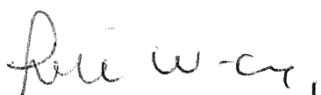


Date of issue: Wednesday, 16 January 2019

<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>	THURSDAY, 24TH JANUARY, 2019 AT 6.30 PM
<b>VENUE:</b>	JUPITER SUITE 1 - ST MARTIN'S PLACE, 51 BATH ROAD, SLOUGH, SL1 3UF
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	CATHERINE MEEK 01753 875015

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>
<b>CONSTITUTIONAL MATTERS</b>			
1.	Declarations of Interest	-	-
	<i>All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 4 paragraph 4.6 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.</i>		
2.	Minutes of the Meeting held on 23rd October 2018	1 - 4	-

**AGENDA**  
**ITEM**

**REPORT TITLE**

**PAGE**

**WARD**

**SERVICE IMPLEMENTATION ISSUES**

3.	The Slough Academy - Update	5 - 10	All
4.	Employment Policies & Procedures	11 - 94	All
	<ul style="list-style-type: none"><li>• <i>New Managing Sickness Absence Policy and Procedure</i></li><li>• <i>Revised Recruitment and Selection Policy and Procedure</i></li><li>• <i>Minor amendment to the Secondment Policy</i></li></ul>		
5.	Progress on Implementation of the NJC Pay Award 2019/2020	95 - 108	All
6.	Temporary Agency Staff - Progress on Implementation and Baseline Monitoring	109 - 118	All
7.	Pay Policy Statement Update 2019/20	119 - 128	All

**ITEMS FOR INFORMATION**

8.	Attendance Record	129 - 130	-
9.	Date of Next Meeting - 10th April 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, 23rd October, 2018.**

**Present:-** Councillors Brooker (Chair), Chaudhry (Vice-Chair), Bedi, N Holledge, Hussain, Sabah, Sarfraz and Smith

**Apologies for Absence:-** Councillor B Bains

**PART 1**

**13. Declarations of Interest**

None

**14. Minutes of the Meeting held on 19th June 2018**

The Minutes of the meeting held on 19<sup>th</sup> June were taken as read and signed by the Chair as a correct record subject to minute 8 – Actions Speak Louder....Programme Action Plan – being amended to read ‘(a) that a progress report be submitted to the meeting of the Committee on 24<sup>th</sup> January 2019 on:

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

**15. Employment Policies and Procedures**

The Committee considered a report seeking approval for the following new, amended and updated policies and procedures:

- Revisions to the Disciplinary Policy and Procedure
- New Volunteering Policy
- Minor amendments to the Redeployment Policy and Procedure
- Amendments to the relevant HR policies to ensure compliance with the General Data Protection Regulations
- Update the Recruitment and Selection Policy and Procedure to enhance and update the document to reflect changes to the safeguarding requirements.

The report set out the main changes being proposed in each Policy.

Members discussed the new Volunteering Policy and requested information on types of volunteering that would be covered in the Policy. Members felt that staff should be encouraged to volunteer and that volunteering opportunities for council staff should be strengthened. Officer undertook to take the Committee’s views into account in developing the Policy.

Members asked for information about how compliance with the Council’s Disciplinary Policy and Procedure was measured and how the Committee could satisfy itself that learning from recent cases an employment tribunal findings was effective. The Service Lead HR advised that the Council was

## **Employment & Appeals Committee - 23.10.18**

aware of the time it had taken to complete some investigations, it would be able to see whether this has improved following the establishment of a trained 'pool' of managers. It was in the interests of all parties for the investigation to be completed in a timely manner.

Resolved: That the new, revised and updated HR policies as set out in the Report be approved with immediate effect.

### **16. Implementation of the 2018-20 NJC Pay Award**

The Committee considered a report setting out information on the Council's implementation of the pay award for 2019/2010. The pay award introduced a new pay spine to be implemented by 1<sup>st</sup> April 2019.

Members were advised that the new pay spine will apply to staff who are on the NJC terms and conditions (Green Book). The changes to the national pay spine remove points 1 – 5 of the pay spine so that all of the lowest paid workers are placed onto point 6. At Slough the lowest SCP is 9.

The Council had received technical advice on issues related to the introduction of new pay spines and was currently reviewing the options available. The report set out the main considerations for the Council in relation to achieving the new pay spine requirements which included:

- How the old SCP's 6 – 17 are paired to create new SCP's 1 – 6
- How to create the equal steps between pay points
- How we assimilate to the new SCP
- How we deal with the annual pay rise in 1<sup>st</sup> April
- Understanding the financial impact of the above.

The increase in costs can only be determined once there is agreement on how the pay spinal points will be grouped in grades from April 2019. A working group had been established with Trade Unions, HR and finance to progress this.

Resolved: (a) That the report be noted and that  
(b) That the Committee receive a further report outlining options for consideration with the implementation of a new pay spine from April 2019 at its next meeting.

### **17. Temporary Agency Staff - Progress on Implementation and Baseline Monitoring**

The Committee considered an update on the Council's spend on Temporary Agency Staff contracts via Matrix for the first two quarters of 2018/19.

The report set out the number of Matrix placements to the period to end September 2018, and, as requested, the information relating to the DSO was shown separately. The report also contained benchmarking information

## **Employment & Appeals Committee - 23.10.18**

against other similar authorities for typical agency staff, spend, duration of contract etc.

Members were advised that the spend profile in the first two quarter had increase largely due to DSO staffing and the transformation agenda. Detailed work was being undertaken to tackle/reduce the use of temporary agency staff.

Members asked why some temporary agency staff had been employed over a long period – in some cases over two years. Members were advised that there could be a number of reasons for this including the specialist nature of some roles, hard to fill roles and recruitment difficulties. The Committee asked for a breakdown of the long placements (over 12 months) and the justification for them.

Resolved:

- (a) That the report be noted.
- (b) That a breakdown of the temporary agency placements over 12 months and the justification for them be provided to the next meeting of the Committee.

### **18. The Slough Academy - Update**

The Committee considered a report updating members on the Slough Academy which was being formally launched in November 2018.

Members were advised that the Apprenticeship Service in Adults and Communities had been decommissioned on 16<sup>th</sup> September 2018 and the new model for Apprenticeships transferred to People Services. 12 of the cohort of 14 Business Administration Apprentices had secured employment with SBC or Arvato. Three youth worker apprentices had also secured employment.

Slough Borough Council would remain a Training Provider until its contractual responsibilities to existing apprentices had concluded.

Two posts were being created to support the creation of the Slough Academy – the Apprentice Specialist had been appointed internally and the Academy Manager would be advertised externally.

The report outlined the Apprentice Performance Framework that was being developed along with the procurement of an e-Portfolio system to assist in monitoring progress and a talent management system to improve learning and management support. Both systems would interface with Agresso.

The report set out details of the appointment of the Academy's first Apprentice, updated on the Adult Social Care Trailblazer, the next tranche of apprenticeships and work with thirteen Schools and Nurseries.

## **Employment & Appeals Committee - 23.10.18**

The next phases of the project were the scoping of continuous professional development and succession planning.

Members of the Committee welcomed the report and placed on record their appreciation of the work that had been undertaken to establish the Slough Academy which was a great achievement.

Resolved: that the report be noted.

### **19. Attendance Record**

Noted

### **20. Date of Next Meeting - 24th January 2019**

Noted

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.20 pm)

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Employment & Appeals Committee

**DATE:** 24<sup>th</sup> January 2019

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

**AUTHORS:** Kusham Nijhar, Apprentice Specialist

**WARD(S):** All

**PART 1**  
**FOR COMMENT & CONSIDERATION****THE SLOUGH ACADEMY - UPDATE****1 Purpose of Report**

To provide an update on the project and progress made since the last report in October 2018.

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

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

**3 Project Update****3.1 Launch**

The Slough Academy was launched as planned in November 2018 with a comprehensive internal and external communication programme.

**Internal**

- **Slough Academy Champions**

Approximately 30 members of staff volunteered across the Council to act as Champions for the Academy. Their key tasks will be to promote the mission and concept of the Academy and champion SBC's new approach to Continuous Professional Development.

- **Briefings**

Project Board Members briefed their Managers on the Academy to enable them to cascade information to their teams. In the November TalkAbout an update on the Slough Academy was provided to all staff.

- **Insite**

The Slough Academy has a dedicated website page on our intranet to ensure staff are fully updated and aware of all progress and opportunities.

## External

The Council issued a press release called 'Growing our Own Talent' which describes the Slough Academy. A statement was provided by Councillor Hussain, the press release is available in Appendix A.

### 3.2 **Academy Team Recruitment Update**

We are pleased to report that we have appointed an external candidate to the post of the Slough Academy Manager who is due to start mid-March 2019.

A second Apprentice Specialist will also be recruited in January 2019 to provide additional resource to speed up the rollout of Apprenticeships across the Council.

### 3.3 **Schools and Nurseries**

Two of our 12 maintained schools and nurseries are in the initial stages of investigating using their Levy.

An Apprenticeship Forum for our maintained schools and nurseries is booked for early February and to date 8 have confirmed their attendance. The Academy is working with the Children, Learning and Skills Directorate to engage with schools through the establishment of further specifically designed forums.

### 3.4 **Supporting Technology**

Implementation of the Apprenticeship e-Portfolio and Talent Management System (TMS) are on schedule with the former due to start in January 2019 and the latter in February 2019.

### 3.5 **High Level 2019 Project Plan**

During 2019, the Academy will focus on 6 workstreams:

- Operating Model – continuing to build a solid infrastructure
- Supporting Technology – implementing e-portfolio system and TMS
- Phase 1 Apprenticeships
- Phase 2 Continuous Professional Development
- Phase 3 Succession Planning
- Benefits Realisation

Supporting Technology will be a critical enabler for the other workstreams.

### 3.6 **Adult Social Care Trailblazer**

The first group of existing staff will commence their Apprenticeship Training Programmes during January and February. This group consists of 13 existing staff on a range of programmes.



Following an unsuccessful internal recruitment process to appoint to our first Apprenticeship posts of Assistant Activity Co-ordinators, these will now be advertised externally.

### **3.7 Next tranche of Apprenticeships**

Following the commencement of programmes in the Adult Social Care Trailblazer, work has commenced on Wave One Apprenticeships, where we will start implementing programmes in other Directorates:

The first of these programmes will be:

- Customer Service Practitioner Levels 2 and 3: 1 new post and 1 existing employee
- Commercial Procurement and Supply Level 4: 1 new post
- Early Years Level 2: 6 new posts commencing August 2019

### **4. Appendices Attached**

Appendix A: Slough Academy Press Release

29<sup>th</sup> November 2019

## **Growing our own talent**

Slough Borough Council has launched The Slough Academy, which will offer a new approach to its apprenticeships, including for the first time, a range of profession based roles for all ages.

The Slough Academy will oversee all of the council's apprentices and the continuous professional development of existing and new staff to provide the best services it can for the residents of Slough and recruit new talent to bridge the skills gaps.

Talent of any age will soon be able to apply for the council's new apprenticeship training programmes, some of which will offer degree level or post graduate qualifications in key professions, such as planning, social work, childcare, leisure and many more.

All apprenticeships will be paid jobs with competitive salaries and access to all the same benefits as other council colleagues. As well as gaining hands on experience, apprentices will be given 20 per cent of time off-the-job to study and prepare for assessments.

The changes have been introduced following the government's apprenticeship reforms and the funding available to organisations to offer a wider range of apprenticeships.

Previously, the council offered a small number of NVQ business apprenticeship programmes to school leavers aged between 16 and 19 years.

New apprenticeships will be rolled out from early 2019 with opportunities advertised on the council's website [www.slough.gov.uk/jobs](http://www.slough.gov.uk/jobs)

Cllr Sabia Hussain, deputy leader of Slough Borough Council, said: “The Slough Academy is about developing and growing our own staff, attracting new talent to the council and creating new opportunities in Slough. Ultimately it is about making sure we have the right skills in our workforce to meet the needs of our residents both now and in the future. Our new apprenticeship programmes will help to deliver this.

“So whether you are starting out in your career, or want to further your skills and experience, there is something for everyone.”

For further information visit [www.slough.gov.uk/apprenticeships](http://www.slough.gov.uk/apprenticeships)

**Ends**

**The Slough Academy**



I



**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Employment and Appeals Committee

**DATE:** 24<sup>th</sup> January, 2019

**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 DECISION****EMPLOYMENT POLICIES AND PROCEDURES****1. Purpose of Report**

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

- New Managing Sickness Absence Policy and Procedure
- Revised Recruitment and Selection Policy and Procedure to enhance and update the document to reflect changes to the safeguarding requirements
- Minor amendment to the Secondment Policy

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

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 relating to undertaking reviews of 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 learnt from casework.

3.2 One of the key drivers for any revisions to policies is to reflect any national changes in statutory provisions and of course, to update and incorporate any lessons learnt from casework.

3.3 A summary of the new policies and the revisions and updates to policies is outlined below.

#### **4 Managing Sickness Absence Policy and Procedure**

4.1 The Council is committed to promoting the health and wellbeing of all employees. Employee absences have a direct effect on service delivery to the residents of Slough and this represents a significant cost to the Council. This Policy and Procedure aims to maximise employee attendance whilst recognising that there are occasions when employees may be unable to attend work due to their own ill-health.

4.2 This policy has been revised to include the following;

- Data Protection Regulations 2018 clause added
- Disability advice and guidance strengthened to reflect feedback from the Disability Forum
- A new Health and well-being section added to highlight the Council's commitment to protecting the health, safety and well being of our employees
- In respect of triggering the absence procedure, in addition to absence totalling 6 or more days in the previous 6 months, 3 separate instances of absence in a 6 month period has also been added as a trigger
- Authority to manage formal meetings, with the exception of the dismissal stage, under this procedure is delegated to line managers
- Emphasis on the responsibilities of managers and employees in monitoring, reporting and recording sickness absence on Agresso

The revised policy and procedure is appended as Appendix 1.

#### **5. Recruitment and Selection Policy and Procedure**

5.1 As agreed at the Employment Appeals Committee in October we have now reviewed our current Recruitment Policy and Procedure and associated guidance to ensure it meets recent developments relating to safer recruitment practices and safeguarding requirements. We have incorporated a Safer Recruitment Guide – “Recruiting to posts working with children, young adults or adults at risk” in Appendix D to this policy and the National Safeguarding Statutory and Legislative Requirements in Appendix E to this policy. We consulted with the Children's Safeguarding (S11) Strategic Leads Group to ensure Safer Recruitment and Safeguarding requirements for Section 11 are now met.

The amended policy and procedure is appended as Appendix 2.

#### **6. Secondment Policy and Procedure**

6.1 A minor amendment has been made to reflect recent learning from casework and to provide more clarity in the application of this policy. The following has been added to Section 11;

“Secondments are temporary in nature and the employee should not expect it to continue past the expiry date outlined in the agreement. However if a decision is

made to recruit to the position on a permanent basis the permanent position should be appointed to following a recruitment and selection process in accordance with the Recruitment and Selection Policy. The seconded employee may apply for the position and will be considered equally with any other applicants”.

## **7. Consultation**

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

## **8. Implementation Process**

The implementation process will include various methods of communication including;

- Newsround
- HRBP's to provide update at Senior Management Team Meetings
- HR Policy update briefings

## **9. Background Papers**

None

## **10. Appendices**

Appendix 1 – Managing Sickness and Absence Policy and Procedure  
Appendix 2 – Recruitment and Selection Policy and Procedure  
Appendix 3 – Secondment Policy and Procedure

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## MANAGING SICKNESS ABSENCE POLICY AND PROCEDURE

LOGO TBC

Policy Schedule		
Policy owner and lead	People Services: HR Policy Manager	
Consultation	Trade Unions	November 2018
	Employee engagement forum	20 November 2018
	CMT/SLT	26 November 2018
	CCF	11 December 2018
Approving body	Employment & Appeals Committee	
Date of approval		
Date of implementation		
Version number	V12 January 2019	
Related documents	Equality Policies and Guidance Capability Policy and Procedure Disciplinary Policy and Procedure Leave Policy Probation Policy and Procedure Drugs and Alcohol Policy Health and Safety Stress Code of Practice Family Friendly Suite of Policies and Procedures Transgender Policy Data Protection and Privacy Policy	
Review interval	Three yearly	

<b>CONTENTS</b>	<b>PAGE</b>
1. <b>Policy Statement</b>	<b>3</b>
2. <b>Scope</b>	<b>3</b>
3. <b>Key Principles</b>	<b>3</b>
4. <b>Current Legislation</b>	<b>4</b>
5. <b>Sickness and Annual Leave</b>	<b>4</b>
6. <b>Time off for Hospital/Medical/Dental Appointments</b>	<b>5</b>
7. <b>Pregnancy Related Illness</b>	<b>5</b>
8. <b>Disability Related Illness</b>	<b>5</b>
9. <b>Health, Safety and Well-being</b>	<b>6</b>
10. <b>Keeping In Touch</b>	<b>6</b>
11. <b>Roles and Responsibilities</b>	<b>6</b>
12. <b>Occupational Health</b>	<b>9</b>
13. <b>Certified Absence</b>	<b>10</b>
14. <b>Recording Sickness Absence</b>	<b>10</b>
15. <b>Monitoring Absence</b>	<b>10</b>
16. <b>Right to be Accompanied</b>	<b>11</b>
17. <b>Sickness Absence Procedure – Informal</b>	<b>12</b>
18. <b>Managing Repeated Short Term Absence</b>	<b>12</b>
19. <b>Sickness Absence Procedure – Formal Stages</b>	<b>13</b>
20. <b>Consideration at Dismissal Stage</b>	<b>18</b>
21. <b>Appeal</b>	<b>18</b>
22. <b>Ill Health Retirement</b>	<b>19</b>
23. <b>Redeployment</b>	<b>19</b>
24. <b>Industrial Injury</b>	<b>19</b>

## POLICY STATEMENT

**Slough Borough Council is committed to promoting the health and wellbeing of all employees. Employee absences have a direct effect on service delivery to the residents of Slough and this represents a significant cost to the Council. This Policy and Procedure aims to maximise employee attendance whilst recognising that there are occasions when employees may be unable to attend work due to their own ill-health.**

## PURPOSE

The purpose of this Policy and Procedure is to;

- promote supportive and effective management of absence due to ill-health (commonly known as sickness absence)
- ensure any support is considered as early as possible
- provide a clear framework for reporting and recording sickness absence
- ensure fair and consistent management of short and long-term sickness absence across the Council
- ensure that employees have the support they need from their managers, as well as access to support services provided by the Council.

## 1. SCOPE

- 1.1 This policy and 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) but the sickness reporting procedures detailed in this policy do apply. This policy does not apply to school-based staff who are under the control of Governing Bodies or to Volunteers and Agency workers.

## 2. KEY PRINCIPLES

- 2.1 This policy and procedure aims to provide a fair and consistent framework for handling the management of sickness absence and to ensure that employees absent from work due to ill health are treated sympathetically and receive all the necessary support that the council can provide. However, it is recognised that absence from work impacts upon business delivery and may therefore necessitate further action. The loss of working days through sickness absence can be a significant cost to the Council in terms of work not completed or the costs of arranging absence cover. Repeated sickness absence also places additional burden of work on colleagues.
- 2.2 It is important to monitor and manage sickness absence, as the information obtained can help to identify particular patterns and any underlying causes. It also provides senior managers with evidence of how absence impacts on the Council's performance.

- 2.3 This policy will be applied and monitored in accordance with the Council's Equality Policies and Guidance.
- 2.4 Confidentiality must be maintained in relation to information about sickness and absence in compliance with the General Data Protection Regulations and Data Protection Act 2018. Inappropriate access or disclosure of employee data constitutes a data breach. Any breach of the Council's Data Protection and Privacy Policy must be reported and may result in action under the Council's Disciplinary Policy and Procedure. Personal data breaches which are likely to risk the rights and freedoms of others will need to be reported to the Information Commissioner's Office without undue delay or within 72 hours of becoming aware of the breach.
- 2.5 Audio or visual recordings at any stage of the sickness absence procedure will not be permitted unless requested as a reasonable adjustment under the Disability Discrimination Act.

