

Date of issue: Thursday, 11 April 2024

MEETING	EMPLOYMENT COMMITTEE (Councillors Zarait (Chair), Khawar, Bedi, Escott, D. Parmar and Qaseem)
DATE AND TIME:	TUESDAY, 16TH APRIL, 2024 AT 6.30 PM
VENUE:	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	NICHOLAS PONTONE 07749 709 868

SUPPLEMENTARY PAPERS

The following Papers have been added to the agenda for the above meeting:-

* Items 3, 4 and 6 were not available for publication with the rest of the agenda.

PART 1

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
3.	HR Policies and Procedures <ul style="list-style-type: none"> • Disciplinary Policy • Managing Sickness Absence Policy • Internal Career Progression Procedure • EDI policy statement 	1 - 56	All
4.	2023 Gender Pay Gap Report	57 - 76	All
6.	Draft Code of Conduct for Officers	77 - 96	All

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Slough Borough Council

Report To:	Employment Committee
Date:	16 th April 2024
Subject:	HR policies
Chief Officer:	Chief Executive
Contact Officer:	Surjit Nagra – AD Human Resources
Ward(s):	All
Exempt:	NO
Appendices:	A - Disciplinary Policy B - Managing Sickness Absence Policy C - Internal Career Progression Procedure D - EDI policy statement

1. Summary and Recommendations

- 1.1 This report sets out the changes that have been made to 4 HR policies/procedures in line with the requirements set within the HR Improvement plan. The policies have been streamlined and condensed to enable managers to manage their staff more proactively and to foster a culture of strong performance management and employee engagement.

Recommendations:

The Employment Committee is recommended to approve the following 4 amended policies/procedures as set out in Appendices A to D:

- Disciplinary Policy
- Managing Sickness Absence Policy
- Internal Career Progression Procedure
- EDI policy statement

Reason: The HR policies had not been reviewed for some time and a programme to review all HR policies is now in place. The policies have been streamlined and condensed to enable managers to manage their staff more proactively, and reflect best practice. The policies have been reviewed in line with updated employment legislation and the ACAS Code of Practice.

Commissioner Review

Commissioners have reviewed this report and have no specific comments to add.

2. Report

Introductory paragraph

- 2.1 The changes to the policy are in line with the requirements of the HR Improvement plan and to ensure managers receive a suite of up-to-date policies with management guidance to support the use of the policy to manage their staff effectively. The guidance is detailed to aid the development of managers to be able to a self-serve the people management issues in their services.
- 2.2 The current policies were felt to be too lengthy and difficult for managers to follow without reference to HR even at the informal stages. Due to their comprehensive nature, the policies could create risks for the organisation in terms of Employment Tribunal claims, and therefore the approach in the revision has been 'less is more.
- 2.3 They have been streamlined and separated into two parts with the format of a shorter policy statement and a more in-depth management guidance/appendices where relevant to reduce bureaucracy and mitigate risks for the organisation. Some of the policies in this report for approval have significant changes to the policy principles and processes, resulting in more streamlined, proactive and easy to follow stages.
- 2.4 The policies have been consulted with all the staff network groups and Trade Unions. Stakeholders have been invited review the policies, and they have been given the opportunity to comment on the changes.
- 2.5 The key changes to the policies are outlined as followed:

2.5.1 Managing Sickness Absence:

- Reduction in total number of stages in the absence process. Now 1 informal and 3 formal as opposed to 1 informal and 4 formal.
- Dismissal due to ill health can now be instigated at the 3rd and final stage of the process.
- Removal of first formal written warnings at 2nd and 3rd stages of the current policy. These would only remain on file for 6 months and did not have a positive impact on managing the absence.
- Addition of a 12-month monitoring review period in place between each stage of the process enabling managers to move to the next stage at any point (in discussion with HR).
- Introduction of case conferences as part of the process. This is used for individuals who are seriously ill and need to be handled more sensitively.
- Moved cover sheet from front page to back.
- Added in an image to modernise the look and feel of the policy.
- Amended EDI statement.
- Ensured policy is in-line with the ACAS Code of Practice.
- Removed references to Associate Directors.

2.5.2 Disciplinary Policy:

- Section 1.12- expanded on false allegations
- Section 4.4- changed from preliminary investigation to preliminary inquiry. At this stage its very early days in terms of the allegation and having the word investigation makes it look like 2 investigations will be carried out.

- Section 5.1- In suspension section added in fitness to practise as potential reason to suspend.
- Section 5.4- Added section on pre-approved holidays and suspension
- Section 7.2- Reduced the timeframe between realising a case to answer and convening a hearing from 25 days to 10 days, with option to extend to 14 days if necessary.
- 7.3 (e) – Added to this point- Outline the employee’s right to be accompanied by a Trade Union representative or work colleague. In exceptional circumstances where the employee has a disability or mental health concern a support worker may attend.
- 8.2 – Added section- There should be no conflict of interest/direct relationship between the commissioning officer and the chair of panel (i.e. commissioning officer manages the chair)
- 8.10 – New Addition **If a Decision Cannot be reached on the day of the meeting**
- Whilst this is not normally the case, there may be rare occasions when a decision is not given on the day of the meeting. Where this is the case, we will send the decision in writing. We will try to do this within 5 working days of the disciplinary meeting.
- Section 9.1- First written warning to remain on file for 12 months, not 6-12 months.
- Section 9.5- Removed the reference to a change in terms and conditions as a sanction from a hearing.
- Moved cover sheet from front page to back.
- Added in an image to modernise policy.
- Amended EDI statement.
- Ensured policy is in-line with the ACAS Code of Practice.
- Removed references to Associate Directors.

2.5.3 Internal Career Progression Procedure

- Change of title from acting up and secondment to internal career progression procedure.
- Introduction of policy focusses on career pathways and vertical growth v lateral growth e.g., acting up/secondments.
- Section 1.3- Added in section that managers should be looking at internal talent across the organisation before proceeding to external recruitment.
- Section 2- Clarification as to why employees with less than 12 months service will not be eligible for acting up/secondments, however managers should discuss with HR if a situation like this arises.
- Section 3- Added in a section on the types of internal career progression and split out the parameters of acting up and secondment to enable managers to understand the difference between the 2.
- Section 3.1.4- Clarification as to the payment for acting up. Where an individual is fully acting up into a higher graded post, the salary will normally reflect the bottom spinal column point of the established salary level for the position being undertaken, with the opportunity to receive further increments depending on the duration of the acting up opportunity.
- Section 3.1.6- Clarification as to the payment for partial acting up. Employees who partially act-up, meaning they are taking on higher level duties compared to their substantive post, but not all of duties of the higher graded acting up post, will be given an honorarium payment to the value of no greater than the first spinal point of the acting up grade for the duration of the partial acting up. There will be no opportunity to receive further increments throughout this period.
- Section 3.2- Definition of what a secondment is with the focus on career

- progression and skills development.
- Section 3.2.4- Clarification of the impact on pay during a secondment. As the purpose of secondments are to provide individuals with development opportunities, and to enable organisations to have a multi-skilled workforce, individuals who are offered secondments will commence them whilst retaining their existing terms and conditions and pay. If during the secondment it becomes evident that the individual has taken on significantly more duties than was previously outlined in the secondment agreement, an honorarium payment may be made following a discussion with the HRBP team.
- Section 4- Recruitment and Selection- Outlined the fair and transparent process that managers are required to follow whereby all acting up and secondment opportunities should be advertised internally across the whole organization. This is to enable all individuals an opportunity to develop their skills.
- Section 4.6- Clarified that if an acting up or secondment becomes permanent, the opportunity should be advertised internally across the organization.
- Moved cover sheet from front to back.
- Added in an image to modernise policy.
- Amended EDI statement.

2.5.1 EDI Policy Statement

- Update of a short policy statement on how Slough aims to have an environment in which each person has equal access to quality services and employment opportunities regardless of protected characteristics.
- The policy aim is for our workforce to be representative of all sections of society and for each employee to feel respected and able to give their best.
- Section 3.2- added in about the 3 aims of the general duty.
- Section 4- Outlines how Slough will meet its equality duties.

2.6 Options considered.

The following options were considered in the revision of the HR policies and procedures.

- *Option 1: Do nothing - leave the policies' This option was not viable as they are out of date which could create risks for the organisation.*
- *Option 2: Amend the policies in line with the HR Improvement plan and strategic objectives of the organisation -.*

Option 2 was recommended.

3. Implications of the Recommendation

3.1 *Financial implications*

3.1.1 There are no direct financial implications related to this report. However, failure to follow the policies could result in significant costs if presented to Employment Tribunals.

3.2 *Legal implications*

3.2.1 The policies have been updated in line with employment legislation changes.

3.3 *Risk management implications*

3.3.1 These policies mitigate the risks of unnecessary scrutiny and criticism at Employment Tribunals. The policies are in line with updated employment legislation and the ACAS Code of Practice

3.4 *Environmental implications*

3.4.1 There are no environmental implications related to this report.

3.5 *Equality implications*

3.5.1 An Equality Impact Statement has been completed for each policy.

3.6 *Procurement implications*

3.6.1 There are no procurement implications related to this report.

3.7 *Workforce implications*

3.7.1 The policy principles have remained in line with the current policy principles which align with employment legislation and the *ACAS Code of Practice*. The policies are a more succinct and provide a suite of templates for ease of reference. This will enable managers to manage their staff effectively without the need for constant HR support-fostering a self-service culture.

3.8 *Property implications*

3.8.1 There are no property implications related to this report.

4. **Appendices**

Appendix A – Managing Sickness Absence Policy,
Appendix B – Disciplinary Policy,
Appendix C – Internal career progression procedure,
Appendix D – EDI Policy Statement

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Disciplinary Policy



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APPENDICES

Appendix 1: Roles and Responsibilities

Appendix 2: How to carry out an Investigation

Appendix 3: Investigation Report Template

Appendix 4: Record of witnesses

Appendix 5: Record of Evidence

Appendix 6: Examples of Misconduct and Gross Misconduct

Appendix 7: Model Process for Disciplinary/Appeal Meetings

Appendix 8: Checklist for Decision Making at Disciplinary Meetings

Appendix 9: Disciplinary Sanctions

1. Introduction

- 1.1. This policy applies to all Slough Borough Council employees, except for those in their probationary period. In this case the probationary policy will apply.
- 1.2. This policy also excludes the Chief Executive, Appointed S151 Officer, the Monitoring Officer and all staff employed under JNC Conditions for Chief Officers, who are covered by separate procedures.
- 1.3. This policy does not apply to school-based staff who are under the control of Governing Bodies, Volunteers, Agency Workers and Contractors. We will however, be recommending this to our maintained schools
- 1.4. We have clear standards of conduct which all of our employees (covered under this policy) must meet. These standards are set out in our policies and procedures and they are communicated on a day-to-day basis through management instructions.
- 1.5. Council employees are expected to maintain standards of conduct both at work and outside of work. Everything we do and say may reflect back on Slough Borough Council both inside work and outside of work. As an example, this could include but is not limited to potential arrestable offences (fighting, sexual in nature or harassment). The Council's Code of Conduct, Dignity at Work Code of Conduct (and relevant professional Codes of Conduct) expands further on some of these standards. Examples of behaviors seen as misconduct are listed in Appendix 6. This shows some examples but is not an exhaustive list.
- 1.6. This Policy sets out the procedure which we will follow if you breach the conduct standards expected of you. We will normally follow this process in disciplinary situations, but we are not obliged to do so in all cases (such as if you are in your probationary period).
- 1.7. Where there may be shortcomings in performance on the part of the employee which arises from a lack of aptitude or skill (rather than any willful or negligent failure to carry out their duties) the Managing Performance Policy and Procedure will apply.
- 1.8. Separate guidance exists for dealing with problems arising from alcohol dependence or substance abuse. However, significant problems of misconduct arising from behavior whilst under the influence of alcohol or drugs, particularly in cases of failure to engage with support offered, may also be dealt with under this procedure.
- 1.9. An employee who provides information on criminal acts, breaches of legal obligations, health and safety dangers, environmental risks and related cover ups will have the right not to be dismissed or victimised for speaking out about such malpractice. Please see the Council's Whistleblowing Policy. In the

event of a malicious or spurious allegations this will be dealt with under this policy and will fall outside the whistleblowing policy.

- 1.10. All matters relating to investigations and disciplinary issues or outcomes must be kept strictly confidential by both managers and employees, unless relevant to the investigation process. Data collected as part of the investigation stage and any subsequent stages should this lead to disciplinary action, must be held securely and accessed by and disclosed to individuals only for the purposes of completing the disciplinary procedure.
- 1.11. Inappropriate access or disclosure of employee data whether by manager or another employee constitutes a data breach and should be reported under the Council's Data Protection Policy. It may also constitute a disciplinary offence which will be dealt with under this disciplinary policy and procedure.
- 1.12. **False Allegations.** The Council will view very seriously any false or malicious allegations or allegations made for personal gain. In circumstances where this is proven, disciplinary action may be taken against you under this Disciplinary Policy. Similarly, if an agency worker, external secondee, volunteer etc makes malicious or vexatious allegations or allegations made for personal gain, then the Council will consider parting with their services.
- 1.13. This Policy does not form part of your contract of employment. We reserve the right to amend this policy at our discretion and in line with legislative changes.

2. Policy Statement

- 2.1 The Council promotes and expects high standards of behaviour and conduct for all employees and takes appropriate action where those standards are not met.
- 2.2 The Council's Disciplinary Policy and Procedure provides a framework for ensuring that employees are made aware of unacceptable conduct and behaviours.
- 2.3 The Policy aims to secure a change in performance and/or attitude in circumstances where either fall short of SBC's expected values and behaviours.

This will be achieved by:-

- promoting and valuing excellent standards of conduct and integrity among employees;
- managing disciplinary matters promptly, effectively, fairly and lawfully, in accordance with the ACAS Code of Practice on disciplinary and grievance procedures and relevant legislation including the Employment Act 2008.

3. Referrals to Professional Bodies and the Disclosure and Barring Service

- 3.1. Where a post requires registration with a Professional Body e.g. Health & Care Professions Council (HCPC), the Council is required to advise the Body of any concerns related to conduct or competence. Contact with the professional body can be made before, during or after any actions taken, depending on the circumstances of the case.
- 3.2. In relation to professionals registered with the HCPC and their Fitness to Practice, HCPC will always be notified in the case of any dismissals, resignations during a disciplinary process or downgrading to a level below that of a registered health professional e.g. Assistant. The HCPC recommend that health and care professionals take an active part in managing their own fitness to practice. Where a registrant has an understanding of their impaired fitness to practice they should speak to their manager or seek advice from the HCPC at the earliest opportunity.
- 3.3. There may be a need to refer the circumstances of a particular case to other professional bodies, e.g. The Teaching Agency
- 3.4. The Council has a legal duty to refer information to the Disclosure and Barring Service (DBS) where it has removed an individual from working or volunteering or has concerns in respect of an individual's contact with children or vulnerable adults. For further information see the Council's Policy on the Referral to the DBS.
- 3.5. Where application of suspension or formal disciplinary action is being considered against a Trade Union Official or Representative, the case must first be discussed with a Senior Trade Union Representative or Regional Official in accordance with the ACAS Code of Practice.
- 3.6. Some workplace disciplinary offences may also be criminal offences such as theft, fraud, or sexual offences. In respect of potential fraud and financial irregularities the alleged incident must be discussed and reported immediately to the Corporate Fraud Team and the Council's Audit Section. In these instances, there may be a duty to advise the police. Advice from the HR Team should be sought in the first instance before disciplinary proceedings are embarked upon.
- 3.7. In certain cases (e.g., where current and ongoing fraud is suspected) it may be appropriate not to inform the employee at this stage in order to allow necessary observations and collection of evidence to take place. Under statutory provisions, covert surveillance may be conducted though this will require the approval of designated senior officers in accordance with the Regulation of Investigation Powers act 2000 (RIPA). Advice must be sought from the Associate Director for Regulatory Services and the Council's Monitoring Officer. Evidence collected as part of a disciplinary investigation may include CCTV. This evidence will be held on file for whatever period is determined as required as part of the investigation and the disciplinary process and in compliance with GDPR 2018. Before proceeding advice and guidance in respect of the use of CCTV evidence must be sought from HR.

