

<b>MEETING</b>	<b>EMPLOYMENT &amp; APPEALS COMMITTEE</b> (Councillors Brooker (Chair), Chaudhry, B Bains, Bedi, N Holledge, Hussain, Sabah, Sarfraz and Smith)
<b>DATE AND TIME:</b>	TUESDAY 23 <sup>RD</sup> OCTOBER, 2018 AT 6.30PM
<b>VENUE:</b>	VENUS SUITE 2, ST MARTINS PLACE, 51 BATH ROAD, SLOUGH, BERKSHIRE, SL1 3UF
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	CATHERINE MEEK 01753 875011

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



**JOSIE WRAGG**  
Chief Executive

**AGENDA**

**PART 1**

<u>AGENDA</u> <u>ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
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Apologies for absence.

**CONSTITUTIONAL MATTERS**

1. Declarations of Interest

*All Members who believe they have a Disclosable Pecuniary or other Pecuniary or non pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 3 paragraphs 3.25 – 3.27 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.*

*The Chair will ask Members to confirm that they do not have a declarable interest.*

**AGENDA  
ITEM**

**REPORT TITLE**

**PAGE**

**WARD**

*All Members making a declaration will be required to complete a Declaration of Interests at Meetings form detailing the nature of their interest.*

2. Minutes of the Meeting held on 19<sup>th</sup> June, 2018 1 - 4

**SERVICE IMPLEMENTATION ISSUES**

3. Employment Policies and Procedures 5 - 52
4. Implementation of the 2018-20 NJC Pay Award To Follow
5. Temporary Agency Staff - Progress on Implementation and Baseline Monitoring 53 - 64
6. The Slough Academy - Update 65 - 80
7. Attendance Record 81 - 82
8. Date of Next Meeting - 24<sup>th</sup> January, 2019

**Press and Public**

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Please contact the Democratic Services Officer shown above for further details.

The Council allows the filming, recording and photographing at its meetings that are open to the public. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings. Anyone proposing to film, record or take photographs of a meeting is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

**Employment & Appeals Committee – Meeting held on Tuesday, 19th June, 2018.**

**Present:-** Councillors Brooker (Chair), B Bains, Bedi, N Holledge, Hussain, Sabah and Smith (until 7.15 pm).

**Apologies for Absence:-** Councillor Chaudhry and Sarfraz

**PART 1**

**4. Declarations of Interest**

None

**5. Minutes of the Meeting held on 11 April and 17th May 2018**

The minutes of the meetings held on 11<sup>th</sup> April and 10<sup>th</sup> May 2018 were taken as read signed by the Chair as a correct record subject to minute 36 being amended to read 'extensive consultation..' and minute 2 resolution (b) being amended to read 'as set out...'

**6. Appointment of Sub Committees**

The Committee considered a report seeking the appointment of the Appeals Sub Committee and Appointments Sub Committee and the allocation of seats on those sub committees.

Resolved:

- a) That the Appeals Sub-Committee and Appointments Sub Committee be appointed for the 2018/2019 Municipal Year;
- b) That the terms of reference of the Sub Committees be as set out in Appendix A of the report;
- c) That seats be allocated to the Sub-Committees as shown in paragraph 5.1 of the report;
- d) That Members be appointed to serve on the Sub-Committees in accordance with the wishes expressed by Political Groups in respect of seats allocated to them as set out in paragraph 5.1.
  - Appeals Sub Committee – Councillors Davis, M Holledge, Plenty, Rasib and Smith.
  - Appointments Sub Committee – To be advised

**7. Temporary Agency Staff**

## **Employment & Appeals Committee - 19.06.18**

The Committee considered a report on the Council's spend on Temporary Agency Staff contracts via Matrix SC for quarter 4.

The Report set out spend broken down by Directorate against comparison year periods 2015/16 to 2017/18. The Contract had been successful in controlling and improving governance around departmental engagement of agency staff and to an extent had reduced spend due to non compliance to corporate policies. The contract would continue to be monitored and spend outside the Matrix contract challenged to ensure placements were in accordance with the Council's Constitution.

Members were advised that work was due to commence in mid June to produce an options appraisal for the agency staff contract for the future. In conjunction with the Council's programme for reducing agency staff, there were a number of possible options to assist the Council achieving its targets and costs. The current contract came up for renewal/re-procurement in January 2019 and the Committee would be kept updated on progress.

Members discussed the report and were assured that there was a system in place to see that people were not in place over a certain number of months. Work was ongoing with Directorates to reduce long-term placements and, where specialist skills were required, the Sough Academy scheme would assist in developing skilled staff. Some members felt that more analysis of historic data was required to gauge whether the Council's strategy to reduce spend on agency staff was effective.

The Committee Noted the report and Resolved

(a) that a report be provided to the next meeting (23<sup>rd</sup> October) setting out:

- benchmarking information against other similar authorities for typical agency staff spend, duration of contract etc
- the work being undertaken/strategy to reduce/tackle use of temporary agency staff.

(b) That information on temporary agency staff for the DSO be reported separately

## **8. Actions Speak Louder...Programme Action Plan**

The Committee received a report detailing feedback and an action plan of next steps from the Actions Speak Louder.. Programme.

Members were advised of the key aims and learning outcomes of the Programme and the recommendations for action following feedback from the workshops. Subject to Corporate Management Team approval the Council would implement the next steps in the Programme by working with teams across the organisation to embed further how each employee can live their

## **Employment & Appeals Committee - 19.06.18**

values consistently for the benefit of Slough through better service to their customers.

Members discussed the Programme to date and comments included:

- Whether the Programme had had any impact on the number and types of grievances being lodged by staff. Members were advised that it was too early to gauge at this stage but that the Committee would be advised in the next progress report.
- Whether the workshop had been mandatory and all staff had attended. Members were advised that it had been mandatory and 70% of the current staff had attended.
- A concern that the Programme had not sufficiently addressed challenging Member behaviour or reinforced values around conduct and behaviours and that the Programme was not linked with the work the Monitoring Officer was undertaking on addressing with member behaviour and conduct.

Resolved

(a) That a progress report be submitted to the next meeting on:

- The next steps to be taken on the Programme
- The tangible themes for the next stage of the Programme;

(b) That the Committee's concerns about addressing Member behaviour be considered further..

### **9. Slough Academy update**

The committee received a report on the new Operating Model to deliver the Council's Apprenticeship Scheme through 'The Slough Academy'. The report also highlighted the key drivers behind the Academy and illustrated the benefits for the workforce and Slough's residents.

Members welcomed the Slough Academy and the enhancement it would bring to the current Apprenticeship Scheme and support to future workforce development initiatives. In response to questions, members were advised that the current service would be decommissioned and the Council would be looking for an external provider. Existing staff would be able to apply for new roles that would be available.

The Committee noted the report and requested a progress report to the next meeting.

### **10. Progress on implementation of self service element of the financial and human resources system - Agresso**

## **Employment & Appeals Committee - 19.06.18**

The Committee considered a report setting out progress following the introduction of the self service function of the Financial and Human resources System (Agresso) and setting out an example of a report on the workforce profile from the system.

Members were advised of the background to the system, current activities, wider Council impact and next steps for implementation.

The Committee Noted the report.

### **11. Attendance Record**

Noted

### **12. Date of Next Meeting**

23<sup>rd</sup> October 2016

Chair

(Note: The Meeting opened at 6.30 am and closed at 7.45 pm)

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Employment and Appeals Committee

**DATE:** 23 October, 2018

**CONTACT OFFICER:** Surjit Nagra, People Service Lead

**AUTHOR:** Michelle Higgs, HR Policy Manager  
For all enquiries (01753 875788 ext. 5788)

**WARD(S):** All

**PART I  
FOR APPROVAL****EMPLOYMENT POLICIES AND PROCEDURES****1. Purpose of Report**

1.1 This report seeks approval from the Employment and Appeals Committee for the following new, amended and updated HR Policies and Procedures:

1. revisions to the Disciplinary Policy and Procedure
2. new Volunteering Policy
3. minor amendment to the Redeployment Policy and Procedure
4. amendments to the relevant HR Policies to ensure compliance with the General Data Protection Regulations
5. update proposed to the Recruitment and Selection Policy and procedure to enhance and update the document to reflect changes to the safeguarding requirements

**2. Recommendation(s)/Proposed Action**

2.1 The Committee is requested to approve the new, revised and updated policies and procedures outlined in this report.

**3. Supporting Information**

3.1 The People Service has a programme of work to review all employment policies and procedures. This programme of work is to ensure the policies and procedures:

- comply with employment legislation and any changes in statutory provisions
- reflect the Council's strategic aims
- continue to reflect best practice
- are user friendly for both managers and employees
- work together cohesively
- incorporate any lessons learned from casework

- 3.2 The opportunity to refresh these policies will ensure they reflect our new employment branding and incorporate guidance and toolkits (containing standard letters) to enable managers to apply the process.
- 3.3 A summary of the new policies and the revisions and updates to policies is outlined below.

#### **4 Disciplinary Policy and Procedure**

- 4.1 The Disciplinary Policy and Procedure is a key HR policy. Its purpose is to set and maintain standards of conduct within the Council, and in doing so, ensure that all employees are treated fairly and consistently. It is designed to help and encourage all employees to achieve and maintain satisfactory standards of conduct. Revisions to this policy have taken into account learning from recent casework and employment tribunal findings.
- 4.2 The main areas in the document that have been revised are as follows:
- clarity around about the role and responsibilities of the investigating officer
  - greater guidance in respect of dealing with cases where there are safeguarding concerns
  - how to progress cases if an employee is absent or resigns during the course of the process
  - greater emphasis on how to handle low level disciplinary matters through informal action
  - removal of second formal warning stage to ensure consistency of application.

The revised policy and procedure is appended as Appendix 1.

One key outcome from the review of this policy was that some investigations are not completed in a timely manner. To address this People Services is training managers to undertake investigations so that we can have a 'pool' of managers trained to undertake the investigations when the need arises.

#### **5. Volunteering Policy**

- 5.1 Slough Borough Council recognises the benefits that volunteers bring to the organisation. Residents who volunteer for Slough Borough Council are able to gain skills and experience which support their health and wellbeing and may also use the skills they gain to support access into education, employment and training opportunities.
- 5.2 Benefits to the organisation include being able to demonstrate that it supports volunteering and recognises the benefits it brings brings to local residents. The Council is also able to gain further insight into the needs of the local community through volunteers and use this knowledge to shape local services.
- 5.3 People Services has updated the policy to ensure it is in line with current legislation and good practice.



- 5.4 The Policy clarifies the process that internal departments should follow when recruiting volunteers to ensure we have a clear governance structure. It also outlines the checks that departments must make to ensure that the Council fulfils its safeguarding responsibilities towards vulnerable adults and children including training requirements for volunteers, which are key to our S11 duties.

The revised policy and procedure is appended as Appendix 2.

## 6. Redeployment Policy and Procedure

- 6.1 The wording in the Redeployment Policy and Procedure (2016) relating to protection of earnings was not clear and was causing confusion regarding its application.
- 6.2 The agreed practice is that employees who have pay protection do not receive the annual increments in their new role. However they would be entitled to the annual cost of living awards if they were applied during the “protected period” as this would reduce the detriment. We have noticed that the following sentence in the policy however does not reflect this because it states the employee would not receive the pay award.

**“An employee, who is redeployed to a suitable alternative post which is one grade lower, will receive protection of earnings (basic pay plus local weighting allowance) for a period of 1 year. Their salary will be frozen at its current level and the employee will not receive annual pay awards. At the end of the protection period the employee will be placed on the salary grade relevant to the redeployed post”.**

- 6.3 We therefore propose to remedy this by replacing the text with **“the employee will not receive annual increments but will be entitled to pay awards applicable during the protected period”**. Trade unions are fully supportive of this change of wording.

## 7 General Data Protection Regulations (GDPR) 2018

- 7.1 Under the GDPR 2018 it makes reference that inappropriate access or disclosure of employee data will constitute a data breach. To ensure we comply with the requirement we will be adding appropriate wording to the relevant HR policies. This will state that data collected as part of the relevant HR Policy and Procedure will be held securely and accessed by and disclosed to individuals only for the purposes of completing the procedure. Any data breach will be reported under the Council’s Data Protection Policy. Any breach related to this may also constitute a disciplinary offence which will be dealt with under the disciplinary policy and procedure.

8. We are proposing a review of our current Recruitment Policy and Procedure and associated guidance to ensure it meets recent developments relating to safer recruitment practices and safeguarding requirements. We will bring an update to the next EAC in respect of this work.

## 9 Consultation

Consultation has taken place with the Trade Unions and Employee Engagement Forum. Members of the Corporate Consultation Forum have been consulted. In addition, feedback was sought from SLT and CMT.

## 10. Implementation Process

The implementation process will include various methods of communication including;

- Newsround
- HRBPs to provide updates at Senior Management Team Meetings
- HR Policy update briefings

## 11. Background Papers

None.

## 12. Appendices

Appendix 1 – Disciplinary Policy and Procedure  
Appendix 2 – Volunteering Policy

## DISCIPLINARY POLICY AND PROCEDURE

LOGO

Policy Schedule		
Policy owner and lead	PEOPLE SERVICES: HR Policy Manager	
Consultation	Trade unions	
	Employee engagement forum	July 2018
	CMT & SLT	July 2018
	CCF	July 25 2018
Approving body	Employment & Appeals Committee	
Date of approval		
Date of implementation		
Version number	V12 (August 2018)	
Related documents	Code of Conduct Whistleblowing Policy Safeguarding TBC DBS Policy References Guidance Data Protection Policy Drugs and Alcohol Policy Capability Policy and Procedure	
Review interval	Three yearly (July 2021)	

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## **POLICY STATEMENT**

The Council promotes and expects high standards of behaviour and conduct for all employees and takes appropriate corrective action where those standards are not met. The Council's Disciplinary Policy and Procedure provides a framework for ensuring that employees are made aware of unacceptable conduct and for developing ways of correcting any such issues when required.

Disciplinary rules and procedures are designed to assist in the standard setting for conduct and behaviour. It is important that managers and employees understand them.

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 and relevant legislation including the Employment Act 2008.

## **1. SCOPE**

- 1.1 This procedure applies to all employees at Slough Borough Council. It excludes employees who are within their probationary period of service (refer to the Probationary Procedure). It also excludes the Chief Executive, Appointed S151 Officer and the Monitoring Officer and all staff employed under JNC Conditions for Chief Officers, who are covered by separate procedures [\(insert link\)](#). This policy does not apply to school-based staff who are under the control of Governing Bodies or to Volunteers and Agency workers.