### **3. CURRENT LEGISLATION - Appendices A and D**

- 3.1 The Equality Act 2010 protects individuals against discrimination because of a number of specified protected characteristics, one of which is disability. Disability is described by the Act as a physical or mental impairment that has a substantial and long-term adverse effect on an individual's ability to carry out normal day-to-day activities.
- 3.2 When an employee has a medical condition which may be classed as a disability under the Equality Act, the Council is required to make reasonable adjustments to the employee's working arrangements to help reduce the disadvantage that the employee would otherwise experience. Please refer to Appendix A, Disability and Duty to Make Reasonable Adjustments.
- 3.3 Employees will automatically be protected against discrimination under the Equality Act 2010 from the day they are diagnosed if they have Cancer, HIV or Multiple Sclerosis. Please refer to Appendix A for further guidance in respect of supporting employees who are diagnosed with cancer, HIV or MS or who are experiencing mental health issues. Blindness, severe sight impairment, sight impairment and partial sightedness and severe disfigurements are also automatically protected as disabilities under the Equality Act 2010.

### **4. SICKNESS AND ANNUAL LEAVE**

- 4.1 If the Council is notified appropriately of the period of sickness, the employee is entitled to reclaim the period of annual leave for which they were unwell. In order to reclaim annual leave retrospectively the employee must produce a medical certificate as proof that they were unwell regardless of the number of days the employee was unwell. This must then be recorded on Agresso as annual leave.
- 4.2 Employees are expected to take all of their accrued contractual leave immediately on return from their sick leave. However in exceptional cases it can be agreed that the employee can take their accrued annual leave following their return to work with their line manager's agreement and where service needs allow.

4.3 Where sickness absence straddles two years leave, or if upon returning to work there is not enough time left in the current year to take the outstanding annual leave entitlement, the outstanding annual leave will carry over to the following leave year. As above the timing of this leave will need to be agreed with the employee's line manager who will take into account service requirements. Annual leave must be taken within 18 months of the end of the leave year in which it was accrued where the employee has been off sick.

4.4 Employees who are off sick can request to take annual leave during their period of sickness absence.

## **5. TIME OFF FOR HOSPITAL / MEDICAL / DENTAL APPOINTMENTS**

5.1 Please refer to Appendix D for further guidance and information including Disability Leave to attend medical appointments.

Wherever possible hospital, medical and dental appointments should be arranged either early mornings, late afternoons or during lunch breaks. Appointments within working hours require manager approval for the planned absence and it is expected that employees will work with their line manager to consider how any impact on work can be mitigated. Normally time off for such absences must be made up if not covered by a statutory entitlement. The line manager may reasonably request to see evidence of the appointment(s).

## **6. PREGNANCY RELATED ILLNESS**

6.1 Where an illness is attributable to pregnancy, sickness absence will not be counted towards the trigger of the management of sickness absence. However, any such sickness will be managed in accordance with the sickness policy to facilitate a return to work as soon as possible with any necessary support or adjustment to duties during the pregnancy.

6.2 As required, under the Management of Health and Safety at Work Regulations 1999, written risk assessments should be undertaken regularly throughout the pregnancy. Further information is available in the Council's Maternity Policy and Procedure on SBCinsite (insert link). A referral to the occupational health service for medical advice and support may be required.

6.3 If an employee is on sick leave due to pregnancy related illness on or after the fourth week before the expected week of confinement, their ordinary maternity leave will commence the day after their first completed day of sickness absence. Where a pregnant employee suffers from non pregnancy related sickness absence, these absences will count towards the management of sickness absence as usual.

## **7. DISABILITY RELATED ILLNESS**

7.1 Where an absence is clearly attributable to a disability as defined in the Equality Act (2010) the Council has a responsibility to comply with the requirements of the Act. See Appendix A, Disability and Duty to Make Reasonable Adjustments.

- 7.2 It is recognised that an employee may be living with a disability or may become disabled during the course of their employment. Where absences are related to a disability, the absence will be recorded as a disability related absence.
- 7.3 In cases of disability the line manager should seek advice from the HR Business Partnering Team and Occupational Health before considering action under this policy and procedure. See section 13.3 below.
- 7.4 The formal sickness absence procedure will still apply where absence is related to disability, however no formal action should be taken until advice has been received from Occupational Health. If the advice from Occupational Health suggests that due to the nature of a disability a higher absence level may be likely, including paid time off to attend appointments and/or that allowing a higher level of sickness absence under this policy would be considered as a reasonable adjustment under the Equality Act, the line manager will take the appropriate advised action and only progress to formal action if these advised and adjusted levels are not maintained.

## 8. HEALTH, SAFETY AND WELLBEING

- 8.1 The Council is committed to protecting the health, safety and wellbeing of employees and recognises that workplace stress is a health and safety issue.
- 8.2 Stress is recognised as “the adverse reaction people have to excessive pressure or other types of demand placed on them”. This makes an important distinction between pressure, which can be a positive state if managed correctly, and stress which can be detrimental to health. The stress threshold varies from person to person.
- 8.3 Employees are responsible for identifying where work-related stress is causing concern and for communicating this to their manager. Managers are responsible for managing the demands placed on employees and where they are alerted to a staff member suffering with work-related stress, ensuring that they carry out a stress risk assessment, see Appendix C, and referring the employee to the Council’s Employee Assistance service (EAP) for support and Occupational Health. The Council is responsible for providing the necessary resources and policies to support those individuals reporting ill-health through work-related stress. Managers should refer to the Council’s Stress at Work Code of Practice ([insert link](#)). The Health and Safety Executive (HSE) website provides comprehensive guidance for both staff and managers in assessing and managing stress.  
<http://www.hse.gov.uk/stress/index.htm>

## 9. ROLES AND RESPONSIBILITIES

### Employees’ responsibilities

- 9.1 Employees must ensure they are aware of the Managing Sickness Absence Policy and Procedure and their responsibilities in relation to sickness absence upon commencement of their employment.
- 9.2 Notwithstanding any local arrangements that may be in place, each employee must inform their line manager **verbally by telephone** (not email or text) that they are

absent from work due to ill health or injury before 10am on the first day of absence, or before their usual start time if they follow an alternative work pattern or non-standard hours. The employee should state the reason why they cannot attend work and how long they think the absence will last. They should agree with their manager what will be shared with colleagues regarding their absence taking into account whether there is sensitivity surrounding their absence.

- 9.3 If the relevant line manager is unavailable, the employee should contact another appropriate manager within the Service.
- 9.4 It is expected that the employee will contact the Council personally to report an absence rather than a friend or relative, unless exceptional circumstances prevent the employee from doing so.
- 9.5 It is expected that the employee will report their absence on the first day for self-certificated sick leave and thereafter at intervals agreed with their line manager. If an employee fails to notify any absence in this way, it is possible that their sick pay will be withheld.
- 9.6 This reporting procedure also applies to employees who were not expected to attend the office due to working off-site, from home, in training, or for any other reason.
- 9.7 An employee may work from home where an injury prevents attendance at work but they are able and willing to perform duties at home, with the permission of their line manager, and where they have the necessary IT and other equipment to support this. Homeworking during absence will not be recorded as sickness absence.
- 9.8 The employee is required to provide a medical certificate from the eighth calendar day of sickness absence. This must be sent to their line manager immediately. Failure to do so will result in the employee's pay being withheld.
- 9.9 The employee must make all reasonable attempts possible to be contactable whilst off sick and respond to communication from their manager in relation to their absence and their progress and likely return to work date. Please see 9.19 below for further guidance.
- 9.10 The employee is required to participate in meetings in respect of their absence and attend Occupational Health appointments.
- 9.11 If this is not the case then management will have to continue with the sickness absence management process without the benefit of the advice of OH.
- 9.12 To facilitate their recovery the employee should desist from participating in any activity that may delay or undermine their recuperation whilst they are on sick leave. They must report any other paid work they undertake or volunteering activities during the period they are unfit to attend work for the Council.
- 9.13 The employee is required to report if they are taking any prescription or over the counter medicines which may cause impairment to their work performance and/or any side effects as part of their duty of care e.g. drugs which affect the ability to drive

or operate machinery. They do not need to provide the specific name of the medication.

- 9.14 Each employee, on returning to work after sickness absence of any duration, will be required to complete the Return to Work Form on Agresso on the day of their return or as soon as possible thereafter except where employees do not have access to Agresso and where local alternative arrangements apply.
- 9.15 They will be required to attend a return to work interview with their line manager on the day of their return to work or as soon as possible thereafter and within 7 calendar days. They are required to ensure their manager is aware of any issues or particular needs in relation to their return (if this has not already been done) as soon as they return to work without delay.

#### **Line managers' responsibilities**

- 9.16 Managers must ensure their employees are aware of the Managing Sickness Absence Policy and Procedure and their responsibilities in relation to sickness absence upon commencement of their employment.
- 9.17 Managers are expected to manage employee attendance and regularly monitor the absence levels in their team using reports in the Agresso system. All employees' sickness absence must be recorded accurately on Agresso.
- 9.18 Managers should consider a referral to Occupational Health at an early stage of the employee's absence as delays to obtaining expert advice can lead to the prolonged absence of the employee. This is particularly true in cases of mental health issues. Early intervention is critical. Managers should remind the employee of the support that is available through the Employee Advisory Service (EAP).
- 9.19 Managers should agree regular contact and communication with employees who are on long term sickness absence, in terms of type and frequency of contact and to keep a log of this on the Contact Monitoring Form [\(insert link\)](#). They should ensure that all contact with the absent employee is carried out in a supportive manner to avoid the potential for this to be perceived as harassing the employee.
- 9.20 In cases of long term absence, visits may be arranged to maintain contact with an employee. The manager must decide each case on an individual basis and in agreement with the absent employee. As a guide, absences greater than 14 consecutive working days should be considered for a home visit. The Human Resources Business Partnering Team can advise managers before a visit.
- 9.21 In most cases, the manager will be accompanied by a colleague whilst visiting an employee at home, or other agreed meeting place. Care should be taken to ensure that the employee agrees in advance to the visit. This policy does not apply to personal visits from friends.
- 9.22 A Manager may refer an employee to Occupational Health irrespective of whether they have been absent from work due to sickness in order to ensure employee safety and well-being at work.



- 9.23 Managers must conduct a 'Return to Work' interview, on the employee's day of return or as soon as possible thereafter and within 7 calendar days, each time an employee returns to work following a period of absence (irrespective of length of absence). This can be conducted over the telephone if the employee works at different site/from home. It is essential that the manager (or in their absence their line manager/nominated manager) ensures they are fully aware of any issues or concerns in respect of the employee's return to their job and that any necessary action is taken in response without delay.
- 9.24 Managers should consider a number of actions as part of the Return to Work interview. Guidance on conducting Return to Work interviews can be found in section 18 below.
- 9.25 Managers will manage absence according to the Managing Sickness Absence Policy and Procedure in a fair and consistent manner although it is acknowledged that no two cases will be the same and therefore the appropriate action under the policy will be judged on a case by case basis.

#### **Human Resources Responsibilities**

- 9.26 The Human Resources Business Partnering Team provide support to line managers in the effective management of employee sickness absence. This includes:
- providing advice and support to employees and managers in respect of periods of long-term absence
  - providing a link to the Occupational Health service (see below)
  - monitoring sickness absence at a corporate level and providing management information.

### **10. Role of Trade Union Representative:**

- 10.1 It is the role of trade union representatives to:
- Support their individual member in minimising absence from work caused by sickness.
  - Ensure an appropriate trade union representative is available at all levels of the procedure should their member wish to be accompanied and to ensure that meetings can occur in a timely manner.
  - Work closely with managers and other groups to make the policy effective at organisational level.
  - Work with their individual member, the manager and occupational health service to facilitate a return to work as soon as possible following a period of sickness.

### **11. OCCUPATIONAL HEALTH SERVICES – Appendix E**

- 11.1 The Council accesses an Occupational Health (OH) service to assist employees and managers with professional work-related health advice. Initial contact with OH must be through the line manager. However, the role of OH is independent from the Council and the OH service is confidential. Please refer to Appendix E for further information in respect of the provision of OH services.

## 12. CERTIFIED ABSENCE

- 12.1 Employees may self-certify their absence for a maximum of seven consecutive days (including weekends).
- 12.2 A medical certificate **is required** from the eighth consecutive day of sickness absence. There may be exceptional circumstances when an employee is required to obtain a medical certificate from the first day of absence (e.g. on a day of strike action or if in formal sickness absence procedure). In such circumstances if any cost is incurred by the employee for obtaining a medical certificate, this will be reimbursed by the Council.
- 12.3 Periods of more than seven days' absence for which a medical certificate has not been obtained will be considered 'unauthorised absence' and will be dealt with under the council's Disciplinary Policy and Procedure and pay will be withheld save where it has not been reasonable practicable for the Employee to provide the medical certificate. .
- 12.4 Where a medical certificate which states the employee 'is not fit to work' has been issued, the employee may return to work before the certificate has expired, if they are fit enough to do so. Before the employee can return to any work duties, a suitable risk assessment must be carried out, and their line manager should discuss this with them prior to the employee returning to work. If the risk assessment identifies any concerns, the employee should be referred to OH before returning to work. The risk assessment template can be found in Appendix C.

## 13. RECORDING SICKNESS ABSENCE

- 13.1 Sickness is recorded in days and half days. If an employee works for less than half of their usual working hours for the day then this is recorded as a full day of sickness. If an employee works for more than half of their usual working hours but less than a full day then this is recorded as a half day of sickness.
- 13.2 The Council uses absence triggers to manage and analyse occurrences of sickness absence to provide an indication of when a manager needs to be concerned by absence rates and take appropriate action. The following triggers are used:
- 6 or more days of sickness absence in the previous six months
  - 3 separate periods of absence in the previous six months
- 13.3 The triggers will remain the same for employees with a disability as for those with general sickness absence, subject to the duty to make reasonable adjustments. If the advice from Occupational Health suggests that due to the nature of a disability a higher absence level may be likely, including paid time off to attend appointments and/or that allowing a higher level of sickness absence under this policy would be considered as a reasonable adjustment under the Equality Act, the line manager will take the appropriate advised action and only progress to formal action if these advised and adjusted levels are not maintained.

## **14. MONITORING ABSENCE**

- 14.1 Short term absence is regarded as any period lasting less than 28 calendar days.
- 14.2 Long term absence is regarded as any continuous period of 28 calendar days or longer.
- 14.3 At least once a month, all line managers must review all their employees' sickness absence levels, including those who have triggered the absence procedure and those on long-term sickness absence.
- 14.4 If a referral to Occupational Health is necessary, the manager and employee should consider any advice given and implement where operationally practicable, with support from the Human Resources Business Partnering Team if required.
- 14.5 Managers should make notes of any telephone conversations or details of visits/meetings made to those employees who are absent, together with agreed actions.
- 14.6 The Council will adopt a robust 'case management' approach when dealing with employees who are incapable of working due to ill-health. This means regularly reviewing an employee's absence and state of health or fitness to see whether or not there is any improvement and if the Council can do anything to facilitate the employee's recovery and return to work.
- 14.7 Before taking any formal action in respect of an employee who has had frequent absences from work, the manager should seek advice from the Human Resources Business Partnering Team and check the employee's absence record to assess the number of days' absence, the number of separate occasions of absence and the impact on service delivery. This information will be required to be provided at the formal stages of the sickness absence procedure as evidence.

## **15. RIGHT TO BE ACCOMPANIED**

- 15.1 The employee may be accompanied by a work colleague or trade union representative at any formal meetings that are held to discuss their absence. The Council will consider a request from an employee to be accompanied by a person other than a Trade Union official or work colleague, for example if they have a disability they may be permitted to be accompanied by their support worker. Only one representative may attend.
- 15.2 In the event of a representative being unable to attend on the original date proposed, a convenient date for all parties will be arranged within five working days. The representative must make all reasonable attempts to attend the second date confirmed as any further postponement may not be agreed depending on the circumstances and reason for postponement.
- 15.3 The representative may address the formal meeting and confer with the employee, but not answer questions on their behalf. Reasonable time will be allowed, if

required, for the employee and their representative to confer privately, either within the formal meeting or outside.

## **16. SICKNESS ABSENCE PROCEDURE INFORMAL ACTION**

16.1 The sickness absence procedure is set out in the flowchart attached as Appendix F to this policy.

16.2 Every reasonable effort will be made to support the employee to improve their level of attendance before formal action under this procedure is taken.

## **17. Return to work interview**

17.1 Each employee, on returning to work after sickness absence of any duration, will be required to complete the Return to Work Form on Agresso on the day of their return except where employees do not have access to Agresso and where alternative local arrangements exist.

17.2 They will be required to attend a return to work interview with their line manager on the day of their return to work or as soon as possible thereafter and within 7 calendar days.

17.3 Notwithstanding any local arrangements in place, the line manager will meet with the employee in private to welcome them back to work and discuss the terms of their return. The discussion will include:

- the employee's opinion about their capabilities, for example whether the employee is confident that they are capable of full job performance or only partial performance
- whether the employee's return should be to full-time duties (or their normal working hours) or whether a phased return would be beneficial (See Appendix B)
- whether the employee will be taking any medication after their return to work that might have side effects, for example tiredness
- any special arrangements, additional support or adjustments to the employee's duties, working conditions or environment that would help the employee to reintegrate into the workplace
- an agreed timescale for monitoring improvement in the employee's absence.

17.4 The line manager will ensure that they:

- welcome the employee back
- complete the return to work interview form on Agresso on the day of the employee's return to work or as soon as possible thereafter and within 7 calendar days
- ensure that the employee is fully recovered and decide whether any further support is required from the Council and review their sickness absence record for the past six months
- carry out a risk assessment where appropriate and agree either:

- that no further action is needed or
- agree any further support required and/or
- invoke the formal procedure and set a time for a formal 'absence review meeting'. See section 19 below.

## **18. Managing Repeated Short Term Absence**

- 18.1 The Council is not expected to tolerate an employee's frequent short-term absences indefinitely. It is possible to dismiss the employee for unsatisfactory attendance, provided that the level of absence is sufficient to justify dismissal and that fair procedures are followed prior to dismissal.
- 18.2 The first step to investigating reoccurring short-term sickness absence will be through the informal Return to Work Interview process.
- 18.3 Managers will ensure that the employee understands that the meeting is informal and falls outside of formal sickness action.
- 18.4 The purpose of the Return to Work Interview in these cases will be to:
- highlight to the employee that the level and frequency of their sick absences has caused concern, and outline the impact of those absences on both the business and colleagues;
  - explore with the employee any underlying reasons for their absence level, including possible work-life balance issues, dissatisfaction with their work environment, or any health concerns;
  - arrange a referral to OH if appropriate; and
  - where appropriate, set out that should the employee's attendance not improve, formal action may need to be taken.
- 18.5 The line manager will explain to the employee that their attendance at work will be monitored for a specified period, and that a significant and sustained improvement in their attendance will be expected or formal action may be taken.
- 18.6 A record of this discussion must be made by the manager and include agreed actions. This record is to be kept updated as appropriate.
- 18.7 If a referral to Occupational Health is necessary, the manager and employee will consider any advice given and implement where operationally practicable, with support from Human Resources Business Partnering Team if required.

## **19. FORMAL ACTION**

### **19.1 Stage One - Absence Meeting**

The sickness absence procedure is set out in the flowchart attached as Appendix F to this policy. Consideration should be given to reasonable adjustments to the

timeframe for arranging meetings and exchanging paperwork etc. if the employee requests it on the basis of their disability.

19.2 An Absence Meeting will be required in cases of;

- where sickness absence triggers have been activated and informal action has not resulted in the required improvement
- long term absence (28 days or more) where a return to work date has not been identified with a return to work plan in place.

19.3 The employee will be asked in writing by their line manager to attend an Absence Meeting with them and will be;

- given a minimum of five working days' notice (or less by mutual consent)
- informed of their right to be accompanied
- be advised of the purpose of the meeting
- be given a copy of this policy and procedure
- in cases of long term absence, with the employee's agreement, the meeting (and any further formal meetings in this procedure) may take place at their home or other mutually agreed venue.

19.4 It is important that up to date Occupational Health advice on the employee is available. Therefore a further referral should be made to the Occupational Health Advisor when necessary before the meeting takes place to ensure that all current available information can be taken into account by the line manager before a decision in respect of action following the Stage One review.