The council's CCTV policy must be referred to and applied before proceeding.

4. Procedure

4.1. Minor Conduct Issues and Informal Action

SBC will aim to address the majority of minor conduct incidents informally and promptly through effective discussion and support between you and your manager. Often a discussion stating SBC's expectations and talking you through available support is enough to resolve the situation. In some cases, it may be that additional training, coaching, advice or facilitation, will be required to support you. In such cases, the procedure set out in this Policy will not be followed immediately.

- The line manager will make a note of the discussion, any extenuating circumstances raised by the employee and/or any measures of support put into place where appropriate. This note will be placed on the employee's HR file for reference.
- Employee is advised of the need to improve a particular skill, e.g. communication style and an action plan can be put in place to support this.
- A written record of the meeting will be provided to the employee confirming the informal management action taken.
- No formal warnings will be issued at this stage.
- This information can be used as evidence of ongoing misconduct should there be a reason for a related disciplinary in the future.
- Stock piling incidents to be used against the employee at a later date is not appropriate. If the incidents have already been addressed and unless live sanctions are in progress they should be disregarded.

Where previous informal attempts to resolve concerns have failed and your conduct does not improve (or where the issues are of a more serious nature), we will follow the formal process set out below.

4.2. Preliminary Inquiry

- The aim of the preliminary inquiry is to gather sufficient information to determine if a problem exists and if a formal investigation is required.
- When an alleged misconduct emerges, a preliminary inquiry needs to be undertaken as soon as possible by the line manager (or another nominated manager)
- In most cases the first step is for the manager (or their nominee) to make brief preliminary enquiries to assess whether further action may be

required. This may include meeting with the employee and asking them for a response on the matter.

- If a preliminary meeting is to be held with the employee, it is important to inform them that they can bring a trade union representative or work colleague or support worker to the meeting to accompany them if they so wish. If the employee confirms that they are a member of a recognised Trade Union, every effort should be made to have a trade union representative present. The unavailability of the representative will not however delay the meeting.
- In some cases, and where video evidence is readily available and is submitted, the manager or nominee should show the employee and ask them to clarify what has taken place. This may speed up any formal investigation if needed.
- Review with the HR Business Partnering Team.
- The preliminary inquiry may recommend an alternative resolution to a formal investigation. Please refer to Section 6 of this Policy, Informal Action.
- If no further action is taken the manager will let the employee know straight away. All information gathered as part of the preliminary inquiry will be destroyed in accordance with the requirements of the General Data Protection Regulations.
- If it is found that an issue does exist and a formal investigation is required, then consideration needs to be given to the seriousness of this concern and whether suspension needs to take place.

5. Suspension

5.1. Suspension should be a last resort, however there are some circumstances where this may be necessary. If there is an allegation of misconduct, then the first thing SBC will consider is whether there is a need to suspend an employee from work whilst SBC follow the investigation and disciplinary process. There may be times when suspension (s) are for a longer period, this could be necessary dependent on other hearings or potential court cases.

- We will generally only do this where the allegation is one of potential gross misconduct, a Safeguarding concern, concern over fitness to practice
- if we have concerns regarding preserving evidence
- where it could be detrimental to allow the employee to remain at work pending completion of an investigation and any disciplinary meeting
- there may be a potential risk to the employee, colleagues, or other individuals, or risk to the investigation itself

5.2. Depending on the nature of the misconduct or concern, consideration should be given to whether there is a viable suitable alternative to the suspension

- it may be possible to find alternative work for the employee
- a temporary transfer to another location, post, manager or team

This, however, may not always be possible.

5.3. **Suspension is a neutral act**

- It is a temporary
- It is not an assumption of guilt
- It is not a disciplinary sanction
- It can protect the employee from further allegation claims

5.4. **If we suspend you:**

- The employee will only be suspended for as long as reasonably necessary to allow us to complete our investigation and any formal process which follows it.
- The employee will retain the pay they would have received if at work during the period of suspension (based on their average earnings for the 12-week period prior to suspension) unless your contract of employment says otherwise.
- The suspended employee will be provided with information in respect of the EAP support that is available in the suspension letter. [Employee assistance programme](#)
- A Contact Officer will be nominated by the Commissioning Manager. (Please also refer to Appendix 1 for details of roles and responsibilities). This will be an employee with no involvement in the case. It is important that the suspended employee feels comfortable with the nominated Contact Officer
- The employee must stay away from work; not visit our premises; and not make contact with staff, clients, suppliers or contractors (unless we authorise this in writing and in advance).
- In the employee's absence the line manager may require access to their work/ IT system etc. in order to ensure day to day business is not impacted. The line manager will advise the employee.
- The employee must make themselves available for any meetings and notify their line manager through their nominated Contact Officer if they

wish to take annual leave or sickness absence while suspended from work.

- The employee may contact people specifically to ask them to be a witness, or to accompany you at a meeting under this Policy, without asking us first. You could also do this through your contact officer.
- If pre-approved holidays fall during a period of suspension, they will still count as holiday leave and will be deducted from your holiday entitlement as normal.
- Suspension will be subject to regular review by the Commissioning Manager (every 4-6 weeks) and may need to continue beyond the period of the investigation. Please also refer to Appendix 1 for details of roles and responsibilities.
- Whilst suspension is under review it may be decided to lift your suspension at any time if we decide that it is no longer necessary. Likewise, we may decide to suspend you at any point during the disciplinary process even if at the start of the process we did not choose to do so based on information being gathered.

6. Investigations

6.1 It is important that all disciplinary allegations are fully investigated prior to any decisions or actions being taken.

- An Investigation officer (IO) will be appointed. This person will be as independent as is reasonably practical from the current employee the allegation is against.
- The IO will receive a term of reference from the commissioning manager outlining what is to be investigated and the allegations.
- The investigation officer will gather facts/evidence in relation to the allegation/s.
- The IO will in most cases hold a meeting with the employee to discuss the allegation.
- Investigation meetings are solely for the purpose of fact-finding, and no decision on disciplinary action is taken by the investigating officer.
- The IO may need to meet other witnesses, gather documents and view recordings.
- The IO will regularly update the Commissioning manager and employee up to date in respect of the progress of the investigation.

- How much time an investigation will require depends on the nature and complexity of the allegation, however we would expect an investigation to normally be concluded within 4-6 weeks. Where it is envisaged, this will not be possible the Commissioning Manager and employee should be informed by the IO.

6.2 The Investigating Officer (IO) will:

- establish the facts of the case and gather evidence.
- interview the employee and any appropriate witnesses.
- ensure the employee and witnesses are warned they must keep matters confidential and not collude with other witnesses or they could become subject to disciplinary action.
- take notes/arrange for notes to be taken/agree notes of meetings with the employee and any witnesses.
- ensure witnesses are aware of the purpose of the investigation and that any information obtained may be used/relied on in the course of any subsequent disciplinary hearing and they may be required to attend a hearing to give evidence.
- During the course of the investigation there may be an occasion where additional concerns arise/are raised and if pertinent to the original investigation may need to be included into the findings. At this stage the IO should inform the commissioning manager who will decide if this should be addressed in this way. If so the TOR will need to be updated and the employee informed.
- **ensure the employee under investigation is:**
 - given sufficient detail so that the allegation(s) being investigated can be fully explored.
 - provided with a copy of the disciplinary policy and procedure.
 - given an opportunity to offer an explanation and state their case.
- report what is likely to have happened based on balance of probability and confirm their findings with the Business Partnering team and the Commissioning Manager
- after completion of the investigation retain the report for an appropriate period of time

6.3 End of Investigation Stage

At the end of the investigation stage and once all facts have been gathered the IO will present a report based on their findings to the commissioning

manager. This report will provide recommendations for the commissioning manager and will confirm.

- there is enough evidence for the allegation to be looked into further via a formal process (a disciplinary meeting to be arranged) and a case to answer.
- that there is evidence but feels no formal action needs to be taken at this time and makes other recommendations to mitigate similar circumstances in the future. Possibly dealt with informally (there may be an alternative solution for the manager to deal with via another policy)
- investigation finds there is no case to be answered and no further action is required.
- In addition, the IO during their investigation may find other areas of concern relating to the individual or service and may therefore make one or several recommendations in order to mitigate similar circumstances in the future.

6.4 **A Case to Answer**

If it is then decided by the Commissioning Manager that there is a case to answer at a formal disciplinary meeting the Investigating Officer will:

- arrange the “bundle” of all the documents and evidence they have acquired during the investigation and the investigation report to be relied upon in a disciplinary hearing for the Commissioning Manager to present
- attend the disciplinary/appeal hearing as a witness and in a fact giving capacity. They should not be there to give their opinion or present the case against the employee.
- make any additional management recommendations if appropriate and requested to be considered separate to the disciplinary hearing, confirming details of whom and how the recommendations will be reviewed

Please refer to

- Appendix 1 for the role and responsibilities of an Investigating Officer
- Appendix 2 for guidance on how to carry out an investigation.
- Appendix 3 Investigation Report Template.
- Please also refer to the ACAS guidance on conducting workplace investigations.

6.5 **The Commissioning Manager will;**

- Confirm their decision to the employee in writing in respect of the outcome of the investigation and whether the matter will proceed to a Disciplinary meeting
- Present the management case to the hearing panel (or arrange for another appropriate peer manager to do so)

Please refer to Appendix 1 for the role and responsibilities of the Commissioning Manager.

7. Disciplinary Notification

- 7.1 If as a result of the investigation the Commissioning Manager believes there is a case to answer they will convene a disciplinary meeting to consider the allegations. This decision must be taken in discussion with the HR Business Partnering team.
- 7.2 The employee will be advised in writing by the Commissioning Manager that the matter is progressing to a formal disciplinary. Where possible the date of the meeting will take place within 10 working days. However, there may be occasions due to other priorities that this may be extended to 14 working days. We will provide at least 7 working days written notice. Shorter notice of the meeting may be mutually agreed. In exceptional circumstances, a deferment where further time is required to prepare for a meeting will not be unreasonably refused, but such a deferment will not normally exceed 5 working days.
- 7.3 If a decision is taken that an allegation should be taken forward to a disciplinary meeting, then we will write to you to:
- a. Confirm the date, time and venue for a formal disciplinary meeting.
 - b. Set out the allegation/s which have been made (these will usually be the same as in the investigation)
 - c. Provide copies of all evidence that will be looked at when considering the allegation/s, this includes a copy of the Investigation Report;
 - d. Give the Names of all those who will be present at the meeting. This includes any witnesses who will be attending and the Investigating Officer.
 - e. Outline the employee's right to be accompanied by a Trade Union representative or work colleague. In exceptional circumstances where the employee has a disability or mental health concern a support worker may attend.
 - f. Reference the employee's right to call witnesses, present written submissions and witness statements; this information together with a list of the names of any witnesses must be supplied in writing to the delegated manager at least 5 working days prior to the meeting;

- g. Set out the possible outcomes of the meeting (including whether dismissal might result)
- h. Confirm the requirement that the employee should verify their attendance at least 5 working days prior to the meeting.
- i. Consequences of non-attendance i.e depending on the circumstances the meeting could proceed in the employee's absence. We will usually reschedule the meeting once, provided we are satisfied with the reason for not attending. We will not reschedule the meeting a second time.
- j. Include a copy of the disciplinary policy and procedure.

8. Disciplinary Hearings

- 8.1 Audio or visual recordings at any stage of the Disciplinary procedure or meeting is not permitted.

8.2 The Disciplinary Panel

The panel hearing the case will normally consist of three officers: -

- Chair of panel - a nominated senior manager.
 - normally, and as far as possible this person can be from the employee's directorate but not from the same service.
 - There should be no conflict of interest/direct relationship between the commissioning officer and the chair of panel (i.e., commissioning officer manages the chair)
 - The Chair has discretion to call on technical or specialist officers to advise the panel (e.g., audit / legal).
- another manager independent from the section or service concerned.
- a Human Resources representative

8.3 Witnesses

Witnesses should only be called where relevant. They should only be present to give evidence and to be questioned. Witnesses will be informed that they should keep matters confidential and should not collude with any other witnesses or they could become subject to disciplinary action. Details of proposed witnesses should be communicated to either party in advance of the meeting, as indicated above, and witness statements should be provided by both sides, wherever possible.

- 8.4 Where the employee who is the subject of a disciplinary calls witnesses it is the responsibility of the employee to arrange their release from work so that they can attend. It is the employee's responsibility to obtain the witnesses' agreement

to speak on their behalf. The employee should liaise with their Contact Officer to make arrangements for witnesses to be released.

The Council has a guide for the meeting process, which is attached as Appendix 7. However, the Chair of the Panel has the discretion to vary this to ensure fairness in the proceedings.

- 8.5 The Chair of the Panel must arrange for a note taker from within the service itself. Alternatively, the chair may ask the other panel members or commissioning manager for assistance in finding a note taker.
- 8.6 It may be necessary for brief adjournments to take place during a disciplinary meeting. Either party may request an adjournment. The Chair will consider these requests. It should be noted that these may also be seen as a reasonable adjustment where an employee has a medical/physical/learning disability.
- 8.7 The panel's deliberations take place in private. The note taker will remain to capture the deliberations of the panel as these notes may be relied on in an Employment Tribunal. We may not make a decision on the day of the meeting. In this case we will usually send you our decision in writing. We will try to do this within 5 working days of the disciplinary meeting
- 8.8 The Chair of the Panel presents the decision following the deliberation.
- This will normally be given verbally to both parties following the meeting
 - The decision of the Panel should be confirmed in writing by no later than 5 working days after the end of the meeting, together with information on the right to appeal.
 - A copy of the outcome letter will be retained on the individual's HR file for the length of time stipulated in the letter.
 - A copy of the notes of the hearing, but not the panel deliberations, will be agreed by the panel and given to the employee after the meeting.
 - The notes are for information only as record of the event and should not be taken as full and formal minutes of the meeting.
- 8.9 **If a Decision can not be reached on the day of the meeting**
- This will normally be given verbally to both parties following the meeting
 - The decision of the Panel should be confirmed in writing by no later than 5 working days after the end of the meeting, together with information on the right to appeal.

Whilst this is not normally the case, there may be rare occasions when a decision is not given on the day of the meeting. Where this is the case, we

will send the decision in writing. We will try to do this within 5 working days of the disciplinary meeting.

8.10 **The panel may decide;**

- there is no case to answer,
- to refer the case for further investigation (where additional evidence has been raised during the meeting and requires further consideration)
- to take disciplinary action, in the form of a warning or sanction, and additionally,
- to make management recommendations (that may include allegations or an investigation against other employees) along with the details of who and how the recommendations will be reviewed

8.11 The severity of the sanction imposed will relate to the gravity of the misconduct.

9. DISCIPLINARY ACTION

The following formal actions are available:

9.1 **First Written Warning:** This is the lowest form of formal warning and is generally appropriate for minor offences. The warning should contain details of the misconduct and the improvement required in a given timescale, if appropriate. The warning should be given in writing indicating that a First Formal Written Warning has been issued and should be kept on the employee's file. This will, normally, be disregarded for disciplinary purposes after 6-12 months.

9.2 **Final Written Warning:** Generally, appropriate for serious offences or where there is an accumulation of minor offences, and a previous written warning is still "live". However, in very serious cases, the final warning may in fact be the first warning issued. The warning should contain details of the misconduct and the improvement required in a given timescale, if appropriate. Employees should be advised that any further misconduct would result in dismissal. The warning should be given in writing to the employee with a copy placed on the employees' file. This will, normally, remain "live" for a period of 12 months. The Panel can impose a longer time period for this warning but the reason for this should be made clear to the employee and must be reasonable according to the circumstances of the case.

