redundancy. The purpose of having objective criteria is to ensure that employees are not unfairly selected.

25.31 Objective criteria can include:

- an assessment centre (a mixture of relevant tests, interviews and exercises)
- interviews
- knowledge and skills
- performance (there should be objective evidence to support selection on this basis e.g. current Performance and Development Review)

25.32 Trade union representatives and employees will be advised as soon as possible of the selection process and implementation timetable.

25.33 A formal meeting will be arranged to inform each employee and trade union representatives of the outcome of the selection process (including any assessment

scores). Employees will be entitled to be accompanied by a colleague or their trade union representative.

25.34 Dismissal on the grounds of redundancy

25.35 When an employee is selected for redundancy and all other options have been considered, they will be invited in writing to attend a formal meeting; this is required in law. The letter inviting them to the meeting should:

- provide at least 3 working days notice of the meeting
- advise the employee that they are entitled to be accompanied to the meeting by either a trade union representative or a work colleague
- let the employee know where they can get support.

The meeting will be followed up with a letter which will include:

- the grounds on which the employee is to be dismissed (redundancy)
- that the employee has formally been placed at risk of being made redundant
- the proposed termination date
- the employee's right of appeal against the decision
- details of requirements under Schedule 2 of The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999 – see section 25.45 for further information
- confirmation of the employee's redundancy pay
- confirmation of any details regarding car leases, car loans, outstanding leave, early retirement etc.
- confirmation that the Council will continue to look for suitable alternative employment up until the employee's employment termination date
- where the employee can get support.

25.36 Appeals against dismissal for reasons of redundancy

25.37 Employees who are dismissed because of redundancy have the right to appeal if they feel any aspect of the decision is unfair. To do this they must follow the process set out in s 28.0.

25.38 Voluntary redundancy

25.39 Voluntary redundancy may be offered on a limited basis to specific service areas or teams. All applications for voluntary redundancy will be considered by CMT.

25.40 When considering applications for voluntary redundancy CMT will take into account the job held by the employee, the cost of the voluntary redundancy and the Council's need for a balance of key knowledge, skills and behaviours.

25.41 Not all applications for voluntary redundancy will be approved and the decision made by CMT is final.

25.42 Where a voluntary redundancy application is accepted, an employment termination date will be agreed with the employee. Where the employee accepts voluntary redundancy, the statutory consultation period will not apply.

25.43 Fixed term employees

25.44 Fixed term employees are in principle treated the same as other employees, except where the fixed-term employee has been recruited specifically as an interim measure pending a reorganisation. In this situation it would normally be assumed that this employee would be made redundant before others on open-ended contracts.

25.45 Offer of a new job with a modification order body

25.46 If the Council gives the employee notice of redundancy and before the dismissal takes effect, or within 4 weeks of leaving, the employee receives an offer of employment from another body specified in Schedule 2 of The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999, the individual will lose entitlement to a redundancy payment.

25.47 Redundancy payments

25.48 The Council will pay redundancy pay at the statutory pay rate.

25.49 The Council defines a week's pay as contractual gross pay, rather than the statutory minimum.

25.50 Overtime does not count unless the Council is contractually bound to provide it, and the employee is bound to work it.

25.51 If the employee has no normal working hours i.e. the hours vary from week to week, a week's pay would be the average weekly remuneration for the 12 weeks prior to the calculation date. If the employee receives no pay for any of those 12 weeks, the 12-week period would be extended to include the weeks where pay was made.

25.52 Loss of entitlement to a redundancy payment

25.53 An employee who would normally be entitled to a redundancy payment may lose their entitlement where:

- the employee commits an act of gross misconduct and is dismissed for it
- they leave before the notice period has expired without the Council's agreement
- the employee unreasonably refuses an offer of suitable alternative employment

25.54 Time off to look for work/undergo training

25.55 Any employee placed at risk of redundancy will be given reasonable time-off to look for alternative work with another employer. This will also include time-off to attend interviews or to undergo training for alternative work. The employee should agree any time-off needed with their line manager.

25.56 Car Loans and Qualification Course Fees

25.57 An employee who is being made redundant will not be asked to repay any fees the Council has already paid towards a qualification course.