19.5 The line manager will make copies of all documentation available to the employee and their trade union representative or fellow worker/support worker at least three working days before the meeting. If the employee intends to bring a representative or fellow worker/support worker they must notify the manager. If the employee intends to present any documents, these must be given to the line manager at least three working days before the meeting.

19.6 The line manager will present any relevant documents such as file notes and Occupational Health reports. The employee should be allowed to respond, raise points about any documents and information presented and should also be given the opportunity to ask questions.

19.7 The line manager must have considered any reasonable adjustments or medical interventions to enable the employee to return to work or sustain acceptable levels of attendance and be able to fully explain their decision making process in respect of this.

19.8 The employee and their trade union representative or fellow worker/support worker should make every effort to attend the formal meeting. If the employee is unable to attend, the formal meeting will be rearranged. If the employee continues to be unavailable to attend on the further date offered, the line manager may make a decision on the evidence available. The employee's trade union representative or fellow worker/support worker may attend the formal meeting in such circumstances and will be allowed the opportunity to present the employee's case in the employee's

absence. The employee will also be allowed to make written submissions in such a situation.

- 19.9 At the conclusion of the meeting and within 5 working days following the meeting the line manager will confirm the actions required to improve the situation. For example, by making adjustments to the working environment or making a further referral to OH. They will confirm the review period of up to 6 months and will diarise monthly interim review meetings with the employee.
- 19.10 The employee will be advised that improvements in their absence and in cases of long term absence an indication of an early return to work date are required or the matter will be progressed to Stage Two under this procedure.
- 19.11 Stage Two can be brought forward if at the interim review meetings in Stage One there is not satisfactory improvement made.

## 20. Stage Two – Formal Meeting

- 20.1 A Stage Two Formal Meeting will be required when the improvements specified in the Stage One Absence Meeting have not been achieved or sustained by the employee in the review period. The employee will be asked in writing by their line manager to attend a Stage Two Formal Meeting and will be given a minimum of five working days' notice (or less by mutual consent) and will be informed of their right to be accompanied.
- 20.2 The meeting will follow the same format as the Stage One Absence Meeting. See section 19. The meeting will be chaired by the line manager. The line manager will present any relevant documents which may be referred to at the formal meeting, such as file notes and Occupational Health reports. Copies of all documentation will be made available to the employee and their representative at least three working days before the meeting. If the employee intends to bring a representative or fellow worker/support worker they must notify the manager.
- 20.3 The employee and trade union representative or fellow worker/support worker should make every effort to attend the formal meeting. If the employee is unable to attend, the formal meeting may be rearranged. If the employee continues to be unavailable to attend on the further date offered, the chair may conclude that a decision will be made on the evidence available. The employee's trade union representative or fellow worker/support worker may attend the formal meeting in such circumstances and will be allowed the opportunity to present the employee's case. The employee will also be allowed to make written submissions in such a situation.
- 20.4 **First Written Warning**
- 20.5 If it is determined by the line manager at the Stage Two Formal Meeting that there has been insufficient improvement in the employee's attendance, **a First Written Warning** will be issued, preferably communicated to the employee in person at the conclusion of the meeting where possible and confirmed in writing by the chair within five working days of the decision. A copy of the written decision will be placed on the employee's HR file. The written warning will also advise the employee of their right of

appeal to their Service Lead within 5 working days of the date of the written warning. The Service Lead will undertake a paper based review of the appeal grounds and basis for the decision to issue a warning and confirm the outcome of the appeal to the employee in writing within 15 working days.

- 20.6 The first written warning will state that a significant and sustained improvement in the employee's attendance level is required and that the warning will have a time limit of up to 6 months. This warning will also make it clear that failure to achieve and sustain the necessary improvements sufficiently during the period is likely to result in progression to the Stage Three Formal Meeting.
- 20.7 Stage Three can be brought forward if at the interim review meetings in Stage Two there is not satisfactory improvement made.

## 21. Stage Three Formal Meeting

- 21.1 A Stage Three Meeting will be required when the improvements specified in the Stage Two Meeting have not been achieved or sustained by the employee in the review period. The employee will be asked in writing by their line manager to attend a Stage Three Formal Meeting and will be given a minimum of five working days' notice (or less by mutual consent) and will be informed of their right to be accompanied
- 21.2 The meeting will follow the same format as the Stage One Absence Meeting. See paragraph 20. Copies of all documentation will be made available to the employee and their representative at least three working days before the meeting. If the employee intends to bring a representative or fellow worker/support worker they must notify the manager.
- 21.3 The employee and trade union representative or fellow worker/support worker should make every effort to attend the formal meeting. If the employee is unable to attend, the formal meeting may be rearranged. If the employee continues to be unavailable to attend on the further date offered, the manager may conclude that a decision will be made on the evidence available. The employee's trade union representative or fellow worker/support worker may attend the formal meeting in such circumstances and will be allowed the opportunity to present the employee's case. The employee will also be allowed to make written submissions in such a situation.

## 22. Final Written Warning

- 22.1 If it is determined at the Stage Three Formal Meeting that there has been insufficient improvement in the employee's attendance, **a Final Written Warning** will be issued, preferably communicated to the employee in person at the conclusion of the meeting where possible and confirmed in writing by the chair within five working days of the decision. A copy of the written decision will be placed on the employee's HR file. The written warning will also advise the employee of their right of appeal. For details of the Appeal process see section 25 below.
- 22.2 The final written warning will state that a significant and sustained improvement in the employee's attendance level is required and that the warning will have a time



limit of up to 6 months. This warning will also make it clear that failure to achieve and sustain the necessary improvements sufficiently during the period is likely to result in progression to the Stage Four Hearing.

22.3 Stage Four can be brought forward if at the interim review meetings in Stage One there is not satisfactory improvement made.

### **23. Stage Four – Hearing (Dismissal stage)**

23.1 The Hearing panel will normally consist of three officers;

- Service Lead (Service Director if the employee is a Service Lead)
- A Senior Manager (level 8 and above)
- A Human Resources representative

23.2 The line manager will present the management case for dismissal to the Hearing Panel.

23.3 The employee will be asked in writing by their line manager to attend a Stage Four Hearing and will be given a minimum of five working days' notice (or less by mutual consent) and will be informed of their right to be accompanied. They will be advised of the panel members.

23.4 The employee will be allowed to respond, raise points about any documents and information presented and will also be given reasonable opportunity to ask questions. If the employee intends to present any documents, these must be given to the chair of the panel at least three working days before the meeting. If the employee intends to bring a representative or fellow worker/support worker they must notify the chair of the panel. These timeframes are subject to reasonable adjustment for an employee with a disability.

23.5 When all the evidence has been heard and explanations given, parties will withdraw and the panel will decide on the outcome of the formal meeting. The panel should take account of all the information presented, the employee's attendance record, actions taken in any previous similar case, the explanations given by the employee and/or the employee's representative and whether dismissal is reasonable in the circumstances. The panel must consider all the points set out in section 24 below – Considerations at Dismissal Stage.

23.6 The chair may also adjourn the formal meeting where they feel further investigation into the matter is warranted before reaching a decision.

23.7 Where it is decided to terminate the employee's contract of employment, the employee will be given notice in accordance with the contract of employment.

23.8 The decision should be communicated to the employee in person at the conclusion of the meeting where possible and confirmed in writing by the chair within five working days of the decision.

## 24. CONSIDERATIONS AT DISMISSAL STAGE

- 24.1 **Before reaching a decision to dismiss an employee for sickness absence** it is essential that the panel thoroughly consider whether the employee has a disability as covered by the Equality Act and if so, that the Council's duty as an employer has been properly exercised. A failure in the duty by the Council to make reasonable adjustments will be committing an act of unlawful discrimination. See Appendix A Disability and Duty to Make Reasonable Adjustments.
- 24.2 **Short term absence:** If it is determined there has been insufficient improvement, or that the improvement has not been sustained during the period of the final written warning, the employee may be dismissed.
- 24.3 **Long term absence:** There are occasions where an employee who has been absent from work due to long-term sickness will not become well enough to return to work within a reasonable timescale and where ill-health retirement is not an option. The decision on whether to dismiss an employee must take account of whether or not, in all the circumstances, the Council can reasonably be expected, in light of the requirements of the business, to wait any longer for the employee to recover and resume working. This may depend upon such factors as the degree of disruption or difficulty that the employee's long-term absence is causing the Council.
- 24.4 In these circumstances, the panel will ensure they have considered:
- the employee's absence record to assess whether or not it is sufficient to justify dismissal;
  - up-to-date medical advice including Occupational Health reports, GP and specialist medical reports
  - if reasonable adjustments could be made to enable the employee to return to work
  - if there are any other jobs that the employee could do in the Council
- 24.5 The dismissal notice will be confirmed in writing within five working days of the decision and will also advise the employee of their right of appeal, see paragraph 26 below.

## 25. APPEAL

- 25.1 Appeals against a final written warning or dismissal must be made in writing to the employee's Service Lead within five working days of written confirmation of the formal meeting outcome. This timescale can be extended by mutual agreement.
- 25.2 An Appeal Hearing is not a re-hearing but will focus on the grounds for appeal provided by the employee.
- 25.3 The letter from the employee should state 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
  - the action taken was too severe or inconsistent with previous decisions

- new relevant evidence has become available

25.4 Upon receipt of an appeal, a formal appeal hearing will be convened by the chair of the appeal panel to hear the details of the appeal. The appeal hearing will normally be held within 15 working days following receipt of the written appeal. The employee has a right to be accompanied.

25.5 Appeals will usually be heard by:-

- A Service Lead from a different Directorate (Service Director if appeal is against a dismissal)
- Senior Manager (L8 and above) independent from section or service concerned
- HR representative

25.6 If the employee appealing is a Service Lead or a Director they must appeal to the CEO.

25.7 The chair of the appeal hearing will convey their decision to the employee at the conclusion of the hearing where possible. The decision at the appeal is final and will be confirmed in writing, usually within five working days.

## **26. ILL HEALTH RETIREMENT**

26.1 There may be occasions when it is in the best interests of an employee to take early retirement on the grounds of ill health, if due to their ill health they are permanently incapable of carrying out their duties. Each case will be dealt with on an individual basis, through close working with Human Resources, Occupational Health, the employee and/or their representative. Please refer to Appendix G for further information in respect of Ill Health Retirement and the process.

## **27. REDEPLOYMENT**

27.1 At all stages of the formal procedure the line manager may agree to consider redeployment of the employee following advice from OH. Any possible redeployment will be handled under the Council's Redeployment Policy. The line manager will confirm the timeframe that will apply for the employee to secure redeployment and that failure to find alternative employment may lead to the employee's dismissal under this procedure.

## **28. INDUSTRIAL INJURY**

28.1 An industrial injury is an accident or incident that has occurred at the place of work or as a result of an employee's work. An employee must always report an industrial injury to their line manager at the time of the incident. If the employee believes their sickness absence is as a result of an injury or incident at work, then they must let their manager or nominated person know. The manager will make any investigations and take appropriate action to prevent such an incident from occurring again.

28.2 The manager may refer the employee to the Occupational Health Service for advice.

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## **APPENDIX A**

### **Disability and Duty to Make Reasonable Adjustments**

Only a person who meets the Equality Act's definition of disability has the protected characteristic of disability. If an employee is unsure if they meet the definition of a disability then they should seek advice from their GP.

Physical or mental impairment includes sensory impairments such as those affecting sight or hearing. Long-term means that the impairment has lasted or is likely to last for at least 12 months or for the rest of the affected person's life. An impairment that does not last a continuous period of 12 months but which is recurring or likely to recur during the Employee's lifetime can also be a disability. Substantial means more than minor or trivial. Impairments that do not currently have a substantial impact on the Employee's ability to carry out day to day activities can amount to a disability if they are degenerative.

Where a person is taking measures to treat or correct an impairment (other than by using spectacles or contact lenses) and, but for those measures, the impairment would be likely to have a substantial adverse effect on the ability to carry out normal day to day activities, it is still to be treated as though it does have such an effect. This means that 'hidden' impairments (for example, mental illness or mental health conditions, diabetes and epilepsy) may count as disabilities where they meet the definition of the Act.

Cancer, HIV infection and multiple sclerosis are deemed disabilities under the Act from the point of diagnosis. In some circumstances, people who have sight impairment are automatically treated under the Act as being disabled.

#### **Duty to make reasonable adjustments**

The duty to make reasonable adjustments requires employers to take positive steps to ensure that disabled people can access and progress in employment. This goes beyond simply avoiding treating disabled workers, job applicants and potential job applicants unfavourably and means taking additional steps to which non-disabled workers and applicants are not entitled.

The duty applies to employers of all sizes but the question of what is reasonable may vary according to the circumstances of the employer. Part 2 of the Statutory Code has more information about good practice in making reasonable adjustments in different work situations.

Discrimination against a disabled person occurs where an employer fails to comply with a duty to make reasonable adjustments imposed on them in relation to that disabled person.

The employer should discuss with the employee appropriate adjustments such as:

- a phased, gradual return to work (See appendix B)
- altered hours (for example, varied start and finish time)
- flexible hours

- time off for treatment
- amended duties, and/or
- workplace or equipment adaptations
- relocating place of work.

### **What if the employer does not know that the worker is disabled?**

For disabled workers already in employment, an employer only has a duty to make an adjustment if they know, or could reasonably be expected to know, that a worker has a disability and is, or is likely to be, placed at a substantial disadvantage compared with those who are not disabled..

The employer must, however, do all they can reasonably be expected to do to find out whether this is the case. What is reasonable will depend on the circumstances. This is an objective assessment. When making enquiries about disability, employers should consider issues of dignity and privacy and ensure that personal information is dealt with confidentially.

The Act does not prevent a disabled person keeping a disability confidential from an employer. But keeping a disability confidential is likely to mean that unless the employer could reasonably be expected to know about it anyway, the employer will not be under a duty to make a reasonable adjustment.

If an employer's agent or employee (such as an occupational health adviser) knows, in that capacity, of a worker's or applicant's disability, the employer will not usually be able to claim that they do not know of the disability and that they therefore have no obligation to make a reasonable adjustment. Employers therefore need to ensure that where information about disabled people may come through different channels, there is a means, suitably confidential and subject to the disabled person's consent, for bringing that information together to make it easier for the employer to fulfil their duties under the Act.

### **Taking reasonable steps**

The following are some of the factors which might be taken into account when deciding, what is a reasonable step for an employer to have to take:

- Whether taking any particular steps would be effective in preventing the substantial disadvantage;
- the practicability of the step;
- the financial and other costs of making the adjustment and the extent of any disruption caused;
- the extent of the employer's financial or other resources;
- the availability to the employer of financial or other assistance to help make an adjustment (such as advice through Access to Work); and
- the type and size of the employer

Ultimately, the test of 'reasonableness' of any step an employer may have to take is an objective one and will depend on the circumstances of the case.

The Act does not permit an employer to justify a failure to comply with a duty to make a reasonable adjustment. However, an employer will only breach such a duty if the adjustment in question is one which it is reasonable for the employer to have to

make. If an employer does not comply with the duty to make reasonable adjustments they will be committing an act of unlawful discrimination. An Employer usually is not entitled to require the Employee to pay for the reasonable adjustment.

### **Reasonable adjustments in practice**

Chapter 6, Sections 6.32 to 6.35 of the Statutory Code of Practice on Employment provides information on good practice in carrying out reasonable adjustments, including examples of adjustments that would be considered reasonable for the purposes of the Act.

- Remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts a disabled person at a substantial disadvantage compared to those who are not disabled.
- Provide an auxiliary aid (which includes an auxiliary service) where a disabled person would, but for the provision of the auxiliary aid, be put at a substantial disadvantage compared to those who are not disabled.

The duty to make reasonable adjustments applies in recruitment and during all stages of employment, including dismissal.

### **Provision, criterion or practice**

This is not defined by the Act but should be construed widely so as to include, for example, any formal or informal policies, rules, practices, arrangements or qualifications including one-off decisions and actions.

### **Example**

**An employer has a policy that designated car parking spaces are only offered to senior managers. A worker who is not a manager, but has mobility impairment and needs to park very close to the office, is given a designated car parking space. This is likely to be a reasonable adjustment to the employer's Car Parking Policy.**

### **Substantial disadvantage**

The Act says that a substantial disadvantage is one which is more than minor or trivial. Whether such a disadvantage exists in a particular case is a question of fact, and is assessed on an objective basis.

The purpose of the comparison with people who are not disabled is to establish whether it is because of disability that a particular provision, criterion, practice or physical feature or the absence of an auxiliary aid disadvantages the disabled person in question. Accordingly, and unlike direct or indirect discrimination, under the duty to make reasonable adjustments there is no requirement to carry out a like for like comparison with a comparator or comparator group whose circumstances are the same or nearly the same as the disabled person's.

### **Considerations for employers and employees regarding Cancer, HIV & MS**

If the employee tells their employer they have been diagnosed with cancer, HIV or MS, the employer should:

- talk to the employee early about whether they want their condition to be kept confidential, or what they want and don't want their colleagues to know, who will be told and who will do the telling. These must be the employee's decisions.
- explain that colleagues may be more understanding about absences and any changes in work arrangements if they know what's happening.
- talk to the employee about 'reasonable adjustments' which would help them.
- make it easy for the employee to talk about the time off or 'reasonable adjustments' they need - for example, for medical appointments, treatment or recuperation - and try to have regular chats so they know if anything needs to change.

If talking to colleagues, concentrate on the impact the employee's condition may have on people and projects at work, and how best to talk to the employee, but avoid giving personal details.

Make sure the employee is clear about their employment rights, including sick pay and any other benefits they may be entitled to. Also make sure the employee does not feel pressured into returning to work too soon.

### **Particular considerations concerning Cancer**

Cancer is the most common progressive condition, but often is not terminal. With improvements in how to prevent and treat the different types of cancer, more people are surviving the disease and living with it as a chronic or long-term condition. Many people can be cured.

There are a range of cancer charities offering support, including Macmillan Cancer Support which offers specific advice for employers and employees on dealing with cancer in the workplace including:

- talking about cancer.
- understanding the impact of cancer treatment, side-effects which can often be harder to deal with than expected and the effect on the employee's work.

To find out more, go to <http://www.macmillan.org.uk/> to access its guidance for employers supporting staff with cancer. Macmillan also offers advice to employees affected by cancer, including information on their rights at work.

### **Particular considerations concerning HIV**

HIV is a virus mostly transmitted through sex. It weakens ability to fight infections and disease. Early diagnosis and treatments enable most people to live an active life and avoid developing AIDS, when the body can no longer fight life-threatening infections. There's no cure but most employees with HIV say the condition has no or little impact on their working life, and are only likely to need infrequent 'reasonable adjustments', such as flexible hours, working from home occasionally or time off for a



clinic appointment. But, there can be two particular times when an employee's HIV is more likely to impact on their work life: when they are diagnosed; and when they start or switch treatment. HIV medication can have side-effects such as fatigue, nausea and disturbed sleep.

National Aids Trust research has found that almost four in ten employees with HIV do not tell their employer about their condition, sometimes because they are concerned how the employer or colleagues might react.

For almost all jobs, an employee does not have to tell their employer about their HIV diagnosis. However, there are specific conditions for HIV positive healthcare workers who perform exposure-prone procedures, for example, dentists, surgeons and midwives. People living with HIV can work in these roles but they have to be on HIV treatment, with an undetectable viral load, and regularly monitored by their HIV and occupational health physician.

An employee or job applicant with HIV should consider telling their employer about their condition if the job involves travel abroad to a country which restricts entry, bars entry or deports people with HIV.

Someone with HIV cannot join the Army, Navy or Air Force. However, if someone is diagnosed while in a military role the armed forces may try to redeploy them to a non-front line role.

To find out more, see charity National Aids Trust's guides including HIV at Work: Advice for employers, and Advice for employees living with HIV on <http://www.lifewithhiv.org.uk/online-guides>

### **Particular considerations concerning MS**

Multiple Sclerosis, generally, is not fatal. There's no cure and people can be affected very differently. Many different symptoms can range from fatigue to paralysis. Some can come and go, or be present all the time. Treatments, exercises and devices can mean that life expectancy is similar to that of most people. However, rare forms can involve complications, such as infections, which can be fatal.