9.3 **Dismissal:**

An employee's contract of employment can be terminated in the following instances:-

- a. if a further instance of misconduct occurs during the period of a Final Formal Written Warning is still in place; and/or

b. for a first incident of gross misconduct.

9.4 **Dismissal for**

- misconduct will be by contractual notice or with pay in lieu of notice.
- Dismissal for gross misconduct will normally be effected immediately as gross misconduct is misconduct of such a serious and fundamental nature so that it breaches the contractual relationship between the employee and the Council.
- In the event that an employee commits and admits an act of gross misconduct, the Council will be entitled to immediately (summarily) terminate the employee's contract of employment without notice or pay in lieu of notice.
- The letter to the employee should confirm the last day of service and any payments or deductions due.

9.5 **Transfer to a lower graded post:** This should not be the norm but is available to be used in serious cases in addition to written warnings. The downgrading should be proportionate to the gravity of the offence. The Director should formally approve this sanction before it is communicated to the employee. In these circumstances, no salary or wage protection rights will apply.

9.6 **Impose a financial penalty or other requirement:** This includes making good a financial loss suffered by the Council; taking back money falsely claimed by the employee; the prevention of further incremental progression or withholding an annual increment. This can be done either independently of or in addition to other formal sanctions on the basis of the gravity of the offence.

9.7 **Expiry of disciplinary action:** Disciplinary action taken will normally be disregarded for disciplinary purposes after the warning has expired. The decision to dismiss will not be based on an expired warning but there may be occasions where the existence of such a warning will explain the reasoning behind a decision to dismiss e.g. where an employee's conduct is satisfactory throughout the period a warning is valid, but ceases to be satisfactory very soon thereafter.

10. APPEALS

10.1 An employee has a right of appeal against any formal sanction issued after a hearing that has been convened under this procedure. An employee wishing to appeal must submit their grounds for appeal in writing to their Associate Director to be received within 5 working days of the date of receipt of the notification letter that confirms the disciplinary action to be taken. They must provide details of their grounds. An appeal hearing is not a re-hearing but will focus on the grounds for appeal provided by the employee.

- 10.2 The letter should state that they wish to appeal on one or more of the following grounds with detail to support :-
- the decision was based on evidence that did not support the conclusion
 - a failure to follow procedure had a material effect on the decision
 - proper account was not taken of any matters of fact referred to at the original hearing
 - the action taken was too severe or inconsistent with previous decisions
 - where new relevant evidence relating directly to the original allegation(s) has become available.

Appeals against action less than dismissal are heard by an Officer Appeals Panel.

10.3 **The Officer Appeal Panel**

The Officer Appeal Panel hears appeals against disciplinary action short of dismissal. It will consist of three officers:-

- a nominated senior manager to Chair the hearing;
- another manager independent from the section or service concerned.
- a Human Resources representative

The panel has discretion to call on technical or specialist officers to advise (e.g. audit legal).

10.4 **Appeal Panel - Appeals against dismissal**

Appeals against dismissal are heard by a panel of 3:-

- minimum of one Executive Director/Director
- one senior manager
- HR representative

10.5 **Appeal Hearing Arrangements**

The arrangements for appeals are that the employee will be given at least 15 working days' written notice of the appeal hearing which should be heard as soon as possible. This will normally be within 25 working days of the employee receiving the letter confirming the outcome of the original disciplinary decision.

10.6 **The letter should include as appropriate:-**

- a. Confirm the date, time and venue for the meeting
- b. Reminder that the meeting forms part of the Disciplinary Procedure;
- c. Provide copies of all relevant evidence/paperwork that will be reviewed when considering the grounds for appeal (includes everything used for the Disciplinary meeting). In addition a copy of the Disciplinary Policy should be sent.
- d. Give the names of all those who will be present at the meeting including panel members, witness's and who is presenting the management case
- e. Witness's will be called into the meeting as needed and where both the chair and the employee/representative can ask questions of them. Once this has been completed, they will be asked to leave the meeting to mitigate the amount of people present at any given time.
- f. Outline the employee's right to be accompanied by a Trade Union representative or work colleague. In exceptional circumstances where the employee has a disability or mental health concern a support worker may attend.
- g. Reference the employee's right to call witnesses, present written submissions and witness statements; this information together with a list of the names of any witnesses must be supplied in writing to the delegated manager at least 5 working days prior to the meeting. the written submission should include any papers being referred to;
- h. Confirm the requirement that the employee should verify their attendance at least 5 working days prior to the meeting and if they will be accompanied.

10.7 The suitability of the venue and arrangements for the meeting should ensure equality of access, for example the meeting may need to be held at a specific venue or location that is away from the workplace to ensure confidentiality.

10.8 The Council has a model process for the appeal hearing process, which is attached as Appendix 7. However, the Chair of the Appeals Panel has the discretion to vary this to ensure fairness in the proceedings. The Chair of the Appeal Panel must arrange for a note taker from within the service area.

10.9 It may be necessary for brief adjournments to take place during disciplinary meeting. Either party may request an adjournment. The Chair will consider these requests. It should be noted that these may also be seen as a reasonable adjustment where an employee has a medical/physical/learning disability.

- 10.10 The panel's deliberations take place in private. The note taker remains to capture the panel's deliberations as these notes may be relied on in an Employment Tribunal.
- 10.11 The Chair of the Panel presents the decision. This will normally be given verbally to both parties after the meeting. However, it may be agreed with the employee to confirm the decision in writing instead. Where this is the case, the decision of the Panel should be confirmed in writing by no later than 5 working days after the end of the meeting. The letter will outline the main issues considered and the decision reached.
- 10.12 The employee should be informed that there is no further internal right of appeal. A copy of the outcome letter will be retained on the employees' HR file.
- 10.13 **Outcome of the Appeal Panel**

The panel may decide to;

- uphold the appeal and dismiss any disciplinary sanction;
- substitute a different disciplinary sanction providing this is not more severe than the original one;
- dismiss the appeal and uphold the original decision.

11. Relationships with Other Policies, Procedures and Processes

- 11.1 Certain acts of misconduct or allegations may lead to an employee being investigated under a different procedure/process such as Child Protection, Adult Protection or a criminal investigation. An employment investigation may run in parallel to a police investigation, audit and/or child protection or adult abuse investigation and should not be held up by any such investigations unless considered prejudicial to those investigations to proceed. It is not always necessary to await the outcome of a court hearing before deciding on disciplinary action.
- 11.2 A determination may be made at a disciplinary meeting prior to the outcome of other investigations being known. For example, whether the Council takes action in respect of a potential criminal matter is not dependent on the outcome in court. If exceptionally, it is sensible to delay a disciplinary meeting pending the outcome of another agency's investigations then the employee will be informed. If the employee is suspended, he or she will be told that the suspension will last until the outcome is known and it will be reviewed. This is in line with point 5 above.
- 11.3 There are also times however, when SBC's own investigation and any potential disciplinary action may be asked to hold whilst waiting for one of the above investigations to be completed. Any disciplinary action may also depend on the outcome of another investigation. Remember, we would still need to be mindful of malicious or vexatious claims.

- 11.4 If a case of this kind is brought to your attention contact your HR Business Partner.

12. Criminal offences

- 12.1 A criminal offence does not necessarily require internal disciplinary action to be taken. It depends what impact the employee's action has on their role within the Council and whether it breaches any other Council policies or procedures e.g., Code of Conduct.
- 12.2 Where an employee has been reprimanded/imprisoned a decision may be made in their absence.
- 12.3 Managers should take advice from the HR Business Partnering team in these instances.

13. Grievances

- 13.1 Where an employee who is subject to the disciplinary procedure raises a grievance, advice should be sought from the HR Business Partnering team.

The employee must submit the grievance form to their line manager, or manager's manager if their line manager is the subject of the grievance. It will then be determined the appropriate route for the grievance to be investigated.

13.2 The following principles need to be considered:-

- if the grievance is raised during the course of a disciplinary process and is related to the case/allegations then it should be considered as to whether it forms part of the disciplinary and can be dealt with by the investigating officer and considered at the hearing,
- or whether the grievance should be investigated separately before concluding the investigation.
- If the grievance is about another unrelated matter then the grievance procedure may be invoked and run concurrently (this would not impact on any outcome of the disciplinary process as that would be dealt with on its own merit);
- generally, an informal grievance would be dealt with during the investigatory stage,
- a formal stage grievance would be considered at a disciplinary hearing
- if the matter does not progress to a disciplinary hearing any outstanding grievance may be considered through the grievance procedure in the usual way

14. Performance

- 14.1 In cases where there are both capability or performance issues and a neglect of duty or other misconduct then the Disciplinary Policy and Procedure will apply, otherwise the Managing Performance Policy and Procedure will apply.

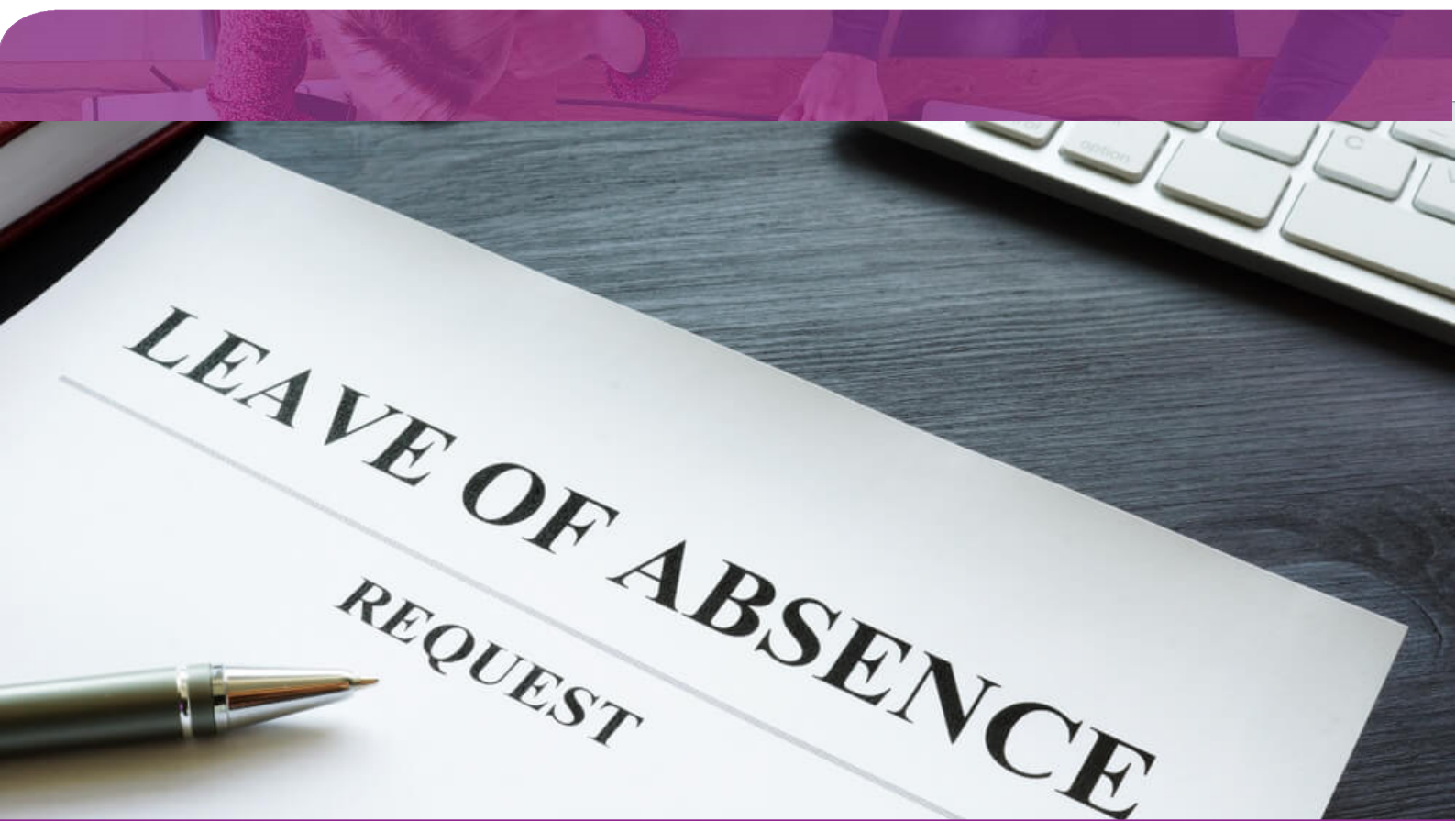
Policy Schedule

Policy schedule	Details
Policy owner and lead	HR BP Team
Consultation	Trade Unions Staff Network Groups Corporate / Senior Leadership Team
Equality Impact Assessment	
Approving body	Employment & Appeals Committee
Date of approval	DATE
Date of implementation	
This version number	
Last version	v.? - DATE
Related documents	<ul style="list-style-type: none"> • Microsoft Word - Part53LocalCodeofConductforEmployees, Dignity at work code of conduct Dec 2021 • Whistleblowing • Safeguarding • http://insite/media/2234/appendix-h-referrals-to-the-dbs.pdf • References Guidance • Data protection • Drug and Alcohol policy • Managing Performance • Probation • DISCIPLINARY POLICY AND PROCEDURE FOR CHIEF EXECUTIVE. • http://insite/media/5007/disciplinary-policy-for-directors-and-ads.doc
Review interval	Three Year minimum December 2026 or sooner if required by legislation.

Version

Version	Author	Date	Changes
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Managing Sickness Absence Policy



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1. Introduction

- 1.1 Slough Borough Council is committed to promoting the health and wellbeing of all its employees and aims to balance the delivery of excellent services with maintaining unbiased treatment of all employees through effective management of sickness absence, whilst at all times acting as a fair and reasonable employer.
- 1.2 Employee absences not only have a direct impact on service delivery to the residents of Slough which represents a significant cost to the Council, but also the wellbeing of employees and the impact this has on team members. This policy aim's to maximise employee attendance whilst recognising that there are occasions when employees may be unable to attend work due to ill health.
- 1.3 When employment legislation sets out a clear course of action for employers in the management of sickness absence or related issues, SBC will act to ensure adherence to the legal requirements.
- 1.4 The Council is committed to promoting a strategic approach to supporting employee health and wellbeing concerns, both in the workplace and outside, by providing information on how to manage or prevent a variety of health conditions, and opportunities for health and wellbeing initiatives such as corporate health and wellbeing days.
- 1.5 The purpose of this Policy and Procedure is to
 - Promote supportive and effective management of absence due to ill-health (commonly known as sickness absence).
 - ensure any support is considered as early as possible.
 - provide a clear framework for reporting and recording sickness absence.
 - ensure fair and consistent management of short and long-term sickness absence across the Council.
 - ensure that employees have the support they need from their managers, as well as access to support services provided by the Council.
- 1.6 Confidentiality must be maintained in relation to information about sickness and absence in compliance with the General Data Protection Regulations and Data Protection Act 2018. Inappropriate access or disclosure of employee data constitutes a data breach. Any breach of the Councils Data Protection and Privacy Policy must be reported and may result in action under the Council's Disciplinary Policy and Procedure. Personal data

breaches which are likely to risk the rights and freedoms of others will need to be reported to the Information Commissioner's Office without undue delay or within 72 hours of becoming aware of the breach.

- 1.7 This policy applies to all Slough Borough Council employees. It excludes employees who are within their probationary period of service (refer to the probationary procedure) but the sickness reporting procedures detailed in this policy do apply. This policy does not apply to school-based staff who are under the control of Governing Bodies or to Volunteers and Agency Workers.
- 1.8 This policy should be read in conjunction with the Managing Sickness Absence procedure which outlines the procedure managers and employees are required to adhere to for managing instances of sickness absence.