## **2. KEY PRINCIPLES**

- 2.1 All records will be kept confidential and retained in accordance with the Data Protection Act 2018. All matters relating to disciplinary issues or outcomes must be kept strictly confidential by managers and employees unless relevant to the investigation process. Data collected as part of the investigation stage and any subsequent stages of disciplinary action must be held securely and accessed by and disclosed to individuals only for the purposes of completing the disciplinary procedure. Inappropriate access or disclosure of employee data 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.
- 2.2 Where any deficiencies in the performance on the part of the employee arise from a lack of aptitude or skill rather than any wilful or negligent failure to carry out their duties the Capability Procedure will apply.

- 2.3 In exceptional circumstances where a member of staff with a disability requires additional support, reasonable adjustments will be made, for example their support worker can accompany them.
- 2.4 Separate guidance exists for dealing with problems arising from alcohol dependence or substance abuse ([insert link](#) to Drugs and Alcohol Policy). However, significant problems of misconduct arising from behaviour 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.
- 2.4 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 on such malpractice. Please see the Council's Whistleblowing Policy ([insert link](#)).
- 2.5 Council employees are expected to maintain standards of conduct both at work and outside of work. The Council's Code of Conduct (and relevant professional Codes of Conduct) expands further on some of these standards ([insert link](#)). Examples of misconduct are listed in Appendix 6.
- 2.6 Audio or visual recordings at any stage of the Disciplinary Procedure will not be permitted.

### **Referrals to Professional Bodies and the Disclosure and Barring Service**

- 2.7 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. 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.
- 2.8 There may be a need to refer the circumstances of a particular case to other professional bodies, e.g. The Teaching Agency
- 2.9 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 ([insert link](#)).

## **PROCEDURE**

### **3. PRELIMINARY INVESTIGATION**

- 3.1 When an alleged misconduct emerges a preliminary investigation needs to be undertaken as soon as possible by the line manager or another nominated manager and reviewed with the People Services HR Business Partnering Team. The aim of the preliminary investigation is to gather sufficient evidence to determine if a problem exists and if a formal investigation is required. 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 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. Unavailability of the representative will not however delay the meeting.
- 3.2 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.
- 3.3 Some workplace disciplinary offences may also be criminal offences such as theft, fraud, or sexual offences. In these instances, there may be a duty to advise the police. Advice from the HR Business Partnering Team should be sought before disciplinary proceedings are embarked on. The Council's Audit Section must be informed if the case involves any financial irregularities.
- 3.4 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 Service Lead, Regulatory Services and the Council's Monitoring Officer.
- 3.5 The preliminary investigation may recommend an alternative resolution to a formal investigation. Please refer to Section 6 of this Policy, Informal Action.
- 3.6 If no further action is taken all information gathered as part of the preliminary investigation will be destroyed in accordance with the requirements of the General Data Protection Regulations.
- 3.7 If it is found that a problem exists and a formal investigation is required, then consideration needs to be given to the seriousness of this and whether suspension needs to take place. In cases of potential gross misconduct depending on the nature of the gross misconduct it may be possible to find alternative work as suspension should be avoided if at all possible. Please refer to Section 5 of this policy, Suspension.

### **Investigations involving multiple employments / working**

- 3.9 It is possible for employees to have more than one employment relationship with Slough Borough Council. Following a concern being raised, an assessment of the situation will be carried out to consider whether the concern is relevant to one or both/all of the employment relationships. This assessment should be reviewed throughout the investigation to ensure the situation is managed appropriately.

## **4 SAFEGUARDING**

- 4.1 Allegations concerning those working with children should be dealt with under the Local Safeguarding Children Board (LSCB) guidance, which sets out how to manage allegations which concern both adults at risk and children through liaison between the LSCB Local Authority Designated Officer (LADO) and the Adults Local Authority Designated Officer (ALADO).

- 4.2 Disciplinary investigations need not wait until after the resolution of any safeguarding concerns (unless there are on-going police enquiries in which case the HR Business Partnering Team will advise when the investigation should commence). Please refer to Section 13 of this Policy.

### **Resignation during investigation**

- 4.3 It is important that every effort is made to reach a conclusion in all cases of safeguarding allegations that have a bearing on the safety or welfare of children or vulnerable adults. If an employee tenders their resignation or refuses to co-operate with the process, this will not prevent the investigation into a safeguarding allegation continuing in line with safeguarding procedures. Wherever possible, the person should be given a full opportunity to respond to the safeguarding allegation and make representations about it. In respect of cases other than safeguarding, the employee's resignation will be considered and accepted if there are no underlying reasons to do otherwise. Any future reference request provided by the council will state the reason for leaving.

### **Absence of employee at Hearing**

- 4.4 In cases where it is necessary to proceed with a hearing in the absence of the employee and it is known this will be necessary in advance of the hearing, the employee will be offered the opportunity to make additional written submissions to the hearing and/or allow their representative to make statements on their behalf at the hearing. Where non-attendance is not known in advance, after consideration of the circumstances, if postponement is not considered appropriate, the hearing will proceed with consideration of any written submission from the employee already received and, where requested and available, appropriate contributions from their representative.
- 4.5 Similar consideration as outlined above will be given to the need to proceed with investigatory processes in the employee's absence, where this is appropriate.
- 4.6 If the case is a safeguarding matter, managers should refer to the Safeguarding Policies for Children and Adults. It may be necessary to conduct a hearing in their absence and reach a judgement about whether the safeguarding allegation can be



regarded as substantiated on the basis of all the information available. In these circumstances, the hearing panel may also make a decision regarding the sanction that would have been applied had the employee remained in employment.

## **5. SUSPENSION**

- 5.1 Suspension, or temporary removal of the employee from the workplace, may be necessary in serious cases where it would be detrimental to allow the employee to remain at work pending completion of an investigation and any disciplinary hearing, as there may be a potential risk to the employee, colleagues, or other individuals, or risk to the investigation itself.
- 5.2 If it is necessary to suspend an employee, formal approval should be taken from the Director of the employing directorate or nominated Service Lead in consultation with Human Resources. Please see Suspension Decision Form [\(insert link\)](#). The suspension must be confirmed in writing at the time of the suspension or within 5 working days. As far as possible it should be agreed with the employee what will be communicated to the employee's colleagues regarding the reason for the absence from the workplace. The employee should be asked to confirm their full contact details and e-mail address if available. Please refer to the Suspension Conversation Checklist [\(insert link\)](#)
- 5.3 A Contact Officer will be nominated by the Commissioning Manager. 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. However should there be a valid reason for why the Contact Officer is not suitable then the Commissioning Manager should consider appointing a new Contact Officer. The Contact Officer must not be connected to the investigation or the suspended employee. They will provide the employee with a communication link with the council should the suspended employee need to contact members of staff during the suspension including making arrangements for witnesses to attend a formal hearing on their behalf. This is a neutral role and the Contact Officer may be asked to pass on information regarding the progress of the investigation as well as any update on team or organisational changes.
- 5.4 Consideration should be given to whether there is a viable suitable alternative to the suspension, e.g. a temporary transfer to another location or post. Employees will normally be suspended in cases of potential gross misconduct but depending on the nature of the gross misconduct it may be possible to find alternative work. 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).
- 5.5 Suspension must be subject to regular review by the Commissioning Manager (every 4-6 weeks) and may need to continue beyond the period of the investigation. This must be confirmed in writing to the employee by the Commissioning Manager. The investigating officer should update the employee regularly on progress towards completion of the investigation, and ensure the Contact Officer is updated similarly.

- 5.6 In the employee's absence their 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.
- 5.7 The suspended 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.
- 5.8 The suspended employee will be provided with information in respect of the EAP support that is available in the suspension letter. [Insert link EAP.](#)

## **6. INFORMAL STAGE**

- 6.1 If conduct is not satisfactory but is minor in nature, for example a pattern of late arrival for work/issues with punctuality, then a manager can take informal management action. This is not formal disciplinary action and is not a disciplinary warning. The concerns should be discussed in a private meeting between manager and employee. Examples of circumstances where informal management action might be appropriate are:
- 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.
  - Employee's conduct needs addressing but a formal sanction is considered too severe, e.g. an issue that could be resolved through improved self-awareness.
- 6.2 The format of the meeting should include;
- A clear explanation of why the employee's conduct is unsatisfactory.
  - Listen to the employee's response.
  - The required level of improvement discussed and (wherever practicable) agreed with the employee. These should be in measurable terms such as quantity, quality, frequency, timing, etc.
  - How management will assist the employee (if applicable) to meet the required standards.
- 6.3 A written record of the meeting should be provided to the employee confirming the informal management action taken.

## **7. INVESTIGATIONS**

- 7.1 Before taking any disciplinary action an appropriate investigation must be undertaken. Usually it is the line manager who commissions an investigation (they become the Commissioning Manager at this point). They will commission another manager (who could be from another directorate) to undertake the investigation and take the role of Investigating Officer. The Investigating Officer should be provided with sufficient dedicated time to complete the investigation within a reasonable timeframe (4-6 weeks). In some more complex cases it may be appropriate to appoint an external Investigating Officer. The People Services Business Partnering HR team will support the Investigating Officer in respect of carrying out the responsibilities of their role but will not take part in the decision making process.

7.2 An investigation will normally be concluded within 4-6 weeks. Where it is envisaged this will not be possible the employee should be informed by the Investigating Officer and they should be kept regularly updated in respect of the progress of the investigation.

7.3 The Investigating Officer 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/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
- ensure the employee under investigation is:
  - notified as quickly as possible in writing of the investigation
  - 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
- confirm conclusion of the investigation with People Services HR Business Partnering team

7.4 At the end of the investigation stage, the Investigating Officer will provide a report to the Commissioning Manager which confirms:

- whether there is no case to be answered and no further action required
- whether it can be dealt with informally (there may be an alternative solution i.e. management recommendations, that does not lead to formal disciplinary, but may be dealt with informally by line manager or via another policy)
- recommend if there is a case to answer at a formal disciplinary hearing.

7.5 If there is a case to answer at a formal disciplinary hearing the Investigating Officer will:

- confirm if the allegations constitute misconduct or gross misconduct. Examples of actions, which may constitute misconduct and gross misconduct, are given at Appendix 6. This is not an exhaustive list and is dependent upon the circumstances of the case.
- present the report and case at the formal hearing. This includes putting together the “bundle” of all the documents and evidence to be relied upon in their presentation.
- make any additional management recommendations if appropriate to be considered separate to the disciplinary hearing, confirming details of whom and how the recommendations will be reviewed.

Please refer to Appendix 2 for guidance on how to carry out an investigation and Appendix 3 Investigation Report Template.

## **8. NOTIFICATION OF DISCIPLINARY HEARING**

- 8.1 If as a result of the investigation there is a case to answer a disciplinary hearing will be convened by the Commissioning Manager to consider the allegations. This decision must be taken in consultation with People Services HR Business Partnering team.
- 8.2 The employee will be advised in writing by the Commissioning Manager that the matter is progressing to a formal disciplinary hearing and the date of the Hearing to take place within 25 working days and will provide at least 15 working days written notice. Shorter notice of the hearing may be mutually agreed. In exceptional circumstances, a deferment where further time is required to prepare for a hearing will not be unreasonably refused, but such a deferment will not normally exceed 5 working days.
- 8.3 The letter should include as appropriate:-
- a) Date, time and place of the hearing
  - b) The specific allegations against the employee;
  - c) The names and job titles of the members of the Panel conducting the hearing;
  - d) The name of the Investigating Officer presenting the management case;
  - e) Copies of all written evidence which will be referred to by management side (the "bundle") including a copy of the Investigation Report;
  - f) Names of any management witnesses who will be attending in person at the hearing;
  - g) The employee's right to be accompanied by a Trade Union representative or work colleague or in exceptional cases their support worker where the employee has a disability, see 2.3 above (a second copy of the letter should be provided for use by the representative);
  - h) Reference to the employee's right to call his/her own 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 hearing;
  - i) A copy of the disciplinary policy and procedure and the notification of the disciplinary actions that may be taken by the panel (e.g. if dismissal could be considered);
  - j) The requirement that the employee should confirm his/her attendance at least 5 working days prior to the hearing;
  - k) Consequences of non-attendance (i.e. that the hearing can proceed without the employee).
- 8.4 The letter should be sent to the home address by recorded delivery and home e-mail if available and marked private and confidential.
- 8.5 The suitability of the venue and arrangements for the hearing should ensure equality of access, for example the hearing may need to be held at a specific venue or location that is away from the workplace to ensure confidentiality.

## 9. DISCIPLINARY HEARINGS

### The Disciplinary Panel

- 9.1 The Panel hearing the case will normally consist of three officers:-
- a nominated manager to chair the hearing (normally from the employee's directorate)
  - another manager independent from the section or service concerned
  - a Human Resources representative.

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

- 9.2 The authority to chair a disciplinary hearing will be dependent on the potential sanction that may be applied and the nominated manager will be as follows:
- Disciplinary action up to and including dismissal - Service Lead or Director
  - Disciplinary action up to final written warning - Senior Manager /Service Lead

### Witnesses

- 9.3 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 hearing, as indicated above, and witness statements should be provided by both sides, wherever possible.
- 9.4 Where the employee who is the subject of the disciplinary hearing 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. They should liaise with their Contact Officer to make arrangements for witnesses to be released.

### The Disciplinary Hearing

- 9.5 The Council has a guide for the hearing 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. The Chair of the Panel must arrange for a note taker. In accordance with the order laid out in the guide, the Investigating Officer and employee are invited to present their cases in relation to the allegations and call witnesses. The manager, employee and panel are able to ask questions of the Investigating Officer and employee and any witnesses.
- 9.6 A disciplinary hearing panel may receive a request to present information or evidence to the panel during the disciplinary hearing that has not previously been seen by either the Investigating Officer or by the employee. The panel should consider the reason why this information was not made available prior to the hearing, its relevance to the proceedings, and whether it is reasonable to include the reviewed information. The panel should decide whether the information should be included or whether the hearing should be adjourned to permit additional investigation to take place.

- 9.7 It may be necessary for brief adjournments to take place during disciplinary hearings. Either party may request an adjournment. The Chair will consider these requests. 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.
- 9.8 The Chair of the Panel presents the decision. This will normally be given verbally to both parties following the hearing. The decision of the Panel should be confirmed in writing by no later than 5 working days after the end of the hearing, together with information on the right to appeal. A copy of the outcome letter will be retained on the individual's personal file for the length of time stipulated in the letter. Notes of the hearing will be taken to support the panel. 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 hearing. The notes are for information only as record of the event and should not be taken as full and formal minutes of the meeting.
- 9.9 The panel may decide;
- there is no case to answer,
  - to refer the case for further investigation,
  - to take disciplinary action, in the form of a warning or sanction, and additionally,
  - to make management recommendations (that may include allegations/investigation against other employees) along with the details of who and how the recommendations will be reviewed.
- 9.10 The severity of the sanction imposed will relate to the gravity of the misconduct and before reaching a decision consideration should be given to:-
- a) the gravity of the offence and the evidence given at the hearing;
  - b) the employee's explanation;
  - c) whether, on the balance of probabilities (i.e. that it has more likely to have happened than not) the Panel considers the allegation(s) has/have been proven;
  - d) the employee's disciplinary record and general service;
  - e) any mitigating circumstances;
  - f) whether the proposed penalty is reasonable in all the circumstances;
  - g) the penalty applied in similar cases in the past, although each case must be treated on its individual circumstances

A checklist to assist in decision taking is attached at Appendix 8.