An employee must tell their employer about their MS if:

- it may affect health and safety in the workplace.
- they drive for their job and have a restriction on their licence because of their MS, or they drive a vehicle such as a taxi, lorry or bus, or they are covered by their employer's driving insurance, or MS may affect their ability to drive safely.
- they work in the armed forces.

Not everyone with MS needs extra support in the workplace, and many who do only need small 'reasonable adjustments' - for example, moving their desk away from a radiator, or allowing them to avoid commuting during the rush hour.

An employer should avoid comparing the needs of one employee with MS against the needs of another because their symptoms can be very different. People with MS can have relapses, when they develop new symptoms or old symptoms come back. These can come on over a few hours or days, and can last from a few days to many weeks. In a relapse, an employee may be unable to work. Also, during a relapse or when they are first diagnosed, encourage the employee to not make any major decisions about work - such as changing jobs, reducing hours or stopping work completely.

To find out more, visit The **Multiple Sclerosis Society's website** to access its guidance for employers and employees. The Disability Law Service also works on behalf of the Multiple Sclerosis Society and offers the **MS Legal Advice Line**.

## **Mental Health and the Workplace**

### **How can I support someone with Mental Health Issues?**

Many people who have mental health problems dread returning to work after they have been off sick because of their mental health. It can be awkward to know what to say when people have been ill, especially if it has never been talked about, or if their behaviour was unusual when they were unwell.

Whether you are a manager or a colleague, keeping in touch and letting someone know you care is a great way to prevent awkwardness:

- Remind them of the Employee Assistance service they can access.
- Ask the person who is off work what they would like their colleagues to be told. Remind colleagues that the image the person presents to the world – perhaps through social media – might not reflect their reality.
- Invite them out when employees are spending leisure time together – they may decline, but still appreciate being asked.
- Send cards and call your colleague if you would normally socialise with them – just as you would if they had any other health problem.
- Give them a call a few days before they return to work and ask them if there's anything you can do (maybe give their desk a tidy, agree to meet for coffee and walk in together, or go for lunch on the first day).
- Greet them when they are back – they are unlikely to want a fuss made, but you shouldn't shy away from talking about their absence. Ask them how they are, and if there's anything you can do to support them from here onwards.
- Help them get back into work routines – ask if they would like your support or attendance at meetings.

### **How can I support someone day to day?**

Many people who experience mental health problems get through their difficulties and return to life exactly as it was. We can't always assume this. Like with many long-term health conditions, people with mental health problems may need to make long term or permanent changes in their lives or jobs to manage. Colleagues may need your support on an ongoing basis – don't assume that they need special

treatment but equally don't assume that everything is fine just because some time has passed:

- Check in with colleagues informally in the office to see how they are doing, and, if you manage someone, offer them the chance to discuss their mental health at supervision sessions.
- You could offer to be a mentor or coach, or just a friendly support on an ongoing basis.
- You can ask if there's anything you can do to support a person to manage their condition. They might, for example, ask you to help them spot signs that they may miss that indicate that they may be becoming unwell.

### **Line manager responsibilities**

As a line manager, you play a crucial role in supporting employees that experience distress and/or mental health problems. You are the first official contact between the employer and the individual and you can set the tone and set an example.

### **Managing absence and return to work**

As a manager, you will be responsible for administering an absence. In mental health-related absence, the longer a person is away, the less likely they are to return. Early and appropriate contact can make returning easier. Early intervention for example with Occupational Health will confirm whether there are reasonable adjustments you should make. Sometimes, a phased return to work can be helpful, with someone working a few hours a day and building back up to working their contracted hours. See Appendix B, Phased Return and Alternative Duties.

If you're unsure what is reasonable, ask for advice from the HR Business Partner team.

## **APPENDIX B PHASED RETURN AND ALTERNATIVE DUTIES**

To facilitate a return following a period of sickness absence, it may be appropriate for an employee to resume work on a gradual basis or with some adjustment made to their duties or working arrangements to support their return. This will be discussed with the line manager, depending on the nature of their illness, in the following circumstances:

- Where the employee is as yet, unfit to carry out their normal duties but capable of undertaking modified or restricted duties in the same area of work on a temporary basis, whilst recuperating fully.
- Where the employee is fit to continue with their normal duties but at reduced or different hours, or at a different place of work for a limited period.

Each case will be determined individually and managers should seek advice from the HRBP team and OH services in cases where disability applies.

There may be occasions where a combination of the above may be appropriate. The exact details of the phased return arrangements, including review periods, will be agreed between the employee and their manager before the employee returns to work. Consideration will be given to any medical advice available and if there is any dispute regarding the details of the adjustments agreed, additional medical advice may be needed.

During the period of phased return if a reduction in hours/duties has been agreed, it is expected that normally as a minimum, the employee is able to fulfil 50% of their contractual hours / duties when they initially return to work and that they will be fully rehabilitated to their normal contractual hours/duties within a period of four to six weeks. During this period the employee will receive full pay and will be treated for pay purposes as if they were working their full contractual hours.

At the end of the agreed phased return the manager will meet with the employee to confirm their return to their normal working arrangements, or in exceptional circumstances where Occupational Health, General Practitioner or Consultant support a longer period agree to extend the rehabilitation arrangements. However, these arrangements must not exceed 6 weeks in total. If the employee, Occupational Health, General Practitioner or Consultant requests that they continue working reduced hours/duties beyond 6 weeks, as a temporary measure to assist their return, then it is expected that annual leave is taken to support their absence. Alternatively, in agreement with the manager, a temporary reduction in hours and associated pay reduction may be considered. In some circumstances it may be necessary to refer the employee back to Occupational Health for further advice.

### **Alternative Duties**

There may be occasions when Occupational Health, General Practitioner or Consultant suggests that it may be appropriate for an employee to undertake work outside of their area of work for a specific period of time as an aid to their

rehabilitation and return to normal substantive post. The employee must possess the necessary skills to undertake such alternative work.

Consideration should be given by the manager to this proposal and the availability of any suitable work. The exact details of the programme, including review periods will be agreed between the employee and their manager based on medical advice given before the employee returns to work. Any agreement reached should be in writing.

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**APPENDIX C**  
**RISK ASSESSMENT TEMPLATE – to be added**

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## **APPENDIX D TIME OFF FOR HOSPITAL / MEDICAL / DENTAL APPOINTMENTS**

### **Disability Leave**

It is essential that managers ensure that disabled employees are not unlawfully discriminated against for a reason which relates to their disability. Managers must take account of this when dealing with an absence due to an employees' disability. This includes consideration of reasonable adjustments at all stages of this procedure and will normally include paid time off to attend hospital and medical appointments.

### **Hospital Appointments**

If the hospital appointment is part of a long term health issue then the employee should discuss the matter with their line manager to determine whether the time will be classified as disability leave, sick leave, or whether annual leave, flexi-time or other working arrangements could be used or whether the hours need to be made up.

### **Cancer Screening**

Paid time off will be granted to employees for the purpose of cancer screening. Screening involves testing people for signs of the disease. Examples of cancer screening include breast, cervical, testicular and bowel.

### **IVF Treatment**

There is no statutory entitlement to paid time off for IVF treatment. However employees are encouraged to discuss the treatment process with their manager, Occupational Health and the Human Resources Business Partnering Team so that arrangements for paid or unpaid leave can be agreed on a case by case basis. All cases will be treated individually and confidentiality will be maintained at all times. It is recognised that there can be emotional pressure when undergoing IVF treatment and the Council recognises the potential anxiety and distress which individuals may suffer during the process, and wishes to support employees who decide to undertake fertility treatment, or whose partner is undergoing the treatment, as much as possible through the process. Absence resulting from the side effects of such treatment will not be classified as pregnancy related sickness absence. The sickness absence category should be discussed and agreed between the individual and the line manager. Pregnancy discrimination is prohibited under the Equality Act 2010 from the time when the fertilized ova are implanted into a woman to the end of her pregnancy, or, where implantation fails, for a period of 2 weeks from this date. Therefore this policy will apply in respect of pregnancy related illness during this period. Treating a woman who is undergoing IVF treatment unfavourably can amount to sex discrimination if it does not amount to pregnancy discrimination.

### **Ante-Natal Care**

Employees and Agency Worker with 12 weeks qualifying service in the same job as specified under regulation 8 of the Agency Worker Regulations are entitled to paid time off during working hours to attend antenatal appointments. These may be with a GP or midwife, hospital clinics or appointments for scans and tests, or parent craft classes recommended by a GP or midwife.

As much notice as possible should be given about the appointments. Wherever possible these should be made for the beginning or end of the working day.

Employees may be asked to produce appointment cards or some other confirmation of the appointment to show their line manager.

For Employees or Agency Workers who are parents of the expected child; the spouse or civil partner of a pregnant woman; living in an enduring family relationship with a pregnant woman or a potential applicant for a parental order under the Human Fertilization and Embryology Act 2008 are entitled to time off to accompany a pregnant woman to antenatal appointments but up to a maximum of 2 occasions during the course of the pregnancy and on each of those occasions the maximum time off shall be 6.5 hours. The appointment must be made on the advice of a registered medical practitioner, registered midwife or registered nurse. The Employee or Agency Worker must give notice of their application specifying that they have a qualifying relationship with the pregnant woman or expected child; the purpose of taking the time off is to accompany a pregnant woman to an antenatal appointment; the appointment has been made on the advice of a registered doctor, registered midwife or registered nurse and date and time of the appointment.

### **Elective / Cosmetic Surgery**

Whilst there is no statutory right to paid sick leave for elective/cosmetic surgery, it is recognised that there can be emotional pressure when undergoing medical procedures which can impact on the mental health/wellbeing of the employee. Employees choosing to undergo such procedures should discuss the matter with their line manager in the first instance and agree how this time off will be taken / recorded (i.e. annual or unpaid leave). Managers should consider on a case by case basis.

### **Transgender /Gender Reassignment**

Please refer to the Transgender Policy on SBCInsite and seek advice from the Human Resources Business Partnering Team.



## APPENDIX E

### Occupational Health Services

#### Occupational Health will provide the following;

- give advice to employees and managers on issues relating to health at work
- give an opinion based on medical evidence on the employee's ability to carry out their specific role under their contract of employment
- provide a report to the manager to confirm their opinion
- assess an employee's return to work date
- advise line managers if any reasonable adjustments are recommended to facilitate an employee's return to work and identify whether counselling or any other specialist services are recommended to facilitate an employee's return to work
- liaise with the employee's primary medical practitioners (GP/consultant etc.) if deemed necessary by OH or requested by the employee
- provide reports to the pension scheme administrators in respect of ill-health retirement applications
- provide advice to the employee and help the employee to understand their illness and how to minimise its impact on their ability to work.

At any time during an employee's sickness absence they may be required to visit OH (and are required to attend) or may be asked by OH for their consent to obtain a health report from their GP (under the Access to Medical Reports Act 1988).

OH will usually only provide the manager with advice using general terms without needing to pass on confidential medical advice. It is therefore not necessary for the employee's manager to have sight of confidential medical reports. Confidential medical information will only be passed to the employees' manager with the full knowledge and consent of the employee.

If an employee does not consent to OH obtaining a specialist medical report or withdraws consent for the use of this information by OH, then OH will inform the manager of this.

OH will advise a manager on an employee's fitness for work but can give a more informed opinion if more detailed specialist medical advice, where appropriate, has been sought. Where consent has not been given to OH by the employee to obtain or use the specialist medical advice, the manager will be made aware of the limitations of their advice.

The Council reserves the right to take the opinion of the Occupational Health provider even if their opinion is not the same as that of the GP.

**APPENDIX F**  
**Sickness Absence Process flowchart (to be added)**

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## **APPENDIX G**

### **ILL HEALTH RETIREMENT – to be updated**

#### Requesting Ill Health Retirement Procedure (IHR) Initial Stage

Either the employee requests that the option of ill health retirement is explored, or this is requested by the line manager (the employee would need to consent to this being explored).

- If the employee does not consent, then the formal procedure should be followed and IHR cannot be investigated.
  - If the employee requests that IHR is explored, they should complete the “Request for Ill health retirement form”
  - The manager should respond by sending the “Letter acknowledging request for ill health retirement” to the employee
  - If the request comes from either the employee or the manager then Form HM4101 Ill Health Retirement Referral Form should be used
  - The manager should also complete Part A of the Ill Health Retirement Certificate for a Current Employee Form and submit this with the Form HM4101.
- Upon completion of above forms, please liaise with HR before sending to OH.

#### Occupational Health’s role

- On receipt of the IHR request and Form HM4101, Occupational Health arranges to meet with the employee to carry out an update to functional assessment and will also obtain up to date medical reports from the GP/specialist.
- Occupational Health will form a preliminary view on whether IHR would be applicable and the likely tier that would apply. This will be communicated to the manager and a copy of this written advice will be offered to the employee. See link.
- On receipt of further medical evidence from the GP/Specialist, OH will refer the case to an Independent Medical Adviser for their advice (This can be done even if OH does not think IHR is relevant, e.g. if the employee disagrees and insists their application is pursued).

#### Independent Medical Advisor’s role

The Independent Medical Adviser (IMA) reviews the case and writes to OH with their advice. If the IMA agrees that ill health retirement is applicable they will complete Part B of the Ill Health Retirement Certificate for a Current Employee Form and return the same to OH.

- This will confirm which tier of the ill health retirement is applicable.
- OH will then write to the manager informing them of the outcome, copy to go to the employee.

## The Outcome

- On receipt of the letter from OH the manager will write to the employee and arrange a meeting to discuss outcome of the IMA assessment.
- If ill health retirement has been confirmed, the line manager will write to the employee (link using the letter confirming termination on the grounds of ill health retirement). Contractual notice will be paid in accordance with the employee's contract.
- The employee has the right to appeal against the outcome of the IMA's assessment and the appeal is made to ????
- If ill health retirement has been refused the manager will write to the employee using the appropriate template letter.
- There are no direct pension costs to the employer in cases of ill health retirement only.

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**RECRUITMENT & SELECTION POLICY & PROCEDURE**



Policy Schedule		
Policy owner and lead	People Services: HR Policy Manager	
Consultation	Trade unions	N/A
	Disability forum	N/A
	CMT	N/A
	CCF	10 December 2018
	Children's Safeguarding S11	November 2018
Approving body	Employment & Appeals Committee	
Date of approval		
Date of implementation	January 2019	
Version number	Version 6 final (December 2018)	
	Criminal Record (DBS) Policy and Procedure	
	Recruitment of Ex-Offenders Policy Redeployment Policy and Procedure	
	Policy and Procedure on Employing Migrant Workers	
Review interval	Three yearly (December 2021)	

<b>Contents</b>	<b>Page</b>
1. Policy Statement	4
2. Policy Aim	4-5
3. Scope	5
4. Equality and Diversity	5-6
5. Record Keeping and Data Protection	6
6. Training	7
7. Stage One – Identifying a Vacancy	7-8
8. Stage Two – Preparing the Job Pack	8-15
Job description	
Person specification	
Advertisement	
Advertising for non EEA nationals	
English language requirements for public sector workers	
Recruitment agencies	
Application forms and CVs	
9. Stage 3: Panel Members and Additional Panels	16-17
10. Stage 4: Approval	17
11. Stage 5: Redeployment and Ring-Fencing	17
12. Stage 6: Selecting applicants for interviews/assessment (shortlisting)	18-19
13. Stage 7: Selection Methods	19-22
14. Stage 8: Making an Offer	22-23
15. Stage 9: Pre-Employment Checks	23-25
16. Stage 10: Preparing and Inducting New Starters	25-26
17. Recruitment and Selection Timeline	27
18. Process Flowchart	28

## **Appendices**

- A Guidance on supporting candidates with disabilities
- B Guidance on effective interview questioning
- C Guidance on providing feedback to unsuccessful candidates
- D Safer Recruitment Guidance - Recruiting to posts working with children, young adults or adults at risk
- E National Safeguarding Statutory and Legislative Requirements

## 1. Policy Statement

1.1 Slough Borough Council is committed to being an employer of choice and to attracting employees of the highest calibre. Our employees are our most important asset and are critical to the services we provide. It is therefore essential that we recruit the right people to the right positions at the right time and in line with all statutory requirements.

## 2. Policy Aim

The aim of this policy and procedure is to provide a framework for the recruitment and selection of employees, to ensure all our processes are conducted fairly, consistently and effectively.

2.1 We are committed to safeguarding and promoting the welfare of children as set out in the statutory guidance *Working Together to Safeguard Children* ( HM Government 2018).

2.2 As a responsible employer our approach is to:

Ensure we undertake 'Safer Recruitment' when recruiting to all posts for children, young people and adults at risk which require an Enhanced DBS check and Barred List check if in regulatory activity. Please refer to Appendix D "Safer Recruitment Guidance" if recruiting to posts working with children, young people and adults at risk" and apply this guidance alongside this policy and procedure. Refer to <https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers>

- Recruit the best person for the position based solely on merit.
- Employ a range of techniques to select candidates dependent on the competencies required for the position.
- Design positions to take advantage of potential/current employees' skills and abilities.
- Recognise the quality, experience and career aspirations of current employees and ensure they are given proper consideration in this process.
- Vacancies will be advertised internally in the first instance and externally if the



position cannot be filled unless there are exceptional circumstances.

- Limit recruitment consideration to internal candidates where redundancies are likely and ring-fence vacancies that arise from re-organisation to those affected by the restructuring and at risk of redundancy.

2.3 This policy and procedure should be read and applied in conjunction with National Safeguarding Statutory Requirements and Legislation, (attached as Appendix E) the Criminal Records Check (DBS) Policy and Procedure, Recruitment of Ex-Offenders Policy, Policy and our Equal Opportunities Statement.

### **3. Scope**

3.1 This policy and procedure covers all activities that form part of the recruitment and selection process. It is applicable to all employee recruitment excluding 'as and when' workers and those employed in schools for whom the Governing Body would be responsible. This policy with appropriate amendments is recommended for adoption by Governing Bodies who will be required to make adequate and satisfactory arrangements of their own.

3.2 Chief Executive and Director appointments must comply with the Council's Constitution.

3.3 The Council has a contract in place with Matrix for the provision of temporary agency support to fill short term resourcing requirements. Whilst temporary agency requirements do not need to be advertised in the same way as outlined in this policy, there are additional approval mechanisms within the Matrix electronic system, which includes authorisation by finance, HR Business Partner and the appropriate Director.

### **4. Equality and diversity**

4.1 We recognise the positive value of equality and diversity and welcome applications from people of all backgrounds.

4.2 Recruitment panels should be aware of equality legislation and understand how discrimination can occur in the recruitment process. No applicant or candidate will receive less favourable treatment on the grounds of any of the eight protective

characteristics, namely:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Race
- Religion or belief
- Sex
- Sexual orientation.

4.3 The Slough Borough Council application form includes an equal opportunities section, which is detached from the application prior to being forwarded to the recruitment panel. We monitor details of applicants' ethnic origin, religion, sexual orientation, sex, age and whether the applicant has a disability. This helps us to prevent discrimination and identify areas of under-representation that may need attention. The collection of equality data is a corporate requirement, although applicants can decline to supply the information if they wish.

4.4 The Council is a 'Disability Confident' employer (previously two ticks) and is committed to employing people with disabilities. Applicants with a disability who meet the essential criteria on the person specification will be guaranteed an interview. In addition, we will make reasonable adjustments to the recruitment and selection process to ensure that no applicant/candidate is disadvantaged as a result of their disability. Additional guidance on supporting candidates with disabilities is included in Appendix A.

## **5. Record keeping and Data Protection**

5.1 HR Transactional Services will keep all recruitment records in accordance with the General Data Protection Regulations 2018. It is the responsibility of the chair of the recruitment panel to ensure that all documents, including shortlisting and interview forms, notes, interview questions and copies of any correspondence, are passed to HR Transactional Services at the end of the recruitment process. Candidates have the legal right to submit a request to see copies of all recruitment and selection records relating to them.

5.2 Confidentiality must be maintained in relation to information in relation to recruitment

and selection procedures in compliance with the General Data Protection Regulations 2018. Any breach of the Council's Data Protection and Privacy Policy may result in action under the Council's Disciplinary Policy and Procedure.