2. This Policy:

- Explains how you should report any absences from work due to sickness.
- Sets out how you will be paid if you are off work due to sickness;
- Explains what we regard as an unauthorised absence and how such absences will be handled.
- Sets out our approach to short-term and long-term absences.
- Explains when we might seek a medical opinion in relation to your health and how we might go about doing that.
- Sets out our approach for managing pregnancy related illness and disability related absence.
- Sets out the support measures in place for any return to work following sickness.
- Outlines our approach to case conferences and Ill health retirement

3. Reporting absence from work

- 3.1 If an employee is unwell and unable to attend work, they must notify their line manager by telephone or other means of communication within 30 minutes of their scheduled start time to confirm that they are sick and will not be at work. The line manager will ask the employee to provide some details about the reason for the absence, whether they are planning on seeing a doctor, and how long they are likely to be off work. This will enable the line manager to effectively manage the employee's sickness absence.

- 3.2 For the first seven days of absence (including any non-working days, weekends and bank holidays), we will generally allow an individual to self-certify. This means that they do not need to provide a fit note from their doctor. The employee will be asked to complete a self-certification form on their return to work.
- 3.3 If the absence continues for longer than seven days, then the individual will need to obtain a fit note from their doctor or other healthcare professional covering the remainder of the absence. The fit note should be sent to the line manager who will forward it to the payroll team.
- 3.4 A fit note includes details of the reason for absence and allows the individual's doctor or other healthcare professional/occupational health to stipulate whether the employee is 'not fit for work' or whether they 'may be fit for work'. If the fit note states that they 'may be fit for work', then they are invited to provide details of any measures the Council could take to help the individual to return. If the fit note provides this information, then we will generally arrange a meeting with the employee to discuss whether we are able to put these measures in place (which will depend on the needs of the business and our resources and capabilities). If we are not able to facilitate the return, then the individual will continue to be treated by us as if they are not fit for work.

4. Keeping in contact during sickness absence

- 4.1 We expect employees to maintain regular contact with us during any period of sickness absence. This will generally be via telephone or another agreed method with the line manager.
- 4.2 The line manager will maintain regular contact with the employee via telephone calls or emails to discuss their wellbeing, the expected length of the continued absence from work and any of the individual's work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum. The employee is expected to cooperate with our requests for updates on your condition.

5. Sick pay entitlement

- 5.1 Employees will be paid in line with the allowances set out in the NJC for local government services (green book) as per:

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

5.2 It is the policy of SBC that we will not allow anyone to have either their full or half sick pay extended, regardless of the circumstances.

6. Holidays and sickness

6.1 When an employee is off work sick, they continue to accrue holiday. Employees are able to contact us to request holiday whilst they are off sick. In such cases, employees will be paid holiday pay rather than sick pay for the days which they request to be treated as holiday.

6.2 If the sickness absence spans two holiday years, then employees may be able to carry forward untaken holiday from one year to the next, subject to certain restrictions. Further details can be found in the Leave Policy.

6.3 If an employee becomes unwell whilst on holiday, then we will usually allow them to convert their holiday into sick leave. Absences must be reported as set out above and evidence must be provided. If approved, employees will be able to take their holiday at another time, but they may also have to repay the holiday pay that they received.

7. Unauthorised absence

7.1 If an employee fails to turn up for work without good reason, then the absence will be treated as being unauthorised. Unauthorised absence includes any sickness absence which is not covered by required supporting evidence (for example, a fit note) or absence where the employee might be entitled to self-certify but they have not contacted us to tell us about their sickness absence.

7.2 If the absence from work is unauthorised, then an employee will not be entitled to receive pay or any other benefits. SBC reserves the right to deduct from an employee's pay to take account of their unauthorised absence.

7.3 Unauthorised absence is a disciplinary matter which will be handled under our Disciplinary Policy and procedure and may result in the termination of an employee's employment.

8. Medical Appointments

- 8.1 If an employee is arranging a medical or dental appointment, they should do their best to arrange it outside of working hours or at the start or end of the working day. Reasonable paid time off will be granted, however, if it is likely to involve taking half or most of the day off, employees may be asked to use annual leave to cover some or all of their absences. This should be discussed with the line manager for approval for the planned absence. The line manager may reasonably request evidence of the appointment(s).

9. Pregnancy Related Sickness Absence

- 9.1 Where an illness is attributable to pregnancy, sickness absence will not be counted towards the trigger of the management of the sickness absence. However, any such sickness will be managed in accordance with the sickness policy to facilitate a return to work as soon as possible with any necessary support or adjustment to duties during the pregnancy.
- 9.2 As required, under the management of health and safety at work regulations 1999, written risk assessments should be undertaken regularly throughout the pregnancy. Further information is available in the Council's Maternity and family friendly policy ([SBC Maternity Policy and Procedure](#)). A referral to occupational health for medical advice may be required.
- 9.3 If an employee is on sick leave due to pregnancy related illness, on or after the fourth week before the expected week of confinement, their ordinary maternity leave will commence the day after their first completed day of sickness absence. Where a pregnant employee suffers from non-pregnancy related sickness absence, these absences will count towards the management of sickness absence as usual.

10. Disability Related Illness

- 10.1 It is recognized that an employee may be living with a disability or may become disabled during the course of their employment. Where an employee's sickness absences are related to a disability, it should be clearly noted on the return-to-work form as 'disability related sickness absence'.
- 10.2 Managers must ensure they meet the requirements of the Equality Act 2010 when managing cases of disability related sickness absence, and they should always seek advice from the HR Business partnering team and occupational health before considering action under this policy and procedure.
- 10.3 The formal part of the procedure will still apply where absence is related to a disability, and sickness absence trigger points will remain the same in such cases, subject to advice from occupational health. Reasonable

adjustments, in line with the Equality Act 2020 may need to be made before determining whether or not the level of sickness absence is unacceptable.

11. Managing Sickness Absence

- 11.1 Short-term absence has a significant detrimental impact on our business. Effective management of short-term absence to make sure that it does not happen too often is therefore important. Short term absence is regarded as any period of absence lasting less than 28 calendar days.
- 11.2 Long term absence is regarded as any continuous period of 28 calendar days or longer.
- 11.3 Managers will always take the time to discuss an employee's absence with them. This will be done at return-to-work meetings after each period of absence regardless of duration. At the return-to-work meeting, the manager will explore with the employees what can be done to help them maintain good attendance and try to understand the reasons why they may be failing to reach SBC's attendance standards as well as put any required reasonable adjustments in place. There may be a requirement to obtain information and support from a medical professional such as Occupational Health.

12. Informal Action

- 12.1 Informal action should be taken when managers first have concerns about an employee's sickness absence and prior to any formal trigger point being met. An informal meeting can be held to address concerns in relation to ongoing periods of short-term absences, ongoing periods of longer-term absence, or one period of long-term absence. There are no specific trigger points for an informal action meeting to take place.
- 12.2 The purpose of these informal sickness absence meetings is to carry out a thorough review of the employee's sickness absence record and, where appropriate, agree an improvement plan. There is likely to be less recourse to the formal part of the absence management procedure if concerns are discussed at the earliest possible opportunity, and there is timely intervention and pro-active support given to employees.

13. Sickness Absence Triggers

- 13.1 The Council uses absence triggers to manage and analyse occurrences of short-term sickness absence to provide an indication of when a manager needs to be concerned by absence rates and take appropriate action. The following triggers are used:
 - 6 or more days of sickness absence in the previous six months.

- 3 separate periods of absence in the previous six months.
- There appears to be a pattern in, or type of sickness absence that raises management concern- for example: periods of sickness absence that could occur either side of weekends, or a noticeable pattern on days where particular shifts have been planned or peak workloads are expected.
- A single period of sickness absence that goes beyond **28-day calendar days**, and there is no clear indication of an early return to work, usually within two months following the commencement of the absence.

13.2 Sickness is recorded in full days and half days. If an employee works for less than half of their usual working hours for the day, then this is recorded as a full day of sickness. If an employee works for more than half of their usual working hours but less than a full day, then this is recorded as a half day of sickness.

13.3 The triggers will remain the same for employees with a disability as for those with general sickness absence, subject to the duty to make reasonable adjustments.

14. The Formal Procedure

14.1 There are three different stages of the formal procedure:

- First Formal Meeting
- Second Formal Meeting
- Third Formal Meeting (Dismissal Stage)

Stage one formal absence meeting

14.2 If sickness absence levels do not improve following on from the informal stage, there may be a need to convene a **stage one formal absence meeting**. A stage one formal absence meeting will be required in cases of:

- Where the sickness absence triggers outlined in section 13 have been activated and informal action has not resulted in the required improvement.

14.3 The managing sickness absence procedure outlines the process for conducting stage one formal absence meetings.

14.4 Following the first formal absence meeting, the individual will be put on a 12-month monitoring period, during which, further instances of sickness

absence of any length (*eg normally consider 2 instances as being reasonable to trigger the next stage if there is management concern*) could result in a stage 2 formal absence meeting being convened.

- 14.5 The line manager is responsible for monitoring the individuals' sickness absence during the monitoring period and can exercise their discretion concerning the outcome(s) of the first formal meeting to take account of the nature of the illness/condition, likelihood of recurrence etc.

Stage two formal absence meeting

- 14.6 If during the 12-month monitoring period there has been no satisfactory improvement in attendance, or if the employee will not be returning for the foreseeable future, the manager should arrange a second formal absence meeting.

- 14.7 The line manager will conduct this meeting, and the meeting will follow the same format as the stage one absence meeting. The manager will present relevant documentation which may be referred to at the meeting such as occupational health reports, file notes etc.

- 14.8 At the second formal absence meeting, the line manager will outline the expected improvements in the employees' attendance levels and that they will remain on a 12-month monitoring period.

- 14.9 If following the stage two formal absence meeting, there has been no improvement in the sickness levels and the following trigger points have been reached:

- Further instances of sickness absences that management considers do not meet the required improvement in attendance as set out following the stage two formal absence meeting.
- Further instances of sickness absence that appear to be a pattern or type of absence which causes concern e.g., where there is a pattern of absences on either side of the weekend, or on particular days where there are particular shifts or peak workloads.
- There is no clear indication of a return to work in the foreseeable future, as advised by Occupational Health.

Stage three formal meeting (Dismissal Stage)

- 14.10 If following the stage 2 formal meeting there has been a failure to achieve and sustain the necessary improvements during the 12-month review period, a **stage three formal hearing (dismissal stage)** will be convened.

Note that this stage can be brought forward at any time in the process if there is no satisfactory improvement in attendance levels made.

- 14.11 An employee can be dismissed on the grounds of unsatisfactory attendance before sick pay expires if managers are able to demonstrate that they have followed the Managing Sickness Absence (Health and Wellbeing) policy and procedure appropriately, and all reasonable adjustments have been considered.
- 14.12 The procedure for chairing the third formal absence meeting, and who will be required to be on the panel is outlined in the managing sickness absence procedure here.
- 14.13 The purpose of the meeting will be to decide on the balance of evidence:
- Whether it would be reasonable to conclude that the employee's attendance at work had failed to meet an acceptable standard during the relevant period in question due to sickness absence.
 - If so, whether there are any mitigating or extenuating circumstances for the employee's unsatisfactory attendance should be taken into account, and what action should be taken.
- 14.14 Both parties will be asked to outline their case, review all of the supporting information and ask questions of both parties. They will consider the case, taking all relevant factors into account, and inform both parties of their decision.
- 14.15 The chair will confirm the decision to the employee in writing within 10 working days of the meeting. One outcome of the third formal absence meeting could be dismissal. If the decision is to dismiss the employee, this will be a formal notice letter specifying the right of appeal against dismissal and the last day of service with the Council.

15. Right of Appeal

- 15.1 The employee has a right of appeal against a decision to dismiss them within 10 working days of receiving the decision in writing. They must write to the independent manager who chaired the third formal meeting outlining the reasons for their appeal.

16. III Health- Case Conference

- 16.1 Any period of sickness absence of 28 calendar days or more may be treated as long-term sickness and should be reviewed using the formal stages of the policy and procedure, subject to the relevant sickness absence trigger point. However, SBC will seek to adopt a 'case management' approach

when dealing with employees who are considered incapable of working due to ill health or illnesses such as cancer.

- 16.2 Case conferences are integral to the approach in such cases. They should be routinely used to review an employee's absence, state of health, or fitness to see whether or not there is any improvement, and if there is anything the manager can do to aid the employee's recovery and facilitate a return to work.

17.III Health Retirement

- 17.1 When the manager considers that the employee may be eligible for Ill health early retirement, they should refer the employee to Occupational Health.
- 17.2 Occupational Health will consider the case in line with the current requirements of the pension scheme, if the employee is a member of the LGPS, and process a determination of whether the employee is eligible for Ill health retirement, and if so, at which Tier level.
- 17.3 If the employee does not accept the opinion provided by Occupational Health, they can request a further review by the Occupational health service. If the employee is still not satisfied with the outcome of the process, a review can be requested under the Independent Resolution Procedure.

18. Occupational Health

- 18.1 Occupational Health offers health advice to help managers determine what actions they may need to take to enable the employee to return to work as soon as possible.
- 18.2 Managers can approach Occupational Health for advice at any stage of an employee's sickness absence.
- 18.3 Occupational Health can be used as a preventative measure where a manager is concerned about an individual's health and wellbeing- and where a referral to Occupational Health may prevent instances of sickness absence.
- 18.4 Occupational Health may give advice on ways to bring employee's back to the workplace such as phased returns and an adjustment to duties for a short period of time.
- 18.5 Further details on the referral process can be found in the Managing Sickness absence procedure.

19. Useful links and documents

- 19.1 The following internal policies contain additional information and guidance [*delete/ amend as appropriate*]:

- a) [*Disciplinary Policy*]
- b) [*Flexible Working Policy*]
- c) [*Equal Opportunities Policy*]
- d) [*Data Protection Policy*]
- e) [*Maternity & Family Friendly Policy*]
- f) [*Insert details of any other relevant policies here*]

20. Administration of the Absence Management Policy

20.1 [*Insert relevant person or department*] is responsible for the administration of the Absence Management Policy. Should you have any feedback, please contact [*insert contact details*].

Policy Schedule

Policy schedule	Details
Policy owner and lead	HR BP Team
Consultation	Trade Unions Staff Network Groups Corporate / Senior Leadership Team
Equality Impact Assessment	
Approving body	Employment & Appeals Committee
Date of approval	DATE
Date of implementation	
This version number	
Last version	v.? - DATE
Related documents	<ul style="list-style-type: none"> • Equality and Diversity Policy • Capability Policy and Procedure • Disciplinary Policy and Procedure • Leave Policy • Probation Policy and Procedure • Drugs and Alcohol Policy • Health and Safety • Stress Code of Practice • Family Friendly Suite of Policies and Procedures • Transgender Policy • Data Protection and Privacy Policy
Review interval	April 2027

Version

Version	Author	Date	Changes
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Internal Career Progression Procedure



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1. Introduction

- 1.1 Career pathways show how internal movement can happen within the organisation, whether through vertical growth in the form of promotions and acting up opportunities, or lateral growth via secondments to other job roles and teams.
- 1.2 The purpose of this procedure is to establish guidelines around career progression opportunities, to enable all employees to understand the internal opportunities available to them, and to support management by providing clear and transparent processes to follow. This procedure should be read in conjunction with the recruitment and selection policy.
- 1.3 If the need arises to introduce a new position within a team, or to fill a vacant position, managers should consider utilising internal talent and the skills of the existing workforce through offering a secondment or acting up opportunity prior to the commencement of any external recruitment campaigns.
- 1.4 Slough Borough Council (SBC) aims to design and implement policy documents that meet the diverse needs of our services, residents, and workforce, ensuring that none are placed at a disadvantage over others. It considers current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all.