- 25.58 Outstanding car loan agreements will be discussed with the employee and an individual agreement will be reached with them for repayment of the loan.
- 25.59 Redeployment**
- 25.60 To minimise the need to make redundancies, and to support employees in other situations (such as ill health, bullying and harassment and capability) the Council will make every reasonable effort to redeploy employees.
- 25.61 The HR team will oversee the redeployment process.
- 25.62 When an employee is at risk of redundancy, or is working their notice period after being notified that they are to be dismissed for reasons of redundancy, they will be given prior consideration for job vacancies.
- 25.63 That means provided they have the required knowledge, skills and experience for the job (or the gap can be bridged with training within three months) they will be selected for the job above another employee. Candidates must still attend an interview so that the recruiting manager and a representative from HR can assess the employee's knowledge, skills and experience against the job.
- 25.64 Where there is more than one employee at risk of redundancy, the appointment will be based on the best person for the job following selection by a formal interview process.
- 25.65 Suitable alternative work**
- 25.66 The Council will make every reasonable effort to redeploy employees who are at risk of redundancy to a job that matches their grade, knowledge, skills and behaviours.
- 25.67 If an employee unreasonably refuses to accept a role that the Council considers to be suitable they may forfeit their right to a redundancy payment. Unreasonable refusal could occur when the differences between the new and old jobs are negligible. Refusal may be reasonable if the new job would cause domestic upheaval, for example, if there was a considerable change in working hours.
- 25.68 The Council will continue to look for suitable alternative work up until and including the employee's last day of employment.
- 25.69 Trial periods**
- 25.70 Offers of suitable alternative work are subject to a statutory four week trial period. The trial period will begin when the previous contract has ended and will finish four weeks after the date on which the employee starts work under the new contract.
- 25.71 The purpose of the trial period is to give the employee a chance to decide whether the new job is suitable without necessarily losing their right to a redundancy payment.
- 25.72 It also gives the Council the opportunity to assess the employee's suitability to the job. Should the Council wish to end the new contract within the four week trial period the employee will retain the right to a redundancy payment under their old contract.

- 25.73 If the employee works beyond the end of the four week period, any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment. The Council will advise the employee of this when the alternative job offer is made.
- 25.74 Where the new work is deemed suitable and the employee acts unreasonably by terminating their contract, they will lose their right to redundancy pay.

26.0 Protection of pay and benefits

26.1 What's covered?

26.2 The protection arrangements detailed below cover:

- Redeployment to an alternative post
- Regrade of their current post
- Removal of essential car user status

26.3 The protection arrangements do not cover the situation where an employee chooses to apply in the normal way for a post at a lower grade.

26.4 There is no automatic entitlement to a lower graded job with pay and benefit protection as an alternative to redundancy.

26.5 Redeployment to an alternative post

26.6 Where an employee is transferred into an alternative post and is downgraded as a result of the move their current pay and benefit package will be protected for 18 months from the date of transfer as follows:

Period	Protection
0 – 12 months	100%
12 – 18 months	50%

- 26.7 At the end of the period of protection the employee's pay and benefit package will reduce to that applicable to the new post. Salary will be at the top of the new grade.
- 26.8 Pay and benefit protection will be confined to a transfer to a post one grade below the level of the previous post.
- 26.9 Where a transfer to a post more than one grade below the level of the previous post is made, protection up to the amount of one grade will be provided.
- 26.10 During the protection period the employee will not receive any increments or pay awards until the salary of their new post exceeds the amount at which their pay has been frozen.
- 26.11 Protection will continue until such time as:

- The protection period ends.
- The new post's basic pay permanently exceeds that of the old post.
- The employee moves on their own accord to a new post.

26.12 Removal of essential car user status

26.13 Employees who have their essential car user status removed will have their essential car user allowance or council car protected for a period of 6 months from the date the change takes place.

26.14 Protection will continue until such time as:

- The protection period ends.
- The employee moves on their own accord to a new post.

26.15 Protection of other benefits

26.16 If there is a proposal to remove any other benefits there will be consultation with the individual(s) and trade unions and appropriate protection periods will be put in place.

27.0 Hearings

27.1 A formal hearing may be necessary in the following situations

- Disciplinary (see s 24.0 above)
- Grievance (see s 16.0 above)
- Capability (see s 23.0 above)
- Absence (see s 11.0 above)

27.2 The hearing chairman will be appointed in line with the table below.

Employee is:	Grade 1 - 9	Head of Service	Director
Disciplinary	Head of Service	Line Manager	Chief Executive
Capability (1st and 2nd hearing)	Line Manager	Line Manager	Chief Executive
Capability (3rd level hearing)	Head of Service	Line Manager	Chief Executive
Grievance	Line Manager	Line Manager	Chief Executive
Grievance about line manager	Head of Service*	Seek guidance from HR	Seek guidance from HR
Absence Management	Head of Service	Line Manager	Chief Executive

*unless the line manager is a Head of Service, in which case Director

27.3 Advice from HR should be sought if the issue is in relation to the Chief Executive.

27.4 The chairman should not be the same person who investigated the situation.

27.5 The hearing chairman will be supported by HR.

27.6 If an employee or their representative is unable to attend a hearing they must offer alternative dates within 10 working days of the original date.

27.7 If the employee or their representative is unable to offer alternatives, or does not attend at the rescheduled hearing, the hearing will proceed in their absence.

27.8 Any paperwork that will be referred to by any party at the hearing must be distributed at least 5 clear working days before the date of the appeal.

27.9 Notice will be given to the employee of the possible outcomes of the hearing.

27.10 The employee has the right to be accompanied at a hearing by either a Trade Union representative or a work colleague.