## **6. Training**

- 6.1 To help ensure effective and non-discriminatory recruitment and selection practices, all panel members should complete the Council's internal recruitment and selection training. Where this is not possible, as a minimum it is essential that the chair of the recruitment panel has attended the training. An e-learning refresher module is also available for those who have already attended the internal training, and should be completed every three years to keep abreast of any developments to recruitment best practice.
- 6.2 Any panel member recruiting to a position where someone will be working with children, young people and adults at risk must also have undertaken safer recruitment training in the last three years and for posts where someone will be working with children or young people, must be trained in accordance with the Safer Recruitment Consortium training to undertake Safeguarding interviews.

## **7. STAGE 1: Identifying a vacancy**

- 7.1 Vacancies usually arise when an employee leaves an existing post or a new permanent or temporary position is required. When a position becomes vacant the line manager should:
- Consider whether or not the position is still required
  - Consider whether it would be appropriate to re-distribute the workload (or part of it) to existing employees or reduce the workload through the use of improved processes and effective use of technology
  - Review and update the job description to ensure that it accurately reflects the key duties and responsibilities required of the position

- Review the person specification to ensure it accurately reflects the essential and desirable qualifications, skills, experience and knowledge required. This should include consideration of any English language requirement for customer-focused positions
- Where key duties and responsibilities have changed, discuss with your HR Services Officer whether the position should be re-assessed through the job evaluation scheme
- For temporary positions, consider the required length of contract and whether the position should be offered on a secondment or acting up basis.
- Review the required working hours for the position and whether the position can be offered on a remote and/or flexible basis.
- If the vacancy has arisen as a result of a restructure, consult with your HR Services Officer before starting the recruitment process to review whether the position should be ring fenced to those affected by the re-organisation.
- Draw up a clear and realistic timetable for recruitment taking account of the various steps that need to take place (including internal advertising in the first instance) and selection methods, allowing sufficient time for candidates to prepare their application and for interview
- Consider who to involve in the recruitment and selection process
- Prepare the job pack

## **8. STAGE 2: Preparing the job pack**

### **8.1 Job descriptions**

8.2 A job description outlines the position to be performed. It should be a straight

forward description of the key duties and responsibilities and avoid jargon and abbreviations. Ideally, it should confirm any reporting lines and the position the position holder reports to and any financial responsibilities.

8.3 Drawing up an accurate job description is crucial to the success of the recruitment process as it provides applicants with clear information about the position. A job description should neither overstate nor understate the required duties and responsibilities as it plays an important part in helping a potential applicant to decide whether to apply. In addition, the job description indicates the expectation of performance of the employee once in position.

8.4 A job description template is available on SBC Insite here <http://insite/people/recruitment/recruitment-process>

## 8.5 Person specification

8.6 Once the position has been defined you should consider the key qualifications, skills, experience and knowledge required to perform the position successfully. The use of fair criteria that can be measured during the selection process will help ensure the final decision is objective and will reduce the potential for discrimination.

8.7 Person specification criteria should be:

- Genuinely relevant to the performance of the position. If unnecessary criteria are set the pool of potential applicants will be reduced such as asking for qualifications that are not necessary for the position. In addition, in certain circumstances unnecessary criteria could constitute indirect discrimination. For example, requiring a driving licence, when driving requirements are minimal and could be fulfilled by taxi, may be discriminatory towards applicants who are unable to drive due to a disability. Similarly, specifying a certain number of years' experience does not allow for the type or breadth of experience a person may have and could be discriminatory on the grounds of age.
- Measurable; it is pointless to include criteria that cannot be tested. It is important to be clear whether criteria will be assessed against the application form, via tests

and/or during the interview so that applicants can respond as clearly as possible.

- Classified as either 'essential' or 'desirable'. Essential criteria are indispensable if the position is to be carried effectively. They specify the minimum standard required and should be used in the shortlisting process as a basis for the rejection of unsuitable applicants. Desirable criteria enhance the applicant's ability to carry out the position but a lack of these would not mean that they couldn't carry out the position.

8.8 Criteria that could adversely impact on people with a protected characteristic should be avoided unless fully justified as being necessary for the position. There are certain exceptions in discrimination legislation, known as genuine occupational qualifications, where a position can only be performed effectively by a particular group of people. Examples are limited and care should be given in the use of such criteria and discussed with the HR Business Partnering Team before advertising.

8.9 A person specification template is available on SBC Insite here <http://insite/people/recruitment/recruitment-process>

## **8.10 Advertisement**

8.11 All vacancies (excluding 'as and when' hours) must be advertised and, as a minimum, be posted on SBC Insite.

8.12 Vacancies will be advertised internally for a minimum of two weeks in the first instance to help maximise equality of opportunity and provide employees with career development opportunities. After this period, if no appointment can be made, the advertisement will be extended to include external applicants. In exceptional circumstances, the relevant Director may waive the need to advertise internally first. This is likely to include positions requiring specialised expertise where a comprehensive review of existing expertise has been undertaken.

8.13 Where possible, we will amalgamate vacancies into a composite advertisement to increase impact and to reduce advertising costs. Whilst this may delay the placing of an advertisement slightly, the impact of a composite advertisement often increases

applicant response rates.

8.14 All advertisements should: Create a positive impression of the Council. Think about selling the Council, the position and the benefits we can offer.

- Include an appropriate job title - make sure the audience will understand the job title
- Outline the essential criteria for applicants
- Salary range and any allowances
- Confirm particulars such as length of contract, hours and work pattern if appropriate
- Include our equality statement '*We value diversity*'
- Include a safeguarding statement "*We are committed to safeguarding*".
- Detail the closing and interview/assessment dates
- Be personalised as much as possible, reading as if you are speaking directly to the applicant, e.g. 'You will be responsible for' and 'you will need to have'.

8.15 All external advertisements will be placed on our SBC website and most will also be advertised with Jobcentre Plus. A further advertisement can be placed in one local paper (such as the Slough Observer) or in a national newspaper or professional journal if appropriate.

8.16 Where possible advertisements should be placed online rather than in print. Online advertisements can be live within 48 hours, cost less than printed media, have no limit on content and reach a wider pool of potential applicants.

8.17 Recruiting officers are encouraged to consider the use of social media for recruitment advertising. The council's twitter feed and LinkedIn page can be used to publicise

vacancies and we encourage employees to use their own professional LinkedIn pages to share vacancies within their own service areas with their online networks.

8.18 Whilst not essential, advertisements may offer the opportunity of an informal telephone discussion with the manager for the position. The purpose of these informal discussions is to assist applicants with understanding the position, department and organisation so they can decide whether to apply. Informal discussions do not form part of the selection process.

8.19 Further advice on writing advertisements and media use is available from the HR Business Partnering Team.

## **8.20 Advertising requirements for non-EEA nationals**

8.21 Where positions may need to be filled by a non-EEA migrant we must meet the Resident Labour Market Test (RLMT). The purpose of this test is to ensure that settled workers are given an equal chance to apply for positions as non-EEA migrants.

8.22 In order to meet the Resident Labour Market Test:

- . Positions must be advertised for a minimum of 28 calendar days
- . Two advertisements must be placed and one of those will be online. In most cases this will include mandatory advertising through Jobcentre Plus.
- . Advertisements must clearly state the:
  - job title
  - The main duties and responsibilities of the job
  - location
  - salary package
  - skills, qualifications and experience needed
  - closing date for applications



## **8.23 English language requirements for public sector workers**

- 8.24 The Immigration Bill requires public authorities to ensure that employees in customer facing roles can speak fluent English. This 'fluency duty' applies to employees who, as a regular and intrinsic part of their role, are required to speak to members of the public.
- 8.25 Third party and agency workers who are engaged in customer facing roles for the council are also required to hold the level of English proficiency required to fulfil the position effectively.
- 8.26 To determine whether a role is customer facing or not it is necessary to consider the nature of the work involved including:
- Is there a business need for interaction with the public
  - What is the frequency and form of this interaction
  - What is the level of service quality and responsiveness expected by the public
  - What proportion of the role requires spoken interaction with members of the public
- 8.27 Employees in a customer facing role must have a command of spoken English that is sufficient to enable the effective performance of their position. The level of language proficiency required will therefore depend on the type of customer facing role. The following factors may be relevant when considering the standard required:
- The frequency of spoken interaction
  - The topic of spoken interaction
  - Whether the communication is likely to include technical, profession-specific or specialist vocabulary
  - The typical duration of spoken interaction
  - Whether the communication is repeated in or supplemented by written material provided to customers
  - The significance of spoken interaction for service delivery.

8.28 In the context of a customer facing role, an employee should be able to choose the right kind of vocabulary for the situation without a great deal of hesitation. They should listen to their customer and understand their needs. They should be able to tailor their approach to each conversation appropriate to their customer, responding clearly, even in complex situations. The table below provides a useful summary extracted from the CEFR levels of fluency:

CEFR Cert	Description	Fluency
B1	Threshold or intermediate	Exploits a wide range of simple language flexibility to express much of what they want. Can keep speaking comprehensibly, even though pausing for grammatical and lexical planning. Repair is evident, especially in longer stretches of free production.
B2	Vantage or upper intermediate	Adjusts to the changes of direction, style and emphasis normally found in conversation. Can produce stretches of language with a fairly even tempo; although they can be hesitant as they search for patterns and expressions. There are few noticeably long pauses.
C1	Effective operational proficiency	Expresses themselves fluently and spontaneously, almost effortlessly. Only a conceptually difficult subject can hinder a natural smooth flow of language.
C2	Master or proficiency	Expresses themselves spontaneously at length with a natural conversational flow, avoiding or backtracking around any difficulty so smoothly that the customer is hardly aware of it.

8.29 Person specifications and recruitment advertisements for a customer focused position should make reference to the English language requirement, for example:

***‘The ability to converse at ease with customers and provide advice in accurate spoken English is essential for the post’***

8.30 Where a particular standard of spoken language ability has been legitimately set as a requirement of the role, applicants may need to be assessed on their English language ability, either through a formal test or as part of the interview process. Where applicants are clearly fluent to the necessary standard for the position, no further action is necessary.

8.31 There are a range of techniques to demonstrate spoken English ability such as:

- Competently answering interview questions in English
- Possessing a relevant qualification for the role attained as part of education in the UK or fully taught in English by a recognised institution abroad
- Passing an English spoken language competency test
- Possessing a relevant spoken English qualification at CEFR Level B1 or above, taught in English by a recognised institution abroad.

8.32 When the fluency duty is met by the provision of a sign language interpreter, the interpreter should be registered with the NRCPD.

8.33 The full code of practice on the English Language requirements is available here: <https://www.gov.uk/government/publications/english-language-requirement-for-publicsector-workers-code-of-practice>

#### **8.34 Recruitment agencies**

8.35 Agency fees can be expensive and so generally positions will be recruited to by the Council directly. However, in some circumstances it may be more effective to engage a recruitment agency, for example when it has not been possible to find a suitable applicant or for a particularly specialist or senior position. This will not eliminate the need to advertise positions internally. In addition, any external agencies who assist us with recruitment must act in accordance with this policy and with respect of our commitment to equality and diversity.

#### **8.36 Application forms and CVs**

8.37 Applicants are required to complete our application form in order to be considered for a

vacancy. They may, if they wish, submit a CV in addition to their application form. However, CVs on their own will not be accepted as they do not assist with consistent shortlisting and do not support our commitment to equal opportunities.

## **9 STAGE 3: Panel members and additional panels**

- 9.1 Prior to shortlisting candidates, the recruiting officer should consider who will join them on the recruitment panel for shortlisting and interviewing candidates.
- 9.2 Normally all members of the main recruitment panel will be senior to that of the position being filled and, wherever possible, should include the immediate manager.
- 9.3 Additional panel interviews may be arranged (e.g. peer interviews for senior management positions). For additional panels it is not unusual for panel members to be of the same or similar level and may include the outgoing position holder who can offer useful information for candidates or members of employment groups such as the employee engagement forum. Additional panels should be considered as a sub-panel to the main recruitment panel and whilst their feedback should be fully taken into consideration as part of the decision making process, the final decision should be made by the main recruitment panel.
- 9.4 A representative from HR will not usually be a member of a recruitment panel unless it is for a senior management level position. However, advice and guidance on specific recruitment campaigns and best practice is available.
- 9.5 To help ensure effective and non-discriminatory recruitment and selection practices, all panel members should attend recruitment and selection training. Where this is not possible, as a minimum it is essential that the chair of the recruitment panel has attended the training.
- 9.6 When appointing recruitment panel members, consideration should be given to the diversity of the panel including, but not limited to, gender diversity. This is to help tackle unconscious bias and helps to demonstrate our commitment to diversity.
- 9.7 Panel members who are known to applicants should notify the chair of the recruitment

panel. Depending on the nature of the relationship they will usually be prevented from participating in the recruitment process unless this is unavoidable (e.g. during internal recruitment).

- 9.8 The Council's Constitution includes specific requirements for the panel composition for the recruitment of Chief Executive and Director positions.

## **10 STAGE 4: Approval**

- 10.1 Once the job description, person specification and advertisement have been prepared, the next step is to complete a Recruitment Checklist available here <https://www.gov.uk/government/publications/english-language-requirement-for-publicsector-workers-code-of-practice> The checklist should then be submitted to your Finance Business Partner and relevant Director for sign off before being passed to your HR Business Partner.

- 10.2 The HR Business Partnering Team will review the Recruitment Checklist and recruitment documents before forwarding the job pack to HR Transactional Services who will then place the advertisement.

## **11. STAGE 5: Redeployment and ring-fencing**

- 11.1 As outlined in our Redeployment Policy and Procedure, we are committed to minimising compulsory redundancies where we can. One way of achieving this is to redeploy employees who are at risk of redundancy to other positions within the Council. Therefore, it may be appropriate to ring-fence vacancies to particular service areas and/or to slot an employee at risk of redundancy into another position without the need to compete in the normal way. If there is more than one employee at risk of redundancy then there will likely need to be a competitive process. Considerations should also be given as to whether re-training may be needed for redeployees applying for vacancies.

- 11.2 When a job pack is received, the HR Business Partnering Team will consult the redeployment register before the advertisement proceeds. They will contact you if your

vacancy is identified as potentially suitable as a redeployment opportunity to discuss next steps.

## **12. STAGE 6: Selecting applicants for interview/assessment (short listing)**

- 12.1 Shortlisting is a sifting exercise to decide which applicants you wish to invite for interview/testing. This involves undertaking a comparison of the application form against the person specification criteria. Shortlisting must not include consideration of the applicant's social media profiles or any views of colleagues who know the applicant/s.
- 12.2 HR Transactional Services will provide the recruitment panel with electronic copies of all application forms (excluding the section containing equality monitoring data), the original job pack and the shortlisting proforma by Monday at 5pm (2 working days after the closing date).
- 12.3 Shortlisting should take place as soon as possible after the closing date to ensure that sufficient notice can be provided to applicants invited to interview. In addition, long delays in the selection process may mean that strong applicants secure employment elsewhere.
- 12.4 Shortlisting will ideally involve the full recruitment panel but as a minimum must be carried out by two panel members to avoid the potential for bias, one of whom would normally be the direct manager.
- 12.5 Applicants who meet all the essential criteria are likely to be shortlisted. If this produces too many candidates to interview effectively in one day the desirable criteria may be used as a second filter.
- 12.6 It is advisable not to interview more than a maximum of 6 candidates in one day. Where necessary two interview dates may be required. Alternatively, where a large number of applications are received, it may be appropriate to have a reserve shortlist which can be referred to if an appointment is not made following the interview process.

- 12.7 Shortlisting decisions should be recorded on the shortlist proforma. Where shortlisting is completed collectively at the same time, one proforma may be completed and signed by each panel member. Alternatively, each panel member may review applications individually and then discuss the overall assessments with the rest of the panel members before agreeing on a final short list. The proforma should then be returned to HR Transactional Services along with the interview arrangement form.
- 12.8 HR Transactional Services will make an initial telephone call to the candidates to establish whether they are still interested and their availability for interview. After the initial telephone call, HR Transactional Services will confirm the interview details in writing.
- 12.9 Due to limited resources, external candidates are not notified if they haven't been shortlisted and instead are advised to assume their application has been unsuccessful if they have not heard from the Council in 4 weeks. However, internal candidates should be offered the opportunity to discuss with a panel member why they were not shortlisted if they wish to do so.

### **13. STAGE 7: Selection methods**

- 13.1 The next stage is to carry out a selection process to establish which of the short listed applicants is most suitable for the role. Interviewing is the most commonly used method of assessing prospective employees and all selection programmes must include a panel interview as a minimum. However there are other methods available to assist the decision making process including:
- Psychometric assessments and aptitude tests such as numerical and verbal reasoning
  - Presentations
  - Work based exercises e.g. preparing a written report or creating a spreadsheet
  - Group exercises and observations

#### **13.2 Psychometric assessments**

13.3 Psychometric assessments are formal assessments carried out by a qualified practitioner. They fall into two broad categories:

<b>Ability tests</b>	Covering activities such as numerical reasoning and the ability to interpret written information
<b>Personality questionnaires</b>	Covering personality aspects such as decision-making style, preferred leadership style, team profile and other traits relevant to managing tasks and people.

13.4 Psychometric assessments can be a useful aid to the selection process and should be completed in advance of the interviews so that any questions that arise from the reports can be explored at interview. It is not necessary or practical to require psychometric testing for every vacancy that arises but we recommend their use for all managerial positions and for those that require numerical or verbal reasoning skills.

13.5 The Council subscribes to an online psychometric system and members of the HR Business Partnering Team team are able to arrange and provide feedback on assessments.

**13.6 Interviews**

13.7 Interviews should be structured the same way for each candidate, ensuring the items on the person specification are covered for every candidate. The likely structure will be:

<b>Interview Structure</b>	
Interview preparation	In advance of the interviews, panel members should re-read the candidates’ application forms to familiarise themselves with applicants’ backgrounds and strengths against the person specification.



Panel pre-meeting	Before the interviews begin the panel should meet to agree who will chair the panel, agree the questions to be asked and by whom and to make sure the venue and any equipment is set up effectively.
Welcome and introduction	The panel should endeavour to put the candidate at ease from the start. Most candidates are nervous and the chair can help alleviate initial tension by offering water, introducing panel members and telling them about the role/department.
Interview format	The chair should explain the format and likely length of the interview. They should explain that the panel will make notes and confirm there will be an opportunity at the end for the candidate to ask any questions they have.
Employment history	It is essential to explore any gaps in employment history during the interview. This is particularly important for safeguarding purposes and inspectors may review this during their inspection.
Interview questions	Questions should be asked by panel members in order, rather than jumping between panel members. They should be open ended, encouraging candidates to give examples of real situations. Sometimes the way a question is answered might prompt an additional question, or something on one particular candidate's application might lead you to ask a specific question and this is perfectly acceptable. Supplementary questions will often be used where the pre-agreed question has not been fully answered or has perhaps been misunderstood. The aim is to create an atmosphere of conversation, rather than interrogation, to help put the candidate at ease and enable them to perform at their best. Guidance on effective questioning technique is included in Appendix B.
Candidate questions	The candidate should be offered the opportunity to ask any questions. As part of this section it is a good idea to ask all candidates if they would require any support or adjustments to undertake the role effectively. This will not only allow disabled candidates to discuss support they may need but allow other candidates to raise any flexible working needs, for example due to carer responsibilities.

Next steps	At the end of the interview the candidate should be informed of the next steps, including when and how they will be notified of the decision.
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13.8 It is essential that panel members keep notes of the interviews and afterwards make a record of the rationale behind the selection decision using the interview pro forma. This includes scoring candidates against the person criteria so that it is clear why the successful candidate was selected and the other candidates rejected. Interview records may be called upon if we are questioned about a recruitment decision. Interview notes should be readable and should not include any comments that you would not be happy for somebody else to see. It is often practicable to have another panel member to make notes when you are asking questions so that you can make eye contact with the candidate and listen carefully to their responses.

**14. STAGE 8: Making an offer**

14.1 Following completion of all the selection assessments, the chair of the recruitment panel should gather together the evidence from all tests, feedback from others, interview notes and discuss the decision with other panel members. Scoring candidates together with open discussion will identify the strongest candidates. However, even if there is a majority in favour of a particular candidate or if the scoring shows that there is a clear front-runner, take the time to explore any reservations you have. Reassure yourself that the chosen candidate is capable of doing the job well or that it is feasible to instigate a development programme which will achieve this. Do not be tempted to recruit the best of an inadequate set of candidates if they are not capable of doing the job.