2. Scope

- 2.1 This policy applies to all employees of the council, except those employed in schools. This policy does not apply to interims, agency workers or contractors.
- 2.2 Employees with less than one year's service in their current position would not normally be considered for any internal progression opportunities due to the requirement of learning and developing within their new post. However, managers should discuss with HR any situations where this may arise, and seek advice and guidance as to how to proceed.

3. Types of Internal Career Progression

3.1 Acting Up

Acting up opportunities may be full or part time, and can arise for a variety of reasons such as:

- To cover maternity/adoption/shared parental leave.
- To cover long term sick leave.
- To fill a post temporarily pending permanent recruitment.
- Directorate is being restructured and there is a requirement for someone to undertake responsibilities of the higher graded post to deliver the service temporarily.

- 3.1.1 Acting up opportunities should only be considered when an individual undertakes the duties of the acting up role for at least 4 weeks. Acting up arrangements should last

no longer than 12 months and should be regularly reviewed by the line manager.

- 3.1.2 If it is anticipated that the acting up arrangement will continue beyond a 12-month period, the line manager should provide clear business reasons for doing so to decide whether to:
- Continue the acting up for a further specified period.
 - Advertise as a permanent role, ensuring an appropriate recruitment and selection process takes place.
- 3.1.3 If the acting up post requires a significant increase in duties and responsibilities and/or is to cover the work of a higher graded post, it is usually necessary to pay an “acting up” payment in line with the principles of equal pay. Decisions on the payment should be made and consideration should be given to:
- The nature and complexity of the responsibilities undertaken by the employee and their current spinal point.
 - Whether the employee is undertaking full or part responsibilities.
 - If the employee is being placed into the post as a development opportunity (See section XXX secondment).
- 3.1.4 Where an individual is fully acting up into a higher graded post, the salary will normally reflect the bottom spinal column point of the established salary level for the position being undertaken, with the opportunity to receive further increments depending on the duration of the acting up opportunity.
- 3.1.5 If the role warranted a market factor supplement, then this should be included in the payment.
- 3.1.6 Employees who partially act-up, meaning they are taking on higher level duties compared to their substantive post, but not all of duties of the higher graded acting up post, will be given an honorarium payment to the value of no greater than the first spinal point of the acting up grade for the duration of the partial acting up. There will be no opportunity to receive further increments throughout this period.
- 3.1.7 Employees who are on salary protection but have been asked to undertake acting-up duties which is higher than their substantive grade, but not higher than their protected salary, are not entitled to receive any additional remuneration. Employees should, however, be encouraged to undertake the opportunity of acting up as part of their development to assist them in providing their promotion prospects.
- 3.1.8 Following a selection process, the acting up appointment letter will be sent to the employee which sets out the terms of the acting up. It becomes the responsibility of the hiring manager to fill out the contract form and update the payroll system.

3.2 **Secondments**

- 3.2.1 A secondment is an arrangement whereby an employee is assigned to a new role

internally with the goal of broadening their exposure to different teams, skills and ways of working. A well run and successfully managed secondment programme can be extremely beneficial to both the organization and workforce through developing employees in roles that they wouldn't normally access within their current team and enabling the business to benefit from enhancing the skillset of the workforce.

- 3.2.2 Secondment arrangements are temporary, with the maximum period of a secondment being 12 months. The period of secondment must be agreed and clearly defined in the agreement signed by all parties. In exceptional circumstances, it may be possible for the secondment period to be extended (providing there are clear business reasons for doing so) to ensure that the Council continues to use skills and experience effectively and to maintain the development of the employee.
- 3.2.3 Any extension of a secondment must be discussed between the employee, host and home managers and be approved by the Director. Where a significant extension is requested (i.e., 6 months plus) or the secondment arrangement exceeds 18 months in duration as a result of multiple extensions, the host manager should liaise with the HR Business Partner team to ascertain whether the position is a permanent requirement, in which case an appropriate recruitment and selection process should take place.
- 3.2.4 As the purpose of secondments are to provide individuals with development opportunities, and to enable organisations to have a multi-skilled workforce, individuals who are offered secondments will commence them whilst retaining their existing terms and conditions and pay. If during the secondment it becomes evident that the individual has taken on significantly more duties than was previously outlined in the secondment agreement, an honorarium payment may be made following a discussion with the HRBP team.
- 3.2.5 Following a selection process, an offer letter setting out the terms of the secondment will be sent to the employee and will require it to be signed.
- 3.2.6 The receiving manager is also responsible for ensuring that payroll is updated about the change of contract and for liaising with Finance and the HR Business Partner to ensure that appropriate cost codes and/ or cross charging arrangements are in place if required.
- 3.2.7 There is a dual responsibility on the employee and home manager to maintain regular contact during the secondment period. This will ensure the employee is kept informed on developments, changes and general information about their substantive service/team.

4. Recruitment and Selection

- 4.1 The Council encourages the personal development of all employees, and actively encourages the development of skills and experiences. Therefore, all acting up and secondment opportunities should be advertised internally across the Council to give all employees an opportunity to apply.
- 4.2 In some circumstances, managers may have individuals within their own section that possess some of the skills, knowledge and experience required for the opportunity, and may therefore be a natural fit. However, to ensure fairness and transparency,

the role should still be advertised internally, and all applications considered.

- 4.3 Council selection procedures must be used to recruit to both acting up and secondment opportunities. The process adopted will be determined by the nature and level of the secondment. For example, some posts may require a DBS check.
- 4.4 An employee applying for any internal career progression opportunity need's to have obtained the agreement of their line manager prior to submitting an application.
- 4.5 The line manager should both respond to the request in writing and discuss the reasons for the refusal with the employee, within 5 working days. The manager should also discuss with the employee how further personal development opportunities can be obtained to ensure constant learning and development.
- 4.6 Acting up and secondment opportunities are temporary in nature and individuals should not expect them to continue past the expiry date outlined in the agreement. However, if a decision is made to recruit to the position on a permanent basis, the permanent position should be appointed to following a recruitment and selection process in accordance with the Recruitment and Selection Policy.
- 4.7 Where a manager chooses to backfill an employee who is carrying out either an acting up opportunity or secondment, they must do so on a temporary basis to ensure that there is no increase in establishment when the employee on secondment returns to their substantive position.

5. Returning to the substantive post

- 5.1 In most cases, at the conclusion of a secondment or acting up opportunity, the employee will return to their substantive post.
- 5.2 Should an employee's substantive post be affected during an acting up or secondment arrangement, for example due to organisational change, they will be fully consulted with in line with the council's organisational change policy. Where the original position no longer exists, efforts will be made to secure a suitable alternative in line with the council's redeployment procedures.
- 5.3 It is recognised that in certain circumstances an acting up or secondment arrangement may need to be terminated early. Reasonable notice will be given to all parties, recognising that other existing backfill arrangements will need to be considered.
- 5.4 An employee acting up or working in a secondment arrangement to an area that is affected by an organisational change process will have the choice of either returning to their substantive position or being considered for a position in the new structure if this is not to the detriment of any substantive post holder. If the employee is partially covering the role rather than the full role, the manager should seek advice from HR Business Partner in respect of the appropriate way forward.
- 5.5 Where a position is vacant (and being filled through an acting up arrangement), and the employee on acting up has been in the position for 12 months or more, then they will be eligible to be placed into the selection pool for the positions at the level they have been working to.
- 5.6 At the conclusion of any arrangement and upon returning of an employee to their

substantive post, the employee should meet with their manager to be given an update on service developments during the time that they have been away from the team and role. In addition, this is a good opportunity to evaluate the skills and experience they developed during the acting up or secondment and how these could further support the service area.

Policy Schedule

Policy schedule	Details
Policy owner and lead	HR BP Team
Consultation	CCF Trade Unions Staff Network Groups 17th October Corporate / Senior Leadership Team
Equality Impact Assessment	
Approving body	Employment & Appeals Committee
Date of approval	DATE
Date of implementation	
This version number	V8 – date tbc
Last version	v.7 – December 2018
Related documents	
Review interval	Three yearly minimum or as required

Version

Version	Author	Date	Changes
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Equality, Diversity and Inclusion Policy Statement



1. Introduction

- 1.1 Slough Borough Council recognises the significant role that public sector organisations have in advancing equality in Britain today. As both an employer and provider of a wide range of public services, local authorities are at the heart of improving life opportunities for people who experience disadvantage and discrimination. Organisations in the public sector are expected to lead the way in promoting equality, inclusion and human rights, not just through compliance with the law, but also with targeted service improvements and fair, inclusive employment practices.
- 1.2 The council acknowledges that there exists in society individuals and groups which face barriers and discrimination (whether intentional or unintentional) based on their shared equality characteristic, background or personal circumstances. The unintended consequences of a service or employment policy or procedure may have an adverse impact on a particular group of residents or employees.

2. Policy Aim

- 2.1 The council will foster an environment in which each person has equal access to quality services and employment opportunities, irrespective of their ethnicity, religion or belief, disability, age, sex, gender identity, sexual orientation, or marital status.
- 2.2 We aim for our workforce to be representative of all sections of society and for each employee to feel respected and able to give their best. We are fully committed to advancing equality, diversity and inclusion and eliminating unlawful discrimination, through ensuring fair and inclusive recruitment practices and HR policies.
- 2.3 As a Local Authority we will provide services that are fair and accessible to all and responsive to the needs of all our residents.

3. Legislative Framework

- 3.1 The Equality Act 2010 replaced previous anti-discrimination laws with a single legislative act. It simplified the law, removed inconsistencies and made it easier for people to understand and comply with equalities legislation. The Act also strengthens the law in important ways to help tackle discrimination and inequality. Its purpose is to embed equality considerations into the daily work of public authorities in order to counter discrimination and inequality at every level and to remove the possibility of institutional discrimination. The Act imposes the Public Sector Equality Duty which itself comprises a general duty as well as some specific duties which set out how to comply with the general duty.

3.2 The **General Duty** has three aims. Public bodies in all their operations (employment and service provision) *must have due regard to the need to:*

- eliminate unlawful discrimination, harassment and victimisation
- advance equality of opportunity between people from different (equality) groups and
- foster good relations between people from different (equality) groups.

3.3 The specific duties include the requirement to publish how we comply with the general duty above and set equality objectives every 4 years.

The Equality Act defines the following as protected characteristics:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race (this includes an individual's colour, nationality, ethnic or national origin)
- Religion or Belief
- Sex
- Sexual Orientation

4. How we will meet our Equality Duties

4.1 As an organisation in the delivery of all our duties and functions we will:

- Expect all employees to promote the principles and practices of equality and inclusion and comply fully with the requirements of the Equality Act (2010), in both the discharge of their job duties in the delivery of public services and in their day to day conduct as employees.
- Implement clear internal policies and procedures to address inequality and ensure that employees and service users are not discriminated against on the basis of any protected characteristic.
- Challenge all forms of unfair discrimination and harassment through existing procedures and where relevant enforcing appropriate legislation.
- Promote good relations between people of different equality groups.
- Promote equality of opportunity for people of different equality groups.
- Ensure that council policy decisions are fair, proportionate and take account of equalities implications through the conducting of evidence-based Equality Impact Assessments (EIAs)
- Celebrate diversity.

4.2 As an employer, Slough Borough Council will advance equality, diversity and inclusion in the workplace by:

- Fostering an inclusive working environment based on dignity and respect and where individual differences and the contributions of all staff are recognised and valued.

- Being clear about standards of expected behaviour by having in place a Dignity at Work Code of Conduct, and ensure a workplace that is free of bullying, harassment, victimisation and unlawful discrimination. This commitment includes training managers and all other employees about their rights and responsibilities under the Equality Act (2010).
- Taking seriously any complaint of bullying, harassment, victimisation and unlawful discrimination in the workplace and have appropriate policies in place to support employees.
- Regularly reviewing and updating employment practices, policies and procedures to ensure fairness, inclusion and compliance with equalities legislation and best practice.
- Ensuring that opportunities for training, development and progression are available to all staff who will be supported to realise their full potential.
- Monitoring the make- up of the workforce based on self-declared, protected characteristics.
- Monitoring the impacts of Human Resources procedures and policies on different equality groups to ensure they support inclusion and equality.
- Conducting an Equality Impact Assessment throughout any organisational change or staffing restructure process.
- Encouraging all staff to feel confident about declaring their individual diversity information via the confidential self - service HR system so we have accurate data on our workforce.
- Supporting staff-led Employee Network Groups and engaging with all staff to promote inclusive practices and celebrating diversity

Policy Schedule

Policy Schedule	Details
Policy owner and lead	HR Service: Diversity and Inclusion Lead
Consultation	Trade Unions Staff Network Groups Corporate / Senior Leadership Team Corporate Consultative Forum Employment & Appeals Committee
Equality Impact Assessment	Christine Ford
Approving body	Employment Committee
Date of approval	
Date of implementation	
This version number	Draft 1.4 14.03.24
Last version	Equal Opportunities Policy Statement 2018
Related documents	Dignity at Work Code of Conduct Workforce Equality Data Reports Recruitment Policy All HR policies will include EDI considerations relevant to that policy area
Review interval	3 years

Version

Version	Author	Date	Changes
Draft 1.1	CF	28.06.23	First draft
Draft 1.2	CF	29.06.23	4.1 – statement that all employees expected to comply with Equality Act in the discharge of their duties and to each other as employees
Draft 1.3	CF	17.08.23	4.2 additional statement on EIAs for restructures following REACH network comments
Draft 1.4	CF	14.03.24	3.3 expansion of definition of Race following comment from TU.

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Slough Borough Council

Report To:	Employment Committee
Date:	16 April 2024
Subject:	2023 Gender Pay Gap Report
Chief Officer:	Stephen Brown
Contact Officer:	Christine Ford Diversity & Inclusion Lead
Ward(s):	All
Exempt:	No
Appendices:	A- 2023 Gender Pay Gap Report

1. Summary and Recommendations

1.1 This report presents Committee Members with the 2023 Gender Pay Gap figures:

- There has been a change to both the mean and median pay gap from the previous year and women's average hourly earnings are more than men, (represented by a negative figure)
- In 2023 the mean gender pay gap was -7.8% (compared to 0.7% in 2022)
- In 2023 the median gender pay gap was -3% (compared to 0% in 2022)
- The council employs more women than men overall and in all pay quartiles apart from the Upper Middle quartile.
- The mean and median bonus pay gaps are 10% and 0%
- Full details are included in Appendix A

Recommendations:

1.2 The Committee is recommended to review and note the 2023 Gender Pay Gap Report.

1.3 Reason:

The council is committed to being an inclusive employer and to promoting equality within the workplace, as part of its obligations under the Equality Act 2010, and the Public Sector Equality Duty. Since 2017, there has been a statutory duty for the council to calculate and publish its gender pay gap annually.

2. Commissioner Review

The commissioners note the content of this report.

3. Report

Introductory paragraph

- 3.1 Regulations made under the Equality Act 2010 require specified bodies to publish gender pay gap information. The 2023 Gender Pay Gap Report reflects the council's gender pay gap using payroll data from the required snapshot date of 31 March 2023. It must be reported by 30 March 2024, both on the council's website and on the governments national [Gender Pay Gap Service](#). The gender pay gap is the difference in average hourly pay between all men and women in a workforce. It is different to *equal pay* – that is men and women being paid the same amount for the same or comparable work. It is unlawful to pay people differently for work of equal value because of their gender. The legislation requires us to look specifically at the mean and median average **hourly** pay rates, based on full-time equivalent salaries. The gap reported is the percentage difference between men and women – the gender pay gap. The mean and median gender bonus gap, the proportion of men and women receiving a bonus and the proportion of men and women in each pay quartile are also reported as part of the requirements. The figures only relate to directly employed staff (as per the reporting regulations) and do not include any interim or temporary staff.

