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The Chair and Members of
Employment and General Committee

31 March 2017

Dear Councillor,

Please attend a meeting of the EMPLOYMENT AND GENERAL COMMITTEE to be held on MONDAY, 10 APRIL 2017 at 10.00 am in Committee Room 2, Town Hall, Rose Hill, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to Items on the Agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 4)
4. Revised Disciplinary and Grievance Policies (Pages 5 - 56)
5. Revised Work Experience and Leave Policies (Pages 57 - 102)
6. Local Government Act 1972 - Exclusion of the Public

To move "That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the following Paragraphs of Part 1 of Schedule 12A of the Act

– Paragraph 1 on the grounds that it contains information relating to individuals".

7. Minutes of Council Health and Safety Committee (Pages 103 - 128)

To receive the Minutes of the Council Health and Safety Committee meeting held on 18 January, 2017 and the Corporate Accidents and Work-Related Ill-Health Incidents Report from that meeting.

8. Minutes of Employer/Trade Union Committee (Pages 129 - 134)

To receive the Minutes of the Employer/Trade Union Committee meeting held on 20 January, 2017.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'R. Smith', written in a cursive style.

Local Government and Regulatory Law Manager and Monitoring Officer

EMPLOYMENT AND GENERAL COMMITTEE

Thursday, 9th February, 2017

Present:-

Councillor Elliott (Chair)

Councillors Simmons
J Innes

Councillors Davenport
Wall

*Matters dealt with under the Delegation Scheme

13 **DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS
RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

14 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

15 **MINUTES**

RESOLVED –

That the Minutes of the Meeting of the Committee held on 23 January, 2017 be approved as a correct record and signed by the Chair.

16 **LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC**

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

17 **COMMERCIAL CATERING POSTS**

The Commercial Services Manager submitted a report seeking approval for the establishment of new posts within the commercial catering function. A business case had been presented to Cabinet on 20

September, 2016 and approval was granted for the establishment of a commercial catering function and budgets to deliver the function, including staffing costs.

Initially, the council's commercial catering function would operate the café in the market hall; the catering function would then be rolled out to other sites in the borough. The report proposed to establish a Commercial Catering Manager post to lead the strategic development of the service and ensure successful delivery of the commercial catering outlets. In addition, two Barista Team Leader roles and nineteen Barista Team Member roles were proposed to carry out the front of house service duties. The recruitment to these roles would be carried out as and when required during the rollout of the commercial catering function into new outlets.

The Catering Commercialisation report, which was approved by Cabinet in September, 2016, was attached as an appendix to the officer's report and provided details of the financial implications.

***RESOLVED –**

1. That the establishment of 1 FTE Commercial Catering Manager, 2 FTE Barista Team Leaders and 19 FTE Barista Team Members within the commercial catering function be approved.
2. That the Commercial Services Manager in consultation with the HR Manager be authorised to make appointments to the new posts.
3. That the provision for apprenticeships be integrated into the commercial catering function at an appropriate stage.

For publication

Disciplinary and Grievance Policies (EC000)

Meeting: Employment and General Committee

Date: *10th April 2017*

Report by: Sandy Gillham-Hardy, HR Officer

For publication

1.0 Purpose of report

1.1 To provide information regarding the introduction of a revised Disciplinary policy and Grievance policy and to recommend for approval.

2.0 Recommendations

2.1 That the new Disciplinary and Grievance policies be approved.

3.0 Background

3.1 Both of the policies are overdue due for renewal and have been drawn up in accordance with employment law, ACAS guidelines and best practice.

3.2 The proposed Disciplinary policy provides guidance for all employees and managers on how to handle situations where conduct of an individual is below the standard expected by the organisation.

3.3 The Disciplinary policy has been redrafted and the main changes are:-

- Revision in levels of decision making;
- Employees sanctioned for disciplinary matters lose right to automatic incremental progression during sanction period;
- Employees sanctioned lose right to progression during period of sanction;
- New statutory duty to refer employees for inclusion on Disclosure and Barring List if the offence is related to a safeguarding matter;
- Changes to right of representation at the informal stage;
- Grievances raised during the process considered at appeal stage rather than suspending disciplinary process unless related to bullying or harassment. Extension of 1 week for date of hearing;
- Removal of all reference to capability action (now covered in separate policy);
- Case investigator appointed outside management chain;
- Review of suspension every two weeks not four;
- Levels and durations of warnings;
- Reference to previous disciplinary record where matter related and of a serious nature.

3.4 The proposed Grievance policy aims to ensure that individual members of staff who feel aggrieved about the way that they have been treated, either by management or by their colleagues, are given every opportunity to express their views and have the issues they have raised resolved in a fair and just manner.

3.5 The Grievance policy has been redrafted and only minor changes made.

3.6 To support the implementation of the revised policies training and guidance will be provided to managers to not only ensure that the policies are implemented consistently across the council but also to support managers to feel confident with the delivery of the policies.

4.0 **Proposed procedure**

4.1 The new Disciplinary policy can be found at appendix A and a full Equality Impact Assessment has been completed and is attached at appendix B.

4.2 The new Grievance policy can be found at appendix C and a full Equality Impact Assessment has been completed and is attached at appendix D.

5.0 **Employer/Trade Union Meeting**

5.1 The proposed policies have been submitted to the employer/trade union meeting on 20 January 2017 and any amendments from that meeting have been incorporated into the policies.

6.0 **Recommendations**

6.1 That the new Disciplinary and Grievance policies be approved.

Document information

Report author	Contact number/email
Sandy Gillham-Hardy	01246 345357
Background documents These are unpublished works which have been relied on to a material extent when the report was prepared.	
<i>This must be made available to the public for up to 4 years.</i>	
Appendices to the report	
Appendix A	Disciplinary Policy
Appendix B	Disciplinary Policy Equality Impact Assessment
Appendix C	Grievance Policy
Appendix D	Grievance Policy Equality Impact Assessment

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Disciplinary Policy

Prepared by: Human Resources

Date: January 2017

For review: January 2020

17/02/17 final version

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SECTION 1: GENERAL GUIDING PRINCIPLES

POLICY STATEMENT

The council expects the highest standards of integrity, conduct and behaviour of its employees. It is the responsibility of managers to make sure that employees are aware of the standards required, including local standards. It is the responsibility of all employees to familiarise themselves with the appropriate policies and codes in order to demonstrate compliance with the standards.

This Disciplinary Policy has been drawn up in accordance with the Employment Act 2008, Trade Union and Labour Relations (Consolidation) Act 1992, CIPD guidelines, ACAS guidelines including the current ACAS Code of Practice on Disciplinary and Grievance and Disciplinary and Grievances at work: The ACAS guide. It also has regard to the requirements of natural justice.

The purpose of the Disciplinary Policy is to:

- Help and encourage all Chesterfield Borough Council (CBC) employees to achieve and maintain the highest possible standards of performance and conduct, and
- Promote the prompt, equitable and consistent treatment of staff where breaches of discipline are alleged.

SCOPE

This policy will apply to all CBC employees subject to the following exemptions as separate arrangements exist for these individuals:

- Employees still subject to a probationary period;
- Volunteers.

In addition the Chief Executive, Executive Directors, Monitoring Officer, Director of Finance and Resources are exempt from this policy. The provisions contained within the Local Authorities (Standing Orders) Regulations 2015 will apply with regard to disciplinary action in respect of the 'protected officers' to whom the regulations apply.

If an employee is not meeting the council's expectations for the quality or quantity of their work, the problem is poor performance and the capability policy should be applied to set expectations, provide feedback and improve the performance of the individual in line with the expectations of the council. Whereas the disciplinary policy is used when a behavioural incident or inappropriate conduct has occurred and takes the form of a breach of any of the council's employment policies, procedures or guidelines.

Reference to the Corporate Management Team (CMT) includes the Chief Executive, 2 Executive Directors, the Director of Finance and Resources, the Policy and Communications Manager, Health and Wellbeing Manager, Commercial Services

Manager, Economic Growth Manager, Customers, Commissioning and Change Manager and the Housing Manager.

PRINCIPLES

Employees are expected to conduct themselves in accordance with the policies, procedures, principles and values of CBC.

The disciplinary procedures, including informal action, should not be seen merely as a means of imposing sanctions on staff, but also as a means by which improvements in the employee's performance and conduct are encouraged.

The procedure may be implemented at any stage depending upon the seriousness of the employee's alleged misconduct.

The time limits referred to in the policy may be varied by agreement of both parties e.g. employee or management.

In respect of any action taken against an employee under level 1 of the Disciplinary Procedure, the Disciplining Officer will normally be the employee's line manager. Levels 2 & 3 of the Disciplinary procedure will be conducted by a member of CMT. Under level 4 only those nominated Officers with authority to dismiss under the CBC's Delegated Authority Protocol can take the decision to dismiss; this is currently limited to members of CMT.

CMT will delegate authority to named managers to implement the disciplinary process and identify those managers with the authority to suspend and extend disciplinary process target time scales.

The Head of HR (or nominated representative) should be in attendance in an advisory capacity for at least levels 2,3 & 4 of the Disciplinary Procedure. Dismissal may only take place after consultation with the Head of HR or nominated representative.

Disciplinary action against a Trade Union representative (including launching an investigation), should not commence until the circumstances of the case have been discussed with the Head of HR or nominated representative and a full time official.

No formal disciplinary action should be taken against an employee until the case has been fully investigated. The employee will be advised of the nature of the complaint/allegation against them and will be given the opportunity to state their case before any decision is made.

An employee will have the right to appeal against any disciplinary sanction imposed.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the sanction could be dismissal without notice or payment in lieu of notice. Appendix 1 sets out examples of behaviour and conduct that would constitute misconduct and gross misconduct.

All employees of CBC are required to co-operate and participate fully with all stages of the disciplinary procedure and their attendance should be facilitated in internal processes, however, failure to comply may lead to disciplinary action in itself.

Staff who are suspended and/or under investigation will be allowed to apply for progression (including optional training) but any offer to an employee will be conditional on no disciplinary sanction being issued as a result of the suspension /investigation.

Staff who have a current disciplinary sanction will not be allowed to apply for or be considered for progression (including optional training) until any sanction(s) is/are spent. Any increments which may be due will also be withheld for the duration of a sanction. If staff who have already applied or been approved for progression (including training) then receive a disciplinary sanction, they will be removed from the course or its application process.

CBC has a responsibility for the protection of Vulnerable Adults and Children within its services. Allegations against employees which involve Adult Protection/ Child Protection issues may mean that the requirements of Adult Protection/ Child Protection procedures take precedence over CBC disciplinary procedures.

CBC has a statutory duty to consider a referral of an employee for inclusion in the Disclosure and Barring Service's children and adults barred lists, who are subject to suspension and/or disciplinary action for a related offence.

SECTION 2: PROCEDURE

POLICE ENQUIRIES OR CRIMINAL PROCEEDINGS

Employees must notify their line manager if they are cautioned, charged with or convicted of a criminal offence. Police enquiries, criminal proceedings or convictions relating to a criminal offence should not necessarily be regarded as constituting either a reason for disciplinary action or a reason for not pursuing internal disciplinary action. Where a matter is being considered in parallel with Police investigations, the decision of the Police to proceed or not will not necessarily have any bearing on:

- Any internal investigation, and/ or
- The decision of any manager to impose a disciplinary penalty.

In deciding whether a matter should lead to disciplinary action, the main considerations are whether the alleged offence:

- Is one that breaches the mutual trust that must exist between employee and employer or between colleagues;
- Makes the individual unsuitable for the type of work they do;
- Breaches CBC's policies, procedures and codes of conduct;
- Is likely to be prejudicial to the services provided by CBC;
- Represents a risk to public safety.

EQUALITY AND HUMAN RIGHTS

CBC recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the nine protected characteristics.

CBC is committed to equality of opportunity and anti-discriminatory practice both in the provision of services and in our role as a major employer. CBC believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices.

CBC is also aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote human rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

CONFIDENTIALITY

Disciplinary matters are considered confidential. Only those persons who need to should be given access to relevant information and in turn should treat that information as confidential. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. All those involved should be informed that any breach of confidentiality (including informal discussions with colleagues) may prejudice an investigation and may also in itself constitute a disciplinary offence.

Where there may be fear of reprisal against witnesses the Case investigator may need to consider anonymising witness statements however this will only be in exceptional circumstances with the agreement of HR.

RIGHT OF REPRESENTATION

At all stages in the formal procedure, including formal disciplinary investigation interviews, the employee will have the statutory right to be accompanied by a Trade Union Representative or a work colleague. The employee is responsible for arranging the attendance of their representative.

A line manager is not allowed to represent staff at any stage of a disciplinary process as they may have a subsequent role in overseeing any disciplinary sanction or recommendations.

The individual accompanying the employee, who should not be directly known to be involved in the allegations and not acting in a legal capacity, is permitted to address any disciplinary meeting or subsequent hearing on behalf of the employee but is not permitted to answer questions on behalf of the employee (unless this has been agreed with the panel prior to the hearing).

RAISING A GRIEVANCE

During the disciplinary process the employee under investigation may raise a grievance that is related to the case. If this happens the grievance will be dealt with at the hearing stage of the disciplinary process and an extension of 1 week's notice for the hearing stage will be granted unless the grievance relates to bullying or harassment from a person connected to the disciplinary matter in which case the grievance will be considered.

MINOR MISCONDUCT – INFORMAL RESOLUTION

Cases of minor misconduct, such as poor timekeeping can be addressed effectively and swiftly by the employee's immediate line manager having a structured discussion with the employee regarding the standards required and the required improvement in their conduct and or behaviour.

The Line Manager should arrange a meeting with the employee in order to:

- a. Identify specifically where the expected standards of conduct are not being met.
- b. Explore with the employee concerned any reasons that may exist for these standards not being met (including ill health).
- c. Encourage, facilitate and support the employee to improve their standard of conduct.
- d. Consider whether any training, mentoring or other support may be required and how this could be provided.
- e. If appropriate invoke the capability policy.
- f. Discuss and confirm with the employee the time period in which the required improvement in conduct should be achieved and establish appropriate mentoring and monitoring arrangements.
- g. Explain to the employee that failure to meet the required standards of conduct may leave no alternative than for the matter to be progressed formally in line with the Disciplinary policy.