14.2 Whilst it is ideal to make a decision on the interview day when impressions are still fresh, don't be pressured into making a difficult decision on the day if you are not confident in doing so, consider reconvening the next day after giving your decision further thought. If necessary, candidates can be called back for a second interview so any doubts can be explored further.

14.3 Once a decision has been made, the chair of the recruitment panel should telephone the chosen candidate to make a conditional offer. The offer must be conditional at this stage as it will be subject to successful pre-employment checks such as references,

occupational health clearance and criminal record disclosure as appropriate.

14.4 The chair of the panel must complete the Appointment Details Form (<http://insite/people/recruitment/recruitment-process>) detailing the starting salary being offered and send this back to HR Transactional Services with all the interview paperwork. The ADF will be included in the interview pack.

14.5 Upon receiving all the interview paperwork, HR Transactional Services will produce a conditional written offer to be sent to the appointed candidates and for pre-employment checks to be carried out. Written offers of employment should only be sent by HR Transactional Services as the exact wording of the letter can make a significant legal commitment.

14.6 Where possible, it is advisable to have a good second choice candidate that can be approached if your first choice candidate declines the offer of employment. Where there is no strong reserve candidate you may need to revisit your shortlist or to re-advertise.

14.7 Unsuccessful candidates should be notified quickly and will be officially informed by HR Transactional Services. It is good practice to provide constructive feedback to any unsuccessful candidates who request feedback. Guidance on providing feedback to unsuccessful candidates is included in Appendix C.

## **15. STAGE 9: Pre-employment checks**

### **15.1 Qualifications**

15.2 Where qualifications are a requirement for the position, the successful candidate will need to provide original documents as proof to HR Transactional Services for verification and copying before commencing in their new position.

### **15.3 References**

15.4 References must be taken up for internal and external candidates. The purpose of obtaining references is to confirm or gain factual information on an applicant's current

position, salary, length of service, conduct and performance, attendance, disciplinary and sickness records. We recognise that increasingly employers are avoiding providing references on character or performance. This will not disadvantage a candidate providing key factual data such as employment dates and positions held are confirmed.

- 15.5 References will be emailed to the chair of the recruitment panel by HR Transactional Services for confirmation that they are acceptable. It is important that all references are treated in strict confidence and should be carefully destroyed or returned to HR Transactional Services after review.
- 15.6 It is the policy of the Council to request two references for external appointments from the current or most recent employer/line manager (not a colleague from the organisation). For internal appointments, one reference is required, usually from the current line manager. Guidance on suitable internal references can be obtained from the HR Business Partnering Team if needed.
- 15.7 The successful candidate should not start work without references being obtained first, except in exceptional circumstances and with the approval of the relevant Director. If references are to be received later continuation of employment will be subject to receipt of satisfactory references. Please refer to the Reference Request Template.
- 15.8 Criminal record checks (DBS disclosure)**
- 15.9 As a responsible employer, we take every step to ensure that children and other vulnerable groups are cared for by employees, volunteers and contractors who have been screened to ensure they are suitable to carry out their roles and responsibilities. DBS checks are undertaken for positions that meet the standard or enhanced criteria for a criminal record check as outlined in the Criminal Record Check Policy and Procedure. Further guidance can be obtained from <https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers>
- 15.10 Where a position requires a criminal record check, the application pack must state clearly that this is a requirement.

## **15.11 Occupational health**

15.12 Prior to commencing employment, new starters are required to complete a confidential occupational health questionnaire, which will be reviewed by HR Transactional Services. If they answer 'yes' to any of the questions, the questionnaire will be forwarded to our occupational health specialist who will contact the individual if necessary to ask more detailed medical questions. All medical and sensitive personal information provided to occupational health will be held confidentially. Occupational health will provide advice to the council on any adjustments that may be required to allow the individual to undertake the position.

## **16. STAGE 10: Preparing and inducting new starters**

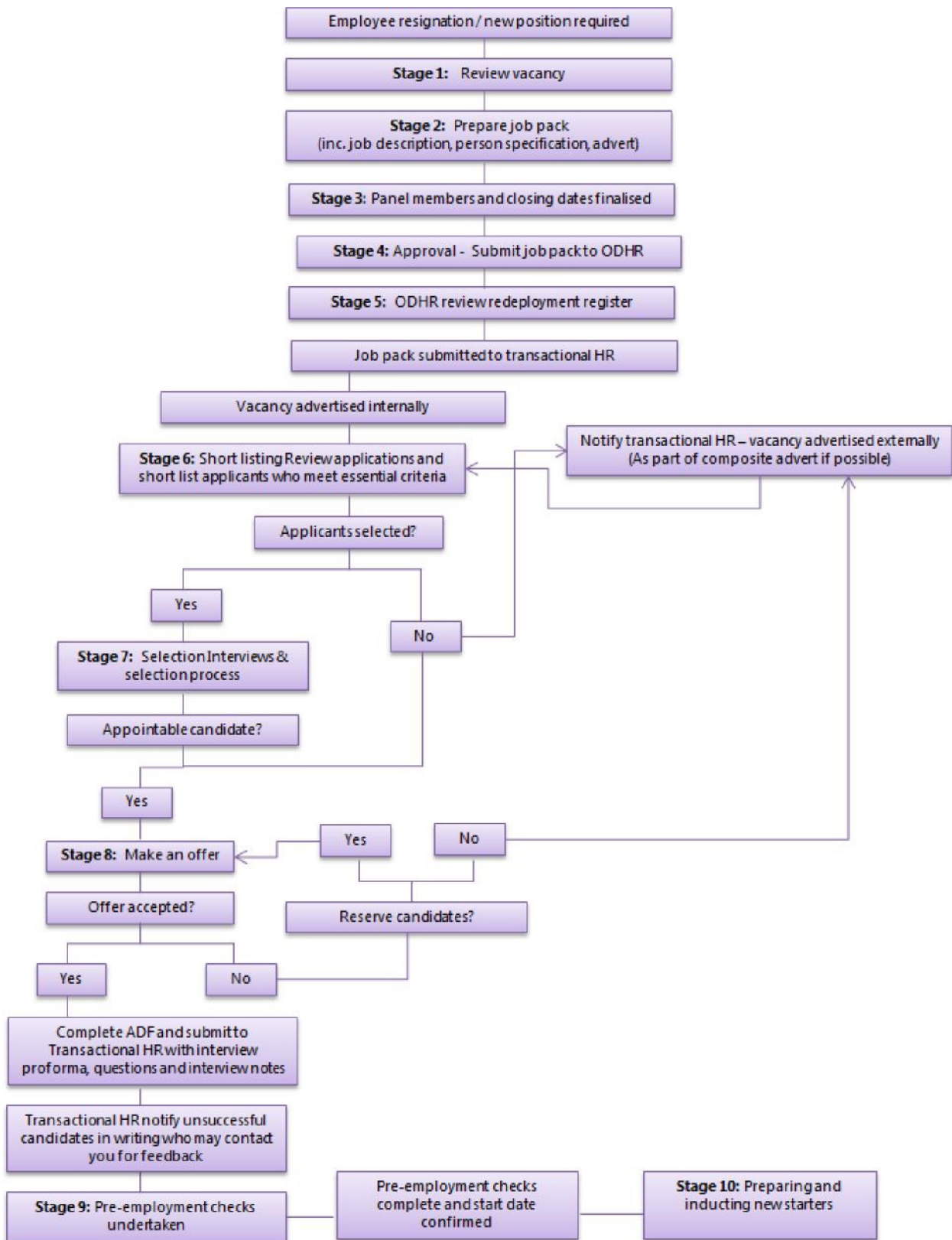
- 16.1 Once the successful candidate has accepted the offer of employment and a start date has been agreed, the next step is to prepare an induction programme for them. An effective induction will help ensure that the new employee settles in well and gains an understanding of the council and our policies, systems, values and culture as early as possible.
- 16.2 If the new employee has a longer notice period you may wish to keep in contact with your new starter before they join to help them feel part of the team and perhaps to become aware of current developments at an early stage. It may be appropriate for them to attend some key meetings that they would benefit from attending before they arrive.
- 16.3 Prior to their start date, ensure that workspace and equipment is ready for their first day and that the requests for ID cards and system access rights have been set up. You should also ensure that there is somebody available to greet your new starter on their first day to introduce them to the team and help them to settle in.
- 16.4 Each new employee will be inducted using the Council's induction checklist which includes familiarising them with the workplace and colleagues, local health, safety, fire and first aid arrangements, job responsibilities and any departmental specific procedures. It is the line manager's responsibility to ensure that the new employee receives written statements of policies and procedures in relation to safeguarding, that

all sections of the induction checklist are completed within the specified timescales and that the form is signed off and returned to HR Transactional Services for inclusion in the personal file for the new employee. The induction checklist is available on SBC Insite here: <http://insite/people/recruitment/induction> . All employees are required to undertake safeguarding training to at least level 1 (either classroom or e learning dependent on the role) and for posts working with children, young people or adults at risk they must undertake enhanced safeguarding training.

## 17. Recruitment and selection timeline

Step	Deadline/timescale
Complete job pack submitted to ODHR	Wednesday 12 noon
ODHR review job pack, redeployment register and submit to HR Transactional Services	Tuesday 12 noon
Internal advertisement placed by HR Transactional Services	Within 3 days (Friday)
Internal advertisement closing date	1 week / 2 weeks (Thursday 5pm)
External advertisement closing date (if required)	Usually 2 weeks – advertisements close on Thursdays at 5pm
Short list pack provided to panel by HR Transactional Services	Monday 5pm
Short list provided to HR Transactional Services	Friday 5pm
Interview invites sent out	ASAP dependent on interview dates
References obtained where permission given and for posts working with children, young people and adults at risk	ASAP
Interview date	Candidates can be provided 1 weeks notice if date was included in advertisement, otherwise 2 weeks
Candidates informed of outcome	Within 2 days unless candidates have been informed of alternative timescales
Offer letter sent	Within 5 working days of receiving all completed recruitment paperwork

## 18. Process flowchart





## **Appendix D**

### **Safer Recruitment Guidance – recruiting to posts working with children, young people or adults at risk.**

#### **Scope**

Slough Borough Council is committed to safeguarding and promoting the welfare of children and young people and vulnerable adults and expects all employees to share this commitment. By ensuring that our recruitment and selection processes help to deter reject or identify people who might abuse children, or are otherwise unsuited to work with them, we are able to strengthen safeguards for children and young people.

We expect all suppliers and contractors to the Council to share this commitment and comply fully with the Recruitment and Selection Policy, and Safer Recruitment Guidance provided. We are committed to safe working practices as outlined by the Safer Recruitment Consortium. The Safer Recruitment Consortium is a partnership between four organisations; the NSPCC, Lucy Faithful Foundation, NASS and CAPE who have the safety and wellbeing of children at their heart. Further details can be found here: Further details can be found here:

<https://www.saferrecruitmentconsortium.org/>

Safer Recruitment applies to all employees who have contact with children, young people and adults at risk through their work whether in a paid or voluntary capacity.

It also applies to staff who do not have direct responsibility for children but who will have contact with children within the organisation and will be seen as safe and trustworthy and/or have access to confidential and sensitive information e.g. administrative staff, receptionists.

#### **Temporary Employees**

Contractors/Agencies engaged by the Council must complete the same checks for their employees that the Council is required to complete for its staff. The Council requires written confirmation from the recruiting agency (Matrix) that these checks have been completed before employees of the Contractor/Agency can commence

work at the Council. Similarly, safe recruitment practices need to be observed with sessional staff.

### **DBS check**

Where the work involves contact with children or vulnerable adults, an enhanced disclosure and barring service (DBS) check **will** be required if working with unsupervised access to children and/or young people. For further guidance refer to <https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers>

### **Volunteers**

In respect of engaging a volunteer please refer to the Council's Volunteering Policy. Under no circumstances will the Council permit an unchecked volunteer to work in regulated activity and have unsupervised contact with children, young people or vulnerable adults.

### **Training**

A minimum of one member of the panel must have undertaken safer recruitment training in the last three years when recruiting to a position where someone will be working with children, young people or adults at risk.

### **Preparing the Job Pack**

All information given to interested applicants should highlight the importance of the rigorous selection processes and duty to safeguard and promote the welfare of children and young people. It should be clear that proof of identity will be required, as well as a Disclosure and Barring Service check where appropriate. It should include the Council's Safeguarding Policy Statement.

### **Job Descriptions**

It should clearly state;

- The extent of contact/responsibility for children and young people

- The individual's responsibility for promoting and safeguarding the welfare of the children/young people/adults at risk they are responsible for or comes into contact with.

### **Person Specification**

It should state the requirements needed to perform the role in relation to working with children and young people.

### **Advertisements**

Include a statement about the Council's commitment to safeguarding and promoting the welfare of children, young people and adults at risk and reference to the need for the successful applicant to undertake an enhanced DBS where appropriate.

### **Application Forms and CV's**

Incomplete application forms will not be shortlisted. CV's will not be accepted but can be provided alongside a fully completed application form.

### **Self-disclosure form**

The Self-disclosure form gives candidates the opportunity to tell us confidentially about any unspent criminal convictions. If the role requires an enhanced criminal records check, you should also ask applicants to disclose any unprotected spent convictions and cautions.

Applicants should complete self-disclosure forms before interview and bring them in a separate, sealed envelope marked 'Confidential'. The hiring manager should only open the self-disclosure forms of candidates who have accepted a conditional offer, and review the information inside as part of their vetting checks.

Unopened self-disclosure forms must be securely disposed of by the hiring manager.

The self-disclosure form does not replace the need for a DBS check. DBS checks should always be carried out as appropriate.

## **Panels**

Children and young people can make a valuable contribution to the recruitment process and their participation should be considered for key strategic and managerial posts as well as posts where staff will have a high level of responsibility for children's day to day care.

## **Interviews**

The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the panel to explore any anomalies or gaps that have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training).

## **References**

Two references are required for external appointments from the current or most recent employer/line manager (not a colleague from the organisation). For internal appointments, one reference is required, usually from the current line manager. Guidance on suitable internal references can be obtained from the HR Business Partnering Team if needed.

For posts working with children, young people or adults at risk references should be sought on all shortlisted candidates, including internal ones. If possible these should be obtained prior to interview so that any issues of concern that the reference raises can be explored with the referee and taken up with the candidate at interview. However referees will not be approached without the applicant's permission.

References must be sought and obtained directly from the referee. Prior to the confirmation of an appointment, referees must be telephoned to confirm their

views on the candidate and to ensure the information provided by the candidate is accurate.

A copy of the Job Description and Person Specification should be included with all requests.

References or testimonials provided by the candidate, or open references, will not be accepted. Full references must be followed up even if a reference is provided by the candidate.

For posts requiring working with children, if the applicant is not currently working with children but has previously done so, the hiring manager should check with the last relevant employer to confirm details of their employment and reason for leaving.

Requests should remind the referee that they have a responsibility to ensure that the reference is accurate and that the relevant factual content of the reference may be discussed with the applicant.

### **Overseas Employees**

The same checks should be made on overseas staff as for all other staff (although it is not possible to conduct overseas Disclosure and Barring Service checks). A “Certificate of Good Conduct” or equivalent should be obtained.

Where an applicant has worked or been resident overseas in the previous 5 years, the Council will obtain a check of the applicant’s criminal record from the relevant authority in the country and seek additional information about an applicants conduct. Not all countries provide this service and advice can be sought from the Disclosure and Barring Service. <https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers>

### **Induction**

It is the line manager’s responsibility to ensure that the new employee receives written statements of policies and procedures in relation to safeguarding. All employees are required to undertake safeguarding training to at least basic

safeguarding awareness and for posts working with children, young people or adults at risk and for senior posts must also undertake targeted safeguarding training. All other employees must complete universal safeguarding training.

## Appendix E

### Guidance and legislation

- a. Disqualification under the Childcare Act 2006;  
<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>
- b. Working Together to safeguard children 2018;  
<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>
- c. Any guidance or code of practice published by the Disclosure and Barring Service (DBS);  
<https://www.gov.uk/government/organisations/disclosure-and-barring-service>
- d. Children's Homes Regulations 2018  
<https://www.gov.uk/government/publications/childrens-homes-englandamendment-regulations-2018>
- e. The Early Years Foundation Stage  
<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>
- f. Reference to Safer Recruitment Consortium  
(<http://www.saferrecruitmentconsortium.org/about> )
- g. Children's Act 1989/2004
- h. Sir Michael Bichard enquiry outcomes and recommendations 2004  
(following the deaths of the Soham murders)
- i. The Warner report 1992 recommendations

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**SECONDMENT POLICY AND PROCEDURE**



<b>Policy Schedule</b>		
Policy owner and lead	ODHR: HR Policy Manager	
Consultation	CCF	
	Employee engagement forum	N/A
	Disability forum	N/A
	Trade Unions	
Approving body	Employment & Appeals Committee	
Date of approval		
Date of implementation		
Version number	Version 7 (December 2018)	
Related documents	Recruitment and Selection Policy	
Review interval	Three yearly (January 2020)	

<b>Contents</b>	<b>Page Number</b>
1. Introduction	3
2. Scope	3
3. Purpose of secondment/acting up	3
4. Duration of secondment	4
5. Salary during secondment and Acting Up	4
6. Funding and authorisation	5
7. Recruitment and selection	6
8. Secondment arrangements and confirmation	6
9. Maintaining contact	6
10. Returning to the substantive position	7
11. Secondment becomes permanent	7

## **1. Introduction**

1.1 This procedure should be read in conjunction with the Recruitment and Selection Policy

### **Secondments**

1.2 Secondments are a temporary placement or a temporary 'loan' of an employee to other duties, responsibilities or projects. They provide a development opportunity for the individual involved and a means of advancing their career. Secondments also increase the skills base of the council by promoting flexibility, strengthening relationships and sharing skills and knowledge across the council.

1.3 The purpose of secondments is to provide personal development for the employee that is designed to be brought back into the section/team. Secondments are usually short term and allow the employee to develop new skills and abilities.

1.4 To avoid misunderstanding, and to ensure the success of the scheme, each secondment opportunity must be carefully chosen and clearly specified. All parties involved must be clear about the benefits that will be derived from the placement and the objectives must relate to the wider goals of the council, as well as the employee's development plan. The details of the placement must be agreed, put in writing, and attached to the secondment agreement.

### **Secondment to higher graded post/undertaking more senior work – "Acting Up"**

1.5 "Acting up" into a post arises when an employee is temporarily seconded and undertakes full or part time duties of a higher graded post/undertakes more senior responsibilities and duties for a consecutive period of at least 4 weeks. In this situation it may be appropriate to pay an "acting up" payment. See section 5 below.

## **2. Scope**

2.1 This procedure applies to all employees of the council including those on part time or fixed term contracts. This procedure does not apply to agency workers.

2.2 Employees with less than one year's service in their current position would not normally be considered for secondment/acting up opportunities.

## **3. Purpose of secondments**

3.1 Secondment opportunities may be full or part time and can arise for a variety of reasons such as:

- To carry out specific project work
- To cover maternity/adoption/shared parental leave
- To cover long term sick leave
- To fill a post temporarily pending permanent recruitment

- Directorate is being restructured and there is a requirement for someone to undertake responsibilities of the higher graded post in order to deliver the service temporarily

- 3.2 Internal secondments may offer a sideways move (where an employee moves from their substantive post to one on a same grade in another area) or the opportunity work at higher level (where the employee moves to a role that is a higher salary level)
- 3.3 External secondments are where an employee moves to a partner organisation. In these circumstances the council remains the employer and the employee will continue to be subject to the council's policies and procedures. External secondments are usually subject to cross charging in order to reimburse the remuneration and on costs for the employee.
- 3.4 Incoming secondments are where the council hosts an employee from a partner organisation. In these circumstances the partner organisation remains the employer and the employee will continue to be subject to their policies and procedures.