## 10. DISCIPLINARY ACTION

The following formal actions are available:

- 10.1 **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.

- 10.2 **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.
- 10.4 **Transfer to a lower graded post or differing terms & conditions:** 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 of the directorate should formally approve this sanction before it is communicated to the employee. In these circumstances, no salary or wage protection rights will apply.
- 10.5 **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.
- 10.6 **Dismissal:** An employee’s contract of employment can be terminated in the following instances:-  
(i) if a further instance of misconduct occurs during the currency of a Final Formal Written Warning; and/or  
(ii) for a first incident of gross misconduct.
- 10.7 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.
- 10.8 **Applicability of Warnings**  
Warnings may be applied in sequence. However, the Panel has the discretion to apply the level of warning warranted by the seriousness of the case. In circumstances where an employee is subject to the application of both the capability and the disciplinary procedures, warnings given under the Council’s disciplinary procedure that are still current may also be taken into account when deciding on appropriate action under the Council’s capability procedure and vice versa. The manager should review performance against standards expected and may decide prior to the time of expiry if it is appropriate to extend the warning on file.

## 10.9 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.

## 11. APPEALS

11.1 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 Director to be received within 10 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.

11.2 The letter should state that he/she wishes 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.

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

### 11.4 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/Service Lead 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).

### 11.5 Appeal Panel - Appeals against dismissal

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

- minimum of one Director/Chief Executive ;
- one service lead
- HR representative

### Appeal Hearing Arrangements

11.6 The arrangements for appeals are that the employee will be given at least 10 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.

- 11.7 The letter should include as appropriate:-
- a) Date, time and place of the hearing;
  - b) That the hearing forms part of the Disciplinary Policy and Procedure;
  - c) The employee's right to be accompanied by a Trade Union representative or work colleague (a second copy of the letter should be provided for use by the representative);
  - d) The names of the Panel members conducting the hearing;
  - e) The name of the person presenting the management case;
  - f) Copies of relevant paperwork, including a copy of the Disciplinary Policy and Procedure (the "bundle");
  - g) Name(s) of any management witnesses who will present evidence at the hearing;
  - h) Reference to the employee's right to call his / her own witnesses, present written submissions and witness statements; This information together with a list of names of witnesses to be called should be supplied at least 5 working days prior to the hearing; the written submission should include any papers being referred to;
  - i) That the employee should confirm their availability to attend and whether they will be accompanied at least 5 working days prior to the hearing.
- 11.8 The letter should be sent to the home address by recorded delivery and home e-mail if available and marked private and confidential.
- 11.9 The suitability of the venue and arrangements for the hearing should ensure equality of access, for example the hearing may need to be held at a specific venue or location that is away from the workplace to ensure confidentiality.
- 11.10 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.
- 11.11 It may be necessary for brief adjournments to take place during disciplinary hearings. Either party may request an adjournment. The Chair will consider these requests. 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.
- 11.12 The Chair of the Panel presents the decision. This will normally be given verbally to both parties after the hearing. However it may be agreed with the employee to confirm the decision in writing following the hearing. The decision of the Panel should be confirmed in writing by no later than 5 working days after the end of the hearing, outlining the main issues considered and the decision reached. 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' personal file.

## **12. OUTCOME OF APPEAL PANELS**

- 12.1 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.

### **13. RELATIONSHIPS WITH OTHER PROCEDURES/PROCESSES**

- 13.1 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, 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 any court hearing before deciding on disciplinary action.
- 13.2 A determination may be made at a disciplinary hearing 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 hearing 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.

#### **Criminal Offences**

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

#### **Grievances**

- 13.5 Where an employee subject to the disciplinary procedure raises a grievance advice should be sought from the People Services 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, who will determine the appropriate route for their grievance to be investigated.
- 13.6 The following principles need to be considered:-
- i) 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);
  - ii) generally, an informal grievance would be dealt with during the investigatory stage, a formal stage grievance would be considered at a disciplinary hearing
  - ii) if the matter does not progress to a disciplinary hearing any outstanding grievance may be considered through the grievance procedure in the usual way.

**Capability**

- 13.7 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 refer to the Capability Procedure.

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## **Appendix 1**

### **ROLES AND RESPONSIBILITIES**

#### **MANAGERS**

In applying this procedure managers are expected to:-

- ensure that all employees are aware of the standard of behaviour that is expected of them and the action they face if they fail to meet these standards of conduct;
- ensure, as far as is reasonably practicable, that employees are aware of any specific rules or standards of behaviour within their particular area of work which, if breached, could constitute misconduct or gross misconduct.
- deal with matters confidentially, consistently, promptly, in line with natural justice principles and in a non-discriminatory way;
- seek Human Resources advice at all stages of the procedure in advance of any steps being taken;
- make 'reasonable adjustments' to ensure equality of access is guaranteed for all;
- where allegations are against a trade union official, the manager must inform an appropriate official of the union and the Service Lead People (or their nominee) prior to formal procedures taking place, other than an informal warning;
- ensure that any employee subject to proceedings has a current copy of the procedure;
- keep adequate and accurate records of all disciplinary investigations and hearings
- ensure that all documentation relating to disciplinary issues are retained in accordance with the GDPR.

#### **COMMISSIONING MANAGER**

The Commissioning Manager is usually the line manager of the employee who is subject to the Disciplinary Policy and Procedure. They "commission" another manager (or in some cases an external consultant) to investigate the matter and take on the role of Investigating Officer. They must ensure that the employee is kept apprised of the progress of an investigation and written to with an update within 4-6 weeks. The employee will be advised in writing by the Commissioning Manager if the matter is progressing to a formal disciplinary hearing and the date of the Hearing to take place within 25 working days and will provide at least 15 working days written notice.

#### **INVESTIGATING OFFICER**

The Investigating Officer is commissioned to undertake to investigation into the disciplinary matter. They produce a report for the commissioning manager to confirm their conclusions and the outcome of their investigation. They also present the case for management to a Hearing Panel and Appeal Hearing Panel if the matter progresses to these stages. They should aim to complete their investigation in 4-6 weeks and keep the employee advised of progress and any cause for delay.

## **CONTACT OFFICER**

The Contact Officer role is to ensure that an employee who has been suspended is able to keep in touch with the workplace and the progress of the investigation. The Contact Officer acts as a communication point for the employee if they have any queries or need any information and also passes on information to the employee from their manager/the workplace as required. The Contact Officer will also assist the employee if they wish to call witnesses to attend a hearing on their behalf.

## **PEOPLE SERVICES HR BUSINESS PARTNERING TEAM**

The HR Business Partnering team provide advice and guidance in the operation and application of this policy and its associated procedures. An HR representative may also be a member of a Hearing Panel and in this role will be part of the decision making process.

## **WITNESSES**

Witnesses to potential misconduct will be interviewed as part of the investigation process. Witnesses will be informed by the Investigating Officer that they should keep matters confidential and should not collude with any other witnesses or they could become subject to disciplinary action. Any evidence they provide will be relied on and they may be called to present their evidence at a Hearing. They should only be called where relevant. They should only be present to give evidence and to be questioned. Details of proposed witnesses should be communicated to either party in advance of the hearing and witness statements should be provided by both sides, wherever possible.

Where the employee who is the subject of the disciplinary hearing 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. They should liaise with their Contact Officer to make arrangements for witnesses to be released.

## **EMPLOYEES**

Employees have a contractual responsibility to be aware of and conform to the Council's values, rules, policies and procedures and to co-operate with any investigations, to attend any meetings, interviews and hearings convened in accordance with this policy and its associated procedure.

Employees must arrange for their own representation and present written submissions and witness statements in their response if they wish it to be considered as evidence by the Investigating Officer and Hearing Panel.

They must provide contact details for their representative to the delegated manager or Investigating Officer.

They must provide a list of the names of any witnesses they wish to call to a hearing in writing to the delegated manager at least 5 working days prior to the hearing.

## **TRADE UNION REPRESENTATIVES**

The standards required from employees will apply to Trade Union Representatives. They can attend interviews and hearings in support of the employee but can not answer questions on behalf of the employee.

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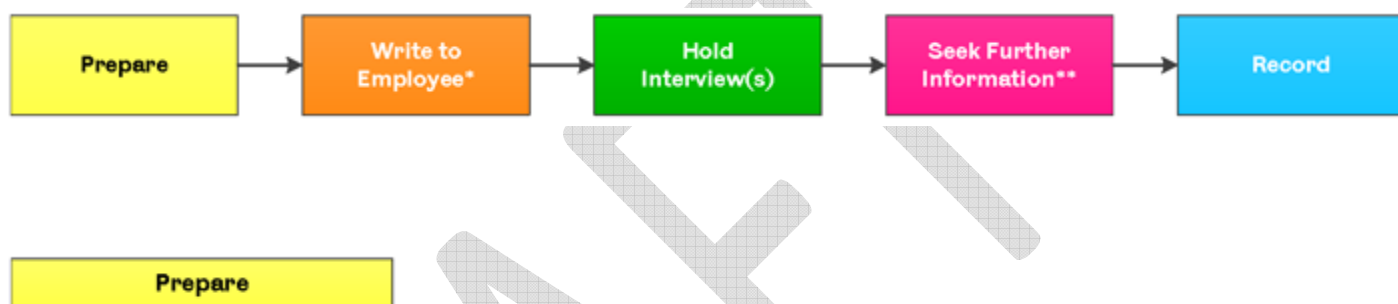
## Appendix 2

### How to carry out an Investigation

#### For the Disciplinary/Grievance Procedures

The below checklist is for guidance purposes only, as it is recognised that a manager will need to determine how best to manage any investigation given the individual circumstances of each case.

***Please ensure that all discussions during this process are fair, appropriate and above reproach.***



- Clearly define the allegations/grievance in need of investigation.
- Consider the nature and likely scope of the investigation based on the allegation/issue(s) of concern. In the case of a formal grievance, the scope of the investigation should be discussed with the employee who has submitted a formal grievance.
- Decide how best to conduct the investigation - In many cases this can be a very simple/quick process, however, this will depend on the specific circumstances of the case e.g. whether the facts are disputed or clear and the seriousness of the matter. An investigation can simply be the gathering of facts looking at existing documentation e.g. relating to the previous in/formal management processes undertaken to address an issue. In other instances it may require the planned and systematic gathering of data, interviewing of relevant witnesses and analysing relevant documents, records, policies, etc. to determine next steps.
- Consider what information you need to gather, from whom and how this will be obtained.
- Consider the timescales of the investigation. Taking into consideration, where appropriate, the need to conduct interviews, collate witness statements, gathering information and write the investigation report etc.
- Identify if there are any potential barriers to obtaining information and how these can be addressed.
- If appropriate, identify any witnesses who could help with investigations, determining whether these should be interviewed or whether a written statement should be sought, Initial contact with a potential witness is often in the form of a telephone conversation or email to: explain the situation; check their potential relevance; seek their agreement to participate in the process etc.

- Consider other resources you may need during the investigations e.g. note taking, specialist advice/guidance.
- If appropriate, prepare interview plan(s) and consider the specific issues that need to be explored during these interviews.
- Prepare the questions you may wish to ask, ensuring that the questioning (open, closed and probing questions) is appropriate e.g. for obtaining information/facts, exploring feelings or opinions. Avoid using leading questions.
- If appropriate, provide regular updates to those involved.
- **PLEASE NOTE:** It may be necessary to continually consider the need to amend your plan depending on the findings throughout the investigation.

#### Write to Employee\*

#### \*and Witness(s) if applicable

- Any employee subject to an investigation should be made aware that an investigation will be undertaken, and should be provided with a brief summary of the reasons for this and the practical measures involved.
- Include any paperwork/information which will be needed to be seen or considered prior to the interview.
- Advise and if necessary assist the employee (\*and any witnesses) to access the counselling and support available to them.
- Take appropriate steps to ensure the confidentiality of the investigation process.
- If applicable, notify the witness' manager of their involvement in the investigations, so that they can attend any relevant meetings.

#### Hold Interview(s)

#### (Only if appropriate)

- Thank the interviewee for attending and make any necessary introductions (include an explanation of roles). Please note that employees have the right to be accompanied to the investigative meeting by a Trade Union representative or workplace colleague.
- Confirm that it is a fact-finding meeting. It is important to remain objective.
- Explain the need for confidentiality/implications for breaching this e.g. potential impact on investigation/disciplinary action.
- Explain that the SBC prohibits the electronic recording of meetings and that written notes will be taken throughout the interview.
- The investigator officer should confirm notes will be shared/signed by the interviewee to agree they are an accurate reflection of the meeting. Where the interviewee disagrees with an aspect of the record they will be able to annotate the notes before returning to the investigator.
- Confirm the area/allegation around which the employee or witness will be asked to comment. (When interviewing the employee under investigation ensure they understand the allegations being made against them and provide details of the allegations/grievance).



- Explain that the evidence/information may be used in a subsequent formal hearing/grievance meeting and that they may be required (or in the case of witnesses requested) to attend, depending on the outcome of the investigation.
- Check if interviewee has any questions regarding the process.
- Seek evidence/information using any prepared and supplementary questions.
- In questioning the employee under investigation, explore possible explanations/special circumstances. Ask them to respond to any allegations and if they are able to produce any evidence/information to support their response.
- Check if the interviewee wishes to provide any further information or raise any questions before the interview concludes.
- Explain next steps and indicative timescales and that it may be necessary to hold additional interviews should further evidence arise.

#### Seek Further Information\*\*

#### \*\* If appropriate

- Seek any relevant supporting information/evidence to substantiate information provided by the employee/witnesses.
- Consider whether other documentation may be helpful for the investigation. For example: Work rotas, attendance records, medical reports, incident reports, minutes from meetings, appraisal/training/development records, emails, letters etc. (permission of the employee may be required for some of these examples). Also consider any wider documentation that may feed into informing expectations e.g. local agreements,
- Check as to whether the employee(s) is under investigation, employment record may provide any background or special/mitigating circumstances.
- Should you identify any information that may warrant immediate action please raise this with the manager who instigated the investigation as a matter of urgency.

#### Record

- After each interview forward the record, as appropriate, for signing, to the interviewee.
- If the interviewee disputes the accuracy of the record, asked them to: identify what is in dispute; offer their interpretation/recollections of the discussions by annotating the record provided, before signing and returning the record.
- In the case of witness statements gain the individual's consent to share this with other relevant parties.
- Maintain a record of all evidence gathered.