The outcome of the meeting will be confirmed to the employee in writing detailing the behavioural standards and conduct required of them, and outlining the potential outcome of not meeting these standards (i.e. formal disciplinary action).

Records must be made of the initial and subsequent review meetings. The letter should have a validity period of up to 6 months and be disregarded after this timeframe. Copies of all communication to employees should be sent to HR.

FORMAL DISCIPLINARY PROCEDURE

The formal disciplinary procedure will apply where:

- The employee does not improve their conduct/behaviour to a satisfactory standard following meetings held to discuss issues of minor misconduct, and/or

- An allegation of misconduct is considered to have occurred and to be of a serious nature requiring an investigation to be undertaken to determine the full facts.

ALLEGATIONS WHICH REQUIRE AN INVESTIGATION

The line manager should initially inform the Head of HR or nominated representative of the allegation in order to determine that there is sufficient substance/ evidence to the allegation to require a formal investigation.

The relevant member of CMT should be informed of the investigation and should agree in conjunction with the Head of HR or nominated representative whether suspension, or an alternative to suspension, is necessary. See the section below for more information on when suspension is appropriate.

The member of CMT in conjunction with the Head of HR (or nominated representative) should identify a Case investigator who will be independent with no prior knowledge of the incident/allegation. The person appointed should be of an appropriate level and experience to be able to investigate the case. In all cases it is important to ensure the Case investigator will be able to complete the investigation within a reasonable timescale.

The Case investigator should be briefed on the allegations and the employee should be sent the allegations in writing along with a copy of the Disciplinary Policy.

SUSPENSION AND ALTERNATIVES TO SUSPENSION

In some cases it will not be appropriate for an employee to remain at work whilst an investigation is being undertaken. It may be possible, as an alternative to suspension, to transfer the employee concerned to a different work area temporarily either to undertake a similar or different role.

Suspension from duty or temporary transfer is a non-punitive act and does not imply guilt. It should be emphasised that suspension from duty is a neutral act and does not constitute disciplinary action.

Suspension from duty or temporary transfer should be agreed by the member of CMT and the Head of HR or nominated representative. The employee will be informed verbally of any period of suspension or temporary transfer and will have the opportunity to be accompanied by a trade union representative or work colleague. If no appropriate representative is available the meeting can be delayed for 1 working day to identify a representative. If a representative is not able to be identified a work colleague or member of the HR team can accompany the employee.

A member of staff may be suspended from work when:

- It is considered that that their continued presence at work could cause difficulty to self or others or impede the investigating process, and/or
- It is considered that their continued presence could put the public or organisation's interest at risk, and/or

- They are suspected, prima facie, of committing an act of Gross Misconduct which could result in their dismissal from employment.

The suspension from duty or temporary transfer must be confirmed in writing to the employee as soon as reasonably practical. The letter will include an outline of the allegations made against the employee, arrangements to investigate these and confirmation that suspension will be on full pay for standard contracted hours.

Periods of suspension must be as short as possible, recorded and reviewed at least every 2 weeks and should not normally exceed 30 working days (this timescale may be longer depending on the complexity of the investigation). The employee must ensure they are contactable; this includes providing an appropriate telephone number and correspondence address. The employee must make themselves available for meetings in connection with the investigation and for any disciplinary hearing that may be arranged.

The employee must not carry out any work for CBC in their role while on suspension, nor must they wear CBC uniform, enter CBC premises (unless attending due for personal reasons) or act on behalf of CBC without express permission of the line manager. The employee must advise the suspending officer if they have alternative employment either within or outside CBC to enable a decision to be made if the decision affects their additional employment.

The employee must not contact employees of the council, notwithstanding contact required with the investigation team and their representative. Whilst employees are suspended from duty the line manager will hold all the individuals keys, identity cards etc. for any CBC premises.

If the employee wishes to take annual leave or falls sick during the period of suspension they must follow normal reporting procedures, however they should contact the Case investigator in the first instance instead of their line manager.

Any breach by the employee of the suspension terms may result in disciplinary action.

Suspended staff should return to work in their main post only once the line manager has approval from the member of CMT. If the employee's suspension is lifted this must be confirmed in writing.

DISCIPLINARY INVESTIGATION

The investigation of the alleged incident will be thorough, impartial and objective and conducted in a sensitive and non-confrontational manner with respect for the rights of all those involved. It is essential that any investigation is carried out fairly and promptly before recollections fade and be concluded as quickly as possible.

The role of the Case investigator is one of a fact finder, involving the interviewing of individuals, the collecting, recording and analysing of relevant information/ evidence in support of the facts to obtain the employee's response to the allegations including any mitigating circumstances leading to the submission of an investigation report.

Based on the findings, the Case investigator will make a decision on whether there is a case to answer.

The Case investigator will be responsible for maintaining contact with, and updating an employee on the status of an investigation, especially during any period of redeployment or suspension. Contact made should recognise the welfare of the employee with reminders of the services of Occupational Health and Counselling.

The investigation process should ideally be completed as swiftly as possible to prevent additional stress and anxiety to those involved. However, in exceptional circumstances (for example due to illness or the involvement of the Police) the original timeframe may be extended. The employee against whom the allegations have been made will be informed of this by the investigating officer and of the reasons for the delay in the completion of the investigation.

Any CBC employee required to make a witness statement as part of the investigation process will take all reasonable steps to make themselves available for meetings and any subsequent disciplinary hearing should they be required.

Where a statement is obtained, witnesses:

- Will be asked to sign and date the statement as a true record;
- Will have the opportunity to record any additional comments, if they so wish;
- May be invited at a later stage to provide an additional statement;
- May be invited to attend the disciplinary hearing.

The outcome of the investigation should be documented in the form of an Investigation Report with a comprehensive pack of supporting evidence. The Case investigator will decide on whether the case should be further considered at a disciplinary hearing. The member of staff will be informed of this decision at the earliest opportunity.

INTERVIEW WITH THE EMPLOYEE

The employee will receive written notification from the investigation officer requesting that they attend an investigatory interview. This written notice will confirm the nature of the investigation and set out their right to be accompanied by a Trade Union Representative or a work colleague.

The purpose of this interview will be for the employee to explain their version of events and to answer questions. It may be necessary to interview the employee on more than one occasion. Notes of the interview will be taken, typed and two copies sent to the employee for them to agree or make any changes and sign the notes. One copy should be returned to the Case investigator and one copy retained by the employee.

INTERVIEW WITH THE PUBLIC

If at all possible, both parties should avoid involving the public as witnesses. However, each case should be considered on its own merits depending on the seriousness of the situation.

CASE TO ANSWER

When the Case investigator has completed their investigation they will write a formal report and recommend whether there is a case to answer taking into account whether the allegations have been evidenced sufficiently and the test of reasonableness. Appendix 2 provides further guidance on the test of reasonableness.

A decision will then be made as to what action is most appropriate given the evidence collated. The actions open to the Case investigator are as follows:

- No case to answer
- Minor misconduct - Informal resolution
- Disciplinary Hearing

At any stage if there is no case to answer, the Case investigator should advise the employee in writing of the outcome without delay. Any written reference to the disciplinary procedure will be expunged from the employee's personal file.

There may be recommendations that need to be shared in order to improve the employee's conduct or behaviour, and could include, but are not limited to:

- Improving working practices by invoking the capability policy;
- Amending local agreements/ arrangements;
- Beneficial learning and development opportunities.

The line manager of the employee will be informed of the outcome and any recommendations.

DISCIPLINARY HEARING

Following an investigation where the Case investigator has determined that there is a case of potential misconduct to answer they will inform the employee in writing that a disciplinary hearing will be convened.

The hearing should take place as soon as possible following completion of the investigation. The employee will receive 5 working days' notice of the hearing and will be informed in writing by the chair of the Disciplinary panel of:

- The date, time and venue for the hearing;
- The purpose of the hearing and the nature of the allegation/s and any alleged breaches in practice, policy or procedure, where appropriate;
- The right to be accompanied by a Trade Union Representative or work colleague;
- Their right to present evidence and call witnesses during the hearing;
- The names and job titles of the panel members;
- A list of witnesses to be called by the management side;
- Copies of the investigation report, all statements and other documents to be used by the management side;

- Copy of the council's Disciplinary Policy.
- Copies of any other policies or procedures that will be referred to in proceedings.

The employee should submit any statements, information and names and details of witnesses at least 2 working days prior to the hearing to the chair of the hearing. Both parties may choose whether or not they wish to call witnesses. It is the responsibility of parties to arrange for the attendance of their respective witnesses.

The purpose of the hearing will be to consider the facts relating to the allegation(s) investigated and where upheld, the most appropriate actions to raise the employee's standard of conduct.

The original date of the hearing may be postponed to another reasonable date and time within 5 days of the original date.

The format and process for the disciplinary hearing is attached as Appendix 3.

POTENTIAL OUTCOMES OF A DISCIPLINARY HEARING

When deciding whether a disciplinary sanction is appropriate and what form it should take the Chair of the panel must bear in mind the need to act reasonably in all the circumstances. Appendix 2 provides further guidance on the test of reasonableness.

Where there is no case to answer the employee should be advised and all reference to the disciplinary matters should be removed from their personal files.

Where a case of misconduct is established, full consideration will be given to the most appropriate action for securing an improvement in the employee's standard of conduct and prevent similar incidents occurring in the future. In such instances consideration will be given to whether the employee poses any future risks to the public, colleagues or others. Consideration will also be given to whether the employee concerned has acknowledged accountability for their actions and displays a willingness to improve.

Action to address incidents of misconduct will always focus on achieving improved conduct and may involve the issuing of a disciplinary sanction and/or other action such as transfer of base or post, temporary periods of additional supervision and/or other remedial actions appropriate for securing an improvement in the employee's standard of conduct.

Factors which may be relevant to consider include:

- The extent to which the council's standards of conduct and behaviour and/or policies and procedures have been breached;
- The employee's defence or mitigation which may include the employees personal circumstances;
- The employee's previous work record and length of service;
- Whether the employee was aware of the required standards ie. those relevant to the employee's area of work;

- Any live disciplinary warnings.

There are 4 levels of disciplinary sanctions including minor misconduct that may be given, depending on the severity of the case:

- 1 – Minor misconduct – Informal resolution
- 2 - First written warning
- 3 - Final Written warning
- 4 - Dismissal with or without notice

Appendix 1 sets out examples of behaviour and conduct that would constitute misconduct and gross misconduct. With the exception of gross misconduct the panel should not consider dismissal for a first breach of discipline.

In all instances of misconduct the Chair of the panel should consider the appropriateness of alternative action to dismissal alongside a Level 3 Final written Warning, such as redeployment, downgrading (not subject to pay protection) as part of an agreed rehabilitation programme. Redeployment is subject to suitable posts being available and if after further investigation this is not available the panel need to consider if redeployment is still appropriate and allow the employee to return to their old role or whether the employee should be dismissed.

The outcome of the hearing will normally be confirmed verbally on the day of the hearing, however where further consideration or advice is required the decision will be confirmed following an adjournment of no longer than five days.

LEVELS OF DISCIPLINARY SANCTION

Level 1 Minor misconduct – Informal resolution

Cases of minor misconduct, such as poor timekeeping can be addressed effectively and swiftly by the employee's immediate line manager having a structured discussion with the employee regarding the standards required and the required improvement in their conduct and or behaviour.

Level 2 First Written Warning

In the case of more serious offences, or further minor offences committed while the employee's behaviour/ conduct was classed as minor misconduct a first written warning may be appropriate.

The reasons for the sanction should be stated together with the improvement required. The employee will be told that if the improvement is not achieved within the required period further disciplinary action may be taken. The sanction will become live from the date of the outcome being given verbally.

Any annual increment that is due during the duration of the warning will be withheld.

A first written warning would be considered spent after 12 months from the date it is applied to the employee.

Level 3 Final Written Warning

In the case of offences considered sufficiently serious or in the case of a further offence being committed within the live period of a Level 2 First written warning the employee should be given a Level 3 Final written warning.

Any annual increment that is due during the duration of the warning will be withheld.

A final written warning would be considered spent after a period of between 12 - 24 months from the date it is applied to the employee depending on the severity of the misconduct and as an alternative to dismissal.

Level 4 Dismissal with notice or without notice (Summary Dismissal)

Where a further offence is committed or conduct/ behaviour is still unsatisfactory within the live period of a Level 3 Final Written Warning the employee should be dismissed with the paid notice due under their contract of employment.

Summary dismissal is appropriate only where there has been a serious breach of the employment contract through gross misconduct deemed serious enough to break the fundamental bond of trust and confidence between CBC and the employee.

Dismissal is immediate and without notice.

CONFIRMATION OF THE OUTCOME

The verbal confirmation of the decision given on the day of the hearing should be confirmed in writing to the employee within 3 working days of the hearing by the Chair of the Disciplinary panel.

The letter should contain all or some of the following information, depending on the outcome of the hearing:

- Details of areas of concern;
- The findings of the panel;
- Any mitigating circumstances stated by the employee;
- What level of Disciplinary Sanction is being issued;
- Length of time the sanction will be live;
- Details of any improvements required;
- That further misconduct will lead to a further sanction (where appropriate).
- Any supervision, monitoring or assessment arrangements;
- Consequences of failing to meet the required standard;
 - Arrangement for returning to work following suspension/ redeployment (if appropriate);
- The date on which the employment contract will terminate including any period of notice (where appropriate)
- The right of appeal, within 10 working days and to whom it should be made.

The outcome letter will form the record of the meeting and will therefore be sufficiently detailed to remove the need for a separate set of notes to be provided.

Where an employee's conduct is satisfactory throughout the period the warning is in force, only to lapse soon thereafter or where a pattern emerges and there is evidence of abuse of the system, the employee's previous disciplinary record may be taken into account in determining action.

In exceptional circumstances where the misconduct is so serious e.g. being drunk at work, violence— verging on gross misconduct- that it cannot be realistically disregarded for future disciplinary purposes, it should be made very clear at the disciplinary hearing that the final written warning will remain on file without being expunged and that any recurrence of misconduct will lead to dismissal.