#### **4. Duration of secondments**

- 4.1 A secondment arrangement is by its nature temporary. The maximum period of a secondment is normally 12 months. The period of secondment must be agreed and clearly defined in the agreement signed by all parties.
- 4.2 In exceptional circumstances it may be possible to extend the period (providing there are clear business reasons for doing so) to ensure that the council continues to use skills and experience effectively and to maintain the development of the employee. Where a secondment may need to be extended, consideration should first be given as to whether the position is a permanent requirement in which case an appropriate recruitment and selection process should take place.
- 4.3 Any extension of a secondment must be discussed between the employee, host and home managers and be approved by the Director. Where a significant extension is requested (i.e. 6 months plus) or the secondment arrangement exceeds 18 months in duration, as a result of multiple extensions, the host manager should liaise with ODHR to determine whether the employee should be offered a permanent or fixed term contract, on the substantive salary grade for the position, as an alternative to extending the secondment. If the employee chooses to accept a fixed term contract, they would need to resign from their substantive post and there would be no right to return to their previous position.

#### **5. Salary during secondment and Acting Up**

- 5.1 It is expected that the majority of secondments will involve individuals transferring temporarily on the same grade and/or that the opportunity will provide for personal and career development. However if the secondment post requires a significant increase in duties and responsibilities and/or is to cover the work of a higher graded post it is usually necessary to pay an "acting up" payment in line with the principles of equal pay. Decisions on payment should be made at the discretion of the line manager and consideration should be given to;

- The nature and complexity of the responsibilities undertaken by the employee and their current spinal point
- Whether the employee is undertaking full or part responsibilities
- If the employee is placed into the post as a development opportunity

- 5.1 Where an “acting up” payment is necessary due to the nature of the secondment, the salary will commence at the bottom of the established salary level for the position being undertaken.
- 5.2 If the employee is not taking on all the duties of the position, the manager should liaise with ODHR to determine the appropriate salary level for the position being undertaken. In this situation an honorarium payment may be made at the completion of the secondment to reflect the partial undertaking of responsibilities of the post.
- 5.3 If the employee is undertaking the role as a development opportunity then there is no additional payment.
- 5.4 Where an “acting up” payment applies it should be paid as an adjustment to the secondee’s monthly pay.
- 5.5 If an employee chooses to be seconded to a position at a lower grade, pay protection will not apply as the employee has voluntarily sought secondment to a post offering a lower rate of pay.

## **6. Funding and authorisation**

- 6.1 When a vacancy arises, managers may consider if there are business benefits to offering the position as a secondment opportunity. Each case will need to be considered on its own merit with consideration of service needs, for example:
- Additional costs such as training
  - Ability to recruit backfill
  - Planned organisational changes/impact on services
- 6.2 It is essential to ensure that secondment funding is in place prior to seconding an employee from their substantive position. The receiving (host) department will be required to meet the costs of the secondment for the full duration.
- 6.3 It is the responsibility of the host Director or their delegated representative to decide if a secondment and any acting up payment arrangement would be appropriate.
- 6.4 Where a manager chooses to backfill the employee on secondment, they must do so on a temporary basis to ensure that there is no increase in establishment when the employee on secondment returns to their substantive position.

## **7. Recruitment and Selection**

- 7.1 Secondment opportunities will usually be open to all employees and advertised internally across the Council. In some circumstances, managers may have employees within their own section that have some of the skills, knowledge and experience for the opportunity. If so, managers will need to consider whether the advertising of the secondment should be restricted to these employees. However, consideration must still be given at this stage as to whether employees from outside the immediate section could benefit from the opportunity. When considering restricted internal advertising, this must be discussed and agreed with your HR Business Partner prior to advertising.
- 7.2 Council selection procedures must be used to recruit to a secondment opportunity. The process adopted will be determined by the nature and level of the secondment. For example, some posts may require a DBS check.
- 7.3 An employee applying for a secondment needs to have obtained the agreement of their manager prior to submitting an application. There will be a presumption in favour of allowing secondments unless there are compelling operational constraints that override this.
- 7.4 The line manager should respond to the request in writing, within 5 working days, providing the clear work based reason(s) for a refusal. Where a refusal is given the home manager should consider future and alternative development opportunities for the employee.

## **8 Secondment agreements and confirmation**

- 8.1 Following the selection process, a secondment agreement and accompanying letter will set out the terms of the secondment. The secondment agreement must be agreed and signed by the employee, the home manager and the host manager. Add link for Secondment Agreement Form.
- 8.2 The host manager is responsible for providing a secondment agreement, which must be signed by the employee and the relevant managers before the secondment commences. Once this has been done, it should be sent to the employee with an accompanying letter. ODHR can advise on all stages of this process.
- 8.3 The receiving manager is also responsible for ensuring that payroll is updated about the change of contract and for liaising with Finance and ODHR to ensure that appropriate cost code and/ or cross charging arrangements are in place if required.

## **9 Maintaining contact**

- 9.1 There is a dual responsibility on the employee and home manager to maintain regular contact during the secondment/acting up period. This will ensure the employee is kept informed on developments, changes and general information about their substantive service/team.

## **10 Returning to the substantive post**

- 10.1 In the majority of cases, the employee will return to their substantive post at the end of the secondment.
- 10.2 Should an employee's substantive post be affected during the secondment, for example due to organisational change, they will be fully consulted in line with the council's organisational change arrangements. Where the original position no longer exists, efforts will be made to secure a suitable alternative in line with the council's redeployment procedures.
- 10.3 It is recognised that in certain circumstances a secondment may need to be terminated early. Reasonable notice will be given to all parties, recognising that other existing backfill arrangements relating to the secondment will need to be considered.
- 10.4 An employee on secondment to an area that is affected by a reorganisation will have the choice of either returning to their substantive position or being considered for a position in the new structure, provided that this is not to the detriment of any substantive position holder. If the employee is partially covering the role rather than the full role, the seconding manager should seek advice from ODHR in respect of the appropriate way forward. Where a position is vacant (and being filled through a secondment arrangement) and the employee on secondment has been in the position for 12 months or more, then they will be eligible to be placed into the selection pool for the positions at the level they have been working to.
- 10.5 At least four weeks prior to the end of the secondment, liaison should take place between all parties involved to ensure a smooth return.
- 10.6 Upon returning to their substantive post, the employee should meet with their manager to be given an update on service developments during the course of their secondment. In addition, this is a good opportunity to evaluate the skills and experience they developed during the secondment and how these could further support the service area.

## **11 Secondment becomes a permanent position**

- 11.1 Secondments are temporary in nature and the employee should not expect it to continue past the expiry date outlined in the agreement. However if a decision is made to recruit to the position on a permanent basis the permanent position should be appointed to following a recruitment and selection process in accordance with the Recruitment and Selection Policy. The seconded employee may apply for the position and will be considered equally with any other applicants.
- 11.2 The notice period should be mutually agreed between host and home manager.

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**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Employment and Appeals Committee

**DATE:** 24 January, 2019

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

**AUTHOR:** Belinda Collins, Interim HR Business Partner  
For all enquiries 01753 875727

**WARD(S):** All

**PART I**  
**FOR COMMENT & CONSIDERATION**

**PROGRESS ON IMPLEMENTATION OF THE NJC PAY AWARD 2019/2020**

**1. Purpose of Report**

- 1.1 This report seeks to update members with information on the Council's implementation of the pay award for 2019/2010, which introduced a new pay spine to be implemented by 1<sup>st</sup> April 2019.

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

- 2.1 The Committee is requested to note the contents of this report.

**3. Supporting Information**

- 3.1 Committee will recall that at its meeting in October, a report was presented which highlighted the changes that were proposed as part of the NJC pay agreement for 2018 – 2020. This included the introduction of a new pay spine to be implemented on 1 April 2019 which will apply to staff who are on the NJC terms and conditions (known as the Green Book). This has been initiated to address the lowest paid workers pay levels but Members will recall Slough already pay SCP 9 which is above the proposed starting SCP 6. The October report highlighted the main areas that needed to be considered in relation to achieving the new pay spine requirements.

- 3.2 The Council has set up a working group consisting of Trade Unions, Finance and HR to work through the key considerations to implement the pay spine. These are listed below:

- how we pair the old SCP's 6-17 to create the new SCP's 1-6 inclusive
- how to create the equal steps between pay points (for Slough this will mean that the current grade will change)
- how we assimilate to the new SCP
- how we deal with the annual pay rise on the 1<sup>st</sup> April 2019 i.e. do we action the pay rise before we assimilate onto the new pay spine or assimilate and then apply the pay award
- understand the financial impact of the above

- 3.3 To date, the working group has been working very well with both sides keen to reach a pragmatic agreement. The key areas of agreement are as follows:
- In order to maintain the status quo to undertake a 'lift and shift' model to the new pay spine
  - We will increment first and then assimilate onto the new pay spine to ensure everyone receives a timely cost of living and pay spine award.
  - We will mirror the new national agreement as closely as possible
  - We will look to undertake a pay and grade review in the next financial year to ensure long term sustainability of the pay spine and how this impacts on existing job evaluation scores.

#### **4 Financial implications**

- 4.1 It is important to understand that there is no "cost neutral" option of implementing a new pay scale in 2019.
- 4.2 As we are reaching an agreement on how the pay spinal points will be grouped from April 2019 Finance colleagues will now determine the exact increase in costs.

#### **5. Next steps**

- 5.1 An Initial Equality Impact Assessment has been carried out on the Proposal, comments are awaited from GMB, Unite and Unison.
- 5.2 To outline the proposal to Corporate Management Team, this will include how the agreed proposal will be implemented and costs.

#### **6. Conclusion**

- 6.1 It is recommended that this committee note the contents of this report and will receive a further report to outline the progress on implementation of the new pay spine in April 2019. That report will advise that the pay award has been implemented.

#### **7. Background Papers**

A draft collective agreement has been circulated to GMB, Unite and Unison for their comments. As this is a collective agreement final sign off would be by national union officers. This is included at Appendix A.

#### **8. Appendices**

Appendix A – Draft Collective Agreement  
Appendix B – EIA data  
Appendix C – SBC Pay Scales

DRAFT

**Collective Agreement between Slough Borough Council and the  
recognised trade unions: Unison, Unite and GMB**

**Implementing the National Pay Award 2019/2020 by adopting the new  
national pay spine.**

## January 2019

### 1. INTRODUCTION

This document has been jointly drawn up with the trade unions to put forward the council's approach to the achievement of the implementation of the new National Pay Spine.

This Agreement excludes those employees who are outside the scope of the National Joint Negotiating Committee for Local Government Services, including, Soulbury staff, Teachers and Chief Officers. It also excludes agency staff that are engaged by the council via alternative contractual arrangements.

School based employees whose terms and conditions fall under the National Joint Negotiating Committee for Local Government Services are also subject to this Agreement.

This Agreement acknowledges the relevant national agreement as the National Joint Council for Local Government Services pay award for 2019.

This Agreement is an amendment to the previous Single Status Agreement, which remains in place and was agreed in 2010. This agreement will be implemented in full on 1<sup>st</sup> April 2019.

### 2. SCOPE

This Agreement is between Slough Borough Council and the three signatory Trade Unions, UNISON, GMB and UNITE. The Agreement will apply only to employees covered by the National Joint Council for Local Government Services (Green Book) who are affected by the changes to pay and conditions resulting from the Single Status Agreement.

### 3. GUIDING PRINCIPLE

The guiding principles which underpin this Agreement, in line with the principles of the national agreement and our Single Status Agreement, are as follows:

- delivery of a range of quality services for the community
- ensuring an effective, efficient and flexible workforce in the delivery of these services
- recognition of the importance of equal pay for like work and work of equal value
- ensuring council employees are well paid, trained and motivated.

The above will be in the context of an open and transparent process for determining pay and conditions within a clear, consistent framework which is easy to administer. The agreement is also within the context that it is affordable and provides value for money.

## **4 PAY AND GRADING**

### **4.1 Job Evaluation**

All job roles relating to employees under the remit of this Agreement will continue to be evaluated under Hay Job Evaluation Scheme at the time of this agreement.

### **4.2 Salary Scale**

The existing salary scale has been revised. The changes to the scale include:

- the deletion of the existing Level 1.
- The creation of a new Level 2, incorporating SCP9, in this Level, which previously was in Level 1.
- A revision of scale points in Level 5.
- Additional pay points in Levels 4,5 6,7,8,9 and 10.

This revised scale provides:

- New spinal column point numbers that still sit within Council pay levels.
- A more even distribution of spinal column points within each grade

A copy of the revised salary scale is attached as **Appendix 1** to this Agreement.

Employees, where appropriate, will be moved onto the revised salary scale on the effective implementation date of 1<sup>st</sup> April 2019. Employees at the top of the scale will remain on the corresponding spinal column point and will not be affected. Although cost of living awards will continue to be applied.

Increments are currently subject to automatic progression, unless individual employees are under a formal disciplinary or capability process that means that increments will be withheld from them.

All linked / career grades or bars within pay levels must have clear progression criteria which must be met before progression to the next pay point or pay level is allowed.

#### **4.3 Assimilation arrangements**

All employees due an increment will have this applied before being assimilated onto the new pay spine.

#### **4.4 Equal Pay Audit**

The council is committed to undertaking an Equal Pay Audit every year to ensure that all arrangements for pay and remuneration are equitable and non discriminatory. This will be conducted in accordance with the Equalities and Human Rights Commission.

### **5 CONCLUSION**

This paper outlines the principles by which the council, in agreement with the trade unions will achieve the implementation of the new national pay spine.

Neil Wilcox  
Director of Finance and Resources

## Single Status Agreement

Signed \_\_\_\_\_  
(on behalf of Slough Borough Council)

Date \_\_\_\_\_

Signed \_\_\_\_\_  
(on behalf of GMB)  
for Slough Borough Council

Date \_\_\_\_\_

Signed \_\_\_\_\_  
(on behalf of Unison)  
For Slough Borough Council

Date \_\_\_\_\_

Signed \_\_\_\_\_  
(on behalf of Unite)  
For Slough Borough Council

Date \_\_\_\_\_

### List of Appendixes to this Agreement

<b>Content</b>	<b>Appendix Number</b>
<b>Appendix A</b>	<b>Slough Borough Council Pay Spine</b>



Appendix 1  
Pay Spine and Pay Levels  
1<sup>st</sup> April 2019

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**APPENDIX B**

<b>Lift and Shift</b>				<b>Level 5 Reduced</b>		
<b>SCP</b>	<b>Female</b>	<b>Male</b>		<b>SCP</b>	<b>Female</b>	<b>Male</b>
2	101	17		2	101	17
3	36	13		3	36	13
4	43	38		4	43	38
5	64	13		5	64	13
6	21	7		6	21	7
7	66	18		7	66	18
9	34	6		9	34	6
11	30	4		11	30	4
12	112	23		12	112	23
14	3	0		14		
15	31	9		15	34	9
17	27	3		17	27	3
20	20	6		20	19	6
21	113	20		21	1	
23				23	113	20
25	19	6		25	19	6
26	14	8		26	14	8
27	18	6		27	18	6
29	94	29		29	94	29
31	17	5		31	17	5
32	33	8		32	33	8
34	13	4		33	13	4
35	62	37		35	62	37
38	8	2		38	8	2
40	8	1		40	8	1
41	34	25		41	34	25
43	3			43	3	
over scp43	42	19		over scp43	42	19
	1066	327			1066	327

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**NEW SLOUGH LEVELS STRUCTURE 1ST APRIL, 2018**

Level		SCP	Basic	L/W	Inclusive Annual Salary
L1	01	5	N/A	N/A	N/A
	02	7	N/A	N/A	N/A
	03	9	16755	908	17663
L2	01	10	16863	908	17771
	02	11	17007	908	17915
	03	13	17391	908	18299
L3	01	14	17681	908	18589
	02	16	18319	908	19227
	03	18	18870	908	19778
L4	01	19	19446	908	20354
	02	20	19819	908	20727
	03	21	20541	908	21449
	04	22	21074	908	21982
L5	01	23	21693	908	22601
	02	24	22401	908	23309
	03	25	23111	908	24019
	04	27	24657	908	25565
	05	29	26470	908	27378
L6	01	30	27358	908	28266
	02	31	28221	908	29129
	03	32	29055	908	29963
	04	34	30756	908	31664
	05	35	31401	908	32309
L7	01	36	32233	908	33141
	02	37	33136	908	34044
	03	38	34106	908	35014
	04	40	36153	908	37061
	05	41	37107	908	38015
L8	01	42	38052	908	38960
	02	44	39961	908	40869
	03	46	41846	908	42754
	04	47	42806	908	43714
L9	01	48	43757	908	44665
	02	50	45645	908	46553
	03	52	47568	908	48476
	04	53	48536	908	49444
L10	01	54	49561	908	50469
	02	55	50582	908	51490
	03	57	52642	908	53550
	04	59	54684	908	55592

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**SLOUGH BOROUGH COUNCIL****REPORT TO:** Employment & Appeals Committee **DATE:** 24<sup>th</sup> January 2019**CONTACT OFFICER:** Neil Wilcox, Director Finance and Resources  
**AUTHORS:** Claire Portsmouth Procurement Specialist**(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 quarter 3 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 flexibility 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 October to December 2018 was £2,338,226. 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: October to December 2018 £1,016,735. 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. It is also fair to say that some staffing costs are allocated to non-staffing cost codes therefore the costs quoted within this report are those that can be identified. 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 against comparative quarters is below.

Directorate	Q3 2017/18	Q3 2018/19
Chief Executive	£87,962	£114,223
Customer And Community Services	£243,576	£489,277
Education And Children's Services	£8,400	£48,420
Regeneration, Housing and Resources	£604,234	£1,093,328
Wellbeing	£579,047	£695,762
<b>Total</b>	<b>£1,523,219</b>	<b>£2,441,010</b>
<b>Total 2018/19 inc. Agresso spend</b>		<b>£3,457,745</b>

Table 1

Directorate	Q1 2018/19	Q2 2018/19
Chief Executive	£101,443	£102,328
Customer And Community Services	£275,441	£382,294
Education And Children's Services	£63,905	£60,558
Regeneration, Housing and Resources	£1,041,164	£1,058,907
Wellbeing	£744,779	£684,894
<b>Total</b>	<b>£2,226,732</b>	<b>£2,288,981</b>
<b>Total 2018/19 inc. Agresso spend</b>	<b>£3,050,751</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

(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 December 2018.
- 5.2 The number of Matrix placements stands at 292 down by one on the last report.
- 5.3 83 placements are showing as ended during the period with a number ending on 31<sup>st</sup> December, however it is unclear if some of these are outstanding extensions or if the placement has ended.
- 5.4 As part of the council's efforts to reduce spending, agency staff were required to leave from 17<sup>th</sup> December 2018 to 7<sup>th</sup> January 2019. Managers were to ensure only agency staff covering front line services were considered for work during this time. It is unclear how much this has affected the number of timesheets submitted for the period and therefore any savings achieved by this yearly exercise. Once all the timesheets for the period have been received by Matrix we will may be able to calculate a perceived cost of savings via calculating zero return timesheets for the period.
- 5.5 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.
- 5.6 Matrix continues 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.
- 5.7 DSO – The DSO will be shown as Chief Executive – Environmental in the data tables below. The total spend for quarter 3 for this service is £114,223. Currently the number of agency staff stands at 90, however it is unlikely all are used every day. There are 65 staff with 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.
- 5.8 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 31/12/2018

Level 1	Duration	Number of Staff Placements	FTE**
<b>Chief Executive - Environmental</b>	0-3 months	9	3.6
	3-6 months	17	6.6
	6-9 months	16	8.9
	9-12 months	20	9.5
	1 – 2 Years	27	12.5
	Over 2 Years	1	0.6
<b>Chief Executive - Environmental Total</b>		<b>90</b>	
<b>Finance &amp; Resources</b>	0-3 months	1	0.2
	3-6 months	4	2.3
	6-9 months	2	1.8
	9-12 months	3	2.2
	1 – 2 Years	10	7.0
	Over 2 Years	5	3.5
<b>Finance &amp; Resources Total</b>		<b>25</b>	
<b>Children's Services</b>	0-3 months	0	0.0
	3-6 months	3	0.9
	6-9 months	3	1.3
	9-12 months	2	1.0
	1 – 2 Years	7	1.9
	Over 2 Years	0	0.0
<b>Children's Services Total</b>		<b>15</b>	
<b>Regeneration (inc. Place &amp; Development)</b>	0-3 months	14	4.6
	3-6 months	17	10.0
	6-9 months	12	8.0
	9-12 months	9	6.6
	1 – 2 Years	10	7.7
	Over 2 Years	5	2.4
<b>Regeneration (inc. Place &amp; Development)</b>		<b>67</b>	
<b>Adults &amp; Communities</b>	0-3 months	16	4.9
	3-6 months	24	8.8
	6-9 months	17	9.3
	9-12 months	6	4.2
	1 - 2 Years	16	7.6
	Over 2 Years	16	12.3
<b>Adults &amp; Communities Total</b>		<b>95</b>	
<b>Grand Total</b>		<b>292</b>	

Fig 1

\*\* FTE has been recorded this quarter however should be treated with caution. FTE is calculated from number of timesheet hours and as some agency workers were absent from 17<sup>th</sup> December to 7<sup>th</sup> January this will have affected the totals.