#### Investigation Report

- **See Investigation Report Template in Appendix**
- Ensure all documentation associated with the investigation is retained securely and only shared with discretion and confidentially. Tone/Style should be

considered as all relevant information will be shared with key parties including the employee under investigation.

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**Appendix 3:  
Investigation Report Template**

<b>CONFIDENTIAL INVESTIGATION REPORT- &lt;NAME&gt;</b>	
Allegation/Issue	Grievance/Disciplinary
Name/Designation of employee subject to investigation (if appropriate)	<Name, Job title>
Name of complainant (if appropriate)	
Investigator	<Name, Job title, Service area>,
HR Support/Link	<Name, Job title, contact number>

<b>Background</b>
<ul style="list-style-type: none"> <li>▪ Identify how the situation came to light (based on the factual information provided by the instigating manager); what actions have already been taken prior to the investigation commencing; what communications have taken place.</li> <li>▪ Provide brief details of the 'subject' of the investigation, their employment history, current role and how long held etc.</li> <li>▪ Note if employee suspended and when, whether redeployed for duration of investigation or if there are any specific changes in place to allow the investigation to take place i.e. line management responsibility removed, budget responsibility suspended, taken off usual duties but still within service area etc.</li> </ul>
<b>Executive Summary (Optional - delete if appropriate)</b>
<ul style="list-style-type: none"> <li>▪ This may be suitable for complex investigations and should provide a brief summary of the main findings/conclusions.</li> </ul>
<b>Remit of Investigation</b>
<ul style="list-style-type: none"> <li>▪ Agree terms of reference and remit of investigation, i.e. what allegations/concerns were identified as in need of investigation (provide concise bullet points list of all allegations that will be expanded upon in "Findings" section).</li> <li>▪ State policy under which the investigation was carried out (e.g. SBC Grievance Policy and Procedure)</li> </ul>
<b>Investigation Process</b>
<p>Explain how the investigation progressed, including reasons for decisions which were made and the direction the investigation went including:</p> <ul style="list-style-type: none"> <li>▪ A brief description of the method(s) used to gather information.</li> <li>▪ Use table template to record what interviews/statements were undertaken, when, and their appendix number within the bundle of evidence</li> <li>▪ If the investigator has not interviewed all individuals suggested by the 'subject' of the investigation the decision should be recorded in this section (including reasons e.g. character reference only).</li> </ul>

- A timetable of events. (Detailing any delays in the investigations).
- What documents/evidence were reviewed (Record of Evidence)

### **Findings**

Provide a summary of the findings and observations:

- Present the findings separately for each point/allegation/issue of concern in turn, by confirming the facts established by the investigation, identifying the sequence of events, cross-referencing any documentation and highlighting any mitigating factors e.g. lack of procedural guidance, management action or expected documentation and any other actions / behaviours which may have compounded or aggravated the situation
- Avoid using vast extracts from statements - only quote directly from the statements where it is necessary. It is the investigator's responsibility to analyse all the statements and draw out all corroborative evidence. Interviewees are not always articulate during interviews and the investigator should therefore use their own words to concisely convey the findings.
- If the evidence is inconclusive or there is no evidence to substantiate an allegation - say so. The instigating manager wants to know whether there is any evidence to support the allegations - it is also the investigator's responsibility to explain how significant the evidence is - this should come across throughout the report.
- Note any specific actions that demonstrate a breach of policy or standards of conduct/performance that did not meet those normally expected.
- Refer back to the agreed remit of investigation, ensuring that you cover all the points.

### **Conclusion**

**NOTE:** When reviewing the evidence, investigators need to aim to demonstrate a reasonable belief as to what happened, based on their assessment of the evidence available. The standard of proof for internal investigations and any subsequent disciplinary hearing or grievance meeting is based on the "balance of probabilities", i.e. that on the basis of the evidence it was more probable than not that the alleged misconduct was committed. Investigators are not required to demonstrate beyond reasonable doubt, unlike in criminal investigations, but do need to act reasonably on behalf of the employer.

- For each allegation/concern/issue provide an overall fact based opinion on a) whether there is any evidence to support the allegations and b) the strength of the evidence.
- Support the conclusions with the strongest evidence without repeating the text in the main body of the report (where possible) - the conclusions should be clear and concise.
- Identify to the reader the strengths and weaknesses in the evidence - emphasising the importance of any issues and where evidence can be open

<p>to different interpretation / scenarios.</p> <ul style="list-style-type: none"> <li>• Draw out key facts which demonstrate particular breaches of policy e.g. Code of Conduct, Harassment, Financial Regulations, service policies &amp; procedures etc.</li> <li>▪ If there are any special circumstances/mitigating factors ensure that they are clear within the conclusions and it is important to explain their significance.</li> </ul>	
<b>Appendices</b>	
<ul style="list-style-type: none"> <li>▪ Chronology of events; witness statements; investigatory interview notes; about the Job documents; organisational structure; medical advice etc.</li> </ul>	
Signed by Investigatory Officer	
Date	

**Appendix 4: Record of witnesses**

The following table gives the names of the people who provided statements for this investigation.

Name	Post	Reason	Date	Appendix

**Appendix 5: Record of Evidence**

<b>Date</b>	<b>Item</b>	<b>Appendix (attached with report)</b>
<b>Investigation Statements</b>		
<b>Supporting Documentation</b>		

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## Appendix 6

### EXAMPLES OF MISCONDUCT AND GROSS MISCONDUCT

Examples of misconduct and gross misconduct that may lead to disciplinary proceedings include, but are not limited to, the following:

#### Misconduct

- any actions which could bring Slough Borough Council into disrepute or which impact negatively on the employee's position (this may include actions outside of work);
- absence from duty;
- unauthorised employment;
- neglect of duty;
- racial, sexual, religious, disability and age discrimination;
- breaches of the Council's Dignity at Work Code of Practice including harassment and bullying;
- offensive or abusive behaviour;
- drunkenness or being under the influence of drugs other than for medical purposes;
- refusal or deliberate failure to follow a reasonable management instruction;
- sleeping on duty;
- improper disclosure of information or breach of confidentiality;
- breaches of health & safety;
- damaging or misusing or losing by theft Council property;
- refusal or failure to comply with any SBC policies and procedures and codes of conduct, including those governing the use of information technology, commercial practices, financial regulations, fraud and corruption.

#### Gross Misconduct

- theft including fraud and deliberate falsification of records; this may include such things as timesheet and expense claims' irregularities and undertaking paid private work at a time the employee should be working for the Council;
- serious breaches of safety rules;
- serious incapability through alcohol or use of illegal drugs on duty, buying or selling drugs on Council premises;
- fighting or other physical assault, threats of violence;
- maltreatment or neglect of those in Council care;
- serious acts of discrimination, bullying or harassment and breaches of the Dignity at Work Code of Practice;
- disclosing any serious matter which should be kept confidential (or concealing it if it should be reported);
- serious breaches of Council's codes of conduct, standing orders or financial regulations;
- sleeping on duty in a care environment unless expressly permitted;
- improper use of an employee's position for their own or another's private advantage, or an attempt to do so;
- bringing the Council into serious disrepute;
- gaining employment with the Council by misrepresentation, lies or deception;
- serious deliberate damage to property;

- breaking a law at (or even away from) work which makes employees unfit for the work they do, or which may seriously damage the Council's reputation.

**Appendix 7 (to be formatted as flowchart)**

**MODEL PROCESS FOR DISCIPLINARY/ APPEAL HEARINGS<sup>1</sup>**

Introductions The Chair introduces those present and outlines the process for the hearing<sup>2</sup>

Management Presentation <sup>3</sup>
The manager presenting the case, or in the case of appeals, the manager who Chaired the original hearing) states the case, and can be questioned on it by the employee's side and, finally, by those hearing the case
Management Witnesses
Employee's Presentation <sup>3</sup>
Employee's Witnesses
Summaries
Considering the Evidence

The presenting manager brings and questions any management side witnesses<sup>4</sup> one by one. Each can be questioned by the employee's side and finally by those hearing the case. The manager will be given the opportunity to re-examine witnesses but not to introduce new evidence

The employee's side states the case<sup>5</sup>, and can be questioned on it by the manager and, finally, by those hearing the case The employee's side brings and questions any witnesses<sup>4</sup> it has one by one. Each can be questioned by the manager and, finally, by those hearing the case. The employee's side will be given the opportunity to re-examine witnesses but not to introduce new evidence. After an adjournment (if needed) management, followed by the employee's side, take turns to summarise the case without introducing new evidence.

The hearing is adjourned while those hearing the case consider the evidence and reach a conclusion or decide if any further investigation is required. If necessary, the Chair will adjourn the hearing and reconvene when the investigation is completed Decision Once a decision is reached, the hearing is reconvened for the Chair to give the decision<sup>6</sup>

**1** Notes should be taken of the hearing and decision. No audio or visual recordings of the hearing will be allowed. Notes need not be verbatim but should provide a record of the relevant evidence produced by both sides as well as the final decision.



The notes are for the Council's records only but may be made available to the employee. It is the Chair's responsibility to arrange a note-taker.

**2** All parties are entitled to request an adjournment at any stage in the proceedings to consider their position.

The Chair will decide such requests, including the length of the adjournment.

**3** For appeal hearings the employee's presentation and any employee witnesses are heard before the management presentation and any management witnesses.

**4** Witnesses only remain in the room while giving evidence and answering questions. The Panel should advise the witnesses when they can be released.

**5** Where an employee's representative (who may only be a work colleague or trade union representative)

speaks on the employee's behalf, the manager and those hearing the case still have the right to question the employee directly.

**6** Exceptionally the decision may be relayed in writing within 5 working days of the hearing.

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## Appendix 8

### CHECKLIST FOR DECISION TAKING AT DISCIPLINARY HEARINGS

The list below is intended to help managers structure their thoughts to help ensure fairness of process and assist in reaching a fair decision.

Before reaching a decision consider the following questions:-

- has there been as much investigation as is reasonable?
- has the employee had reasonable notice of the allegations prior to the hearing?
- has the Council's disciplinary procedure been applied reasonably?
- has sufficient regard been given to any explanation offered by (or for) the employee?
- can it be genuinely believed that the employee has committed the alleged misconduct?
- is it reasonable to have this belief (on the balance of probabilities) given the evidence heard?
- is the misconduct serious enough to justify the sanction being considered?
- has the employee (and the manager) had full opportunity to present any points to consider in mitigation?
- has due consideration been given to mitigation?
- what would be the consequences for the Council of taking/not taking the action contemplated?
- is the decision within the band of reasonable responses of a reasonable employer?
- is the decision in line with how similar misconduct has been treated by the service/Council in the past, and if not can the difference be justified?

#### Balance of probabilities

Decide the facts of the case on the balance of probabilities. You do not have to be sure of what happened – you are entitled to prefer one version of events over another provided that you think it more likely.

Ask yourself:-

- which version of events do I genuinely believe?
- why do I prefer the version I do?
- is my preference reasonable, what evidence supports it?
- could I justify it to others?

Once you have decided that the employee has broken the rules or committed the offence, the case is substantiated. You should then consider separately what sanction should apply, taking account of such things as how similar offences have been treated in the past, mitigating circumstances etc.

## Appendix 9

### DISCIPLINARY SANCTIONS

#### Warnings

The level of warning will depend on the seriousness of the offence, whether there are previous warnings on file that are current and the extent of any mitigating circumstances.

While warnings may be applied in sequence, there is discretion to apply the level of warning warranted by the seriousness of the case; e.g. a first and final warning may be given in cases of very serious misconduct. It is not permissible for an employee to have more than one current final warning on file.

Warnings will normally remain operative for a period of 6-12 months although the manager issuing the warning has the discretion to specify an alternative period at the time it is issued should it be considered there are special circumstances, which warrant it. A lesser period may be considered for some minor misconduct whereas very serious cases may warrant a warning remaining active for a longer period especially if dismissal was a possibility or if an employee developed a pattern of 'reoffending' following the expiry of a previous warning. The length of warning should be related to the time need to improve to the standard of conduct required. Warnings related to breaches of health and safety may be extended if appropriate.

#### Other Penalties

These should not be seen as the norm but are available to be used in serious cases in addition to written warnings where it is considered the offence justifies it and it is allowed for under the employee's contract. These should be used with discretion taking account of contractual obligations and Human Resources advice. For example, compulsory transfer to another post on a lower grade is a 'dismissal' from the original post and should only be considered if dismissing the employee could have been justified had the alternative post not been available and offered.

Deductions from pay to cover damage or other loss to the Council and its employees must be done lawfully in consultation with the employee about when/how the pay is to be deducted. Such penalties should not be considered without seeking the agreement of the relevant Service Director (or nominated officer) and seeking HR advice.

#### Pay Arrangements following Dismissal

Whether an employee is entitled to any paid notice depends on the reason for dismissal:

- gross misconduct – effective immediately on day decision given, no entitlement to notice or to pay in lieu of notice.
- misconduct following a final warning – contractual notice or pay in lieu of notice

The effective date of dismissal will be the last day of paid employment in both cases. While in theory, an employee dismissed for misconduct could work their notice entitlement, pay in lieu is more normal in these circumstances.

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LOGO TBC

Policy Schedule		
Policy owner and lead	People Services: HR Policy Manager	
Consultation	Trade unions	June 2018
	Employee engagement forum	July 2018
	CMT/SLT	July 2018
	CCF	July 2018
Approving body	Employment & Appeals Committee	
Date of approval		
Date of implementation		
Version number	8 (Sept 2018)	
Related documents	Recruitment and Selection Policy and Procedure Criminal Records DBS Policy and Procedure	
Review interval	Three yearly	

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## POLICY STATEMENT

Slough Borough Council recognises the immense benefits that volunteers bring to the organisation, and the bridges that they build between the organisation and the local community. In return, Slough Borough Council aims to give its volunteers an opportunity to exercise their skills in a different environment and to undertake new experiences.

### 1 Why does Slough Borough Council involve volunteers?

- 1.1 Volunteers have valuable time, skills and experience that they can use to support communities and the town of Slough. Working with volunteers allows the Council to expand and enhance its services and better understand the needs of communities.
- 1.2 Volunteering offers people the opportunity to gain experience, confidence and practical skills, the opportunity to 'try something new' as well as improving mental and physical health and to meet a wide range of people.
- 1.3 Volunteering often enables people to engage with, influence and contribute to the role and responsibility of the Council.
- 1.4 Developing Volunteers allows the local communities to do more for themselves and be more independent.