REFUSAL TO ATTEND A DISCIPLINARY HEARING

Employees who are unwilling, without sufficient reason, to attend a disciplinary hearing will be notified in writing that it is in their interests to attend the hearing and be provided with one further opportunity to attend. On the second occasion of failing to attend, without sufficient reason, the case will be heard using all of the information and evidence available at the time and a decision made in the employee's absence.

EMPLOYEES ON SICK LEAVE

If an employee is on sick leave when facing a disciplinary hearing or when called as a witness this should not automatically cause a delay in dealing with the matter. In such cases full consideration must be given to the nature of the illness or injury and a referral to Occupational Health may be required.

In such cases the Case investigator will determine in conjunction with the Head of HR or nominated representative whether it is reasonable to proceed with the disciplinary hearing, in the circumstances. Where ever possible it is recommended that disciplinary action is taken as soon as possible.

In all circumstances the Case investigator should liaise with the employee and/or their nominated representative so that their views on the way forward have been taken into account and the employee is aware of the implications of the approach.

RESIGNATION PRIOR TO A DISCIPLINARY HEARING

Where an employee resigns from their employment during an investigation or prior to a disciplinary hearing regarding their misconduct, in the best interests of the public, CBC may not accept the resignation until the procedure is fully complete.

APPEAL PROCESS

Appeals should be registered in writing to the manager identified within 10 working days of written notification of the outcome of the disciplinary hearing. The letter of appeal should provide clear and specific reasons for the appeal. Grounds for appeal should relate to one or more of the following:

- New evidence coming to light - full details must be provided;
- The level of the penalty imposed;
- Procedural irregularities during the investigation or hearing which had a material effect on the outcome of the case;
- Facts of the case which had a material effect on the outcome of the case.

The appeal hearing will be held normally within 10 working days of receipt of the appeal being received. Where a delay beyond this time is expected, the employee will be advised of the reasons for this. The format and process for the appeal hearing is attached as Appendix 4.

The role of the appeal panel is to ensure that the CBC policies and procedures have been followed and that any decisions made within the disciplinary hearing can be supported as reflecting fair, equitable and reasonable employment practice in all circumstances. An appeal must never be used as an opportunity to punish the employee for appealing the original decision, and it should not result in any increase in penalty as this may deter individuals from appealing.

Appeals will be heard by the Appeals and Regulatory Committee.

In all cases the appeal panel must establish and ensure that the decision of the disciplinary hearing was 'within a range of reasonable responses'.

The decision of the appeal panel will normally be confirmed on the day of the completion of the appeal hearing, however in exceptional circumstances this decision will normally be confirmed no later than 7 working days after the appeal has been heard. The decision of the appeal panel is final.

Where the decision of the Appeal Panel is to re-instate the employee following dismissal, the panel has the authority to extend the duration of a lesser penalty.

The Head of HR (or nominated representative) will be on the appeals panel in a professional advisory capacity.

SECTION 3: APPENDICES

APPENDIX 1

Standards of Conduct and Behaviour

General

The council expects the highest standards of integrity, conduct and behaviour of its employees. The list of disciplinary rules in both categories are neither exclusive nor exhaustive and are provided purely as example of behaviour and conduct that would constitute misconduct or gross misconduct, consequently there may be other offences not listed, which because of their seriousness would constitute misconduct or gross misconduct.

It is the responsibility of managers to make sure that employees are aware of the standards required, including local standards. It is the responsibility of all employees to familiarise themselves with the appropriate policies and codes in order to demonstrate compliance with the standards.

Misconduct which may lead to a level of Disciplinary Sanction

The great majority of breaches of disciplinary rules will not be sufficiently serious to warrant dismissal without previous warning. Sanctions will only be applied where Informal Resolution is inappropriate. Examples of offences that will not normally result in dismissal without previous warning include:

- a) Refusal to co-operate and comply with the reasonable and legitimate instructions of line managers.
- b) Negligent or inadequate performance of duties.
- c) Poor timekeeping including unauthorised absence from work, lateness or leaving work without permission.
- d) Failure to notify sickness and other absences.
- e) Absenteeism.
- f) Abuse of the sick pay scheme.
- g) Misconduct in relationships with other employees, clients or members of the public.
- h) Damage to council property.
- i) Misuse of social media, such as Facebook and Twitter, including making defamatory comments related to the council, general public or other employees.
- j) Swearing, abuse or other offensive and inappropriate behaviour towards other employees, clients or members of the public.
- k) Being under the influence of drink or other intoxicants sufficient to affect work performance.
- l) Breach of safety rules, including failure to wear personal protective clothing/equipment.

- m) Unauthorised use of council property and facilities.
- n) Breaches of the council's policies.
- o) Conduct which may have an adverse effect on the council's reputation.

Serious examples of any of the above can amount to gross misconduct. If there is any doubt as to the interpretation of these rules, reference should be made to the Human Resources Section for further clarification.

Gross misconduct

Gross misconduct is defined as misconduct of such a serious nature that if proven, would normally result in summary dismissal from the council's employment.

Examples of gross misconduct include:

- a) Acts of discrimination, harassment, bullying, intimidation or verbal abuse against employees, clients or members of the public or serious failure to operate or comply with the council's *Equal Opportunities Policy* and codes of practice. Acts of discrimination and harassment include the downloading, production, distribution, display or communication of material that may give rise to offence on any of these grounds.

("Material" will be taken to include posters, magazines and other publications, cartoons, cards, advertisements, calendars, photographs, e-mails or any computer generated images etc.)
- b) Unauthorised removal, possession or theft of cash or property belonging to the council, a fellow employee or member of the public.
- c) Acts of violence including the physical assault of a fellow employee, client or member of the public.
- d) Falsification of qualifications or information which are a statutory or essential requirement of employment or which result in additional remuneration.
- e) Sexual misconduct at work.
- f) Malicious damage to council property.
- g) Deliberate falsification of attendance timesheets, bonus sheets, the flexitime clocking-in system, car mileage, overtime, subsistence and expenses claims.
- h) Unauthorised disclosure of confidential information to the media, public sources or other unauthorised recipients (for example, where a disclosure has been made outside of the Council's *Confidential Reporting Policy*).
- i) Serious breaches of safety rules, any deliberate act or omission which endangers the health and safety of themselves, other employees or

members of the public, or deliberate damage to or misappropriation of safety equipment.

- j) Abuse of authority in order to gain financial or other corrupt advantage for themselves or some other person.
- k) Conviction of a criminal offence unconnected with the council but which makes an employee unsuitable for their ongoing employment e.g. a cashier convicted of theft, a driver convicted of driving under the influence of drink or drugs.
- l) Serious acts of insubordination.
- m) Failure to fulfil contractual obligations or dereliction of duty.
- n) Serious negligence that results in unacceptable loss, damage or injury.
- o) Holding unauthorised paid employment during paid council time.
- p) Failure to comply with relevant statutory requirements including professional codes of conduct.
- q) Serious abuse of the Internet or E-mail system.
- r) Any act which may bring CBC into serious disrepute.
- s) Serious breach of confidentiality or the Data Protection Act 1998.

It is not an exhaustive list and other inappropriate behaviour of equal severity could also lead to summary dismissal.

Action can be taken by the council on any of the above items whether the person was on duty or not and whether they were on council premises or not if the act complained of has an effect on CBC and confidence which CBC must have in all its employees.

APPENDIX 2

The test of reasonableness

The leading case of *British Home Stores Ltd v Burchell [1980]* provides some useful guidelines for use in misconduct cases by establishing a three part test:

- the employer must establish a genuine belief that the employee has committed the act of misconduct in question;
- the belief must be based on reasonable grounds;
- the employer must have carried out a full and thorough investigation into the circumstances including those which may exculpate the employee.

You don't necessarily have to devote a huge amount of resource to investigate every possible angle. The correct legal standard is the balance of probabilities, so using the Burchell Test, is it more likely than not?

This threefold test requires you to have:

- a reasonable belief in the employee's "guilt"
- reasonable grounds for holding that belief, and
- investigated as much as was reasonable in all the circumstances of the case.

In reviewing the facts, an Employment Tribunal will decide whether the employer's actions were reasonable and fell within the band of reasonable responses for the employer to take. It is not the role of the tribunal to substitute their own views as to what should have been done in the circumstances.

APPENDIX 3

Disciplinary Hearing format and process

- I. The Case investigator presents the facts of the investigation including calling any witnesses.

- II. The employee and/or their representative shall have the opportunity to ask questions of the Case investigator and any witnesses.
- III. The members of the panel shall have an opportunity to ask questions of the Case investigator and witnesses.
- IV. The employee and/or their representative will put their case, including any mitigating circumstances that the employee wishes to draw to the panel's attention and they may also call witnesses.
- V. The Case investigator will have the opportunity to ask questions of the employee and any witnesses to clarify any points relevant to the investigation.
- VI. The members of the panel shall have the opportunity to ask questions of the employee and any witnesses.
- VII. The Case investigator will have the opportunity to sum up the case.
- VIII. The employee and/or their representative shall have the opportunity to sum up their case.
- IX. The Case investigator, the employee and their representative will withdraw from the hearing.
- X. The panel shall deliberate in private with the option of recalling both parties to clarify areas of uncertainty. If recall is necessary, the Case investigator, employee and their representative shall return, notwithstanding that only one may be questioned.
- XI. After careful deliberation, the panel will recall both parties to deliver a decision on appropriate action. If it is not possible to do this due to the need to review the case in more detail, the panel may defer a decision to a later date at which all parties will reconvene. No unreasonable delay should occur before reconvening the hearing, nor should the case be discussed with outside parties (unless further advice is required from the Head of Legal Services or the Head of HR).
- XII. The decision of the panel will be confirmed in writing within 3 working days of the hearing.

APPENDIX 4

Appeal Hearing format and process

- I. The employee or their representative shall put their case in the presence of the members of the original panel and may call witnesses.

- II. The members of the original panel will have the opportunity to ask questions of the employee, their representative and the witnesses.
- III. The members of the Appeal Panel shall have the opportunity to ask questions of the employee, their representatives and the witnesses.
- IV. The members of the original panel will respond to the employees' grounds of appeal in the presence of the employee and their representative and may call witnesses.
- V. The employee or their representative shall have the opportunity to ask questions of the members of the original panel and the witnesses.
- VI. The members of the Appeal Panel shall have the opportunity to ask questions of the members of the original panel and the witnesses.
- VII. The employee or their representative shall have the opportunity to sum up their case.
- VIII. The members of the original panel will have the opportunity to sum up their case.
- IX. The employee, their representative and members of the original panel will withdraw.
- X. The appeals panel shall deliberate in private with the option of recalling both parties to clarify areas of uncertainty. If recall is necessary, the employee, their representative and members of the original panel shall return, notwithstanding that only one may be questioned.
- XI. After careful deliberation, the panel will recall both parties to deliver a decision on appropriate action. If it is not possible to do this due to the need to review the case in more detail, the panel may defer a decision to a later date at which all parties will reconvene. No unreasonable delay should occur before reconvening the hearing, nor should the case be discussed with outside parties (unless further advice is required from the Head of Legal Services or the Head of HR).
- XII. The decision of the appeals panel will be final and will be confirmed in writing within 7 working days of the hearing. There are no further internal appeals or action.

Chesterfield Borough Council

Equality Impact Assessment - Full Assessment Form

Service Area: HR
Section: HR
Lead Officer: Kate Harley

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for:

Disciplinary policy and procedure

Is the policy, project, service, function or strategy:

Existing
Changed **X**
New/Proposed

STEP 1 – MAKE SURE YOU HAVE CLEAR AIMS AND OBJECTIVES

What is the aim of the policy, project, service, function or strategy?

The aim of this policy is to provide guidance for all employees and managers on how to handle situations where conduct of an individual is below the standard expected by the organisation. The revised policy removes elements referencing performance issues as these are now covered by the approved capability policy.

Who is the policy, project, service, function or strategy going to benefit and how?

All managers and employees will benefit from the clarity this revised policy provides. Managers will know what steps to take to support staff to improve their conduct and staff will know what to expect at each stage of the process, removing any uncertainty.

What outcomes do you want to achieve?

The policy aims to provide a clear framework for managers to improve conduct of staff where concerns have been raised. The policy aims to support managers and staff to tackle the causes of conduct issues and provide support for all involved.

What barriers exist for both the Council and the groups/people with protected characteristics to enable these outcomes to be achieved?

It is not anticipated that any barriers relating to protected characteristics exist

STEP 2 – COLLECTING YOUR INFORMATION

What existing data sources do you have to assess the impact of the policy, project, service, function or strategy?

- Data from Resourcelink on reasons for misconduct
- Data on Resourcelink relating to equalities
- CIPD research and guidance
- ACAS guidance
- Equalities Office guidance

STEP 3 – FURTHER ENGAGEMENT ACTIVITIES

Please list any additional engagement activities undertaken to complete this EIA e.g. met with the Equalities Advisory Group, local BME groups, Employee representatives etc. Could you also please summarise the main findings.

Date	Engagement Activity	Main findings
20.12.16	CMT	Endorsed
December 2016	Union engagement	Comfortable with proposals with some minor amends
20.1.17	Employer/TU meeting	

STEP 4 – WHAT’S THE IMPACT?

Is there an impact (positive or negative) on some groups/people with protected characteristics in the community? (think about race, disability, age, gender, religion or belief, sexual orientation and other socially excluded communities or groups). You may also need to think about sub groups within each equalities group or protected characteristics e.g. older women, younger men, disabled women etc.

Please describe the potential impacts both positive and negative and any action we are able to take to reduce negative impacts or enhance the positive impacts.

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
Age – including older people and younger people.	There are neither positive or negative impacts		
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.	There are neither positive or negative impacts		Take appropriate advice from OH on the impact of the disability on conduct matters.
Gender – men, women and transgender.	There are neither positive or negative impacts		
Marital status including civil partnership.	There are neither positive or negative impacts		
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.	There are neither positive or negative impacts		Any specific issues would be discussed during the process and advice taken from OH if appropriate
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.	None		
Ethnic Groups	There are neither positive or		

	negative impacts	
Religions and Beliefs including those with no religion and/or beliefs.	None	
Other groups e.g. those experiencing deprivation and/or health inequalities.	There are neither positive or negative impacts	

From the information gathered above does the policy, project, service, function or strategy directly or indirectly discriminate against any particular group or protected characteristic?

Yes

No

If yes what action can be taken to stop the discrimination?