Background

- 3.2 Nationally, the gender pay gap has been slowly declining over time. However, according to analysis conducted by the BBC, 79% of eligible employers who submitted their pay gaps on the reporting service in 2022, paid men more than women on average. From the reporting service submissions, the overall average median pay gap for all sectors in 2022 was 9.4%. It was slightly less for public sector institutions, at 8.9%. Only 13% of eligible employers who reported in 2022 had a negative gender pay gap. Analysis of the reported 2023 gender pay gap will be available later in the year.

In addition (and separate) to the government reporting service, the Office for National Statistics (ONS) publishes research into the national gender pay gap, via an employer survey. In April 2023, the *Annual Survey of Hours and Earnings* (ONS), calculated the gender pay gap for all employees (both full and part time) to be 14.3%. The ONS survey found the gap halved to 7.7% when looking at just those employees working full time only. It also found that age was a critical factor in the gender pay gap, with the gap increasing with age: for those full-time employees under 40 years of age it was 4.7%, for those aged 40-49 years it was 10.3%.

- 3.3 The council has consistently reported gender pay gap figures lower than the national average since reporting began in 2017. The council employs more female staff than male staff (approx 60:40) and there are more women than men in 3 of the 4 pay quartiles, including the top pay quartile. This is consistent with national employment trends in local government and is reflective of the wide range of job roles and services provided by a unitary authority. The council has also reported a negative median pay gap several times, although this is the first year the mean gender pay gap has been a negative figure. The mean average is much more influenced by outliers in the high or low end of the salary distribution. Whilst the whole workforce had been impacted by organisational change in 2020/2021 via the Transformation Programme, it has been senior leadership that has been the focus of reorganisation over the past 12-18 months. In 2023, the council still had the flat (and small) senior leadership model of the 2020 Transformation model, although this was starting to change. The appointment of

women to several senior executive posts would have impacted the mean average. .As the council continues its recovery journey, organisational change is likely to continue in the short to medium term and this is likely to cause our pay gap figures to fluctuate from year to year, until the workforce stabilises.

It is also important to acknowledge that the high level of temporary/interim workforce (currently c.25%), means that a significant number of posts are being covered by staff who are not included in the GPG calculations. As we recruit to more permanent positions, depending on the gender of those appointed we are again likely to see our GPG fluctuate in the short-term. The mean pay gap will also be affected by the expansion of more highly paid, senior management jobs than have been in previous structures. This is to accelerate and support the on-going recovery of the organisation.

3.4 It is positive that the gender pay gap has reduced from 2022 and that there is now a negative gender pay gap. The council remains committed to recruiting, retaining and supporting women at all levels in the workforce, and this can contribute to closing pay gaps, through removing hidden barriers and improving the experiences of women employees. Activities to support this throughout 2023 have included:

- Developing a thriving SBC Women's Network, which engages with HR and the senior leadership team to ensure women's voices in the organisation are heard and issues discussed. The network reviews HR policies and procedures, organises events and talks, and provides a safe space for colleagues to come together and discuss issues that affect them in the workplace.
- Launching the Menopause Cafe. Supported by the Women's Network, this informal group meets bi-monthly to raise awareness of the impacts of menopause in the workplace and provides peer-led support.
- Holding an initial Carer's Cafe, to support all colleagues who have caring responsibilities, and hope to develop this further in 2024.
- Continuing to update our HR policies and procedures to ensure they are fully inclusive and support gender equality, including a new Hybrid Working Policy and Flexible Working Policy.
- Reviewing and completely re-designing our recruitment practices to ensure that job descriptions, adverts and recruitment processes support applications from under-represented groups, including women. The implementation of the TALOS applicant tracking system will also support better equality monitoring of job applicants throughout the recruitment cycle.
- The operation of a transparent pay grade system, with all positions being subject to a strict job evaluation process.

3.5 To support gender equality we will:

- Continue to develop HR and recruitment data reporting processes and analytics, which we will use to support evidence-based interventions that promote inclusion in the workforce.
- Expand and improve the level of data we present in the Annual Workforce Equality Data Report, so we are transparent about workforce equality, including gender equality.
- Develop a specific workforce equality objective around building a diverse workforce that is representative of our local communities and improve collection of employee equalities data and use of HR data.

- Support the development of the SBC Women’s Network, Menopause Cafe, Carer’s Cafe and other staff network groups and ensure they are part of the culture-change and recovery process of the council.
- Ensure HR policies are routinely updated, inclusive and monitored effectively to support equality in the workplace.
- Conduct Equality Impact Assessments on all staff restructuring because of organisational change.

4. Implications of the Recommendation

4.1 Financial implications

There are no financial implications of the proposed action in terms of allocated budgets.

4.2 Legal implications

The Equality Act 2010 contains various duties in relation to workforce duties. This includes, but is not limited to, the public sector equality duty, the duty to have up to date equality objectives and to publish equality information. There is a specific duty to publish data on the gender pay gap. The Equality Act consolidated previous discrimination legislation and contains duties and responsibilities in relation to employment and work-related activities. There are specific duties in relation to equal pay between men and women. The Act makes it unlawful to discriminate, victimise or harass based on protected characteristic and places positive duties on employers to make reasonable adjustments to employees who have a disability. Some duties apply in the recruitment process, as well as during employment. Whilst it is lawful to have policies to encourage and promote roles to specific protected groups, there are only limited circumstances when it would be appropriate to require a person with a specific protected characteristic, for example a requirement for a female care worker if the role involved intimate care tasks.

When collecting and reporting on workforce data, the Council must comply with its data protection duties. Data about a person’s protected characteristic, such as their ethnicity, sexual orientation or religion is classed as special category data under GDPR. This means that when collecting data, the Council must make sure their employees are aware of how the data will be used and how it will be kept safe and secure.

4.3 Risk management implications

Failure to publish gender pay gap information by the required deadline, risks legal challenge relating to non-compliance and potential investigation and intervention by the Equality and Human Rights Commission. Failure to address the long-term causes of gender inequality in the workplace can reduce staff morale and engagement, and ultimately impact recruitment and retention. Longer term it may also increase the risk of indirect and direct discrimination claims.

4.4 Environmental implications

There are no anticipated environmental implications

4.5 *Equality implications*

The obligation for organisations to calculate and publish the differences between what women and men earn, on average, in their workplaces provides transparency and the council seeks to reduce the gaps where possible. It aims to promote inclusion and gender equality in terms of pay. No negative equality impacts are identified: recommendations to promote gender equality are likely to improve inclusion generally for all groups and will not disadvantage other protected characteristics. The council is not proposing any positive action strategies.

4.6 *Workforce implications*

The council is committed to being an inclusive and representative employer, promoting equality of opportunity for women and reducing the gender pay gap where possible. Closing the gender pay gap and taking actions to promote gender equality in the workplace is known to positively impact on recruitment and retention.

5. Background Papers

A - 2023 Gender Pay Gap Report

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Slough Borough Council 2023 Gender Pay Gap Report

Introduction: What is the Gender Pay Gap?

Gender Pay Gap Regulations require all organisations which employ 250 staff or more to publish the pay gap from the preceding year. This is our annual gender pay gap report for the snapshot date of 31 March 2023. The gender pay gap shows the difference in *average hourly pay* between all men and women in a workforce.

It is different to *equal pay* – that is men and women being paid the same amount for the same or comparable work. It is unlawful to pay people differently for work of equal value because of their gender. To ensure equal pay, Slough Borough Council (SBC) operates a transparent pay grade system, and all positions are subject to a strict job evaluation process.

The figures only relate to directly employed staff. Non-directly employed staff such as agency/temporary workers are not included as per the reporting regulation.

The legislation requires us to look specifically at the mean and median average **hourly** pay rates, based on full-time equivalent salaries. The gap reported is the percentage difference between men and women – the gender pay gap. The mean and median gender bonus gap, the proportion of men and women receiving a bonus, and the proportion of men and women in each pay quartile are also reported as part of the requirements.

Key Findings

The council has seen a reduction in both the mean and median gender pay gaps between 2022 and 2023. There is now a negative gender pay gap, which means that women earn more than men on average.

- The mean gender pay gap is **-7.8 %**. This has **decreased** from 2023, when it was **0.7%**
- The median gender pay gap is **- 3.0 %**. This has **decreased** from 2023, when it was **0%**

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Dividing our workforce into four equal-sized pay groups, based on an hourly pay rate, shows that women outnumber men in the Upper, Lower and Lower Middle Upper, Lower and Lower Middle pay quartiles. Men outnumber women in Men outnumber women in the Upper Middle pay quartile. Whilst the Upper Middle pay quartile.

- Whilst the council does not pay performance-related bonuses, for the purpose of reporting requirements on bonus payments, we are required to include long-term service awards as part of these. These are small sums (up to £750) where the sole criterion for receipt is length of service. In 2023, the percentage of men receiving a long-term service award bonus was **2.1% and** the percentage of women receiving a long-term service award bonus was **4.9%**. The mean bonus gap was 10% and the median bonus gap was 0%

Gender Pay Gap Yearly Comparison Chart 2017-2023

The table below shows the reported gender pay gap figures for Slough Borough Council since the reporting regulations came into place in 2017. In 2020, the reporting requirement was suspended due to the COVID Pandemic, however the council did submit for this year. Whilst the council has consistently reported a lower-than-average GPG (and in some years a negative gender pay gap), figures do fluctuate year on year. This is largely due to structural changes in the workforce and the impacts of organisational change.

In 2022, the average median gender pay gap (all sectors) reported by eligible employers was 9.4%. 79% of employers paid men more than women. 13% reported a negative gender pay gap. Analysis of 2023 reported figures will be available later in the year.

SBC Gender Pay Gap	2017	2018	2019	2020	2021	2022	2023
Mean	12.5%	4.7%	3.1%	10.0%	0.9%	0.7%	-7.8%
Median	12.5%	-6.4%	-2.8%	-3.1%	3.8%	0.0%	-3.0%
% male bonus	0.6%	0.0%	1.2%	0.9%	2.2%	0.0%	2.1%
% female bonus	0.6%	1.4%	1.6%	2.3%	3.2%	1.65%	4.9%
Mean bonus pay gap	25.0%	0.0%	2.8%	-12.5%	35.8%	0.0%	10.0%

Median bonus pay gap	25.0%	0.0%	0.0%	0.0%	50.0%	0.0%	0.0%
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What factors can influence the Gender Pay Gap?

- The overall gender composition of a workforce is a key component. More importantly, though, is the gender composition of different pay levels: this is often related to the type of work that an employee does, with some sectors being dominated by one gender.
- Women continue to make up the majority of employees working part-time; part-time working is much more prevalent in lower and lower - middle pay grades and is less common at higher pay grade positions. Part-time workers tend to have a lower hourly median pay rate.
- Occupational segregation by gender is persistent in some service sectors, with low paying sectors (such as front-line caring roles) tending to employ more women and higher-paying sectors (such as Planning, Highways, Engineering etc.) tending to employ more men.
- Generally, women continue to be more likely than men to take periods of unpaid leave or experience time away from the workforce entirely. This is often due to caring responsibilities.

The on-going impact of Organisational Change on Gender Pay Gap at SBC:

- In any organisation, the pay gap is most influenced year on year by structural movement in the workforce. This can cause significant changes to both the median and mean gender pay gaps. The council continues to go through substantial changes that

have, most recently, particularly impacted on the most senior levels of the workforce.

- The mean average pay gap is heavily influenced by outliers at either end of the salary distribution and the movement of a small number of individuals can cause a significant shift. Following a restructure in the Corporate Leadership Team, by March 2023, several permanent appointments at senior executive level were made to women.
- The council continues to have a high level of interim and agency staff (c. 25 % of the workforce), who are not included in the GPG figures as they are outside of the reporting regulations. There has generally been a higher prevalence of men in the more senior interim roles (especially Finance and IT). As these positions are gradually replaced by permanent staff (depending on the gender of those appointed) the mean will continue to fluctuate.
- It is now widely acknowledged that the median is a more reflective average measure, as it removes the larger fluctuations associated with the mean. The council has reported a negative median gender pay gap (-3%) for the fourth time since reporting began. This is reflective of the composition of the pay quartiles, and the wide range of job roles available at the council, the majority of which fall under the Senior Management Pay grades. However, it again should be noted that as we embark on a considerable expansion of senior roles throughout 2024, this will continue to fluctuate.

Gender Equality Priorities

Whilst we are currently reporting a negative gender pay gap, we recognise that it is vital to not be complacent, particularly as we are still undergoing significant structural changes as we continue our recovery journey. In addition to having vigorous job evaluation processes and a transparent pay system for all positions, we undertake a range of activities to support gender equality in our workforce:

Throughout 2023 we have:

- Developed a thriving SBC Women's Network, which engages with HR and the senior leadership team to ensure women's voices in the organisation are heard and issues discussed. The network reviews HR policies and procedures, organises events and talks, and provides a safe space for colleagues to come together and discuss issues that affect them in the workplace.
- Launched the Menopause Cafe. Supported by the Women's Network, this informal group meets bi-monthly to raise awareness of the impacts of menopause in the workplace and provides peer-led support.
- Held an initial Carer's Cafe, to support all colleagues who have caring responsibilities, and hope to develop this further in 2024.
- Continued to update our HR policies and procedures to ensure they are fully inclusive and support gender equality, including a new Hybrid Working Policy and Flexible Working Policy.

- Reviewed and completely re-designed our recruitment practices to ensure that job descriptions, adverts and recruitment processes support applications from under-represented groups, including women. The implementation of the TALOS applicant tracking system will also support better equality monitoring of job applicants throughout the recruitment cycle.

Key Activities for 2024 will be to:

- Continue to develop HR and recruitment data reporting processes and analytics, which we will use to support evidence-based interventions that promote inclusion in the workforce.
- Expand and improve the level of data we present in the Annual Workforce Equality Data Report, so we are transparent about workforce equality, including gender equality.
- Develop a specific workforce equality objective around building a diverse workforce that is representative of our local communities and improve collection of employee equalities data and use of HR data.
- Support the development of the SBC Women's Network, Menopause Cafe, Carer's Cafe and other staff network groups and ensure they are part of the culture-change and recovery process of the council.
- Ensure HR policies are routinely updated, inclusive and monitored effectively to support equality in the workplace.

- Conduct Equality Impact Assessments on all staff restructuring that is the result of organisational change.