### 2. Key Principles

#### 2.1 In applying this policy we will:

- Recognise and reward the invaluable contribution of volunteers to Slough Borough Council.
- Encourage voluntary participation by people from all sections of the community across all sectors and business.
- Foster teamwork between volunteers and staff, and help volunteers and staff grow in their respective roles.
- Ensure a positive volunteering experience for all those involved.
- Ensure the involvement of volunteers should complement and supplement the work of paid staff not replace the work of paid staff. The policy supports the charter principles between Volunteering England and the TUC Trades Union Congress - A Charter for Strengthening Relations Between Paid Staff and Volunteers.

### 3. Scope

- 3.1 This policy applies to all volunteers to Slough Borough Council who donate their time, skills and experience to carry out volunteering roles without financial reward. A volunteer is not an employee of the Council and there is no legally binding contractual relationship between the Council and the Volunteer. It does not apply to people employed by the Council either directly or through an agency on any contractual basis, whether permanent, temporary, short-or long-term.

#### 4. Slough Borough Council's commitment to volunteers

**Choice** - Volunteering is undertaken as a matter of free choice. Volunteers are not obliged to undertake tasks they are not comfortable with.

**Inclusion** - Volunteering opportunities will be diverse and wide ranging to support and encourage participation from all residents and communities.

Volunteering will have simple and consistent processes.

**Support and development** - Volunteers have a role description that outlines activities to be undertaken and are properly introduced to their role and provided with ongoing support and training appropriate to their individual needs, abilities and skills.

**Safety** - The safety and wellbeing of all volunteers is paramount and appropriate insurance is in place. Volunteers are aware of how to raise concerns and how they will be handled.

**Reimbursement** - Where relevant and if agreed in advance with their manager, volunteers will be paid back any expenses incurred whilst carrying out their role. The volunteer will need to show their receipts.

**Reward** - Volunteers will receive appropriate reward and recognition for their efforts and often hear the words ... thank you.

#### 5. The Volunteer Role

##### 5.1 We recognise that:

- There is a wide variety of voluntary roles, varying in formality, location and time commitment.
- Voluntary roles may be carried out by individuals and/or large groups of volunteers.
- Volunteers may come from other organisations.
- There are different types of volunteer work placements and people on work placements may be subject to working agreements, but if they are unpaid they will also be entitled to the provisions of this policy and its associated procedures.
- It applies in situations where a member of the public is looking for a volunteering opportunity with Slough Borough Council.

#### 6 The Volunteering Relationship

##### 6.1 This policy works clearly to the following nature of engagement that underpins the volunteering relationship:

- While volunteers must be treated fairly and in accordance with the expectations which have been agreed at the outset, they are not legally bound to work for the authority and are not subject to the obligations imposed on employees and workers.

##### 6.2 In line with the commitment the Council will always strive to:



- Make volunteering opportunities within the Council meaningful and easy to access.
- Match the time, skills and experience of volunteers to a suitable volunteering opportunity.
- Ensure each Volunteer receives appropriate training, support and tools to perform their role where appropriate, including assessing for and providing reasonable adjustments.
- Resolve any complaints raised by a Volunteer in a timely fashion.
- Foster a friendly and supportive atmosphere for volunteers and make Volunteering a positive experience.
- Reimburse reasonable expenses incurred. These expenses must be agreed in advance with the contact person and are payable against a valid receipt.

## **7 Volunteer Support**

7.1 Each volunteer will be nominated a named person who will:

- Agree expectations with the volunteer.
- Arrange a personal induction plan and any additional training or checks needed.
- Share all the relevant Council policies, including those relating to confidentiality, safeguarding and expected conduct for Volunteers (see section 8 below) and support the Volunteer to understand and apply them.
- Make sure that there are no barriers which would make it difficult for a volunteer to undertake the agreed activity. This should be done before volunteers start.
- Support Volunteers to positively represent the Council at all times.
- Make sure volunteers understand the Council's accident and incident reporting procedure.
- Agree any expenses at the start of the volunteering relationship and ensure the volunteer knows they need to provide receipts so expenses can be paid promptly.
- Offer ongoing support, guidance and advice where needed.
- Confirm arrangements for the volunteer if required to drive on behalf of the Council in their volunteering role.

## **8 Volunteer Conduct**

8.1 All volunteers will be asked to sign up to the requests below:

- Ensure they have a clear understanding of the volunteering role and responsibilities.
- Treat the people they work with (other volunteers, staff and service users) respectfully and fairly.
- Be honest about the level of their volunteering commitment, it may be better to start small and build up to more.
- Attend induction and other training to ensure they are safe and informed.

- Treat any information obtained while volunteering as confidential and don't disclose it to any third party.
- Comply with relevant data protection and IT security guidelines.
- Represent the Council positively/appropriately at all times.
- Try to be reliable as people may be depending on them.
- If unable to make a volunteer session or wish to stop volunteering give as much notice as possible so alternative arrangements can be made.
- Adhere to the Council's health and safety policy and raise any concerns with the named worker immediately.
- Report any accidents or incidents, whether it concerns themselves or another person.
- Attend meetings with the contact person when able to do so.
- Ask for help if there is anything they are unsure about.
- Notify the contact person of any health issues that impact on their volunteering role so that reasonable adjustments may be considered.
- If the volunteer role includes driving on behalf of the council, ensure the volunteer understands the arrangements for this.
- Agree any expenses in advance with the contact person so the volunteer can be reimbursed in an appropriate timeframe.

## 9 Process for Recruiting a Volunteer

- 9.1 The Manager with the volunteering opportunity must complete the Volunteer Checklist and obtain authorisation from their Director/Service Lead prior to engaging volunteers. [\(Checklist available on Insite\) Insert link](#)
- 9.2 The Manager must complete a Volunteers Information Pack [\(available on Insite\) insert link](#) which consists of:
- Role Description of Volunteer Placement which will highlight the key duties and basic experience, skills and abilities that are required.
  - Advert.
  - Departmental information - specific to the department offering a voluntary placement, e.g. nature of the service; successes/achievements; current & future projects/ developments; what the placement involves; how a new volunteer can make a difference to the service; benefits to the volunteer of being involved with the team; what will be required from the volunteer, e.g. time commitments, etc.
  - Information about the Council.
- 9.3 Managers should consider what facilities and technology the volunteer may need access to and make the necessary arrangements.

## 10 Advertising a Volunteer Opportunity

- 10.1 Available volunteering opportunities will be advertised on the SBC website and the Slough Council for Voluntary Service (SCVS) website [Link to web pages](#). All volunteering opportunities will have a **named person** to contact should the prospective volunteer require further information. This is usually the Manager with the volunteering opportunity.

- 10.2 The Manager will manage the application enquiry process by sending out details to volunteers who express an interest in the voluntary placement. Volunteers will be required to complete a simple application form [\(add link\)](#) and return this to the manager.
- 10.3 The Council does not guarantee to provide volunteering opportunities and reserves its right to withdraw a volunteering opportunity at any time, including during a volunteer placement, where it considers that doing so is necessary for safeguarding purposes or for any other reason.

## **11. Interviewing Volunteers**

- 11.1 When the Manager receives a completed application form, they will undertake an initial screening. If they deem a volunteer to be suitable for the placement they will contact the volunteer to arrange an interview. This interview will take place with at least two members of staff (interview panel) and at least the Chair of the panel must have undertaken Recruitment and Selection training in the last 3 years. Any panel recruiting a volunteer to a position where they will be working with children and vulnerable groups must also have undertaken safer recruitment training.
- 11.2 The interview panel must consider the relevance of experience and skills provided in the application form against the requirements of the voluntary placement as described under the Role Description of Volunteer Duties. The panel must be clear on the decisions taken for selecting Volunteers.
- 11.3 The interview panel must complete a record of the interview, in order to provide feedback at a later stage if required.
- 11.4 Further advice and guidance in respect of interviewing can be found in the Councils [Recruitment and Selection Policy and Procedure \(add link\)](#).
- 11.5 At the end of the recruitment exercise, if the decision is to engage the Volunteer, the manager must arrange for all checks to be completed and for an offer letter to be produced. See paragraph 12.4 below.
- 11.6 In the event a Volunteer turns down the volunteering opportunity then the Manager should ask for feedback as to their reasons and act on any improvements to the process that may be made as a result.

## **12. Safeguarding, References and other checks**

- 12.1 The Manager must complete a Volunteer Details Form [\(add link\)](#) for the volunteer and send to Arvato for processing.
- 12.2 In order to ensure everyone is safe, where the volunteering opportunity involves contact with children or vulnerable adults, an enhanced disclosure and barring service (DBS) check **will** be required. [Link to Criminal Records \(DBS\) Policy and Procedure](#).

- 12.3 A volunteer will be asked to provide the names of two referee(s) who have agreed to provide a reference on behalf of the volunteer. One reference must be from their current or last employer. References from relatives/partner are not permitted.
- 12.4 In order to support volunteers, the Council may need to understand any impairment or health condition in order to assess how to make reasonable adjustments. Volunteers are therefore requested to complete a Declaration of Health Status Questionnaire ([insert link](#)).
- 12.5 All References and checks (Identity, Qualifications, Employment History) must be completed before the volunteer may start any induction or training or volunteering activity in line with the Council's Recruitment and Selection Policy and Procedure.

### **13 Engagement, Induction and Training**

- 13.1 All volunteers are engaged initially for a one month/four week session introductory period, depending on the frequency of volunteering. This is to ensure the volunteer and activity are properly matched and either side may decide to end the placement at this stage.
- 13.2 Volunteers and activities are reviewed regularly and volunteers are encouraged to take an active role in these reviews. Reviews are important to ensure that the activities fulfil the needs of both volunteers and the Council.
- 13.3 The Council will provide all volunteers with an introduction to the organisation as well as an induction and any specific training needed for the volunteering opportunity.
- 13.4 All Volunteers are required to undertake safeguarding training at least at level 1. Where Volunteers are directly engaging with children, young people, families and the wider community, enhanced safeguarding training will be required.

### **14. Ongoing support**

- 14.1 Each volunteer will be supported by a named person.
- 14.2 The Council acknowledges the importance of volunteers and will provide appropriate supervision and support during the course of the volunteering opportunity.

### **15. Health and safety**

- 15.1 The Council is committed to providing a safe and healthy environment for all volunteers and has a health and safety policy in place. [Link to Health and Safety Policy](#).
- 15.2 Volunteers will be made aware of this policy during their induction and must be supported to understand and be familiar with it before undertaking any

volunteering activity.

15.3 Volunteers must report any accidents, incidents or other dangerous circumstances immediately using the appropriate process.

## **16 Insurance**

16.1 Volunteers are covered by the Council's insurance cover when undertaking voluntary activities which have been approved and authorised by us. Further information can be provided upon request.

## **17. Complaints**

17.1 Should a volunteer wish to make a complaint this should be made to their named worker who will investigate the complaint or escalate it to their manager if necessary and appropriate.

## **18. Benefits and tax**

18.1 Volunteers who are in receipt of jobseeker's allowance (JSA) may be entitled to undertake voluntary work provided that they meet the conditions for eligibility for JSA, namely being available for work and actively seeking work.

18.2 Volunteering does not usually affect entitlement to social security however the recruiting manager needs to advise any prospective volunteers to check with the DWP, Jobcentre Plus or a Citizen's Advice Bureau.

## **19. Other policies**

19.1 All volunteers must be supported by their **named worker** to access, understand and implement any other relevant council policies or guidance.

## **20. Data Protection**

20.1 The information provided will be processed in accordance with the General Data Protection Act 2018 and any subsequent legislation.

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**SLOUGH BOROUGH COUNCIL****REPORT TO:** Employment & Appeals Committee **DATE:** 23<sup>th</sup> October 2018**CONTACT OFFICER:** Neil Wilcox, Director Finance and Resources  
**AUTHORS:** Claire Portsmouth**(For all enquiries)** (01753) 875472**WARD(S):** All**PART I**  
**FOR INFORMATION****TEMPORARY AGENCY STAFF PROGRESS ON IMPLEMENTATION AND BASELINE MONITORING****1 Purpose of Report**

This report seeks to provide members with an update on the Council's spend on Temporary Agency Staff contracts via Matrix for the first 2 quarters of 2018/2019.

**2 Recommendation(s)/Proposed Action**

The Committee is requested to resolve:

- (a) That the report be noted.
- (b) Members consider any additional information they would like to see in future reports.

**3 Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan****3a. Slough Joint Wellbeing Strategy Priorities**

The JSNA priorities of particular relevance are:

- The Managed Service Provider will open opportunities for the local economy and SME organisation to provide temporary agency staff to the Council.
- Working with local Job Centres and other organisation to assist job seekers in finding employment and therefore increase skills and employment opportunities.
- Enables the Council to flexibly manage its workforce and meet the need to deliver front line services to residents, particularly within Health & Wellbeing.
- Delivering cashable and efficiency savings across the Council.

**3b. Five Year Plan Outcomes**

The proposals within this report meet the Five Year Plan objectives as follows:

1. Improve customer experience by improving service delivery from the provider.
2. Deliver high quality services to meet local needs by ensuring access to a diverse work force through broadening access to higher quality resource (e.g. Occupational Therapists / Physiotherapists / Qualified Social Workers).

3. Develop new ways of working by introducing a new, end to end automated system for the ordering, tracking, monitoring and analysis of temporary agency staff.
4. Deliver local and national change by increasing opportunities for local and SME agencies to work with SBC.
5. Achieve value for money by ensuring significantly improved service delivery and guaranteed cashable savings.

#### 4 **Other Implications**

##### (a) Financial

The Council's spend on interims between April and June 2018 was **£2,226,732** and between July and September 2018 the cost was **£2,288,984**. The figures quoted here are those from the Matrix spend report.

Spend registered outside of Matrix through the Councils Agresso payments system for the same period totals as follows: April to June **£824,019** and July to September **£940,942**. It should be noted that whilst costs have been allocated to the codes for agency and consultants, services could have used these codes for non-staffing reasons. Further work would need to be done with Finance to ensure that the costs have been allocated correctly.

A breakdown of Matrix spend by Directorate and Agresso spend herein referred to as of contract spend against comparative quarters can be found below in table 1 and 2 respectively.