How has the EIA helped to shape the policy, project, service, function or strategy or affected the recommendation or decision?

How are you going to monitor the policy, project, service, function or strategy, how often and who will be responsible?

HR will be responsible for the monitoring of this policy, in conjunction with feedback from managers. This policy will be renewed in 2020.

STEP 6 – KNOWLEDGE MANAGEMENT AND PUBLICATION

Please note the draft EIA should be reviewed by the appropriate Head of Service/Service Manager and the Policy Service before WBR, Lead Member, Cabinet, Council reports are produced.

Reviewed by Head of Service/Service Manager

Name: K Harley

Date: 18.1.2017

Reviewed by Policy Service

Name:

Date:

Final version of the EIA sent to the Policy Service

Decision information sent to the Policy Service

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Managing Grievance

Policy Guiding Principles & Procedures

Prepared by: Human Resources
Date: January 2017
For Review: January 2020
Approved by Employment and General Committee on: xx 2017

Preface

The council's grievance procedure and guidance documents have been reviewed in line with the current law and ACAS best practice. In this respect the council's grievance procedure and guidance documents comply with the statutory requirements.

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Policy Statement on Grievances

It is sometimes the case that individual members or groups of staff will during the course of their employment encounter difficulties in the workplace. The council recognises this and encourages open and honest communication between all staff, so that difficulties may be resolved quickly and at the lowest level of management possible, through informal discussions and dialogue.

However, where resolutions cannot be found through informal discussions, the council has a clear policy and procedure for the management of grievances which must be followed.

The aim of this policy is to ensure that individual members of staff who feel aggrieved about the way that they have been treated, either by management or by their colleagues, are given every opportunity to express their views and have the issues they have raised resolved in a fair and just manner.

Scope

This procedure will apply to all established, temporary employees, agency and casual workers employed by Chesterfield Borough Council. The provisions contained within the *Local Authorities (Standing Orders) Regulations 1993* will apply with regard to disciplinary action in respect of the Head of Paid Service and any other statutory officer.

Issues not covered by this policy

Complaints made 3 months after the last occurring incident will be judged out of time unless there are very exceptional circumstances e.g. where it is accepted that he/she was unable to make a complaint at the time.

Vexatious, trivial or reckless complaints will not be accepted. Disciplinary action may be taken if an investigation finds evidence that a complaint is vexatious, trivial or reckless.

Complaints cannot be made by a third party on behalf of a colleague or from a manager on behalf of an employee. The complainant must 'own' his/her complaint.

Allegations against a trade union or an individual acting in the capacity of a trade union representative are not covered by this policy and procedure. These are legally *employee relations* matters and must be referred to the Human Resources Manager to deal with.

Concerns about an employee's work performance or related matters are not dealt with under this policy and procedure. These should be managed through the Disciplinary or Capability Policy and Procedure.

Complaints against elected members should be made under the members' code of conduct.

SECTION 1: GENERAL GUIDING PRINCIPLES

1.0 Introduction

1.1 All employees, who believe they have a grievance in relation to their employment, should in the first instance address this with their immediate line manager to try and resolve the issue informally.

1.2 Issues that may cause grievance include:

- a) Standard grievances: these relate to general work related issues, for example terms and conditions of employment, work relations, new working patterns, working environment and organisational change. These grievances do not include equality issues.
- b) Grievances based on equality issues: this is where an individual reasonably believes that he/she is being/has been discriminated against either intentionally or unintentionally on the basis of any of the nine protected characteristics under the Equality Act 2010.
- c) Harassment: this is behaviour that is offensive and/or intimidating and unwanted. It is behaviour that has created working conditions or an environment that is hostile, degrading and/or humiliating and that a reasonable person could justifiably complain about it. The behaviour or treatment may relate to any of the nine protected characteristics under the Equality Act 2010, or any other reason.
- d) Bullying: This is a form of harassment and can be defined as offensive, abusive, intimidating, malicious or insulting behaviour, an abuse of power or misuse of power through means intended to humiliate, denigrate or injure the recipient. Bullying can undermine an individual's self-confidence, competence and self-esteem.
- e) Victimisation: this is where a person is treated less favourably than another because they have brought proceedings, given evidence or information, rejected advances or complained about the behaviour of someone who has been harassing, discriminating against, or in some other way intimidating them.

Note: Allegations relating to harassment, victimisation and bullying, will be investigated under the council's *Anti-Harassment and Bullying Policy and Procedures*.

1.3 As a consequence of case law on this subject, ACAS has defined that any written complaint received by an employer, from an employee, should be treated as a grievance. If in doubt, please contact HR for further details.

1.4 Grievances should be addressed in a timely manner. The council will endeavour to deal with grievances raised by employees as quickly as possible in line with the time scales defined in this procedure.

1.5 Group grievances

Where a common problem has been raised by a group of employees, no more than two representatives of that group should take the grievance forward. A group grievance will follow the same procedures as an individual grievance.

2.0 Legal context

- Employment Relations Act 1999
- Data Protection Act 1998
- Employment Rights Act 1996
- Trade Union and Labour Relations Consolidation Act 1992
- Discipline and Grievance at Work: The ACAS Guide
- Paragraph 16.1 of Part 2 of the National Agreement on Pay and Conditions of Service for local government employees.
- Equality Act 2010

3.0 Confidentiality

All cases that are dealt with under this procedure, whether formal or informal, should be conducted in the strictest confidence, unless otherwise agreed by all parties and the managers concerned. Such matters must not be subject to general office discussion and where there is a grievance and action being taken (investigation or otherwise) employees will be instructed not to discuss the situation except with their manager and designated representative. Copies of any meeting records should be given to the individual concerned although in some circumstances some information may be withheld, for example to protect a witness.

4.0 Time-scales

- 4.1 Complaints should be submitted as promptly as possible and shall be within three months from the date of the incident(s) complained of. This time limit may be extended under exceptional circumstances and where it is considered reasonable, just and equitable to do so.
- 4.2 Managers and appeals officers will respond to complaints within the defined time-scales set out in the procedure unless it is mutually agreed with the complainant that these time-scales are extended e.g. to facilitate a reasonable period of time for an investigation into a complaint to be undertaken.

5.0 Special considerations

5.1 Bullying, harassment and victimisation

The council's Anti-Harassment and Bullying Policy and Procedure provides specific procedures for handling grievances about discrimination, victimisation, bullying and harassment as these subjects are often particularly sensitive.

5.2 'Whistle-blowing'

The *Confidential Reporting Policy and Procedure* provides protection to employees who raise concerns about wrongdoing (including frauds, dangers and cover-ups).

5.3 Grievance raised during a disciplinary or capability process

During a disciplinary investigation, the employee under investigation may raise a grievance that is related to the case. If this happens, the disciplining officer may consider dealing with the disciplinary investigation and grievance concurrently while also ensuring the grievance is dealt with under the council's *Grievance Procedure*. Depending on the outcome of the grievance process, the disciplining officer may need to consider bringing in another manager to deal with the disciplinary hearing

Where the employee is dissatisfied with the outcome of the disciplinary process, he or she may raise any issues relating to this through the disciplinary appeal procedure. The *Grievance Procedure* does not apply in such circumstances.

5.4 Representation

Employees who have raised a grievance or have had a grievance lodged against them have a right to be accompanied by a trade union representative or colleague (but not a paid legal representative) during any meetings that take place.

5.5 Record keeping

Records should be maintained at all stages of the procedure. Records should include details on the nature of the grievance raised, the employer's response, any action taken and the reasons for it.

Records will be kept confidential and retained in accordance with the Data Protection Act 1998. Copies of records of meetings should be given to the individual concerned although in some circumstances some information may be withheld, for example to protect a witness. Human Resources should be copied into all correspondence relating to the resolution of a grievance.

5.6 Equalities

Consideration must be given to ensure that all employees are able to access the Grievance Policy and to enforce it if necessary. Employees are asked to contact the Human Resources section if they require the policy document in an alternative format e.g. large print, Braille etc.

SECTION 2: MANAGING GRIEVANCE PROCEDURE

6.0 The procedure

6.1 Informal resolution

6.2 Before considering use of the formal procedure, any employee who has a grievance should if at all possible discuss it in the first instance with their line manager or the person concerned with a view to seeking an early resolution. The employee may, however, decide that their grievance is so serious that it is unlikely to be resolved informally. They may then proceed immediately to the formal stage of the procedure.

6.3 Line managers are normally responsible for carrying out any investigation, including interviewing any witnesses and collating any relevant information. Where it is not appropriate for the line manager to deal with the grievance it should be referred up to the relevant CMT manager who may delegate the issue to be dealt with by a nominated representative.

6.4 The manager dealing with the grievance will make every reasonable attempt to address the issue(s) at the earliest opportunity and preferably within ten working days, informing the employee of the actions taken or to be taken. During the meetings the grievance should be fully understood and both the employee and the line manager (or nominated representative) should suggest constructive solutions to resolve the issue. Both the employee and the line manager (or nominated representative) should take notes during these meetings.

6.5 The manager should refer an employee who feels that they have been bullied or harassed to the Anti-Harassment & Bullying Policy and Procedure.

6.6 If the grievance relates to another employee, the employee who is the subject of the grievance investigation must be informed, ideally in person and, in any event, in writing of the nature of the grievance against them and the steps being taken to resolve the grievance.

6.7 The role of managers (or nominated representative) at the informal stage is to:

- a) Meet with the parties in one-to-one sessions in order to identify issues, needs and concerns;
- b) Explore ways forward;
- c) Encourage both/all parties to meet together in a joint mediation session to resolve any conflict or issues between them.

6.8 During any joint meetings the manager will be expected to:

- a) Establish ground rules and a constructive environment;
- b) Ensure that everyone has an equal opportunity to communicate (speak and listen), negotiate and work out realistic and fair agreements; and

- c) Help people make their own decisions about how to achieve a resolution, understanding and/or improvement in behaviour.

6.9 Human Resources will provide support and guidance as requested to all parties.

6.10 If the grievance cannot readily be resolved informally, the employee may progress it through to the formal procedure.

7.0 Formal stage – lodging a grievance

7.1 If an employee wishes to invoke the formal grievance procedure he/she must set out the nature of the grievance in writing to his/her line manager, providing as much information as possible, to enable the grievance to be dealt with speedily. If the grievance is about the line manager, the grievance should be sent to the line manager's manager.

7.2 The statement should include:

- a) The nature and details of the grievance
- b) The name of the individual the grievance is against (if it is against an individual)
- c) Any supporting information which might include what was said and done, and any relevant documents
- d) How the complainant thinks the grievance can be resolved.

7.3 The manager dealing with any grievance at the formal stage should inform and involve the Human Resources department at this stage of the procedure. If the grounds of the grievance relate to discrimination, then the Policy Manager should also be informed.

7.4 If the grievance relates to another employee, the employee who is the subject of the grievance investigation must be informed, ideally in person and, in any event, in writing that the grievance against them is now formal and the steps being taken to resolve the grievance.

7.5 An employee, who is the subject of a grievance, has the right to be accompanied by a representative or colleague (but not a paid legal representative) during any investigatory interviews/meetings.

7.6 Further attempts may be made to resolve the matter informally, depending on the nature of the complaint. However, if the employee is not satisfied with the outcome, they may insist on the matter proceeding to a full grievance hearing

7.7 The manager should, in the first instance, formally acknowledge receipt of the grievance and give an indication of the likely timescale for resolution (if it cannot be resolved without further investigation.)

7.8 Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by the employee, although the confidentiality

of the grievance process will be respected, wherever possible. If any evidence is gathered in the course of these investigations, the employee will be given a copy 5 days in advance of the hearing for them to consider their response. In exceptional circumstances, the evidence given by individuals may be anonymised to protect the individual witness.

The grievance hearing

- 7.9 The hearing will be held as soon as is reasonably practicable and, subject to any need to carry out prior investigations, within 10 working days of the receipt of the written complaint. It will be conducted by the line manager and attended by an HR representative. At the meeting, the employee will be asked to explain the nature of their complaint and what action they feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place. The employee will have the right, to be accompanied by a trade union representative or colleague (but not a paid legal representative) during these meetings.
- 7.10 If an employee or their representative is unable, for good reason, to attend the meeting on the date proposed, the manager dealing with the grievance will reschedule the meeting, to take place as soon as possible but no later than five working days after the original date. No further rescheduling will be considered unless the reason for non-attendance is considered exceptional.
- 7.11 The employee must have submitted all documentation to be considered at least two working days before the meeting.
- 7.12 If the grievance meeting has been adjourned for further investigation etc, it will reconvene at an agreed later date and the reasons for any subsequent delay will be confirmed in writing by the manager. The grievance hearing will normally be reconvened within 2 weeks of the original meeting. Management can seek assistance and support from Human Resources who will attend a grievance meeting.
- 7.13 The employee must be notified of the outcome either at the end of the meeting or in writing within five working days of the meeting. They will be given reasons for the decision which may be one of the following:
- a) That the grievance is upheld and the actions required or resolution(s) to be implemented, if appropriate. In this case the employee should be advised that if they are not satisfied with the resolutions determined, they may appeal the decision and progress their grievance to the appeals stage;
 - b) That the grievance is dismissed. Where this is the case the employee will be given the right to appeal the decision.
- 7.14 An employee who is the subject of a grievance investigation will be informed, ideally in person and in any event in writing, of the outcome of the formal grievance within

five working days of the conclusion of the grievance investigation and the reasons for the decision made.

- 7.15 The council recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated with respect. The council will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.
- 7.16 All correspondence should be copied to Human Resources.