More Information:

- Progress with Equality, Diversity and Inclusion in the workplace, including Gender Pay Gap, Workforce Equality Data and HR policies are monitored by the council's Employment Committee. Details of Upcoming meetings, agenda and reports can be viewed here: [SBC Employment Committee](#)
- General information on Equality, Diversity and Inclusion at SBC, including Workforce Reports and previous Gender Pay Gap reports can be found here: [Equality and Diversity Information](#)

Mean and Median Pay Gap – Hourly Rates Pay Quartiles

2023 Mean Pay Gap -7.8%

(decreased by 8.5 % from 2022)



£ 17.41 Average Hourly Rate



£ 16.15 Average Hourly Rate



2023 Median Pay Gap -3.0%

(decreased by 3.0% from 2022)



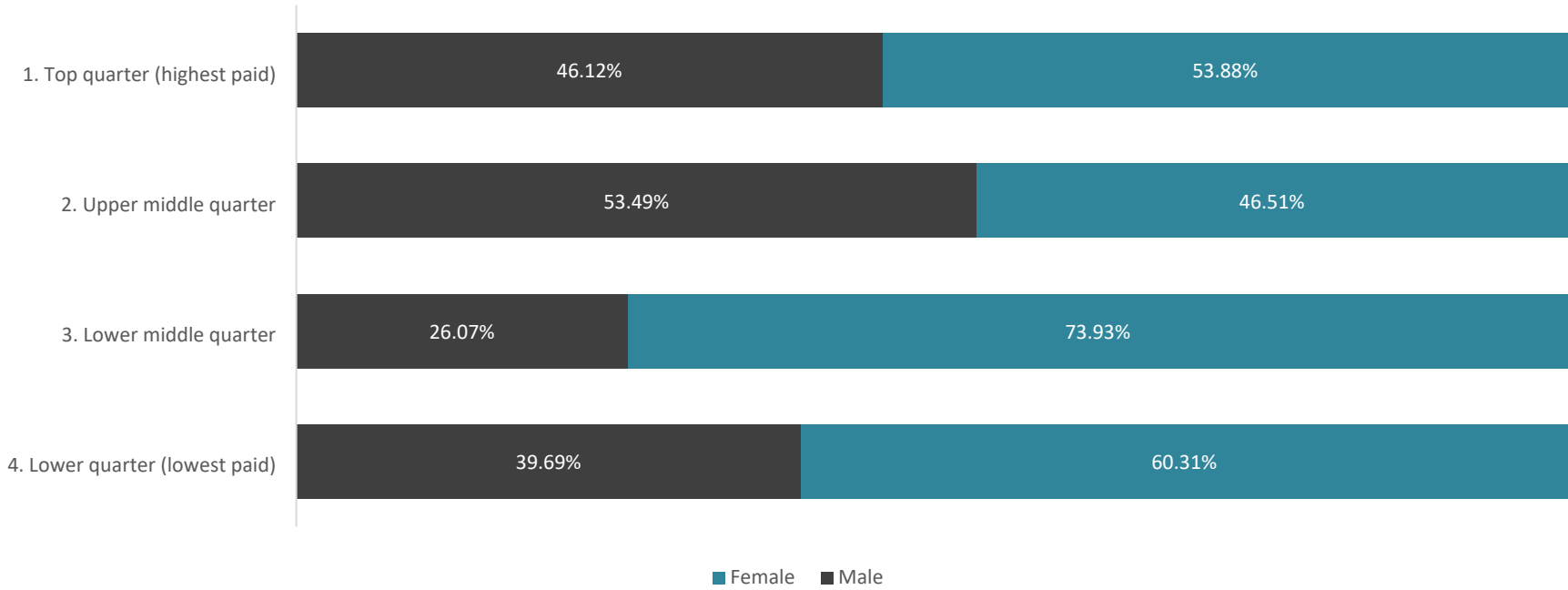
£ 16.63 Average Hourly Rate



£ 16.14 Average Hourly Rate



Pay Quartile by Gender



Slough Borough Council

Report To:	Employment Committee
Date:	16 April 2024
Subject:	Draft Code of Conduct for Officers
Chief Officer:	Stephen Brown – Chief Executive
Contact Officer:	Sarah Wilson – Assistant Director Legal and Governance
Ward(s):	None
Exempt:	No
Appendices:	Appendix 1 – Draft Code of Conduct for Officers

1. Summary and Recommendations

- 1.1 This report sets out the proposed changes to the current Local Code of Conduct for Employees, following consultation with various stakeholder groups. Following review by this committee, it is proposed that it will be reviewed by the Member Panel on the Constitution, alongside other changes to the Constitution and recommended for approval by Full Council in May 2024.

Recommendations:

The Employment Committee is recommended to:

- Review and comment on the draft Code of Conduct for Officers
- Agree to receive an annual report reviewing the effectiveness of the revised Code, if adopted, to maintain standards of behaviour and integrity at officer level.

Reason: The current Code has not been reviewed since 2017. It is good practice to regularly review the constitutional rules to ensure they comply with best practice and fit with Council policies and procedures. The changes relate to widening the Code to apply to all officers regardless of employment status, adding in rules on use of social media and standards of behaviour and dress and other minor changes in emphasis.

Commissioner Review

Commissioners have reviewed this report and have no specific comments to add.

2. Report

Introductory paragraph

- 2.1 The Employment Committee is responsible for the Council's functions in relation to its role as an employer. This includes review of major HR policies. The Local Code of Conduct for Employees is part of the Council's constitution and therefore approval is reserved to Full Council, however the Employment Committee has an important role to play in reviewing it to ensure it fits with approved HR policies and procedures and wider HR improvement priorities.

Options considered.

2.2 The following options were considered in the revision of the existing Code:

Option 1: Do nothing – do not amend the Code. This option is not recommended. The changes reflect best practice and have been subject to consultation with staff.

Option 2: Amend the existing Code to a Code of Conduct for Officers in line with the draft and recommend this for consideration by the Member Panel on the Constitution, for recommendation to Full Council.

Background Information

2.3 The draft Code of Conduct for Officers will apply to all directly employed staff, but also to any other officer, which will include agency workers, interim staff and staff seconded or with delegated authority to exercise Council functions where these meet the definition of an officer. The draft Code sets out the minimum expected standards of behaviour in order to protect the integrity of officers and the Council as a whole.

2.4 The draft Code is intended to be the officer equivalent of the Code of Conduct for Members and taken together with other codes and protocols, form an ethical framework for the Council's officers and members in order to maintain confidence in the delivery of public services.

Consultation

2.5 The draft Code has been subject to consultation with trade unions, staff networks and staff in general. Feedback from the consultation was as follows:

- Request to change use of word “selflessness”, instead preferring “altruistic” or “community focused”. Concern that selflessness has implications of working against own self interest, beyond limits, ignoring impact on own personal time and health and work being more than a job in an unhealthy way.

Council's Response

The term “selflessness” stems from the Seven Principles of Public Life, which all public servants are expected to comply with. This requires officers to work solely in the public interest. This may involve officers working against their self interest, if such interest conflicts with their self interest. It is not intended to imply that officers should work beyond their own limits or in a way that is detrimental to their health, as this would not be in the public interest.

- Request that the Code of Conduct for Members is looked at at the same time and that there are concerns about how members behave with officers.

Council's Response

The Code of Conduct for Members was updated in 2021 and reflects the LGA Model Code. The Member Officer Relations Protocol was updated in January 2024. The Standards Committee received a report on member behaviour and complaints at its meeting in April 2024.

- Need to ensure that officers are protected from being subjected to bad behaviour by senior management.

Council's Response

The Code of Conduct for Officers applies to all officers, including interim and temporary workers and it is agreed that senior officers should model good behaviour. Staff were consulted on a CLT Charter and the Council has plans in place to provide management and leadership development programmes. The Council has a grievance policy and procedure which can be utilised if staff are unable to resolve issues informally.

- Need to share constitution to ensure officers comply with this document.

Council's Response

The Constitution is available on the Council's website. Governance is part of the Council's induction programme and there is a governance learning programme for managers to understand the characteristics of good governance.

- Concern that officers are unable to comply with Financial Procedure Rules and other relevant procedures if there are no governance or teams available to assist officers with budgets or sufficient finance officers.

Council's Response

All officers are expected to understand the Financial Procedure Rules, which were redrafted in 2022 to make them easier to understand for non-finance officers. Budget holders are expected to have knowledge and skills to manage budgets and if further training or development is required this should be raised with line managers as part of appraisal processes. There are governance and finance officers to assist officers with understanding the constitutional rules.

- Policies need updating – no reference made to which policies need updating.

Council's Response

The constitution and HR policies and procedures are regularly reviewed and updated. Officers can raise concerns about out of date policies with HR or the Monitoring Officer as appropriate.

- There is no pastoral care for officers

Council's Response

The Council has an employee support programme and managers should provide support to officers to enable them to fulfil their roles. A new management and leadership development programme is being rolled out to assist managers.

- Support for ensuring that other new policies go through the same process of consultation.

Council's Response

The Council accepts it is important to consult staff on relevant matters. The Council will review its systems and processes in place for staff engagement and this will be a focus of the new Director of HR.

- 2.6 If adopted, the revised Code will be communicated to all staff, made available on the intranet and form part of the induction for new starters. It will be widely promoted and considered as part of the HR improvement plan, including forming part of the management development programme.
- 2.7 In order to ensure the revised Code is effective in maintaining standards of behaviour and integrity, it is recommended that this Committee receives an annual report reviewing its effectiveness.

Summary of Changes

- 2.8 The summary of changes in the draft Code compared to the current Code are as follows:

- Clarification that the Code applies to all who are employed directly or work for the Council with the exception of staff employed in schools.
- Confirmation that all officers are expected to promote high standards in public life, respect colleagues, elected members and the public, act in a professional manner and in compliance with the Equality Act 2010 and deliver the best possible and efficient services in accordance with the Council's values and priorities. Examples are given of this, including an obligation to report any concerns or breaches of the Code or other Council policies by others.
- Amendment to rules on political neutrality to reflect the law, including rules on politically restricted posts and confirmation that no officer can stand for office as an elected member of the Council.
- Amendment to rules on working with others, including clarification of rules on personal relationships with local community and service users and work colleagues, a new section on relationship with managers, additional guidance on relationship with contractors, suppliers of partners in service provision and on dealing with the media.
- A new section on use of social media, including examples of inappropriate use of private social media accounts.
- Explicit reference to not gaining a financial benefit from a Council role over and above proper remuneration and the fact it is a criminal offence under s.117 of the Local Government Act 1972 to accept any fee or reward other than proper remuneration.
- Removal of two categories of staff for purpose of declaring interests, instead applying the same rules to all staff and making it the responsibility of directors to maintain departmental registers of declarations.
- Addition of paragraph on acceptance of free places on conferences and courses, particularly when these involve businesses or bodies who may be interested in providing services to local authorities.

- Additional paragraphs and examples in relation to duty to prevent accidents and injuries at work.
- New section on standards of behaviour and appearance, including reference to not wearing clothing, badges or other items with political or offensive messages, wearing issued uniforms or protective clothing and only making alterations to such clothing after obtaining agreement from a manager.

3. Implications of the Recommendation

3.1 Financial implications

3.1.1 There are no direct financial implications related to this report. However, failure to ensure an effective system of maintaining standards and behaviour at officer level can lead to additional costs in the delivery of services and risks of employment tribunal claims.

3.2 Legal implications

3.2.1 Whilst the Localism Act 2011 requires local authorities to adopt a code of conduct for its members and sets out the standards regime which applies to breaches of this code, there is no legislative equivalent for maintaining standards at officer level. This is partly due to the employment relationship between an individual council and its employees and the fact that employment relations law would apply to this relationship.

3.2.2 In practice virtually all, if not all, local authorities maintain a code of conduct for their employees or officers governing the standards and behaviour and enforcement of this will be incorporated into employment contracts or other contracting arrangements depending on the employment status of the individual officer.

3.3 Risk management implications

3.3.1 The draft Code helps officers understand the standards of behaviour expected of them and gives them a framework to raise concerns about the behaviour of others. This mitigates the risk of the Council not ensuring compliance with the requirements of public servants as set out in the Seven Principles of Public Life.

3.4 Environmental implications

3.4.1 There are no environmental implications related to this report.

3.5 Equality implications

3.5.1 Explicit reference is made to the need to comply with the Equality Act 2010 and reference is also made to diversity and equality matters within the draft Code. This includes reference to different standards of dress depending on gender, religion or cultural background and right for officers to request adjustments to protected clothing.

3.5.2 The draft Code seeks to strike a balance between an individual's right to freedom of expression and the Council's right to set standards of behaviour and to protect its reputation.

3.5.3 Staff networks representing particular groups of staff were consulted on the draft Code.

3.6 *Workforce implications*

- 3.7.1 The draft Code sets out standards which could be cited as part of a grievance or disciplinary process and breach of the Code could give rise to termination of employment or assignment. Staff have been consulted on the draft Code, as have trade unions and staff networks.

Background papers

None.

Part 5.3 Local Code of Conduct for Officers

STATUS: This Code applies to everyone who is employed directly or works for Slough Borough Council (the Council), with the exception of staff employed in schools who are subject to the policies and procedures of the individual school. This includes all those employed directly on a permanent, temporary or casual basis and those employed indirectly, including agency workers and consultants if able to make decisions on behalf of the Council. The Code also applies to those who are external secondees and those who are authorised under a delegation of function.

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CODE OF CONDUCT FOR EMPLOYEES

1. Introduction

This Code of Conduct forms part of your terms of employment/assignment. It sets out the responsibilities and standards the Council expects of you and the values it expects all officers to uphold. In carrying out your duties you are expected to:

- Promote the highest standards in public life, as set out under the Principles section below;
- Respect your colleagues, elected members and the public;
- Act in a professional manner and in compliance with the principles of the Equality Act 2010;
- Deliver the best possible and efficient service to residents, taxpayers and service users in accordance with the Council's values and priorities.

This includes:

- How you behave (or are perceived to behave) both inside and outside of work, particularly considering how your actions or behaviour will be considered by the residents of Slough.
- How you use public money and other resources.
- Acting with honesty, impartiality and objectivity.
- How you work with the Council's suppliers and contractors to ensure there is no perception of improper conduct including corruption
- Not allowing personal interests to affect your work and properly declaring interests.
- Ensuring that you, your family or your friends, do not gain improper financial or other benefits from the decisions or actions you take whilst working for the Council.
- Always declaring any interests you have outside work that relate to your work for the Council and any actual or potential conflicts of interest.
- Complying with the Council's constitution, policies and procedures and your own regulatory and professional standards as they apply to your role.
- Reporting any concerns or breaches of this Code or other Council's policies, unlawful behaviour or actions or other information that could lead to serious harm, whether by yourself or by others, to your manager or in accordance with the Council's whistleblowing policy. Examples of other information includes individuals misusing their position, suspicions that a colleague is under the influence of alcohol or drugs at work, suspicions that conduct or behaviour could harm a child or vulnerable adult or suspected breach of health and safety requirements. If you are unsure whether to report something or what is expected of you, you should raise this with your manager, director, human resources or the Monitoring Officer.

In this Code, Director includes the Chief Executive, Executive Director and Director and Senior Officer including Heads of Service and Director.

2. Principles

2.1 This code meets the recommendations of the Nolan Committee on Standards in Public Life. The seven principles for those working in Slough Borough Council to observe are:

- **Selflessness** – you should act solely in terms of the public interest.
- **Integrity** – you must not place yourself under any obligation to people or organisations that might try inappropriately to influence you in your work. You should not take decisions in order to gain financial or other material benefits for yourself, your family or your friends. You must declare any interests and relationships and take steps to resolve any conflicts arising in a way that protects the public interest.
- **Objectivity** – you must act and take decisions impartially, fairly and on merit using the best evidence and without discrimination.
- **Accountability** – you are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.
- **Openness** – you should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty** – you should be truthful.
- **Leadership** - you should promote and support these principles by leadership and by example and be willing to challenge poor behaviour wherever it occurs.

2.2 Whilst working for the Council

You must:

- Comply with the Council's constitution, service requirements, policies, standards, relevant legislation and professional standards which apply to your role.
- Comply with the procurement rules and financial regulations on the award of contracts and orders.
- Declare to your Director any potential or actual conflicts of interest or relationships that may impact on your work or that of the Council.
- Report any concerns or breaches of this Code to your manager or in accordance with the Council's whistleblowing policy.
- Ask your manager if you are unsure of what is required of you.

3. Breach of this Code

3.1 Breaches of this Code will be investigated and may result in disciplinary action or termination of your assignment.

4. Political Neutrality

- 4.1 As an officer you work for the Council as a whole. You must not allow your personal political opinions to interfere with providing balanced professional advice. You should refrain from making political comments in public or on social media if to do so could bring the Council into disrepute or this will impact negatively on your ability to undertake your role.
- 4.2 If you are in a politically restricted role, there are additional restrictions on the political activities you can participate in in your private life, as set out in Section 6 below. Political assistants are in politically restricted roles but have specific terms and conditions which permit them to work with a single political group. Political assistants remain bound by this Code and should seek advice if they are unsure about the extent of their role.
- 4.3 There are specific rules in relation to attending a political group meeting. These are set out in the Member Officer Relations Protocol.
- 4.4 No officer can stand for office as an elected member of Slough Borough Council.