<b>Directorate</b>	<b>Q1 2017/18</b>	<b>Q1 2018/19</b>
Chief Executive	£118,255	£101,443
Customer And Community Services	£226,390	£275,441
Education And Children's Services	£10,080	£63,905
Regeneration, Housing and Resources	£394,003	£1,041,164
Wellbeing	£526,232	£744,779
<b>Total</b>	<b>£1,274,960</b>	<b>£2,226,732</b>
<b>Total 2018/19 inc. Agresso spend</b>		<b>£3,050,751</b>

Table 1

<b>Directorate</b>	<b>Q2 2017/18</b>	<b>Q2 2018/19</b>
Chief Executive	£88,804	£102,328
Customer And Community Services	£226,834	£382,294
Education And Children's Services	£16,861	£60,558
Regeneration, Housing and Resources	£534,423	£1,058,907
Wellbeing	£495,185	£684,894
<b>Total</b>	<b>£1,362,107</b>	<b>£2,288,981</b>
<b>Total 2018/19 inc. Agresso spend</b>		<b>£3,229,923</b>

Table 2



(b)Risk Management

<b>Risk</b>	<b>Mitigating action</b>	<b>Opportunities</b>
Employment Issues	Service areas unable to source requirements via supply chain on Matrix. Hard to recruit roles identified and processes in place to source these posts. Current market forces in relation to Social Workers are influencing this risk	Review current staff development programmes and look to invest in development of our current workforce to “grow our own talent” for the difficult to source roles.
Employment Issues	Unable to recruit on agreed pay scales in Matrix. Pay scales are aligned to council job levels and Spinal column points. Assistant Director and or HR approval required to alter pay scales	
Financial	Failure to maximise savings by increasing pre-agreed pay scales within Matrix. Assistant Director and or HR approval required to alter pay scales for specialist roles influenced by market forces e.g. social workers	
Human Rights	None	None
Health and Safety	None	
Equalities Issues	Agency Worker Directive ensures pay parity between full time permanent employees and temporary agency staff.	None
Financial	None	<ul style="list-style-type: none"> <li>• Guaranteed minimum savings of 3% on existing spend (with further opportunities to increase this)</li> <li>• Guaranteed maximum pence-per-hour agency fees</li> <li>• Pay parity between full time permanent employees and temporary staff workers in-line with Agency Worker Directive</li> <li>• Potential discount for workers that have been in post for longer periods of time (although the aim is to challenge the need for worker longer term posts and reduce the need)</li> <li>• Gainshare mechanism – whereby savings achieved over and above the guaranteed minimum will be shared between SBC (90%) and the supplier (10%)</li> <li>• Mechanism for supplier to credit SBC for failure to deliver agreed service levels</li> </ul>

Other	None	None
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(b) Human Rights Act and Other Legal Implications - There are no Human Rights Act Implications.

(c) Equalities Impact Assessment - An Equalities Impact Assessment has been undertaken and was attached to previous reports.

(d) Workforce - There are no implications for permanent staff.

## 5 Supporting Information

5.1 The data and charts below relate to the period to end September 2018.

5.2 The number of Matrix placements stands at **293** up **41** on the last report.

5.3 The Matrix hierarchy has not been updated since the change in directorate names, and therefore the financials above are still provided in the old directorates. The data for the remaining report has been transferred to indicate activity in the new directorate structures.

5.4 Matrix continue to adhere to the KPI targets set in the contract. These relate to the fulfilment of general posts, the number of rejected candidates and helpdesk assistance. These rates are monitored through business reviews.

5.5 DSO – It was requested at the last meeting for information relating to the DSO to be separated and visible in the figures. The DSO will be shown as Chief Executive – Environmental in the data tables below. For information, the total spend against the DSO for Q1 2018/19 was **£316,969** and Q2 **£310,460**. At the end of September (Q2) the number of agency staff stands at 88, however it is unlikely all are used every day. 65 staff have recorded hours within the period and there are a number generating no spend. This seems to suggest that ‘block booking’ is in operation and staff are used on an as and when basis.

5.6 Benchmarking information against other similar local authorities for typical agency staff, spend, duration of contract etc. -Members requested benchmarking information for comparison purposes. Other local authorities have similar needs to use agency workers for a range of reasons including:

- agency cover for sickness or holiday or other absence of employees i.e. maternity leave
- provide additional support in the event of peak workloads
- prevent or eliminate excessive backlogs of work
- provide essential skills in hard to recruit roles or to support projects needing specialist skills.

Comparison data is limited through public information. It is also difficult to make direct comparisons with other authorities in relation to agency spend without an in-depth understanding of how their services are delivered i.e. in-house or provided externally. However our research has found the following.

- Wokingham Borough Council - the figures, for the financial year 2017-2018, show that they have allocated £7,811,563.03 for temporary workers,

compared to £4,750,201.35 in the year 2016/17 – an increase of 64%. And a year earlier, 2015/16, they spent £4,017,165.64. We do not know what this spend relates to.

- West Berkshire - In September 2018, it was reported that the Council had spent £9m on temporary staff over the past two years. It shows that the council spent £4,448,805 on agency staff in 2016/17, rising to £4,967,569 in 2017/18 – amounting to £9,416,374 over the two-year period. Adult social care saw the highest spend of £5.1m – rising from £2,285,723 in the first year to £2,837,266 in the second.
- The Royal Borough of Windsor and Maidenhead total spend on agency staff in 2014/2015 was £4.8m. No recent data was found.
- Reading Council - data shows that the council's spent £9,836,009.42 on agency staff in 2015/16, which rose to £13,708,390.05 in 2016/17. The figures show the total so far for 2017/18 is £8,329,328.23
- London Borough of Greenwich - Recent information published by the authority identifies that in the previous 12 months the use of agency staff had increased by 12% (to a total of £17.9m). The largest job assignments being filled by agency staff were social care workers, followed by council admin staff. .
- Waltham Forest - took a deliberate strategy to increase the use of agency workers during a period of unparalleled change in 2016. Following the change the council has taken steps to review and reduce the use of agency workers across the organisation. In just over a year the council reduced the number of agency workers by 41%.
- Brighton and Hove - In 2014/2015 Brighton and Hove spent £8.3m in Agency spend.

Interestingly the BBC reported in 2017 that UK spending increased from £180m in 2012-13 to £356m in 2016-17 on Social Workers through agencies.

- 5.7 Detailed work being undertaken/strategy to reduce/tackle use of temporary agency staff.- The following the strategies that are in place to support the reduction of the use of agency spend / usage.

Recruitment campaigns are being used to address areas of the business that do have a reliance on agency workers, for example in Children Services and targeted campaigns in the planning service area.

Where organisational change occurs, the council is considering employees first for any available vacancies. However, agency workers are also being given the opportunity to be considered for permanent roles  
Introduction of the Slough Academy to reduce the skills shortage by growing our own profession staff.

HR Teams are sharing the agency reports with the directorates to monitor use and spend and identify with the services alternatives to agency workers.  
The Council is monitoring the contract to ensure there are no excessive costs to the contract for example we have reduced the available rates to agencies and this has reduced costs accordingly.

- 5.8 The introduction of IR35 has affected the tenure for staff through the Matrix contract. Staff classified as outside IR35 i.e. those not filling substantive posts but providing consultancy services for Project work, were assigned titles and job descriptions that reflected their posts. This reset the worker to the 0-3 month category. Given the requirements of IR35 for the individual workers, we are unable to assign previous service length for the authority to the current placement.
- 5.9 Dashboards have been provided to the back of this report (appendix 1) for a visual breakdown of agency staffing figures.

Staffing Scorecard (Matrix) – as at 30/09/2018

Level 1	Duration	Number of Staff Placements	FTE
<b>Chief Executive - Environmental</b>	0-3 months	19	2.8
	3-6 months	20	11.2
	6-9 months	22	13.3
	9-12 months	26	16.9
	1 – 2 Years	1	0.7
	Over 2 Years	0	0.0
	<b>Chief Executive - Environmental Total</b>		<b>88</b>
<b>Finance &amp; Resources</b>	0-3 months	3	1.2
	3-6 months	5	2.2
	6-9 months	5	2.7
	9-12 months	3	1.1
	1 – 2 Years	9	6.2
	Over 2 Years	6	3.9
	<b>Finance &amp; Resources Total</b>		<b>31</b>
<b>Children's Services</b>	0-3 months	1	0.8
	3-6 months	2	1.2
	6-9 months	4	2.3
	9-12 months	1	0.6
	1 – 2 Years	6	0.6
	Over 2 Years	0	0.0
	<b>Children's Services Total</b>		<b>14</b>
<b>Regeneration (inc. Place &amp; Development)</b>	0-3 months	18	5.3
	3-6 months	14	7.9
	6-9 months	12	9.9
	9-12 months	6	5.2
	1 – 2 Years	9	7.9
	Over 2 Years	4	2.3
	<b>Regeneration (inc. Place &amp; Development)</b>		<b>63</b>
<b>Adults &amp; Communities</b>	0-3 months	28	6.1
	3-6 months	21	14.8
	6-9 months	10	5.6
	9-12 months	9	5.8
	1 - 2 Years	17	8.3
	Over 2 Years	12	10.0
	<b>Adults &amp; Communities Total</b>		<b>97</b>
<b>Grand Total</b>		<b>293</b>	<b>156.8</b>

Fig 1

The table below (fig2) shows a breakdown of the number and title of active temporary staff placements by job category.

Job Category	Chief Executive - Environmental	Finance & Resources	Children's Services	Regeneration (inc. Place & Development)	Adults & Communities	Grand Total
Admin & Clerical	3	5	10	6	15	39
Driving	11	-	-	-	2	13
Engineering & Surveying	-	1	-	1	-	2
Executive	1	16	4	19	1	41
Facilities & Environmental Services	-	-	-	3	-	3
Financial	-	2	-	-	-	2
Housing, Benefits & Planning	-	1	-	28	-	29
Human Resources	-	2	-	-	-	2
IT	-	1	-	1	-	2
Legal	-	-	-	1	-	1
Management	-	2	-	3	4	9
Manual Labour	73	-	-	-	-	73
Procurement	-	1	-	1	-	2
Social & Healthcare Non-Qualified	-	-	-	-	34	34
Social & Healthcare Qualified	-	-	-	-	41	41
<b>Total</b>	<b>88</b>	<b>31</b>	<b>14</b>	<b>63</b>	<b>97</b>	<b>293</b>

Fig 2

5.10 Work is due to assess and produce an options appraisal for an agency staff contract fit for the future. In conjunction with the councils programme for reducing agency staff, there are a number of possible options to assist the council in achieving its targets and costs. The current contract comes up for renewal or re-procurement in January 2019. Committee will be updated on progress through this report on a regular basis.

## 6 Conclusion

6.1 The Matrix contract continues to be successful in controlling and improving governance around departmental engagement of agency staff and to an extent reduce maverick spend due to non compliance to corporate policies. However the introduction of identified 'off-contract' spends gives a picture of increasing costs. If the trend does not subside, it is currently forecast that the agency spend, both Matrix and 'off-contract', could total £12m by the end of the financial year. As mentioned above, it will be necessary to work with Finance to ensure coding to agency and consultant cost codes is accurate. This will assist in identifying spend that should come through our agency staffing contract and those that have been procured through competitive quotation. We will continue to monitor and challenge

spend outside Matrix arrangement to ensure placements are in accordance with the council's constitution.

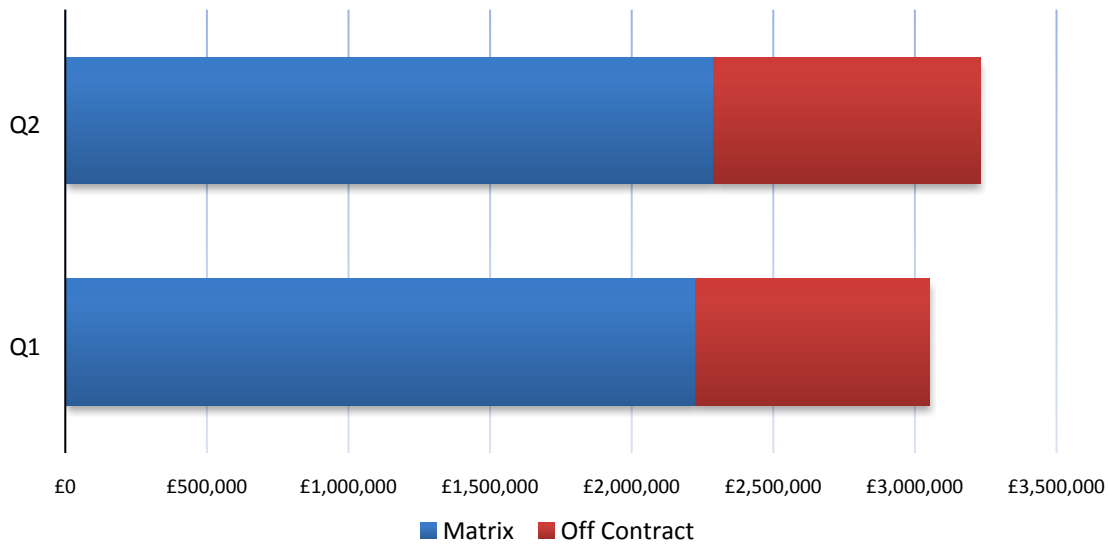
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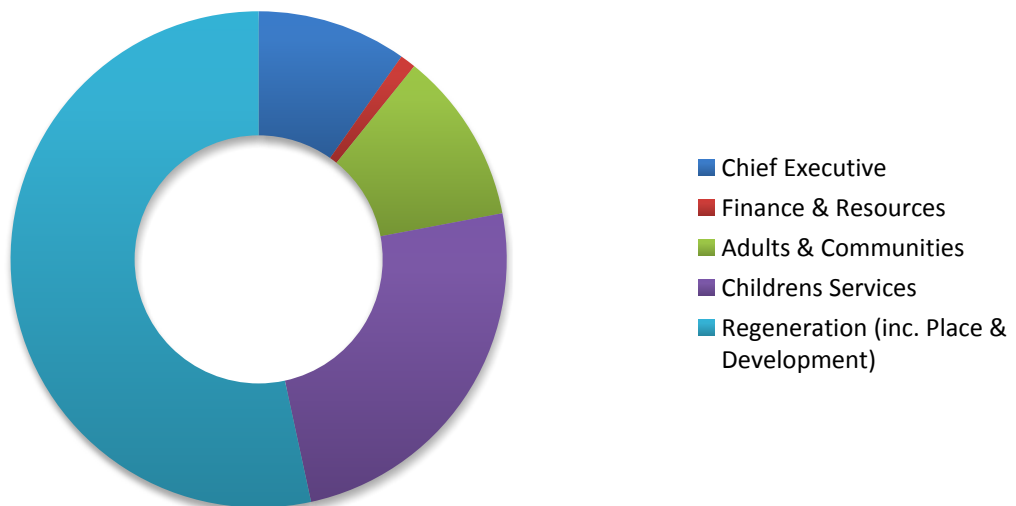
## Appendix 1

### Dashboard – Key Figures

The chart below shows the total Matrix spend by quarter against the total 'off contract' spend from the councils finance system. (*main report 4 (a)*)



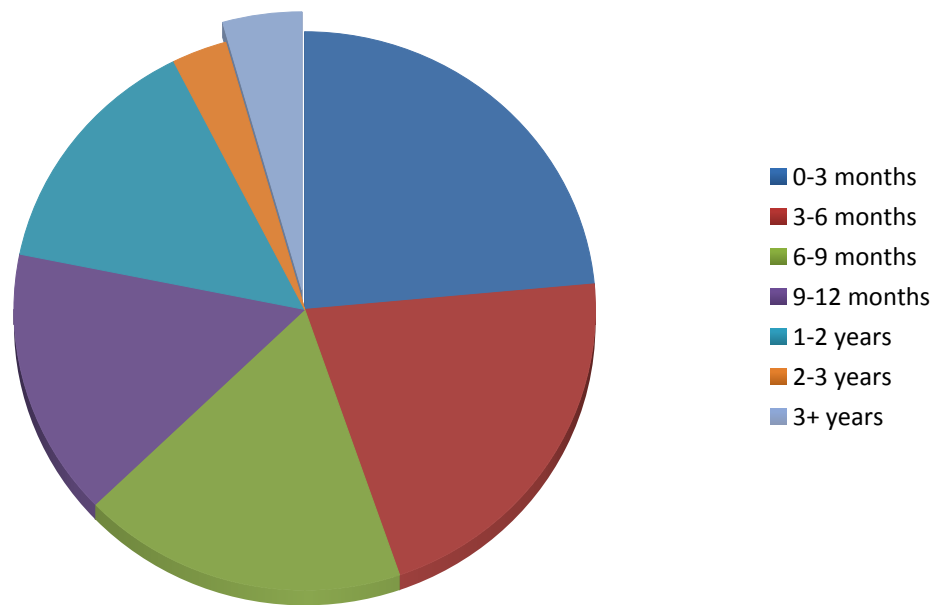
The directorate distribution for 'off contract' spend (*main report- table 1 and 2*) is visualised below:



The inner circle represents Q1 of 2018, the outer circle Q2.