8.0 Appeal

- 8.1 If the employee is not satisfied with the outcome of the formal grievance they may appeal the decision.
- 8.2 The intention to proceed to appeal must be confirmed in writing to the manager who made the decision on the grievance within 10 working days of receipt of the letter confirming the outcome of the formal stage. The letter of appeal must set out the grounds on which the appeal is being made.
- 8.3 Appeals will be heard by the by the Appeals and Regulatory Committee.
- 8.4 The appeal hearing will be convened at the earliest opportunity but no later than 4 weeks from the date of receipt of the appeal letter.
- 8.5 The employee has the right to be accompanied by a trade union representative or work colleague (but not a paid legal representative) at the appeal hearing.
- 8.6 The employee must provide any additional documentation on which they intend to use at least five working days prior to the date of the appeal hearing. These documents should be submitted to the person hearing the appeal who generally will
- a) conduct the meeting as a fact finding process, ensuring good order and natural justice;
 - b) decide if there were any procedural flaws and if they affect the merits of the grievance and resolve any disputes about procedure;
 - c) consider the grounds of appeal and consider whether the decision made at the formal stage appears to be unreasonable and is not supported by the information gathered;
 - d) consider any new information that was not available at the time of the original meeting but has since come to light;
 - e) make a judgement consistent with their findings either that the grievance is upheld and their recommendations for action or that the appeal is dismissed.
- 8.7 In certain circumstances the person hearing the appeal may decide to seek external advice and assistance during the grievance procedure. For instance, where

relationships have broken down an external facilitator might be able to help resolve the problem.

- 8.8 The decision of the Appeals Committee will be final and there will be no further internal appeals procedure or action.

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Chesterfield Borough Council

Equality Impact Assessment - Full Assessment Form

Service Area: HR
Section: HR
Lead Officer: Kate Harley

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for:

Grievance policy and procedure

Is the policy, project, service, function or strategy:

Existing
Changed **X**
New/Proposed

STEP 1 – MAKE SURE YOU HAVE CLEAR AIMS AND OBJECTIVES

What is the aim of the policy, project, service, function or strategy?

The aim of this policy is to provide guidance for all employees and managers on how to handle situations where employees come forward with grievances in the workplace.

Who is the policy, project, service, function or strategy going to benefit and how?

The revised policy has minor updates and therefore serves as a guide for managers and staff.

What outcomes do you want to achieve?

The policy aims to provide a clear framework for managers to handle grievances from staff.

What barriers exist for both the Council and the groups/people with protected characteristics to enable these outcomes to be achieved?

It is not anticipated that any barriers relating to protected characteristics exist

STEP 2 – COLLECTING YOUR INFORMATION

What existing data sources do you have to assess the impact of the policy, project, service, function or strategy?

- Data on Resourcelink relating to equalities
- CIPD research and guidance
- ACAS guidance
- Equalities Office guidance

STEP 3 – FURTHER ENGAGEMENT ACTIVITIES

Please list any additional engagement activities undertaken to complete this EIA e.g. met with the Equalities Advisory Group, local BME groups, Employee representatives etc. Could you also please summarise the main findings.

Date	Engagement Activity	Main findings
20.12.16	CMT	Endorsed
December 2016	Union engagement	Comfortable with majority of proposals with some minor amends
20.1.17	Employer/TU meeting	

STEP 4 – WHAT’S THE IMPACT?

Is there an impact (positive or negative) on some groups/people with protected characteristics in the community? (think about race, disability, age, gender, religion or belief, sexual orientation and other socially excluded communities or groups). You may also need to think about sub groups within each equalities group or protected characteristics e.g. older women, younger men, disabled women etc.

Please describe the potential impacts both positive and negative and any action we are able to take to reduce negative impacts or enhance the positive impacts.

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
Age – including older people and younger people.	There are neither positive or negative impacts		
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.	There are neither positive or negative impacts		Take appropriate advice from OH on the impact of the disability on conduct matters.
Gender – men, women and transgender.	There are neither positive or negative impacts		
Marital status including civil partnership.	There are neither positive or negative impacts		
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.	There are neither positive or negative impacts		Any specific issues would be discussed during the process and advice taken from OH if appropriate
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.	None		
Ethnic Groups	There are neither positive or		

	negative impacts	
Religions and Beliefs including those with no religion and/or beliefs.	None	
Other groups e.g. those experiencing deprivation and/or health inequalities.	There are neither positive or negative impacts	

From the information gathered above does the policy, project, service, function or strategy directly or indirectly discriminate against any particular group or protected characteristic?

Yes

No

If yes what action can be taken to stop the discrimination?

How has the EIA helped to shape the policy, project, service, function or strategy or affected the recommendation or decision?

How are you going to monitor the policy, project, service, function or strategy, how often and who will be responsible?

HR will be responsible for the monitoring of this policy, in conjunction with feedback from managers. This policy will be renewed in 2020.

STEP 6 – KNOWLEDGE MANAGEMENT AND PUBLICATION

Please note the draft EIA should be reviewed by the appropriate Head of Service/Service Manager and the Policy Service before WBR, Lead Member, Cabinet, Council reports are produced.

Reviewed by Head of Service/Service Manager

Name: K Harley

Date: 18.1.2017

Reviewed by Policy Service

Name:

Date:

Final version of the EIA sent to the Policy Service

Decision information sent to the Policy Service

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For publication

Work Experience and Leave Policies (EC000)

Meeting: Employment and General Committee

Date: *10th April 2017*

Report by: Sandy Gillham-Hardy, HR Officer

For publication

1.0 Purpose of report

1.1 To provide information regarding the introduction of a revised Work Experience and Leave policy and to recommend for approval.

2.0 Recommendations

2.1 That the new Work Experience and Leave policies be approved.

3.0 Background

3.1 Both of the policies are overdue due for renewal and have been drawn up in accordance with employment law, ACAS guidelines and best practice.

3.2 The proposed Work Experience policy provides a simplified process for the placement of work experience students. The changes ensure that there is a consistent approach to providing work experience placements and that all staff involved in the work experience programme fully understand their role.

- 3.3 The revised policy aims to ensure the process for work experience is well managed, from application through to the commencement of the placement, and all necessary stages in between.
- 3.4 The work experience policy has been redrafted and the main changes are:-
- Clear guidance on risk assessments, DBS checks and Working Time Directive
 - Application process to individual managers
 - Role of Responsible Officer for placement
 - Outline and checklist for induction process
 - Work planning template to detail where the placement will be, who they will report to and the area of work it covers
 - Placement agreement
 - Certificate of achievement
- 3.5 The leave policy merges the current policies/ guidelines:
- Annual Leave and public holidays
 - Compassionate Leave
 - Bereavement leave
 - Major domestic crisis leave
 - Emergency dependants leave
 - Time off for public duties
 - Time off in lieu policy
 - Bad weather guidelines
 - Fertility guidelines
 - Medical appointments
- 3.6 In addition the main changes are:-
- Clarification on how to add additional leave for 5 years' service.
 - Removal of statement that staff are not allowed to carry leave forward arising from sickness absence.
 - Addition of reference to discretionary day over the Christmas period.
 - Addition of reference to religions or beliefs which have festivals other than the 8 statutory bank holidays.

- Clarification for part time staff work patterns and bank holidays.
- Update of public duties where time off is granted.
- Paid leave of up to 10 days per year for employees to undertake reservist activities.

3.7 To support the implementation of the revised policies training and guidance will be provided to managers to not only ensure that the policies are implemented consistently across the council but also to support managers to feel confident with the delivery of the policies.

4.0 **Proposed procedure**

4.1 The new Work Experience policy can be found at appendix A and a preliminary Equality Impact Assessment has been completed and is attached at appendix B.

4.2 The new Leave policy can be found at appendix C and a preliminary Equality Impact Assessment has been completed and is attached at appendix D.

5.0 **Employer/Trade Union Meeting**

5.1 The proposed policies have been submitted to the employer/trade union meeting on 31 March 2017 and any amendments from that meeting have been incorporated into the policies.

6.0 **Recommendations**

6.1 That the new Work Experience and Leave policies be approved.

Document information

Report author	Contact number/email
Sandy Gillham-Hardy	01246 345357
Background documents These are unpublished works which have been relied on to a material extent when the report was prepared.	

This must be made available to the public for up to 4 years.

Appendices to the report

Appendix A	Work Experience Policy
Appendix B	Work Experience Policy Preliminary Equalities Impact Assessment
Appendix C	Leave Policy
Appendix D	Leave Policy Preliminary Equalities Impact Assessment

WORK EXPERIENCE POLICY

Prepared by: Human Resources

Date: November 2016

For review: November 2019

20/03/17 version 6

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SECTION 1: GENERAL GUIDING PRINCIPLES

POLICY STATEMENT

Young people are among the most disadvantaged groups in the labour market because they lack the experience of the workplace and the job-specific skills that employers ask for. Work experience is something employers value, alongside attitude, almost more than qualifications.

Over the last generation there have been unprecedented changes with traditional jobs and industries disappearing and being replaced by a more varied landscape in an increasingly global economy. The problem is exacerbated by a lack of careers information in schools alongside the increase in the cost of higher education.

Work experience can help to challenge employer perceptions of young people's skills and attitudes, give young people access to networks and help them to make more informed career choices. Research shows that the more contact young people have with employers, the better their chances of finding themselves in employment. This is a win-win situation for everyone.

Work experience is vital to young people at school, college and as they enter the labour market. It helps young people to make the transition from education into working life by giving them:

- First-hand experience of the workplace and an insight into jobs and sectors;
- Increased confidence and employability skills;
- Experience to build their CVs and access to networks;
- An understanding of how recruitment works;
- Insight into how their skills and abilities translate to the workplace.

For the council offering work experience is beneficial for a number of reasons:

- **Recruitment opportunities and building talent pipelines:** work experience placements enables the Council to access a wider range of talent while also making a useful contribution to strategic talent management and workforce planning;
- **Fresh ideas:** young people offer new ideas and ways of thinking, reflecting the interests and needs of the next generation of customers and consumers;
- **Staff development:** offering work experience placements can provide opportunities for existing staff to supervise and mentor a young person, therefore helping to develop their management and other professional and personal skills.
- **More engaged workforce:** providing work experience sends a positive message to the wider workforce about the values of the organisation;
- **Workforce diversity:** every business recognises the value of a diverse workforce and a broad talent pool. Young people are a huge part of this.
- **Engagement with the local community** helps boost local economic development and can also lead to increased loyalty and higher profile.

SCOPE

This policy is to ensure that there is a consistent approach to providing work experience placements and that all staff involved in the work experience programme fully understand the process by which work experience is managed, from application through to the commencement of the placement and all necessary stages in between. It is also intended to help managers and staff involved with students on work experience placements.

PRINCIPLES

Good quality work experience placements are those that are:

- flexible for both the employer and the young person;
- purposeful, relevant and really challenge a young person to think about their career goals and abilities;
- planned and supervised, so that a young person's time is well spent;
- clear about the roles, responsibilities and expectations of the student and employer, and;
- reviewed at the end, with the employer providing feedback on the young person's performance.

Work experience may be defined as “a placement on employers' premises in which a learner carries out a particular task or duty, or range of tasks or duties, more or less as would an employee, but with the emphasis on the learning aspect of the experience”.

All applications for work experience placements will be considered on an equal basis.

Work experience placements are only permitted by law for students during Key Stage 4 and above, i.e. Years 10, 11, 12 and 13. The minimum age for work experience placements is 14 years of age.

The Working Time Regulations apply to work experience placements aged 16 to 17. The key points are they should not normally work more than 8 hours per day, have a rest break of 30 minutes if the day lasts more than 4.5 hours, have a daily rest break of 12 consecutive hours and have 2 consecutive rest days off per week

Each work experience placement must have a council employee designated as the Responsible Officer for the student, who should be designated a manager in their council role and will hold full responsibility for the work experience placement whilst on council premises including health and safety.

The councils' liability insurance covers work experience students unless:

- They are asked to do a task outside their capabilities;
- The task is not identified or excluded in the risk assessment;
- They do something we wouldn't undertake as a council.

Simplified Health and Safety guidance makes it clear that if the council already employ young people, risk assessments won't need to be repeated for work experience students.

During the placement the student will be supervised at all times.

Students must not be given unsupervised access to confidential information. Information which is deemed confidential by the council must be treated as such by the student.

The role of the student should be made clear to anyone with whom they interact during placement. It must be made clear that the student is not an employee of the council.

All placements are unpaid and the council will not meet any costs of travel, subsistence or any other costs incurred by the student.

Both parties who are involved in the work experience placement can terminate the placement at any stage.

The average duration of a work experience placement is around two weeks; however, the nature, length and arrangements for work experience vary greatly.

For work experience placements that are under two weeks in duration it will not be necessary to issue an identity badge. The Responsible Officer can provide a letter of authority for the placement.

All work experience placements must be given an induction briefing prior to starting work.

If the student is going to use any IT applications during their placement a username and password must be arranged by the Responsible Officer via the IT helpdesk. When the placement is complete a request to delete the relevant account must be made.

SECTION 2: PROCEDURE

Application

Applications for any work experience placements should be made to individual managers who are readily able to assess if they have the capacity to accommodate the student. All applicants should complete the application at appendix 1 and ensure it contains all the necessary signatures.

When the application for a work experience placement has been completed and returned to the Council the dates and times of the placement can be confirmed with the student by the manager.

Disclosure and Barring Checks

The council do not need to carry out an Enhanced Disclosure and Barring Services (DBS) check on members of staff supervising young people aged 16-17, however the CBC Safeguarding group have confirmed the following approach for students under the age of 16.

- Team based work experience— where the placement is infrequent eg once a year for 1 or 2 weeks and the student would be working in a team environment the whole team does not have to undergo a DBS check.
- One to one work experience – where the student is assigned to one person who they would be shadowing for the majority of the period an Enhanced DBS check should be undertaken.

Responsible Officer

It is essential there is a dedicated person, the Responsible Officer, to supervise the student on work experience who should be clear about how the student will be supported, supervised and mentored during work experience to ensure they have a quality and supportive experience with the council.

In addition, where possible a separate mentor should be appointed to support the student more informally. This would be a good development opportunity for an employee who wants to develop their management capabilities.

The Responsible Officer should hold all completed paperwork on any work experience placements and forward the completed Work Experience Agreement (appendix 4) to HR when it has been signed by the student. The Responsible Officer can delegate tasks to other staff, however they still hold overall responsibility for the placement.

The Responsible Officer will be accountable for ensuring all Risk Assessments are completed prior to the commencement of the student and that CBC staff in the team have completed their mandatory safeguarding training.

The Responsible Officer should ensure the student is introduced to the structure of working life by planning a schedule to help them see what they'll be doing each day. It is important to give the student a variety of tasks and if possible rotate them between departments so they get a good insight into the workplace. Appendix 2 provides a 2 week planning template for the tasks and work plan for the work.