5. Working with Elected Members

- 5.1 You serve the Council as a whole and not just Members of the ruling political group.

You must:

- Provide advice based on your professional expertise and in an impartial manner.
- Deal with all Members with respect and in a fair and even-handed manner.
- Ensure that working relationships are kept on a professional basis.

6. Politically Restricted Posts

- 6.1 To ensure political impartiality, certain posts are by law politically restricted. This means that if you hold such a post:

You must not:

- Announce or cause, authorise or permit anyone else to announce that you are, or intend to be, a candidate for election as a member of the House of Commons, the Scottish Parliament, the Welsh Assembly or a local Council.
- Act as an election agent or sub-agent for a candidate for election.
- Hold office in a political party or be a member of any committee or sub-committee of such a party or branch of a party if the duties would be likely to require you to participate in the general management of the party or the branch or act on behalf of the party or branch in dealings with persons other than members of the party or members of another political party associated with the party.
- Canvass at any election for a political party or candidate.

- Speak to the public or a section of the public with the apparent intention of affecting public support for a political party.
- Publish any written or artistic work of which you are the author or one of the authors or have acted in an editorial capacity or cause, authorise or permit any other person to publish such a work or collection, if the work appears to be intended to affect public support for a political party. This restriction only applies to publication to the public at large or a section of the public and does not preclude the display of a poster or other document on property occupied by you as your dwelling or on a vehicle or article used by you (excludes political assistants)

6.2 Human Resources holds a list of the posts that are politically restricted. This includes posts where employees regularly advise Committees or Sub-Committees; and where employees regularly deal with the media on behalf of the Council. The above restrictions are incorporated into the terms of appointment or conditions of employment by law, regardless of whether they are referred to in the written terms and conditions. These will apply at all times while the individual holds the relevant post.

6.3 Political assistants have additional terms and conditions and should seek advice on these as required.

6.4 Any officer in a politically restricted role should seek advice from the Monitoring Officer if they are unsure whether an intended activity is permitted.

7. Working Relationships

7.1 You must demonstrate your commitment to diversity and equality in carrying out the full requirements of your role and behave at all times with respect, courtesy and in a reasonable manner.

- **Elected Members** – you should comply with the Member Officer Relations Protocol when working with Elected Members.

Local community and service users – you should ensure courteous, efficient, impartial service delivery to all groups and individuals within the community in accordance with the Council's policies. You should avoid developing inappropriate personal relationships with residents, clients or service users and ensure you act in the best interests of vulnerable adults and children. At no time should an officer's behaviour or actions damage public confidence in the Council or cast doubt on their honesty or integrity. Information acquired through work must not be misused or improperly disclosed. An officer must not abuse their position or seek to gain a personal advantage from use of their position.

- **Work Colleagues** – your relationship with your work colleagues must be professional, supportive, cooperative and respectful. You must comply with the Council's human resources policies and procedures. Officers must not use their position with the Council for their own advantage. You must tell your manager or the Monitoring Officer about any personal relationship with a colleague that may impact or be perceived to have an impact on your work. You should not have day to day managerial responsibility or decision-making responsibility relating to pay, discipline,

and promotion for someone to whom you are related or with whom you have a close personal relationship. Complaints or allegations about the performance of other employees should be raised with your manager or an appropriate senior officer in accordance with Council procedures.

- **With Managers** – all officers have a joint responsibility to ensure good working relationships. Officers should carry out all reasonable and lawful instructions from their manager to the best of their abilities. The manager is also expected to provide feedback on performance, give advice on how improvements can be made, define what is expected from an officer and deal with concerns about work performance. Even outside formal procedures, managers are expected to provide assistance and support to officers in the performance of their duties.
- **Contractors and suppliers and other partners in service provision** – all your personal or business relationships with external or potential contractors/suppliers/partners outside your Council role must be made known in writing to your Director and you must comply with the Council's procedure for declaring interests. Orders and contracts must be awarded on merit, by fair competition against tenders and no special favour should be shown in the tendering process to businesses run by friends or relatives. No section of the local community should be discriminated against or favoured. Careful records should be kept of all meetings, recording the purpose and outcome of meetings. Guidance on the acceptance of hospitality and gifts should be carefully observed. If at any time an officer considers that a contractor or potential contractor is trying to unduly or improperly influence the consideration of a tender then a Senior Officer must be informed immediately.
- **Candidates for jobs** – all candidates must be appointed on merit. You should not be involved in the recruitment, selection, promotion or appointment of a spouse, partner, close family member or other person with whom there is a close personal relationship. You should not canvass for a job on behalf of a friend or family member. If a candidate is known to you other than as a work colleague, you should disclose this and seek advice on how to proceed.
- **Dealing with the media** – only authorised officers may speak, write or give interviews to the media on behalf of the Council. Media requests should be referred to the Communications Office. This does not apply to an officer acting as a spokesperson for one of the Council's recognised trades unions in the pursuit of legitimate industrial relations activities. If an officer wishes to write any articles or give interviews relating to the work of the Council or which identify the author or speaker as an officer of the Council prior permission must be obtained from their Director. If an officer wishes to speak or write in a personal capacity on a matter unconnected with the Council, they should consider whether the content of such communication could bring the Council into disrepute or impact negatively on their ability to conduct their role, including in relation to effective working relationships.

8. Use of social media

8.1 The communications and social media tools that the Council provides are intended for the Council's business only.

8.2 Information that you publish, share or respond to on social media (whether at home or at work) can be seen to represent the Council or affect the Council's reputation. You should ensure that information you publish, share or respond to outside of work, or which is published through accounts you are responsible for, does not:

- Disclose confidential or personal information obtained through your work with the Council without explicit consent;
- Publish information that is the Council's property;
- Provide misleading information about the work you do for the Council;
- Make negative comments about the Council, colleagues, residents or service users or anyone else linked to the Council;
- Make offensive, defamatory or discriminatory remarks;
- Display offensive photographs or images;
- Express political views which could bring the Council into disrepute or impact negatively on your ability to work for the Council, including with its elected members;
- Express views that are contrary to the Council's policies, with the exception of responding to consultation by the Council on its activities;
- Use social media to bully or harass colleagues or anyone else linked to the Council;
- Publish anything else that may adversely affect the Council's reputation.

9 Duty to Declare Interests (pecuniary and non-pecuniary)

- You are responsible for declaring in writing to your Director any interest (financial or non-financial) relating to yourself, a family member or friend which conflicts or appears to conflict with the Council's interests and the requirement for you to conduct yourself with integrity, impartiality and honesty.

9.1 This includes interests, relationships and associations related to:

- The award of contracts
- The supervision of contracts
- The recruitment, promotion and management of personnel
- The provision of services to members of the community
- The awarding of grants to any voluntary organisation with which you are connected
- Access to confidential information
- The sponsorship of community organisations or events

- 9.2 You must not gain a financial benefit from your role over and above your proper remuneration. Section 117 of the Local Government Act 1972 prevents the acceptance of any fee or reward whatsoever other than proper remuneration. Non-compliance is a criminal offence.
- 9.3 You must declare membership of any organisation or pressure group which may seek to influence the policies of the Council.
- 9.4 You must declare membership of any organisation whose membership is not open to the public and that has a commitment of allegiance or whose rules or membership or conduct are secret. This includes the freemasons.
- 9.5 Your actions during your off duty hours can impact on your employment with the Council. Subject to the Rehabilitation of Offenders Act 1974, you must declare any criminal charges, criminal prosecutions and sentences including cautions.
- 9.6 You must declare if a family member, partner or close friend becomes a Councillor.
- 9.7 The relevant Director will maintain a departmental register of the above declarations.

10 Outside Work (paid, unpaid or voluntary)

- 10.1 You are not prohibited from undertaking outside work whether paid or unpaid providing that, in the Council's view, this does not conflict with or be to the detriment of your role with the Council or conflict with the Council's interest.
- 10.2 You must obtain written consent from your Director in advance, if seeking to undertake outside work.
- 10.3 Where outside work has been authorised, you must not use the Council's facilities (including telephone, photocopies, computers/software, accommodation) for such work unless authorised to do so.
- 10.4 Examples of outside work include, but are not limited to:
 - Being a director, agent or professional advisor to a company.
 - Consultancy work.
 - Lecturing.
 - Being a school governor, special constable or magistrate.
 - Volunteer with a charity/voluntary organisation.
 - Driving a mini cab.

11 Gifts and hospitality

- 11.1 As a Council Officer it is important that you treat any offer of gifts or hospitality with great care as acceptance may call into question your integrity. Officers

should only accept offers of hospitality when representing the Council and where registered with your Director.

You must:

- Make sure that the acceptance of any modest gifts or hospitality is registered with your Director in accordance with the Council's procedures. Modest means gifts such as pens, calendars, diaries, chocolates or flowers commensurate with the occasion and no more than is reasonable.
- Report in writing to your Director all offers of gifts or hospitality even if not accepted by you.

You must not:

- Accept personal gifts (monetary or otherwise), loans, fees, rewards, favours, invitations to social, sporting or other events or any advantage from potential or existing contractors, outside suppliers, planning applicants or their agents, grant applicants.. All such offers must be reported in writing to your Director in accordance with the Council's procedures.

Accept gifts or favours from vulnerable service users to whom you may provide care or support. Offers of such gifts or favours from their relatives and friends must also be refused.

11.2 Where the refusal of an unsolicited gift may cause offence, the gift may be donated to the Mayor's official charity and the donor informed in writing.

11.3 The offering, giving, promising, or acceptance of an inducement or reward for doing or not doing anything or showing favour or disfavour to any person in your official capacity is to act corruptly and is a serious criminal offence under s.1 and 2 of the Bribery Act 2010.

11.4 Care should be taken before accepting places on free conferences and courses, particularly when these may involve the attendance of business and bodies who are interested in providing services to local authorities.

12 Handling Council Money

12.1 The Council is a publicly funded organisation. When dealing with the Council's funds you must be familiar with Contract Procedure Rules, Financial Procedure Rules, Anti-Money Laundering procedures and any other relevant procedures.

You must:

- Use Council funds in a responsible, accountable and lawful way.

- Comply with Financial Procedure Rules and any other relevant procedures.
- Take legal and financial advice where appropriate.
- Seek value for money.
- Report any suspected financial irregularity, corruption or fraud to your manager or via the whistleblowing procedure.

13 Intellectual Property

13.1 The Council retains the intellectual property rights in all work undertaken by its employees. Research, reports, designs, drawings, software development or similar work remain the property of the Council and should not be passed onto a third party without the express consent of the Council in writing.

14. Protecting Confidential Information

14.1 The Council supports open government. The law requires that certain types of information are available to Elected Members, auditors, government departments, service users and the public. Guidance is given in the Constitution on the disclosure of information including the Access to Information Rules and the Member Officer Relations Protocol.

14.2 Unless the individual/organisation gives informed consent to its release, certain information must be kept confidential.

This includes:

- Personal information relating to service users or third parties.
- Personal information relating to employees or candidates for employment.
- Financial or other information which could prejudice the Council's interest, if revealed.
- Information provided by contractors relating to their bids or tenders for a contract. Such information is commercial in confidence both during and for a time after the tender process.

14.3 Maintaining confidentiality of sensitive information is essential. Any such breach could lead to the Council being fined by the Information Commissioner.

You must:

- Comply with the Council's policies and procedures on information security.
- Report any suspected breach of information security.

You must not:

- Use any information obtained in the course of your employment for your personal gain.

- Pass on any such information to third parties.
 - Access or attempt to access information for which you have no access authorisation.
- 14.4 All requests under the Freedom of Information Act 2000 and data protection legislation must be managed in accordance with internal procedures and advice sought on compliance as appropriate.

15. Working Safely

- 15.1 The Council meets its statutory obligations by taking all reasonable and practicable steps to provide a safe and healthy working environment and to ensure that all reasonable steps are taken to protect the health and safety of its service users.
- 15.2 All officers are expected to know and to follow the appropriate health and safety requirements in their work area.
- 15.3 Managers are responsible for arranging appropriate health and safety training for officers.
- 15.4 Any health and safety problems must be reported immediately to the manager responsible for the area concerned.
- 15.5 You have a duty to help prevent accidents and injuries at work by being aware of the policies that apply to your work and complying with them at all times. You must:
- Comply with all instructions relating to health and safety and security procedures;
 - Use the protective clothing and equipment that the Council supplies to you;
 - Follow the health and safety codes of practice and policies which are relevant to your work;
 - Comply with hygiene requirements;
 - At the earliest opportunity, report any hazards, defects, accidents or incidents, including “near misses”, that you become aware of to your manager or supervisor;
 - Not interfere with, or misuse anything provided for health, safety or welfare;
 - Avoid risk of injury or danger to yourself or others;
 - Leave any Council building as soon as the fire alarm sounds and follow instructions of the fire wardens and the person managing the incident;
 - Inform the Council of any other work that you do which, when added to your Council working hours, would take your total working hours above 48 hours per week;
 - Inform the Council of any medical condition you have which would be adversely affected by the work that you are employed to do;
 - Not smoke in any council premises or vehicles.

- Not consume drugs (unless for medical reasons) or alcohol at work and not be under the influence of these in a way which could impact your role. Different roles may require more restrictive rules in relation to consumption of alcohol and drugs.

16 Standards of behaviour and appearance

- 16.1 We have standards of behaviour which we expect from you. They make the Council a good place to work and ensure that colleagues, residents and service users feel welcomed and valued. This includes complying with the Council's commitments to equality.
- 16.2 We will not tolerate unfair, offensive or unlawful discriminatory behaviour carried out by, or against, any member of staff. Discriminatory, unacceptable or offensive behaviour can take many different forms. Remember that your colleagues and our residents may have different standards from you and may be offended or feel harassed by behaviour that you think is acceptable.
- 16.3 If you feel you have been subject to this sort of behaviour or have witnessed this by another officer, it may be appropriate for you to seek to resolve this informally by having a discussion and explaining how this made you feel. If this is not possible or appropriate, or you are dissatisfied with the response, you can speak to your manager or utilise the Council's grievance procedures.
- 16.4 How we look and dress at work has an impact on how people view the Council. We recognise that:
- Different types of dress are needed or appropriate for different types of work;
 - Officers come from a diverse range of backgrounds, cultures and ages with different styles of dress;
 - More casual clothing may be appropriate in certain circumstances or roles.
- 16.5 The Council expects all officers to:
- Have a high standard of appearance and personal hygiene
 - Choose professional and appropriate clothing for the work they are doing
 - Not wear any clothing, badges or other items with political or offensive messages
 - Display a visible Council identification badge when working in a Council building, unless your manager has agreed that this is not necessary;
 - If you have been issued with a uniform or protective clothing, wear this in accordance the instructions
 - Return any issued protective clothing when you no longer need this or leave the Council's employment
 - Only make alterations to protective clothing or uniform for religious or health reasons after obtaining agreement from your manager

17. Use of Facilities

- 17.1 The facilities and equipment provided as part of your work belong to the Council.

You must:

- Comply with health and safety regulations and use personal protective equipment as required.
- Take care of Council property and equipment; keeping it secure; and reporting any breakages or breaches in security.
- Use equipment, vehicles and facilities including stationery, printing, photocopying, and computers for authorised purposes only.

18. Reporting Concerns

18.1 The Council expects its officers to act in the public interest and to report impropriety, breach of procedure or failure in the manner in which services are being provided.

You must:

- Report any activity which you believe is illegal, improper, unethical, dangerous or a breach of this Code.
- Your report should be to your line manager or if more appropriate to a more senior manager or in accordance with the Council's whistleblowing policy.

18.2 The whistleblowing policy gives protection to employees who raise concerns that are in the public interest.

18.3 Concerns about your own employment should be raised with your manager or if more appropriate to a more senior manager or in accordance with the Council's grievance policy.