The Regeneration directorate has the largest 'off-contract' spend, however this directorate is now made up of an amalgamation of the Regeneration and Place & Development directorates. Spend therefore can be further broken down to HRA (Housing), Place & Development and Regeneration. 88% of Q1 and 84% of Q2 can be attributed to the HRA.

The chart below represents the tenure of staff across all directorates as at September 2018 (main report fig.1).



The highlighted slice is the value for staff with tenure of over 3 years. This represents 13 staff or 4%, in fact agency staff with tenure over 1 year equates to 22% of the total Matrix staffing (64).

As mentioned in the main report, IR35 has adjusted the tenure figures and a number of staff in the 1-2 year category should be in the 3+ years.

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Employment & Appeals Committee

**DATE:** 23<sup>rd</sup> October 2018

**CONTACT OFFICER:** Surjit Nagra, Service Lead, People

**AUTHORS:** Sarah Trahearn, Slough Academy Project Manager

**WARD(S):** All

**PART 1**  
**FOR INFORMATION****THE SLOUGH ACADEMY - UPDATE****1 Purpose of Report**

This report is provided to the Committee in response to the request for an update at the last meeting. Since that meeting, the project has made progress in the areas listed in this report.

**2 Recommendation(s)/Proposed Action**

The Committee is requested to note and provide any comments on the information outlined in this report.

**3 Supporting Information****3.1 Closure of previous Apprenticeship Service**

On the 16<sup>th</sup> September 2018, the Apprenticeship Service in Adults & Communities was decommissioned and the new model for Apprenticeships transferred to People Services. Five Apprentices from this year's Business Administration cohort of 14 have secured employment with SBC and one with Arvato. However, as no Apprentice has completed their frameworks People Services has agreed to support them to ensure they achieve their qualifications. Additionally, four Apprentices in Arvato will not complete their Apprenticeships until June 2019 which means that SBC must remain a Training Provider until our contractual responsibilities are discharged.

**3.2 Academy Team Recruitment Update**

To support the creation of the Slough Academy it was agreed to establish two posts; a Slough Academy Manager and an Apprentice Specialist. We are pleased to report that we have appointed internally to the post of Apprentice Specialist. Unfortunately we were not successful in the appointment of the Slough Academy Manager and this will now be advertised externally.

These two posts will embed the infrastructure to deliver the new model of Apprenticeships and start to establish the wider concept of the Slough Academy.

### **3.3 Apprentice Performance Framework**

To ensure that Apprentices progress through their training programmes with the best possible results, a Performance Framework has been developed. Please see Appendix A. This will support Managers to work with under-performing Apprentices to achieve the standards.

### **3.4 Supporting Technology**

To ensure that we have oversight of all the Apprenticeships being undertaken in SBC and in order for us to be able to report on progress, we have purchased an e-Portfolio system to support this. This will enable the electronic storage, tracking and reporting of Apprentices' coursework. Additionally, it will provide 'real-time' progress reporting to ensure managers understand when staff will be qualified with the relevant skills and competencies.

The current Learning pool system which distributes e-learning courses only, does not support the wider initiative of succession planning which is our ultimate goal. Therefore, a new talent management system is being purchased to improve learning management and support continuous professional development and succession planning.

Both the new systems will interface with Agresso please see Appendix B.

### **3.5 Apprenticeship Reporting**

Under the Apprenticeship reforms, there is a requirement to submit an annual report to demonstrate our performance regarding the 2.3% Public Sector headcount target. SBC's first report on the numbers of Apprentices and associated commentary was submitted on 30th September. We have developed an 'Apprentice-Ometer' which shows progress against the target.

### **3.6 First Apprentice**

The Academy has appointed its first Apprentice through the 'Breaking Boundaries' project sponsored by the English Cricket Club and Spirit 2012. For information, this project is aimed at improving social cohesion and improving Slough's activity levels.

The Apprenticeship being used to deliver this project is the Level 3 (A level equivalent) Community Sport and Health Officer. The successful candidate newly recruited into SBC is a graduate and a Slough resident. As a result of the recruitment process for the Apprentice post, 3 of the remaining candidates who are also Slough residents found employment with leisure related employers in Slough.

### **3.7 Adult Social Care Trailblazer**

The response to our first Request For Quotation for the Adult Social Care Apprenticeship Training Providers was disappointing in terms of the quality of responses from the prospective Training Providers.

However, a Training Provider has just been appointed to deliver the Level 4 (diploma equivalent) Commercial Procurement and Supply Apprenticeship for four existing staff members in Adult Social Care who will be able to start their training programme.

Alternative Training Providers are being sought for the remaining Apprenticeships identified for Adult Social Care, 6 of which will require new Apprentices to be recruited into SBC with the remaining 21 Apprenticeships identified for the development of existing Adult Social Care staff.

### **3.8 Next tranche of Apprenticeships**

Following the Adult Social Care Trailblazer we have developed our approach to implementing Apprenticeships and we are now ready to implement the next wave. This approach involves the service areas producing Business cases to evidence the need in their areas for specific Apprenticeships.

At the September Slough Academy Board meeting it was agreed that the services to start their programmes will include Early Years (6 new Apprentices to be recruited to undertake the Level 2 (GCSE equivalent) Children & Young People's Workforce Apprenticeship and to progress to Level 3 (A level equivalent). Once fully qualified, Apprentices will be able to apply for positions in the Children's Centres which will contribute to a reduction in Agency spend in this area.

### **3.9 Schools and Nurseries**

A Forum has been created for the SBC maintained schools and nurseries who use our payroll for which we are responsible in terms of the Levy. The objective is to provide an opportunity for them to come together each term to discuss and share best practise regarding Apprenticeships.

Schools will be provided with an Information Pack which outlines the process for hiring Apprentices, as well as individual finance information to confirm their available Levy funds.

### **3.10 Academy Launch**

We are formally planning to launch the Slough Academy to the organisation in November as follows:

- w/c 5th November – training for Champions
- w/c 12th November – Managers' Briefing sessions
- w/c 19<sup>th</sup> November – Talkabout – 20<sup>th</sup> November
- w/c 26th November – launch to the wider council and press release

Materials and further information will be available on the intranet and SBC's website.

**3.11 Next steps**

We have identified 3 key phases of this project as follows (please see Appendix C):

- Phase 1 – Apprenticeships - being implemented now as detailed in this report
- Phase 2 – Continuous Professional Development to be scoped after Launch
- Phase 3 – Succession Planning which is our ultimate goal so that managers recognise the importance of Workforce Planning

Phases 2 and 3 will be linked to the relevant functionality within the new talent management system which will determine the implementation plan.

**4 Background Papers**

None.

**5 Appendices**

Appendix A	Apprentice Performance Framework
Appendix B	Supporting Technology
Appendix C	Grand Plan

## **PERFORMANCE MANAGEMENT FRAMEWORK FOR APPRENTICES IN AN APPRENTICESHIP TRAINING PROGRAMME**

This framework provides a process for addressing unsatisfactory performance of an Apprentice in respect of their ability to satisfactorily meet the requirements of the Apprenticeship scheme.

At SBC, we are whole heartedly committed to Apprenticeships as a means of growing our own talent to become qualified members of staff who will continue to grow and develop within the Council and contribute to delivering our future Service Plans. Therefore our aim is that all our Apprentices receive the full support, coaching and mentoring they require to successfully complete their Apprenticeships.

We recognise that sometimes other circumstances may affect an Apprentice's ability to meet the required performance standards during their training programme and we also recognise that individuals progress at different rates.

We have created this Performance Management Framework to ensure that all individuals are given every opportunity to succeed and that as an employer we have supported them in every way we can.

The objective of this framework is to support the Apprentice in making the necessary improvements to reach the required standard of performance and where there are concerns there is a process in place to address these concerns. It is recognised that one-to-one and performance review meetings may not always succeed in achieving the required level of performance improvement and, in such situations a more formal procedure is required.

In circumstances where it is deemed that the Apprentice is deliberately and/or wilfully underperforming, the Council's Disciplinary Policy and procedure will apply.

### **1 SCOPE**

- 1.2 This framework applies to Apprentices who have successfully completed their probation period and existing employees who have transferred to Apprenticeship roles.

### **2 KEY PRINCIPLES**

- 2.1 Good performance management helps an Apprentice know:
- what the business is trying to achieve
  - their role in helping the business achieve its goals
  - the skills and knowledge they need to fulfil their role
  - the standards of performance required
  - how they can develop their performance and contribute to the development of the organisation
  - how they are doing
  - when there are performance problems and what to do about them

2.2 Managing performance is crucial to the relationship between a Manager and their Apprentice. It can be a key element of good communication and foster the growth of trust and personal development. Managing performance is central to how well your Apprentice will be engaged in their work and how well they will perform.

2.3 An engaged Apprentice is someone who:

- takes pride in their job and shows loyalty towards their line manager, team or organisation
- goes the extra mile – particularly in areas where the Apprentice needs to be creative, responsive or adaptable

2.4 An Apprenticeship may be the first step into the workplace for some, so it is important to remember that they are also learning how to operate in a working environment. Managers are therefore advised to exercise a level of patience and understanding regarding these aspects.

### 3 RESPONSIBILITIES

3.1 In applying this procedure **Managers** are expected to:

- Ensure the Apprentice is aware of the performance standards expected and the consequences of failing to meet these standards
- Deal with concerns in respect of the Apprentice's performance promptly within regular one-to-ones / supervision meetings
- Ensure unsatisfactory performance is clearly explained to the Apprentice and provide specific examples
- Set clear targets for improvement – Specific, Measurable, Affordable, Realistic, Timely (SMART)
- Agree how targets for improvement will be monitored, confirm what will constitute satisfactory achievement of the targets and confirm the timeframe for targets to be achieved
- Seek advice from the Slough Academy Apprentice Specialist in advance of any steps being taken to progress to the formal stages of this framework
- Ensure the Apprentice has a current copy of this framework
- Keep an adequate and accurate record of all meetings
- Agree and action any support required for Apprentices to reach the desired performance standards
- Ensure there are sound and demonstrable reasons with supportive evidence if there is a requirement to progress matters through the formal stages of this framework

3.2 **Apprentices** are expected to:

- Know and fully commit to the performance standards required from them in to successfully complete their Apprenticeship
- Identify and request any support they require to meet the required performance standards



- Make themselves available for meetings with management, college representatives and their support network to discuss their performance and any improvements required
- Achieve the agreed targets within set timeframe

#### **4 PROCESS**

##### **Informal Stage**

- 4.1 Where an Apprentice's performance does not meet the required standard this should be discussed with them as soon as possible as part of the regular management/supervision process (e.g. one to one / supervision meetings). The Manager should communicate to the Apprentice that they are within the Informal Stage of this performance management framework and record this within the one to one / supervision meetings. This must include reasons why and how the performance issues will be addressed. Progress should continue to be monitored through regular one to one/supervision meetings.
- 4.2 If after the agreed timescale there has not been the required improvement in the Apprentice's performance and/or achievement of the agreed performance targets then the matter will be progressed to a Formal Performance Review Meeting.

#### **5 Formal Procedure**

##### **Performance Review Meeting**

- 5.1 The Apprentice will be asked to attend a Formal Performance Review meeting by their line Manager (or another appropriate Manager) where they will have the right to be accompanied by a work colleague or Trade Union representative. At least 5 working days' notice will be given. This will be confirmed in writing to the Apprentice by their line Manager.
- 5.2 The objectives of this meeting will be for the Manager to:
- Explain clearly the gap between the Apprentice's performance and the required performance standards with evidence and specific examples to support this view
  - Identify the causes of the poor performance and identify if these can be addressed by providing training/support to the employee to achieve the necessary performance improvement. This support may include retraining, further training, coaching, mentoring, closer supervision and support.
  - Set a reasonable period for the employee to achieve the required performance standards and agree a monitoring system during that period
  - Set a date for a review meeting at the end of this review period
  - Explain that, if there is any further deterioration in performance, or sufficient cause for additional serious concerns during the agreed review period, the Manager can progress to the Apprenticeship Termination Hearing.
- 5.3 At the end of the Performance Review meeting, a letter will be sent by the Manager to the Apprentice, with a copy to their representative, detailing:
- The agreed areas requiring improvement in performance
  - The agreed improvement targets and timeframe

- The agreed support to be implemented
- That, if there is a further deterioration in performance, or insufficient progress during the current review period, the Manager can progress to Dismissal Stage
- Failure to achieve the required standards within the agreed timescales could ultimately lead to considering termination of the Apprenticeship

## **6 Apprenticeship Termination Hearing - Dismissal Stage**

- 6.1 The Apprentice will be asked to attend a formal hearing. The panel will consist of the:
- Service Lead or a nominated Senior Manager
  - Senior Manager
  - HR Representative
- 6.2 The purpose of this Hearing is to:
- Review all the facts and evidence provided by the line Manager in respect of the Apprentice's performance
  - Review assistance and support that has been offered to the Apprentice to secure improvements in performance
  - Allow the Apprentice to respond to the issues raised and to offer any further explanation or evidence in support of their case
  - Consider whether the employee's contract of employment and Apprenticeship should be terminated on the grounds of inadequate performance and failure to meet performance targets

## **7 Procedure for the Performance Review Hearing**

- 7.1 Where it has been decided to proceed to a formal hearing the Apprentice will be advised in writing by the Manager who has been reviewing their performance and given at least 10 working days written notice. Shorter notice of the hearing may be mutually agreed. In exceptional circumstances, a deferment where further time is required to prepare for a hearing will not be unreasonably refused, but such a deferment will not normally exceed 5 working days.
- 7.2 The letter should be marked 'Private & Confidential' and include as appropriate:
- a) Date, time and place of the hearing
  - b) The areas of poor performance which are being considered
  - c) The names of the members of the Panel conducting the hearing
  - d) The name of the Manager presenting the management case
  - e) Copies of all written evidence, which will be referred to by management side
  - f) Names of any management witnesses who will be attending in person at the hearing
  - g) The employee's right to be accompanied by a Trade Union representative or work colleague (a second copy of the letter should be provided for use by the representative)
  - h) Reference to the Apprentice's right to call their own 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 hearing;

- i) A copy of the Apprentice Performance Management Framework and procedure and the notification of the actions that may be taken by the panel (e.g. if dismissal could be considered)
- j) The requirement that the Apprentice to confirm their attendance at least 5 working days prior to the hearing;
- k) Consequences of non-attendance (i.e. that the hearing can proceed without the Apprentice)

7.3 Whenever possible, the letter should be hand delivered to the employee, where this is not possible (e.g. the Apprentice is not at work), the letter should be sent to the home address by recorded delivery and to their E mail address if provided.