Induction

People on work experience should receive an induction to the workplace that will help them to integrate quickly and learn about working life, as they may not know how it functions and how they should behave. The induction is an opportunity to:

- get to know the student;
- understand their previous experience;
- talk about the expectations on each side;
- establish the student's goals;
- provide space for the student to ask questions.

Appendix 3 provides a check list for the induction process for a work experience placement.

On the first day of the placement the student must sign the work experience agreement at appendix 4 in duplicate. 1 copy is to be retained by the student and 1 copy is for the Responsible Officer to send to HR to provide a central register of work experience placements and to ensure all obligations by CBC have been met.

Health and Safety

There are very few work activities a young person cannot do due to health and safety law. However, it's important to remember that the Responsible Officer has primary responsibility for the health and safety of the student and should be managing any significant risks. This can be achieved by explaining the risks and how they are controlled when inducting any individual undertaking work experience, checking that they understand what they have been told and know how to raise health and safety concerns.

The Responsible Officer must undertake a risk assessment using the general risk assessment at appendix 5 and taking into account the guidance notes in appendix 6.

For further advice on health and safety visit www.hse.gov.uk/youngpeople

End of the placement

At the end of the work experience placement a meeting with the student and Responsible Officer should take place to review how everything went, for both the person on work experience as well as the council. Some students may have a log/ diary which they must fill in during their placement which the Responsible Officer may be asked to provide comments or feedback on.

The Responsible Officer should assess the success of the placement and, if appropriate, offer further support to the individual by agreeing to act as a referee and encouraging the young person to stay in touch.

The Certificate of Achievement at appendix 7 can be awarded to the student at the end of the placement.

APPLICATION FOR WORK EXPERIENCE PLACEMENT

FULL NAME:	GENDER: MALE/ FEMALE
ADDRESS:	NEXT OF KIN:
POST CODE:	RELATIONSHIP:
MOBILE NUMBER:	CONTACT NUMBER:
DATE OF BIRTH:	EMAIL ADDRESS:
AGE: (If under 16 a DBS may be required for your supervisor)	CURRENT SCHOOL/ EDUCATION PROVIDER:
SCHOOL/ COLLEGE CONTACT NAME AND NUMBER:	SCHOOL ADDRESS:
EXAMS DUE TO BE TAKEN:	EXPECTED/ OBTAINED GRADE:
WHAT DATES ARE YOU AVAILABLE FOR WORK EXPERIENCE: (Please be specific)	TRANSPORT – HOW WOULD YOU GET TO THE PLACEMENT:
WHICH AREA WOULD YOU LIKE TO WORK IN: (Please be specific and relate to your career aspirations if possible)	DO YOU HAVE ANY HEALTH CONDITIONS WHICH MAY AFFECT YOU IN THE WORKPLACE: (If yes, please describe)
DO YOU CONSIDER YOURSELF TO HAVE A DISABILITY:	DO YOU REQUIRE ANY ADAPTATIONS IN THE WORKPLACE: (If yes, please describe)

STUDENT

The council places considerable importance on the need for health and safety at work. You have responsibility to acquaint yourselves with the health and safety rules in the workplace, to follow these rules and make use of the facilities and equipment provided for your safety. It is essential that all accidents, however minor, are reported.

The council will also expect you to observe other rules and regulations governing the workplace which are drawn to your attention by the officer responsible for your placement during your induction. Please note that there is a no smoking policy covering all work places and that there are security arrangements applicable to most locations.

I have read and understood the above requirements and declare that all the information on this form is true.

Signed.....

Print name..... Date.....

PLEASE OBTAIN THE FOLLOWING SIGNATURES IF UNDER 18 YEARS OLD

Parent/ Guardian

I have read and understood the above requirements. I will ensure the student carries out these obligations. I give permission for to attend the placement with Chesterfield Borough Council.

Signed.....

Print name..... Date.....

Teacher

I have read the work experience information and give permission for the student to attend the placement. I also confirm the student is currently studying at

Signed.....

Print name..... Date.....

TASKS AND WORK PLAN

DAY	TIME	PERSON	LOCATION	AREA OF WORK
MONDAY	AM			
	PM			
TUESDAY	AM			
	PM			
WEDNESDAY	AM			
	PM			
THURSDAY	AM			
	PM			
FRIDAY	AM			
	PM			
MONDAY	AM			
	PM			
TUESDAY	AM			
	PM			
WEDNESDAY	AM			
	PM			
THURSDAY	AM			
	PM			
FRIDAY	AM			
	PM			

Please keep this document with you during your placement so you know where you should be each day. If you need any support or are unclear on what you should be doing or where you should be please contact (**insert name**) on (**insert number**)

INDUCTION PROGRAMME

The Responsible Officer should ensure a thorough induction is provided for each placement, which should include:

- An introduction to the organisation, including how the company is structured, and the key people who the individual on work experience will have contact with;
- A clear outline of what they will be doing during their time with you.

TOPIC	DATE DISCUSSED	INITIALS OF MANAGER	INITIALS OF STUDENT
Introduction to the council			
Explanation of the department			
Health and Safety procedures including any PPE			
Fire/ evacuation procedures			
Confidentiality and Data Protection issues			
Code of conduct and any other relevant procedures			
Introduction to colleagues			
Introduction to mentor (if one identified)			
Tour of premises			
Clarify if any adaptations required for workplace			
Absences during placement			
Appropriate dress			
Appropriate use of mobile phone			
Task and work plan for the placement			
Hours of work including breaks			
Refreshment facilities including where to make/ purchase food and drinks			
First Aid facilities			
Toilet facilities			
Contact numbers in case of emergency/ sickness			
Telephone etiquette			
Any other areas			

Work Experience Agreement

DATE

Name and Address of the Individual

Dear (inset name)

Work-experience Placement Agreement

I am writing to welcome you to Chesterfield Borough Council and I hope you will enjoy your time spent with us. Whilst on your placement you will report to (enter Responsible Officers name). You are requested and required to conform to the regulations and conditions outlined to you by (enter Responsible Officers name).

You must follow the instructions of any member of staff designated by that department. You are required to conform to and observe all safety, security and other regulations outlined by Chesterfield Borough Council. I would like to draw your attention to the following conditions that will apply to your work experience placement. Please sign both copies of this letter and return one to the manager supervising your placement, the other should be retained by you for your own reference.

Confidentiality

Any matters of a confidential nature, in particular information relating to Chesterfield Borough Council customers must under no circumstances be passed on to any unauthorised person or persons. You must be aware that, regardless of any action taken by Chesterfield Borough Council a breach of the Data Protection Act 1998 could result in criminal or civil action for damages against you. This applies before, during and after the period of work experience

Chesterfield Borough Council Policies and Procedures

During the placement you should comply with all Chesterfield Borough Council policies and procedures, particularly, in relation to Health & Safety, Confidentiality and Data Protection.

Loss/Damage of Personal Effects

Please refrain from bringing to the placement any valuables or volumes of cash. Should you incur loss or damage to any personal property during the period of your work experience by burglary, fire, theft or otherwise, Chesterfield Borough Council can accept no liability. If you choose to bring such equipment it is your sole responsibility for its safety.

No Smoking Policy

Chesterfield Borough Council operates a no smoking policy for staff and visitors within all buildings and grounds.

Health and Safety at Work Act

You are reminded that in accordance with the Health and Safety at Work Act 1974, you have a duty to take reasonable care to avoid injury to yourself and to others by your work activities, and that you are to co-operate with Chesterfield Borough Council and others in meeting statutory requirements. Chesterfield Borough Council meets its obligation to provide Employer's or Public Liability insurance. You are required to report any safety and/or safeguarding issues, incidents or accidents to me straight away.

Absences during placement

If you are not able to attend the placement for any reason please contact (insert name) on (insert contact number) at Chesterfield Borough Council as soon as the premises open and also advise your school/ education provider.

Removal of Chesterfield Borough Council property

Materials or goods which are the property of the council are not to be removed from council premises unless it is the normal course of duty and the necessary authorisation has been obtained from your supervisor.

Acceptance of Gifts

You must not accept any gifts or money during the placement, if you are offered anything at all during your placement speak to your supervisor.

Conduct

Any concerns about your conduct during your placement with Chesterfield Borough Council may result in the immediate termination of your placement.

Concerns or questions

During the placement if you have any concerns or questions associated with the place of work please discuss them with me immediately.

Declaration

Please sign the attached form to confirm your acceptance of this work experience placement on the conditions outlined above.

Yours sincerely

Insert Name
Insert Job Title

Acceptance of Placement

I confirm that I have read and understood the conditions outlined in the above letter and agree that I will observe the conditions as set out.

Signed:

Print Name:

Date:

GENERAL RISK ASSESSMENT



ASSESSMENT TITLE:		ASSESSED BY:	
ASSESSMENT DATE:		SIGNATURE:	
REVIEW DATE:			
SERVICE:		SERVICE MANAGER:	
SERVICE AREA:		SIGNATURE:	

RISK RATING & RESIDUAL RISK

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LIKELIHOOD (PROBABILITY)	5. Almost Certain	5.	10.	15	20	25.
	4. Probable	4.	8.	12.	16.	20.
	3. Possible	3.	6.	9.	12.	15.
	2. Possible (Under unfortunate circumstances)	2.	4.	6.	8.	10.
	1. Rare	1.	2.	3.	4.	5.
	1. Minor Injury (No 1st Aid required)	2. Minor Injury (1st Aid required)	3. Injury Requires Hospital Treatment	4. Major Injury resulting in Disability	5. Fatality	
	CONSEQUENCES (IMPACT)					

Risk Rating is calculated by multiplying the likelihood against the consequences, e.g. taking a likelihood of 4, which is classified as Probable, and multiplying this against a consequence of 2, which is classified as a Minor Injury 1st aid required, would give you an overall risk rating of 8, which would be risk rated as a medium risk. Residual risk is the risk left after adding additional control measures.

High risk equals 16 to 25.

High Risks activities should cease immediately until further control measures to mitigate the risk are introduced.

Medium risk equals 8 to 15.

Medium Risks should only be tolerated for the short-term and then only whilst further control measures to mitigate the risk are being planned and introduced, within a defined time period. Note: Medium risks can be an organisations greatest risk, it's Achilles heel, this due to the fact that they can be tolerated in the short-term.

Low risk equals 1 to 6.

Low Risks are largely acceptable, subject to reviews periodically, or after significant change etc.

ASSESSMENT STAGES	HAZARDS IDENTIFIED	WHO IS AT RISK?	EXISTING CONTROL MEASURES	RISK RAT. (1 - 25)	ADDITIONAL CONTROL MEASURES	RES. RISK (1-25)

GUIDANCE NOTE ON SAFETY OF YOUNG PERSONS AT WORK

OR ON WORK PLACEMENTS

1.0 DEFINITIONS

- 1.1 A 'child' is a person who is not over the compulsory school age as construed in accordance with the Education Act 1996.
- 1.2 A 'young person' is a person who has not reached the age of 18.
- 1.3 Children under the age of 13 years are prohibited from any form of employment.
- 1.4 Children between the age of 13 years and the minimum school leaving age (just before or just after their 16th birthday) are prohibited from being employed in industrial undertakings such as factories, construction sites, etc., except when on work experience schemes approved by the local education authority.
- 1.5 The Health and Safety (Training for Employment) Regulations 1990 have the effect of designating children on work experience as employees for the purposes of health and safety legislation.

2.0 INTRODUCTION

- 2.1 Young persons at work are seen as being particularly at risk in the workplace because of their possible lack of awareness of existing or potential risks, immaturity and inexperience.
- 2.2 Similarly, students on work experience share the same risks, when they find themselves outside the school environment and in the company of adult strangers and with unfamiliar chains of command. Their lack of experience leaves them vulnerable to potential risks to their health and safety, both from the tasks they will be doing and from the working environment, for example the presence of powerful chemicals or machinery.
- 2.3 Excessive lifting and carrying can also present a serious risk to young persons due to the fact that their physicality may not yet be fully developed.

3.0 RISK ASSESSMENT

- 3.1 The Council has a duty to assess risks to young persons and children on work placement schemes before they start work.
- 3.2 Specific risk assessments need to be undertaken considering all the hazards specific to young persons and copies of the risk assessment made available to the individuals parents or guardians.
- 3.3 Risk assessments need to consider:-
 - 3.3.1 the inexperience of young persons in the workplace, their immaturity and lack of awareness of existing and potential risks;
 - 3.3.2 what health and safety training needs to be given to the young person;

- 3.3.3 what hazardous substances they may be exposed to (i.e. chemicals, biological agents, radiation, etc.);
- 3.3.4 the hazards present in the workplace (i.e. noise, vibration, extremes in temperature;
- 3.3.5 the hazards they may be exposed to in the use of work equipment.
- 3.4 Where children on work placement schemes are to be introduced into the workplace, their parents/guardians must be provided with information detailed in the risk assessment regarding the risks they are likely to be exposed to and the control measures in place to protect them from these risks.
- 3.5 The risk assessment may determine that young persons should be prohibited from certain work activities, except where they are over the minimum school leaving age and it is necessary for their training. In such cases, risk must be reduced so far as is reasonably practicable and a competent person must be designated for their welfare and supervision.
- 3.6 If a significant risk remains despite your best efforts to do what is reasonably practical to control them, young persons should not be employed to work where these significant risks exist.
- 3.7 In particular a young person must not be allowed to:
 - 3.7.1 work beyond their physical and psychological capabilities (i.e. lifting and carrying excessive weights, work in cramped conditions for prolonged lengths of time, etc.);
 - 3.7.2 carry out work which involves harmful exposure to noise, vibration and excessive heat or cold;
 - 3.7.3 be exposed to any agents which can chronically affect health, including those with toxic or carcinogenic effects or cause genetic damage to an unborn child;
 - 3.7.4 be exposed to any significant element of danger in the workplace (i.e. working on live electricity mains, working at height, working with rotating machinery, etc.);
 - 3.7.5 be exposed to violence or aggression (i.e. handling large amounts of cash);
 - 3.7.6 be exposed to harmful ionising or non-ionising radiation.
- 4.0 **TRAINING**
- 4.1 The prohibitions set out in 3.7 will apply to children under the minimum school leaving age who are employed or undergoing training such as work experience.
- 4.2 The prohibitions will not apply where young persons over the minimum school leaving age are doing work necessary for their training, under proper supervision by a competent person and providing risks are reduced, so far as reasonably practicable, in line with current health and safety legislation.
- 4.3 Young persons must be given appropriate training when they start and throughout their work period. Topics which need to be covered include:

- 4.3.1 Corporate and Departmental Health and Safety Policy and any local rules (i.e. site rules on a construction site);
 - 4.3.2 key safety people in the Department;
 - 4.3.3 hazards of the job and safety precautions;
 - 4.3.4 manual handling;
 - 4.3.5 any 'no go' areas in the Department;
 - 4.3.6 what plant and equipment may be used and what may not;
 - 4.3.7 emergency procedures;
 - 4.3.8 hazardous substances in the workplace and the control measures in place to reduce risk;
 - 4.3.9 what PPE is used in the workplace, why, and how it is used, how it is maintained and what the procedures are for replacement.
- 4.4 Young persons must be told to only work within the bounds of their (limited) experience and the instructions they have received. They must also be told to what do and who to tell if they come across a situation they suspect may be a danger to themselves or others.