27.11 The hearing decision will be confirmed in writing within 10 working days of the hearing.

27.12 The employee may appeal the decision of the hearing using the process set out below.

28.0 Appeals

- 28.1 If an employee is not satisfied with the outcome of a hearing they may submit an appeal within 10 working days of receiving their formal hearing outcome letter.
- 28.2 To submit an appeal the employee must send a letter or email to HR confirming that they wish to appeal the decision. They must clearly state their reasons for requesting an appeal.
- 28.3 An appeal will ideally be arranged within 28 days of receiving the request for an appeal.
- 28.4 HR will support the appeal chairman. The hearing chairman will also be present.
- 28.5 Appeals will be heard in accordance with the table below.

Employee is:	Grade 1 - 9	Head of Service	Director
Disciplinary	Director	Chief Executive*	Member panel
Capability	Head of Service	Chief Executive*	Member panel
Grievance	Head of Service	Chief Executive*	Member panel
Grievance about line manager	Director**	Chief Executive*	Member panel
Absence Management	Director	Chief Executive*	Member panel

* Unless Chief Executive chaired original hearing, in which case the appeal will be heard by a Member panel.

** Unless Director chaired original hearing, in which case the appeal will be heard by the Chief Executive.

- 28.6 Member panels will be 3 elected Members appointed for the specific case by the Personnel Sub Committee.
- 28.7 Advice from HR should be sought if the issue is in relation to the Chief Executive.
- 28.8 Any paperwork that will be referred to at the appeal must be distributed at least 5 clear working days before the date of the appeal.
- 28.9 The employee has the right to be accompanied at an appeal by either a Trade Union representative or a work colleague.
- 28.10 The appeal decision will be confirmed in writing within 10 working days of the appeal.
- 28.11 All appeal decisions will be final.



EIA Initial Screening Form – policy

1. Name of Policy:	
2. Name and Job title / role of person completing Initial Screening:	Aime Armstrong (HR Manager)
3. What is the main purpose of the Policy?	Staff management
4. Who is the Policy aimed at?	Staff
5. How is the success of the Policy measured?	High employee engagement, low numbers of employment tribunals, effective and efficient staff.
6. Are equality monitoring systems for the Policy in place?	No because numbers are so low.

7. Use the following table to indicate using a ✓:

- a) Where you think that the Policy could have a positive impact on any of the groups or contribute to promoting equality of opportunity or improving relations within equality groups.
- b) Where you think that the Policy could have a negative impact on any of the equality groups i.e. it could disadvantage them.
- c) Where you think that the Policy could have a neutral impact on any of the equality group i.e. no impact

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Gender:				
Women/Girls			X	
Men/Boys			X	
Transgender people			X	
Sexual Orientation:				
Lesbians, gay men and bisexuals			X	
Race/Ethnicity:				
White British people			X	
White non-British people (including Irish people)			X	
Asian or Asian British people			X	
Black or Black British people			X	
People of mixed heritage			X	
Chinese people			X	
Travellers (Gypsy/Roma/Irish heritage)			X	
People from other ethnic groups			X	
People who do not have English as their first language			X	

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Disability:				
Physical impairment, e.g mobility issues which mean using a wheelchair or crutches.			X	
Sensory impairment, e.g blind/having a serious visual impairment, deaf/having a serious hearing impairment.			X	
Mental health condition, e.g depression or schizophrenia			X	
Learning disability/difficulty, e.g. Down's syndrome or dyslexia, or cognitive impairment such as autistic spectrum disorder			X	
Long-standing illness or health condition, e.g. cancer, HIV. Diabetes, chronic heart disease or epilepsy			X	
Other health problems or impairments (<i>please specify if appropriate</i>)			X	
Age:				
Older People (60+)			X	
Children and Young People (see guidance for definition)			X	
Religion/Belief:				
Christian			X	
Buddhist			X	
Hindu			X	
Jewish			X	
Muslim			X	
Sikh			X	
Other religion (including holding no belief)			X	

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Other Potentially Affected Groups				
Rural Isolation - People who live in rural areas e.g isolated geographically, lack of internet access			X	
Socio-economic Exclusion – e.g. people who are on benefits, have low educational attainment, single parents, people living in poor quality housing, people who have poor access to services, the unemployed or any combination of these and the other protected strands			X	
Any other potentially affected groups (<i>please specify</i>)			X	
8. If you have indicated that there is a negative impact on any group:				
None identified				
a) Is that impact against legislation?	Yes	No		
b) What is the level of impact?	High	Low		
9. Could you minimise or remove any negative impact that is of low significance?	How?			
10. Could you improve a positive impact of the Policy?	How?			
11. If there is no evidence that the Policy promotes equality of opportunity or improved relations, could it be adapted so that it does?	How?			
Head of Service signature	Katy Everitt			
Date of Initial Screening:	20 September 2013			