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

## **8 Witnesses**

8.1 Witnesses should only be called where relevant. They should only be present to give evidence and to be questioned. Witnesses will be warned that they should keep matters confidential and should not collude with any other witnesses. Details of proposed witnesses should be communicated to either party in advance of the hearing, as indicated above.

8.2 Where the manager and/or Apprentice wish to call witnesses it is their responsibility to arrange their release from work so that they can attend. It is the Apprentice's responsibility to obtain the witnesses' agreement to speak on their behalf and to bring any relevant material.

## **9 Conduct of the Performance Review Hearing**

9.1 The Council has a guide for the conduct of the hearing, which is attached as Appendix 1. However, the Chair of the Panel has the discretion to vary this to ensure fairness in the proceedings.

9.2 In accordance with the order laid out in the guide, the Manager and Apprentice are invited to present their cases in relation to the performance issues being considered and call witnesses. The Manager, Apprentice and the Panel are able to ask questions of either party and any witnesses, as directed by the Chair.

9.3 The panel may receive a request to present information or evidence to the Panel during the hearing, which has not previously been seen by either the Manager or by the Apprentice. The panel should consider the reason why this information was not made available prior to the hearing, its relevance to the proceedings, and whether it is reasonable to include the reviewed information. The Panel should decide whether the information should be included, or whether the hearing should be adjourned to permit additional consideration of the new evidence by both parties to take place.

9.4 It may be necessary for brief adjournments to take place during the hearing. Either party may request an adjournment. The Chair will consider these requests.

9.5 The panel's deliberations take place in private.

## **10 Outcome**

10.1 The panel, depending on the circumstances of the case, will decide on one of the following actions:

(a) give a further period of review specifying the required levels of performance improvement, timescales and supporting actions, followed by a final review meeting with their line manager. If the performance remains unsatisfactory after this period the hearing will be reconvened. (The Apprentice should be warned that where there is a single error and the action or potential consequences of that error are, or could be extremely serious, there will be no further warnings and this could result in the termination of the Apprentice's contract)

(b) terminate the Apprentice's contract of employment on the grounds of poor performance with contractual notice. As the Panel has decided that the individual should not remain in the Apprenticeship, during their notice period it is likely the individual will be asked to carry out alternative duties. In addition during the notice period the employee may be offered and accept suitable alternative employment in accordance with the redeployment policy. The employee will be notified of the right to appeal against dismissal.

10.2 The Chair of the Panel presents the decision. This will normally be given verbally to both parties. The decision of the Panel should be confirmed in writing by no later than 5 working days after the end of the hearing.

## **11 Right of Appeal**

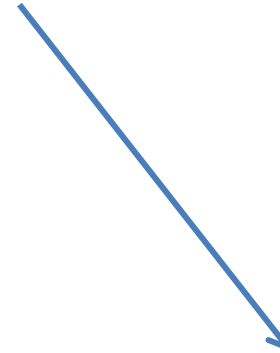
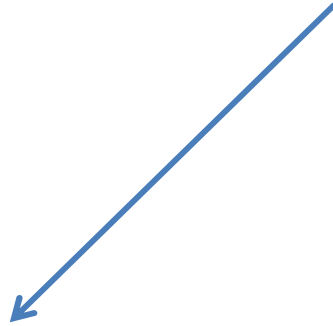
11.1 In cases of termination of employment the Apprentice will be notified of a right of appeal. Such appeals will need to be submitted to their Service Director within 5 working days of receipt of the notice letter stating the grounds for the appeal.

11.2 The purpose of the appeal will be to review the decision of the Performance Review Hearing and determine if it is fair and reasonable based on the information available.

11.3 A copy of the letter confirming the outcome of the appeal should be forwarded to the People Services HR Business Partnering team to be placed on the personal file.

11.4 Notes of the hearing will be taken to support the Panel. 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 hearing. The notes are for information only as record of the event and should not be taken as full and formal minutes of the meeting.

Supporting Technology



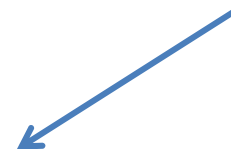
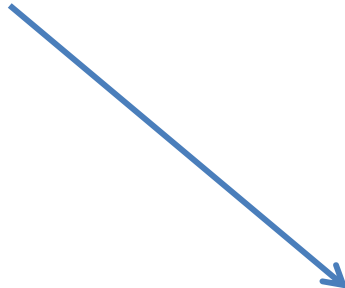
E-Portfolio

(Apprenticeships only)



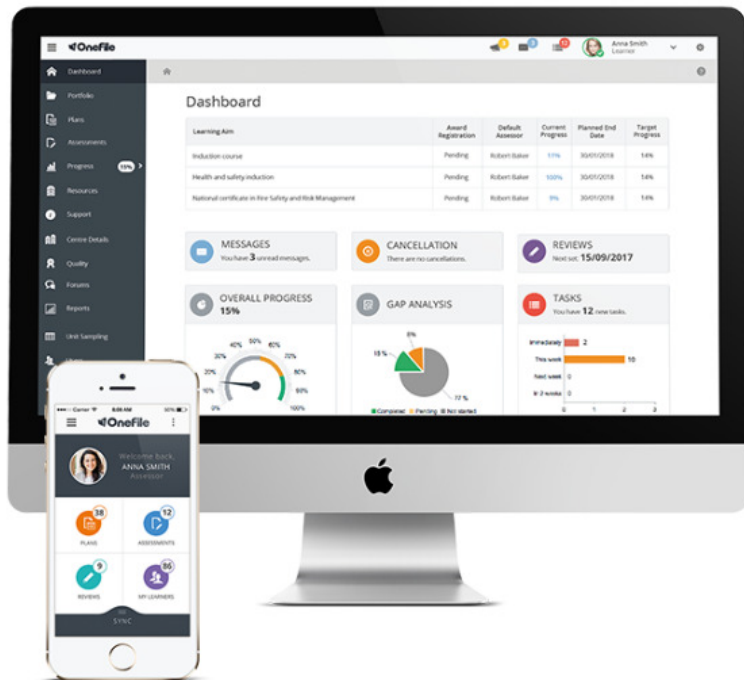
Talent Management System

(all Council learning, all Council talent)



Agresso

- Cloud based, central source, wholly SBC owned repository
  - Online completely transparent audit trail
  - Evidence for internal and external inspections



### Features

- ✓ Store Apprentices course work
- ✓ Track & monitor Apprentices' progress
- ✓ Full access to assignments & assessments
- ✓ Manage route to completion
- ✓ Real-time reporting – every 15 mins
- ✓ Performance Management:
  - ✓ Apprentice
  - ✓ Manager
  - ✓ Training Provider
- ✓ Interface with Agresso

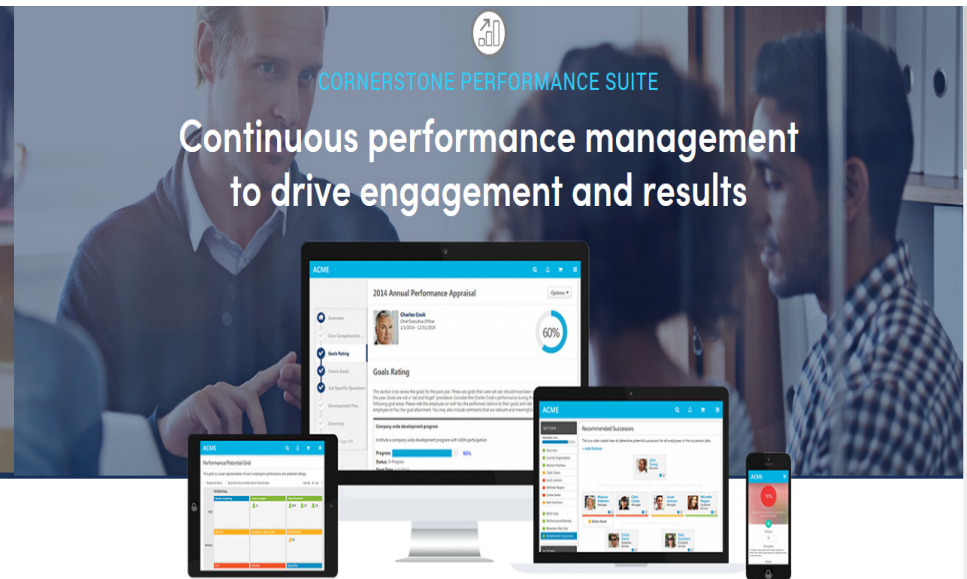


## Talent Management System (TMS)

- Cloud based, central source, wholly SBC owned
- Full system integration with Aggresso & e-Portfolio

### Learning Management System (LMS)

### Performance Management System (PMS)

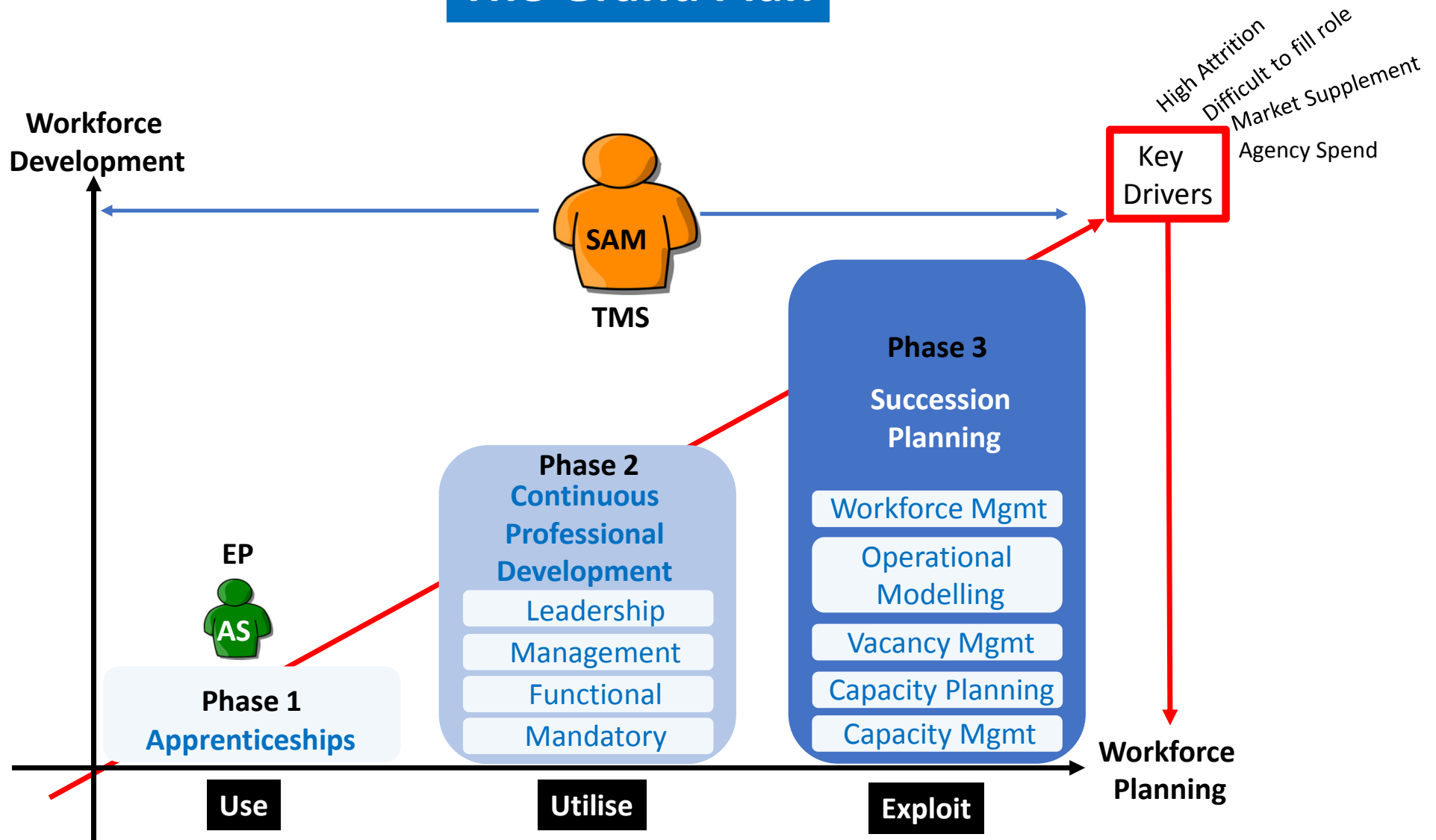


- Real-time, Council-wide reporting
- Supporting future Workforce Planning

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# The Grand Plan



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**MEMBERS' ATTENDANCE RECORD 2018/2019**

**EMPLOYMENT AND APPEALS COMMITTEE**

<b>COUNCILLOR</b>	<b>17/05/18</b>	<b>19/06/18</b>	<b>23/10/18</b>	<b>24/01/19</b>	<b>10/04/19</b>
<b>S Sarfraz</b>	P	Ap			
<b>N Holledge</b>	P	P			
<b>B S Bains</b>	P	P			
<b>S Hussain</b>	P	P			
<b>Brooker</b>	P	P			
<b>M Bedi</b>	P	P			
<b>S Chaudhry</b>	P	Ap			
<b>W Sabah</b>	P	P			
<b>D Smith</b>	P	P*			

P = Present for whole meeting  
Ap = Apologies given

P\* = Present for part of meeting  
Ab = Absent, no apologies given

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