CERTIFICATE OF ACHIEVEMENT

This certificate acknowledges that (insert name) undertook a work experience placement in (insert date) within the (insert department name) of Chesterfield Borough Council

Signed..... Placement manager on behalf of
Chesterfield Borough Council

Name

Date

Chesterfield Borough Council

Equality Impact Assessment - Preliminary Assessment Form

The preliminary impact assessment is a quick and easy screening process. It should identify those policies, projects, services, functions or strategies which require a full EIA by looking at negative, positive or no impact on any of the equality groups.

Service Area: HR

Section: HR

Lead Officer: Sandy Gillham-Hardy

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for: Work Experience policy

Is the policy, project, service, function or strategy:

Existing

Changed Yes

New/Proposed

Q1 - What is the aim of your policy or new service?

The aim of the revision is to provide a simplified process for the placement of work experience students. The changes ensure that there is a consistent approach to providing work experience placements and that all staff involved in the work experience programme fully understand their role.

Q2 - Who is the policy or service going to benefit?

The changes will aim to ensure all applications for work experience placements will be considered on an equal basis and the council will provide good quality work experience placements

Q3 - Thinking about each group below, does, or could the policy, project, service, function or strategy have an impact on protected characteristics below? You may also need to think about sub groups within each characteristic e.g. older women, younger men, disabled women etc.

Please tick the appropriate columns for each group.

Group or Protected Characteristics	Potentially positive impact	Potentially negative impact	No impact
Age – including older people and younger people.	✓		
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.			✓
Gender – men, women and transgender.			✓
Marital status including civil partnership.			✓
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.			✓
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.			✓
Ethnic Groups			✓
Religions and Beliefs including those with no religion and/or beliefs.			✓
Other groups e.g. those experiencing deprivation and/or health inequalities.			✓

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

Q4 - Should a full EIA be completed for this policy, project, service, function or strategy?

Yes
 No

Q5 - Reasons for this decision:

The current process for work experience placements is complicated and was due for review in 2007.

The revised policy is to ensure the process by which work experience is well managed, from application through to the commencement of the placement, and all necessary stages in between.

It is also intended to help managers and staff involved with students on work experience placements.

Please e-mail this form to the Policy Service before moving this work forward so that we can confirm that either a full EIA is not needed or offer you further advice and support should a full EIA be necessary.

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Leave Policy

Prepared by: Human Resources

Date: August 2016

For review: August 2019

24/02/17 version 4

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SECTION 1: GENERAL GUIDING PRINCIPLES

1.1 POLICY STATEMENT

- 1.2 This document outlines the council's arrangements for all forms of authorised leave that are available to employees and the procedures for applying for them. The entitlements in this document, at a minimum, comply with the Employment Rights Act 1996, the Equality Act 2010, the Working Time Regulations 1998 (as amended), NJC for Local Government Services and the JNC National Agreement on Pay and Conditions of Service for Local Authority Craft & Associated employees as supplemented by local Agreements.
- 1.3 The council is committed to improving the working lives of all staff and helping them to achieve a balance between the demands of their jobs, through a range of additional paid and unpaid leave provisions detailed in this policy, and their wider caring responsibilities and personal lifestyle. The leave arrangements in this document should assist staff in achieving this balance and recognise the social benefits of facilitating this.
- 1.4 The council recognises that employees have the right to take a reasonable amount of time off work to deal with emergencies, or may need to attend medical or other health appointments. Such requests will be treated sympathetically and flexibly in such circumstances.

1.5 SCOPE

- 1.6 This policy will apply to all CBC employees subject to any specific eligibility criteria detailed below.

1.7 PRINCIPLES

- 1.8 The following principles will apply for all employees:
- All leave is stated as full-time working days (or equivalent hours). Leave entitlements for part time employees will be calculated on a pro-rata basis to the proportion of working days or hours that they work.
 - All employees have the right to be treated fairly and with dignity in the spirit of the Equality Act 2010. Employees shall be protected against detrimental action based on the assertion or exercise of any of the rights provided by this policy.
 - As with any request for leave the operational requirements of the council must remain a priority.
 - Should a request be refused an employee shall receive a written explanation and has the right to seek resolution through the council's Grievance Policy.
 - Abuse by an employee of the leave arrangements described in this document could result in disciplinary action, which may include dismissal.

SECTION 2: ANNUAL LEAVE

2.1 An employee's annual leave year commences on the 1st of the month during which that employee originally commenced employment with the Council.

2.2 Entitlement to annual leave is based on the employee's spinal column point (scp) and their length of continuous local government service as at 1 April.

	<u>Entitlement</u>	<u>Over 5 Years service</u>
Up to scp 21	23 days	28 days
From scp 22 to scp 29	25 days	30 days
Above spinal point 30	27 days	32 days
Chief Officers	32 days	32 days
Craft Graded	24 days	29 days

Where employees reach an anniversary which will increase their annual leave entitlement, the new entitlement will be calculated from the 1st day of the month following the anniversary.

2.3 Part-time employees (including Job Sharers) should receive a pro rata entitlement calculated by the following formula:

contracted hours multiplied by number of days annual leave full time entitlement multiplied by standard day, divided by the standard hours of working week

For example. An employee who works 22.5 hours per week on scp 15 with more than 5 years' service would have the following entitlement each year:

$$22.5 \times 28 \times 7.5 / 37 = 127.70 \text{ hours}$$

If you do not have a standard day ie you don't work the same hours each day please contact HR to clarify your entitlement.

See section 4.4 for the bank holiday calculation for part time employees.

2.4 Pay during annual leave will include regular payments that the individual would have received had he/she been at work e.g. compulsory overtime, regular bonus.

2.5 If staff have pre-arranged annual leave but then fall sick, they must follow the council's absence reporting procedures in order for the leave to be taken at another time.

2.6 Staff working on a variable hours or flexible contract shall have their annual leave calculated 13 weeks in arrears. The allowance will be given and taken

in hours.

- 2.7 On leaving the council any leave taken (including Bank Holiday entitlement) which is in excess of that which the employee would have been entitled to (on a pro-rata basis) will be deducted from the final salary payment.

SECTION 3: CARRY FORWARD OF ANNUAL LEAVE

- 3.1 Under the working Time Regulations 1998 Reg 13. it is stated that the four weeks statutory annual leave must be taken in any given leave year and that this annual leave cannot be carried forward unless it could not be taken through long term illness or maternity leave.
- 3.2 In exceptional circumstances leave over the statutory minimum can be carried forward. CMT managers have the delegated authority to approve such requests.
- 3.3 Up to five annual leave days (subject to 3.2 above) can be carried forward to the next annual leave year subject to:-
- (a) Mutual agreement and with the CMT managers prior approval.
 - (b) There being exceptional circumstances i.e. long term sick leave or maternity leave.
 - (c) The carry forward days are taken within three months of the start of the new annual leave year.
- 3.4 Approval is subject to consideration of an individual's personal circumstances and needs of the council.

SECTION 4: BANK HOLIDAYS

- 4.1 The statutory eight bank holidays are:
- Good Friday
 - Easter Monday
 - May Day
 - Spring Bank
 - Summer Bank
 - Christmas Day
 - Boxing Day
 - New Year's Day
- 4.2 In addition to the eight statutory bank holidays the council adds one discretionary day to the Christmas holiday period. The exact timing of the discretionary day is decided each year.
- 4.3 Many religions or beliefs have special festival or spiritual observance days which do not fall within the eight statutory bank holidays. Where an employee

requests leave in order to celebrate festivals or attend ceremonies it should be considered sympathetically where it is reasonable and practical for the employee to be away from work.

- 4.4 Part-time employees (including Job Sharers) should receive a pro rata entitlement calculated by the following formula:

Contracted hours multiplied by 9 multiplied by standard day divided by the standard hours of working week

For example. An employee who works 22.5 hours per week would have the following entitlement each year:

$$22.5 \times 9 \times 7.5 / 37 = 41 \text{ hours}$$

- 4.5 Where an employee has more bank holidays than which fall on their working pattern i.e. they work towards the end of the week, they should use it as they would annual leave.
- 4.6 If an employee has less bank holidays than which fall on their work pattern i.e. they work towards the beginning of the week, they should use annual leave or amend their work pattern for the week as agreed in advance with their line manager.

SECTION 5: COMPASSIONATE LEAVE

- 5.1 Compassionate leave usually refers to time off given in response to major personal distress, e.g. bereavement or major domestic crisis, e.g. a house fire or vehicle theft.
- 5.2 A CMT manager can approve paid leave of absence up to seven days for 'compassionate leave'. Paid leave in excess of three days should, however, only be given in exceptional circumstances (e.g. the death of a close relative or partner).
- 5.3 Each application for paid leave of absence should be judged on the specific circumstances relating to the individual case. There is no automatic right to paid compassionate leave.
- 5.4 The following advice is to be used as a guideline only, to encourage consistency of approach across all service areas.

SECTION 6: BEREAVEMENT LEAVE

- 6.1 The amount of paid leave granted for bereavement will depend on:
- The relationship between the employee and the person who has died;
 - The level of responsibility to be taken on by the employee for the funeral or for other tasks arising from the death of that person;

- c. The distance which has to be travelled to attend. For example if a deceased close relative lived in another country.
- 6.2 On the death of close relative i.e. a parent, a partner or a child, up to seven days paid leave should be allowed.
- 6.3 On the death of a partner's parent or sibling, a grandparent, uncle, aunt or cousin normally one day's paid leave would be allowed. However consideration should be given as to the circumstances of the deceased and the bereavement. If, for example, the employee has been the carer of the deceased or is responsible for making arrangements for the funeral or has other urgent responsibilities which have to be discharged in relation to the deceased, then up to three days paid leave may be allowed.
- 6.4 Where the deceased does not fall into the above category, i.e. is a friend or colleague then unpaid time off to attend the funeral should be facilitated wherever possible. Where an employee is representing the council at a funeral service, paid time off will be given to attend.
- 6.5 Where further time off is necessary, this must be agreed and should be taken as annual leave, flexi-time (where appropriate) or unpaid leave.

SECTION 7: MAJOR DOMESTIC CRISIS LEAVE

- 7.1 A period of paid leave of absence up to seven days in any leave year, on compassionate grounds may be allowed for reasons relating to a major domestic crisis (for example, a house fire or burglary) or significant personal distress.
- 7.2 The amount of paid leave allowed should be commensurate with the level of the crisis. However, paid leave in excess of three days should only be given in exceptional circumstances and should not exceed seven days in any leave year.
- 7.3 Circumstances of significant personal distress include, but are not restricted to, going through a divorce, redundancy of a partner, bankruptcy, domestic abuse or where an employee is the victim of a crime.
- 7.4 When an employee has such a crisis, the manager will need to sympathetically ascertain basic information in order to make a recommendation to his or her CMT manager as to whether paid leave should be allowed.
- 7.5 When deciding the level of paid leave to be allowed consideration should be given to:
 - a. The nature and seriousness of the crisis or problem;
 - b. The closeness in relationship between the employee and any other party involved;
 - c. The age and/or condition of the person involved, e.g. is it a child/children or an elderly dependant who needs care?

- d. Suddenness of problem - did the employee have any time to prepare or plan?

SECTION 8: EMERGENCY DEPENDANTS LEAVE

8.1 Under the European Union Parental Leave Directive, contained in the Employment Rights Act 1996, effective from December 1999, there is a right to reasonable **unpaid** time off during the employee's working hours for emergency and unforeseen circumstances to a dependant. No limit applies to the amount of unpaid time off that an employee can take to deal with an emergency involving a dependant.

8.2 Such circumstances include:

- a dependant falls ill, gives birth or is injured or assaulted;
- to make arrangements for the provision of care for a dependant who is ill or injured or hospitalisation (includes mental health);
- in consequence of the death of a dependant;
- due to the unexpected disruption or termination of arrangements for the care of a dependant;
- to deal with an incident which involves a child of the employee which occurs unexpectedly at a child care facility;
- a child becomes distressed for some reason or where a child has committed a serious misdemeanour.

8.3 **Who is defined as a 'dependant'?**

- a partner, husband or wife (a partner is someone who lives at the same household)
- a child of any age
- parent or step-parent
- an elderly relative living with the family
- a person who reasonably relies on the employee, e.g. an elderly neighbour who has no relatives nearby and who the employee regularly helps
- a person who is dependent on the employee as a primary or secondary carer

8.4 **Making a request for Emergency Dependants' Leave**

8.5 An employee faced with any one of the above emergency and unforeseen circumstances involving a dependant must inform their supervisor/manager as soon as possible as to why s/he needs to be absent and how long it is likely to be before a return to work.

8.6 The manager will probably be asked to consider the request for Emergency Dependants' Leave in relation to the guidance for the allowance of paid leave on compassionate grounds.

8.7 'Reasonable time off'

8.8 It is reasonable for a manager to expect a carer to have considered measures to deal with emergencies such as the sudden sickness of a child. Most employees keep some annual leave or flexi-time in reserve for emergencies.

8.9 However if the employee feels that they need compassionate leave, a request for paid leave of absence will be considered. The manager should gather the facts of the case as best they can and make a recommendation to his/her CMT manager in order for a decision to be made.

8.10 Often, in cases of real emergency, the employee will not have much time to negotiate compassionate leave and the decision will have to be made retrospectively.

8.11 If paid compassionate leave is not considered appropriate the employee should, wherever possible, be allowed to use annual leave or flexi-time (if applicable). The time off could be accommodated by temporary alteration of working time/arrangements, e.g. extra hours spread over the next day(s).

8.12 If the required time off is a relatively short period of time, e.g. up to two hours, the supervisor/manager has the discretion as to whether pay is deducted, or the hours taken worked at another time.

8.13 If the employee has a genuine emergency relating to a dependant as defined above unpaid leave **must** be allowed for an amount of time that is considered to be 'reasonable' given all the circumstances.

8.14 Clearly it is in the best interests of the service to apply this policy sensitively and sympathetically to avoid use of the council's occupational sick pay scheme.

8.15 Evidence of the need for time off

There is no specific right for a supervisor/manager to ask for evidence of an employee's need to take time off. The supervisor/manager will need to ask relevant questions in order to determine that an employee is not taking unnecessary time off. Such questions must be asked sympathetically and must not be personal or intrusive.

However, in order to decide whether paid leave is appropriate and its duration, it will probably be necessary to ascertain:

- the nature of the emergency (e.g. what has happened? Why is it an emergency?)
- who the dependant is

- whether the employee is the sole carer for the dependant
- if not, whether a joint carer can contribute to the support of the dependant in the emergency.

SECTION 9: LEAVE FOR PUBLIC DUTIES

9.1 Under the Employment Rights Act 1996, s.50, employees have the right to a reasonable amount of unpaid time off work for the performance of public duties. The public positions and the purposes for which time off may be granted for each position are set out below.

- magistrate (or justice of the peace)
- local councillor
- school governor
- member of any statutory tribunal (for example employment tribunal)
- member of the managing or governing body of an educational establishment
- member of a health authority
- member of a school council or board in Scotland
- member of the General Teaching Councils for England and Wales
- member of the Environment Agency or the Scottish Environment Protection agency
- member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)
- member of Scottish Water or a Water Customer Consultation Panel

9.2 Under national conditions of service, the employee should receive paid leave of absence for undertaking jury service or serving on public bodies or undertaking public duties

9.3 Where an allowance is claimable for loss of earnings the employee should claim and inform the Treasurer in order that the equivalent amount can be deducted from employee's pay.

9.4 **Justice of the Peace**

9.5 Council policy is as follows:-

- (1) Employees undertaking duties as a JP should be granted up to 18 days paid leave of absence per year (this may be taken in half day sessions), after taking into account the recovery of the allowance that can be claimed and paid to JP's for loss of earnings.

- (2) Any time off in addition to the above should be in the employee's own time (e.g. annual/flexi-leave, or without pay) subject to the CMT manager approval.
- 9.6 The employee should inform the Borough Treasurer of deductions to be made from pay to take into account the "Financial Loss Allowance". It is also the employee's responsibility to claim the allowance from the Clerk to the Magistrates' Court.
- 9.7 **Member of a Local Authority**
- 9.8 The council has accepted the undertaking to grant paid leave to an employee for council duties, provided it does not exceed 208 hours a year, under the provisions of the Local Government and Housing Act 1989.
- 9.9 **Jury Service**
- 9.10 Paid leave of absence should be granted, but an employee should claim the allowance for loss of earnings to which s/he is entitled. A deduction from the employee's pay of an amount equal to the allowance paid will be made.
- 9.11 **Reservists**
- 9.12 Employees are required to inform the organisation through their line manager as soon as possible that they are, or intend to become, reservists.
- 9.13 Paid leave of absence may be granted of up to 10 days per calendar year to undertake reservists' activities.
- 9.14 Any request for additional time off to undertake specific non-regular forces training that cannot be undertaken in non-working time will be considered taking into account service requirements.
- 9.15 If a reservist is mobilised, there is no requirement for the council to pay the reservist during his/her absence. During this period the reservist receives service pay from the Ministry of Defence, along with a standard award to make up any difference (up to the statutory limit) between his/her service pay and normal average weekly earnings.

SECTION 10: INCLEMENT WEATHER

10.1. Where offices/buildings are open

- 10.2 The assumption is that staff (including variable hours staff) will attend work as expected unless instructed not to do so. Where no such instruction is given i.e. the buildings are open, but employees cannot get into work, employees are expected to use annual leave, flexi time or reach an agreement with their manager to make up the time over a defined period.

- 10.3 The flexi scheme will be relaxed to allow a greater debit if this means someone's flexi goes into more debit than the scheme allows at the end of the period.
- 10.4 If employees had planned to take flexi time due to reaching the maximum credit and they came into work to maintain staffing levels then the scheme will be relaxed to allow them to carry over more than the maximum hours.
- 10.5 If an employee does not have access to the flexi scheme and they are at the end of their leave year with no annual leave to use a request to bring forward annual leave from the new leave year would be considered.
- 10.6 The council does not credit time for those who cannot get in as this can cause bad feeling amongst staff who do struggle to get in if others are perceived to have taken an easier option of staying at home. Reasonable adjustments will be considered for employees with a disability on an individual basis.
- 10.7 Where staff are notified not to attend due to full closure**
- 10.8 If staff are notified that they are not required to attend because premises are closed (i.e. the absence is enforced) then they will be credited with the time or paid as normal.
- 10.9 Where staff attend and the buildings are closed early**
- 10.10 If the Council takes the decision to close the buildings early and staff who have been working normally are sent home, they will be credited with time to make up their standard working day.
- 10.11 If the building remains open and functioning normally standard flexi rules apply so if employees choose to leave early then normal flexi rules apply.
- 10.12 Working at home**
- 10.13 Where employees had pre-agreed with their manager that they were working at home the standard day will be credited.
- 10.14 Other Scenarios**
- 10.15 Employees who had pre-booked leave will take the leave as normal.
- 10.16 Employees taking time off due to sickness will discuss the circumstances as normal in the 'return to work interview' and will receive their normal credit/pay as appropriate.

SECTION 11: TIME OFF IN LIEU (TOIL)

- 11.1 Time off in lieu (TOIL) refers to time taken off at a later date for any additional hours worked over the contracted working hours.

- 11.2 Managers must ensure that they manage TOIL within the requirements of the Working Time regulations 1998, ensuring that:
- Employees do not work more than a maximum of 48 hours in an average working week.
 - Employees have a minimum of 11 hour's rest in a 24 hour period.
 - Employees have 24 hours rest in a seven day period.
 - Employees have at least a 30 minute break after 6 hours working.
- 11.3 It is the employee's responsibility to seek prior approval from their line manager before working additional hours that could accrue as TOIL.
- 11.4 TOIL entitlement for employees who are contracted into the Flexitime Scheme**
- 11.5 Employees who are contracted into the flexitime scheme are expected to manage any additional working hours within the confines of the flexi scheme bandwidth (i.e. 7:00 am to 7:00 pm) where possible. *See the guidance on the flexitime scheme for details.*
- 11.6 Where a manager approves, in advance, work in the normal job role outside the flexitime scheme bandwidth (i.e. before 7:00am or after 7:00pm) it should be recorded on the form at Appendix 1 as time to be taken as TOIL at a later date. Alternatively the manager may approve payment for additional hours working/overtime which would be paid as per the council's pay agreement (enhanced rates for employees on band 7 and below only).
- 11.7 TOIL entitlement for employees who work set contractual hours**
- 11.8 Where a manager approves, in advance, for an employee on fixed hours (i.e. are not contracted into the flexitime scheme) to work outside of their contracted hours, these hours should be recorded on form at Appendix 1 as time to be taken as TOIL at a later date. Alternatively, the manager may approve payment for the additional hours which would be paid as per the council's pay agreement (enhanced rates/overtime for employees on band 7 and below only).
- 11.9 Taking Time off in Lieu (TOIL)**
- 11.10 Time off for TOIL must be agreed in advance with the manager and the needs of the service will, in all circumstances, take precedence, ensuring that operational requirements continue to be met.
- 11.11 Wherever possible, TOIL should normally be taken within an eight week period of the TOIL being accrued. However, this may not always be possible, e.g. if the workload is such that it is impossible to take or staffing levels need to be managed.
- 11.12 In exceptional circumstances, if it becomes difficult for an employee to take their TOIL due to workloads, then the employee may be paid for this time by mutual agreement.

11.13 Monitoring of TOIL

- 11.14 The Health and Safety of our employees is paramount and the council does not want employees to regularly be working an excessive number of hours.
- 11.15 It is essential that managers monitor the amount of time that employees are accruing and should not allow employees to accrue an excessive amount of time. The reasons for accruing TOIL should also be monitored to enable managers to address issues where hours are being accrued on a regular basis.
- 11.16 Any abuse relating to the accrual or taking of TOIL will be dealt with under the council's disciplinary procedure.
- 11.17 In the event of a disagreement relating to the use of TOIL, the employee should follow the Grievance Procedure.

SECTION 12: FERTILITY LEAVE

12.1 Time off work for fertility treatment

- 12.2 Under NJC guidance circular 7/00, employees have the right to take 5 days' leave in any one year to undergo fertility treatment. The policy applies equally to either partner if they are undergoing fertility treatment. If employees require time off beyond the permitted number of days they may be allowed to take time off using annual leave or unpaid leave.
- 12.3 The term 'partner' means a person (whether of a different sex or the same sex) who lives with the person undertaking the fertility treatment in an enduring family relationship but is not a relative of the person undergoing the proposed treatment (i.e. is not the mother's parent, grandparent, sister, brother, aunt or uncle)

12.4 Qualifying Period

In order to qualify for the time off work for fertility treatment employees must have a minimum of 12 months continuous service at the time of making the request.

12.5 Pay

- 12.6 Time off for fertility treatment (up to 5 days in one year) will be paid at the normal rate of basic pay.

12.7 Process

Any employee who wishes to take advantage of this policy must:

- Inform their line manager in writing as soon as plans to undergo fertility treatment have been confirmed. The manager should then inform HR.

- Provide a statement from a qualified medical practitioner that fertility treatment has been recommended and approved and at the request of your line manager produce an appointment card for each occasion on which time off is requested.
- Try to arrange appointments at times that will cause the minimum amount of inconvenience to the council.
- Give as much notice as possible of the days on which time off is required.

12.8 Any information given to your line manager will be maintained in strict confidence.

SECTION 13: MEDICAL APPOINTMENTS

13.1 Employees are allowed time off to attend regular hospital appointments or medical screening. Where the employee is on the flexi-scheme appointments will normally be managed within the scheme. Where the employee is not on the flexi-scheme appointments should be arranged outside working hours wherever possible. Where this is not possible managers will allow time to attend.

13.2 Managers may ask to see the appointment card/letter prior to agreeing the amount of time the employee needs to be absent from work.

13.3 Where the employee has a disability and is required to keep regular appointments in connection with their disability, this may be treated as disability leave as a “reasonable adjustment” under the Equality Act 2010. If managers have any doubt please refer to HR for advice.

TOIL RECORDING FORM

Appendix 1

NB *Each entry needs to be on a separate line, with a new Balance in Column (d).*

Record of Additional Hours Worked					Claim for Lieu Leave			To Be Claimed as Overtime <small>(Sc. 6 or below)</small>		(d) Balance	
Date	Time Worked		(a) Time Earned	Reason	Authorised	(b) Lieu	Comment	Authorised	(c) Overtime Claimed		Authorised
	From	To									

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**Time Earned in Column (a) added to Balance in Column (d).
 Claims in Columns (b) and © deducted from Balance in Column (d).
 After authorisation by Line Manager, pass to Senior Admin Officer for record purposes.**

Chesterfield Borough Council

Equality Impact Assessment - Preliminary Assessment Form

The preliminary impact assessment is a quick and easy screening process. It should identify those policies, projects, services, functions or strategies which require a full EIA by looking at negative, positive or no impact on any of the equality groups.

Service Area: HR

Section: HR

Lead Officer: Sandy Gillham-Hardy

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for: Leave Policy

Is the policy, project, service, function or strategy:

Existing

Changed Yes

New/Proposed

Q1 - What is the aim of your policy or new service?

The policy is a merger of the following policies/ guidelines:

- Annual Leave and public holidays
- Compassionate Leave
- Bereavement leave
- Major domestic crisis leave
- Emergency dependants leave
- Time off for public duties
- Time off in lieu policy
- Bad weather guidelines
- Fertility guidelines
- Medical appointments

The aim of the new policy is to provide a simplified process for the approval of leave; all the relevant policies and guidelines will be in one place for employees to access. In addition the main changes are:-

- Clarification on how to add additional leave for 5 years service.
- Removal of statement that staff are not allowed to carry leave forward arising from sickness absence.
- Addition of reference to discretionary day over the Christmas period.
- Addition of reference to religions or beliefs which have festivals other than the 8 statutory bank holidays.
- Clarification for part time staff work patterns and bank holidays.
- Update of public duties where time off is granted.
- Paid leave of up to 10 days per year for employees to undertake reservist activities.

Q2 - Who is the policy or service going to benefit?

The changes will ensure all leave considerations are dealt with on an equal basis and that there is a consistent approach.

Q3 - Thinking about each group below, does, or could the policy, project, service, function or strategy have an impact on protected characteristics below? You may also need to think about sub groups within each characteristic e.g. older women, younger men, disabled women etc.

Please tick the appropriate columns for each group.

Group or Protected Characteristics	Potentially positive impact	Potentially negative impact	No impact
Age – including older people and younger people.			✓
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.			✓
Gender – men, women and transgender.	✓		
Marital status including civil partnership.			✓
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.			✓
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.			✓
Ethnic Groups			✓
Religions and Beliefs including those with no religion and/or beliefs.	✓		
Other groups e.g. those experiencing deprivation and/or health inequalities.	✓		

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

Q4 - Should a full EIA be completed for this policy, project, service, function or strategy?

Yes

No

Q5 - Reasons for this decision:

There have been a number of employment law changes which have not been reflected in the current policies so an update of the policies was required. Also clarity was required for part time staff to ensure they were receiving the correct amount of leave and bank holidays.

Please e-mail this form to the Policy Service before moving this work forward so that we can confirm that either a full EIA is not needed or offer you further advice and support should a full EIA be necessary.

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