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	5	1	11	5	14	36
Driving	10	-	-	-	2	12
Engineering & Surveying	-	1	-	1	-	2
Executive	1	15	4	18	1	39
Facilities & Environmental Services	-	-	-	7	-	7
Financial	-	2	-	-	-	2
Housing, Benefits & Planning	-	2	-	31	-	33
Human Resources	-	2	-	-	-	2
IT	-	-	-	1	-	1
Legal	-	-	-	1	-	1
Management	-	2	-	3	2	7
Manual Labour	74	-	-	-	-	74
Procurement	-	-	-	-	-	-
Social & Healthcare Non-Qualified	-	-	-	-	34	34
Social & Healthcare Qualified	-	-	-	-	42	42
<b>Total</b>	<b>90</b>	<b>25</b>	<b>15</b>	<b>67</b>	<b>95</b>	<b>292</b>

Fig 2

5.10 Committee have asked for further information relating to the tenure of agency staff and the actions taken to address the tenures over 1 year. The table below (fig 3.) is the tenure of staff broken down by directorate. Fig 4. Is the list of job titles associated with the tenures again broken down by directorate. For ease of reference, there are 97 staff on the Matrix report with tenures over 1 year. It is worth noting that the figures are only for staff attached to the Matrix contract. Off contract staff are not included.

Directorate	Tenure		
	1-2 Years	2-3 Years	3+ Years
Chief Executive - Environmental	27	1	0
Finance & Resources	10	3	2
Children's Services	7	0	0
Regeneration (inc. Place & Development)	10	3	2
Adults & Communities	16	6	10
<b>Total</b>	<b>70</b>	<b>13</b>	<b>14</b>

fig 3

Fig 4

<b>Chief Executive - Environmental</b>		
<b>Tenure</b>	<b>Job Title</b>	<b>Number</b>
<b>1-2 Years</b>	Admin/Business Support	2
	Driver/Loader	3
	Ground Maintenance Operative	2
	Loader/Street Cleaner	20
		<b>27</b>
<b>2-3 Years</b>	Fleet Advisor (Waste Vehicles)	1
		<b>1</b>
<b>Finance &amp; Resources</b>		
<b>1-2 Years</b>	Accountant	2
	Agresso Support Consultant	3
	Education Services Consultant	1
	Senior Accountant	4
		<b>10</b>
<b>2-3 Years</b>	Service Quality Assurance	1
	HR Business Partner	1
	Agresso Support Consultant	1
		<b>3</b>
<b>3+ Years</b>	Principal Accountant	1
	Service Assurance Technical	1
		<b>2</b>
<b>Children's Services</b>		
<b>1-2 Years</b>	Early Help Co-ordinator	1
	P/T Advisor to SACRE	1
	PD Primary School Improvement	1
	School Improvement Consultant	4
		<b>7</b>
<b>Regeneration (inc. Place &amp; Development)</b>		
<b>1-2 Years</b>	Environmental Health Officer	1
	Housing Needs Officer	1
	Housing Reviewing Officer	1
	Principal Planner	1
	Project Manager (RMI)	3
	Regeneration & Commercial Project Officer	1
	Regeneration Project Manager	1
	RMI Systems Mobilisation Project Officer	1
		<b>10</b>
	<b>2-3 Years</b>	Principal Planner
Local Plan Consultant		1
Project Manager - Capita		1
	<b>3</b>	
<b>3+ Years</b>	Low Emission Consultant	1
	Structural Checking Engineer	1
	<b>2</b>	

<b>Adults &amp; Communities</b>		
<b>1 - 2 Years</b>	Qualified Social Worker	4
	Reablement Assistant	1
	Physiotherapist	1
	OT	1
	Support Worker	7
	Practice Lead	1
	Young Carers Support	1
		<b>16</b>
<b>2-3 Years</b>	Support Worker	4
	Qualified Social Worker	1
	Employment Development Officer	1
		<b>6</b>
<b>3+ Years</b>	Qualified Social Worker	2
	Reablement Assistant	3
	Support Worker	2
	Physiotherapist	1
	Driver and Escort Co-ordinator	1
	Escort Co-ordinator	1
		<b>10</b>

The information in the above tables demonstrates the diverse list of jobs that are covered by long term agency or consultants. A cost over the entire tenure for the above list is estimated at £8,428,616 inclusive of all costs.

The justification for the above as per an exercise by HR indicates that the majority are due to Local or National Skills shortages. The posts in Chief Executive – Environmental are pending harmonisation of the service.

- 5.11 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, and decision has already been made to continue with the Matrix contract on a rolling quarterly basis until procurement for alternative provision has commenced. Committee will be updated on progress through this report on a regular basis.

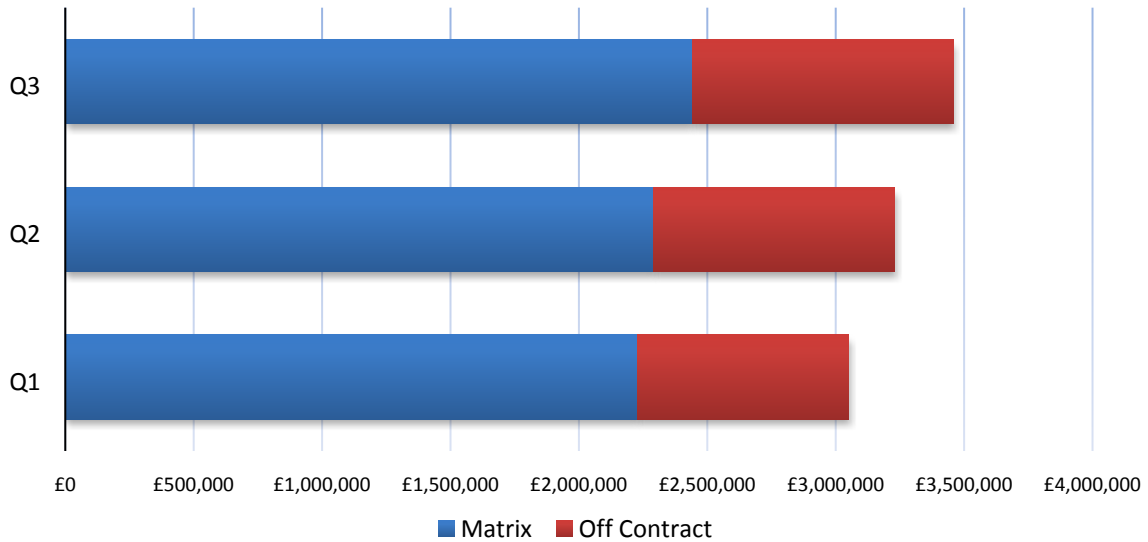
## **6 Conclusion**

- 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', is estimated to total £12.9m 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.

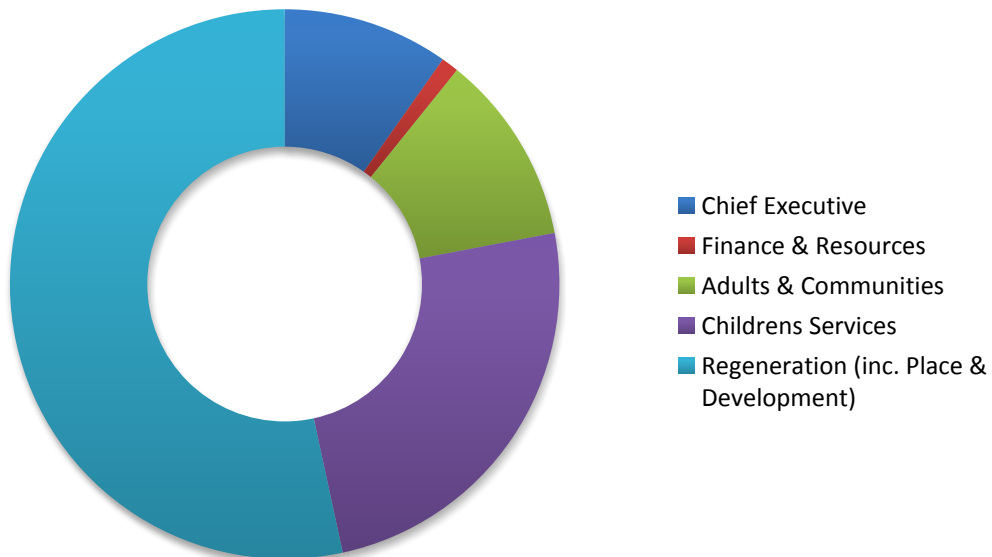
## Appendix 1

### 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)*)



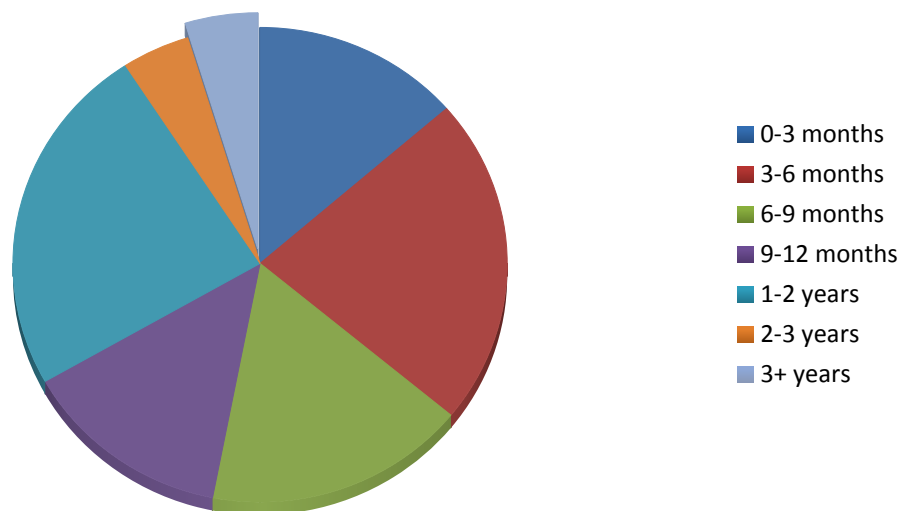
The directorate distribution for 'off contract' spend (*main report- table 1 and 2*) is visualised below:



The inner circle represents Q1 of 2018, Q2 and Q3 the outwards respectively.

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% can be attributed to the HRA.

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



*The highlighted slice is the value for staff with tenure of over 3 years. This represents 14 staff or 5%, in fact agency staff with tenure over 1 year equates to 33% of the total Matrix staffing (97).*

*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:** 24<sup>th</sup> January 2019

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**WARD(S):** All

**PART I**  
**FOR DECISION****PAY POLICY STATEMENT UPDATE 2019/20****1. Purpose of Report**

To provide Members with an update of the revisions to the Pay Policy Statement for the years 2019/20.

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

The Committee is requested to recommend the Pay Policy Statement 2019/20 to Council.

**3. Supporting Information**

Local Authorities are required by section 38 of the Localism Act 2011 (the Act) to prepare a pay policy statement and have regard for any guidance issued under section 40 of the Act and the Supplementary Guidance (on openness and accountability) released in February 2013. The policy statement should cover a number of matters concerning the pay of the authority's staff, principally Chief Officers. The pay policy statement is to be reviewed on an annual basis.

The Pay Policy Statement appended to this report has been reviewed and meets the requirements of the Localism Act.

The Pay Policy Statement covers the financial year 2019/20.

It has been updated and will be approved by Full Council in February, 2019. In April, when the cost of living award is implemented the pay scales will be updated according to the increase in pay levels.

Once approved the statement will be published on the Council's website.

**4. Background Papers**

None.

Appendix A- Pay Policy Statement 2019/20.

**Pay Policy Statement for the Year 2019/20**

**1. Introduction**

- 1.1 The Localism Act requires local authorities to publish, on their website, an annual Pay Policy Statement, which has been approved by Full Council.
- 1.2 No remuneration may be made to officers that fall outside of the Pay Policy Statement, although it is possible for a meeting of the Full Council to amend the statement at any time.
- 1.3 In drawing up this statement, Slough Borough Council has taken into account the guidance issued by the Department of Communities and Local Government in February 2012 and the supplementary guidance issues in February 2013.
- 1.4 Slough Borough Council is committed to complying with the statutory obligation to pay the National Living Wage.
- 1.5 This statement does not apply to schools' staff as local authority schools' employees are outside the scope of the legislation.
- 1.6 This statement will be approved by Full Council in February 2019.
- 1.7 Slough Borough Council fully endorses and supports the requirement to be open and transparent about the pay of our staff.
- 1.8 The Council is committed to paying nationally negotiated pay awards and this Pay Policy Statement will be updated as and when any such pay awards are agreed.

**2. Remuneration of Chief Officers**

- 2.1 In accordance with the Localism Act, the following SBC posts are defined as Chief Officers, and their salary bands are as follows. (The SBC grading structure is attached in Appendix A).

<b>Head of the Paid Service and Statutory Chief Officers</b>		
<b>Post</b>	<b>Reports To</b>	<b>Salary Band</b>
Chief Executive / Head of Paid Service.		£136,546 - £163,857
Director of Adults & Communities	Head of Paid Service	SML 16 £112,389 - £131,086
Director of Children Learning & Skills	Head of Paid Service	SML 16 £112,389 - £131,086
Monitoring Officer	Head of Paid Service	Interim cover – £650 per day (4 days per week)
Director of Finance & Resources / Section 151 Officer	Head of Paid Service	SML 16 £112,389 - £131,086

Service Lead - Finance (Deputy section 151 Officer)	Director of Finance & Resources / Section 151 Officer	SML 12 £67,037 - £74,679
Director of Public Health	The Director of Public Health is employed by Bracknell Forest Council	
<b>Posts that report directly to the Head of Paid Service or Statutory Chief Officer</b>		
<b>Post</b>	<b>Reports To</b>	<b>Salary Band</b>
Director of Place & Development, (Non-statutory Chief Officer).	Head of Paid Service	SML 16 £112,389 - £131,086
Director of Regeneration (Non-statutory Chief Officer).	Head of Paid Service	SML 16 £112,389 - £131,086
Service Lead – School Effectiveness	Director of Children, Learning & Skills	SML 12 £67,037 - £74,679
Service Lead – Early Years	Director of Children, Learning & Skills	SML 12 £67,037 - £74,679
Service Lead - Access & Inclusion	Director of Children, Learning & Skills	SML 12 £67,037 - £74,679
Service Lead – Children, Commissioning, Partnership & Performance	Director of Children, Learning & Skills	SML 12 £67,037 - £74,679
Service Lead - SEND	Director of Children, Learning & Skills	SML 12 £67,037 - £74,679
Service Lead - Strategy & Performance	Chief Executive	SML 12 £67,037 - £74,679
Service Lead – Customer & Communications	Director of Finance & Resources / Section 151 Officer	SML 12 £67,037 - £74,679
Service Lead - Governance	Director of Finance & Resources / Section 151 Officer	SML 12 £67,037 - £74,679
Service Lead - People	Director of Finance & Resources / Section 151 Officer	SML 12 £67,037 - £74,679
Service Lead – Digital & Strategic IT	Director of Finance & Resources / Section 151 Officer	SML 12 £67,037 - £74,679
Service Lead – Public Health	Director of Adults & Communities	SML 12 £67,037 - £74,679
Service Lead – Adult Social Care Operations	Director of Adults & Communities	SML 12 £67,037 - £74,679
Service Lead – Adult Social Care Commissioning	Director of Adults & Communities	SML 12 £67,037 - £74,679
Service Lead – Regulatory Services	Director of Adults & Communities	SML 12 £67,037 - £74,679
Service Lead – Communities & Leisure	Director of Adults & Communities	SML 12 £67,037 - £74,679
Service Lead – Mental Health	Director of Adults & Communities	Post employed by Berkshire Health Foundation Trust
Directorate Finance Manager x2	Service Lead Finance (Deputy Section 151 Officer)	SML 11 £56,690 - £64,491

<b>Posts that report directly to Non-Statutory Chief Officers</b>		
<b>Post</b>	<b>Reports To</b>	<b>Salary Band</b>
Service Lead – Regeneration Delivery	Director of Regeneration	SML 12 £67,037 - £74,679
Service Lead – Regeneration Development	Director of Regeneration	SML 12 £67,037 - £74,679
Service Lead – Strategic Housing Services	Director of Place & Development	SML 12 £67,037 - £74,679
Service Lead – Neighbourhood Services	Director of Place & Development	SML 12 £67,037 - £74,679
Service Lead – Environmental Services	Director of Place & Development	SML 12 £67,037 - £74,679
Service Lead – Building Management	Director of Place & Development	SML 12 £67,037 - £74,679
Service Lead – Planning & Transport	Director of Regeneration	SML 12 £67,037 - £74,679
Service Lead – Major Infrastructure Projects	Director of Regeneration	SML 12 £67,037 - £74,679
Service Lead – Economic Development	Director of Regeneration	SML 12 £67,037 - £74,679

The Chief Executive is appointed as the Council's Returning Officer in accordance with the Representation of the Peoples Act 1983. The Returning Officer is eligible for fees linked to duties undertaken for running national, European or local elections/referenda. These fees are determined by the number of electors registered in the borough/parliamentary constituency and are paid subject to a formula applied by the Government for determining fees to all Returning Officers across the Country.

## 2.2 Remuneration on Appointment

Newly appointed chief officers are paid in accordance with the pay scales set out above.

Salary packages amounting to £100,000 or more for new appointments will be approved by Full Council.

## 2.3 Job Evaluation

The pay of all employees, including Chief Officers, is based on job evaluations undertaken through the Hay Job Evaluation Scheme.

## 2.4 Terms and Conditions of Employment

The Chief Executive is employed on JNC for Local Authority Chief Executives terms and conditions of employment.

All other chief officers are employed on JNC or NJC terms and conditions of employment. Pay awards for these officers are negotiated nationally, and the Council applies any/all nationally negotiated pay awards to these posts.

## 2.5 Travel and Subsistence Expenses

There are occasions when employees incur additional expenditure than normal in the course of undertaking their official duties on behalf of the Council away from their normal place of work.

The Council has a comprehensive Travel and Subsistence Expenses Scheme, which applies to all our staff, including Chief Officers, in such circumstances.

## 2.6 Payment of Professional Fees

The Council will pay the cost of one professional subscription per annum, per employee, including Chief Officers, which is relevant and necessary for the role.

## 2.7 Honoraria

An honoraria payment may be made to an employee, including to a chief officer, in recognition of undertaking temporarily additional or outstanding extra work, which is:

- outside the normal scope of the duties and responsibilities of the employee
- over an extended period undertaking part of the duties of a higher graded post
- or where the additional duties and responsibilities are exceptionally onerous
- or in situations which merit the employee being rewarded for specific work.

The Honoraria Scheme applies in these circumstances and the amount of payment is based on the duties undertaken.

## 2.8 Acting Up

Acting up arises when an employee temporarily undertakes full or part duties of a higher graded post for a consecutive period of at least four weeks.

All employees, including Chief Officers, are entitled to an acting up payment in recognition of the responsibilities. Decisions on payment take into account the following:

- The nature and complexity of the responsibilities, undertaken by the employee and their current spinal column point.
- Whether the employee is undertaking full or part responsibilities
- If the employee is placed into post as a development opportunity

## 2.9 Secondments

Secondments are intended to provide developmental opportunities to gain skills and experience rather than for financial gain. Therefore, secondees will normally transfer from their current position into the secondment on their existing salary. Terms and conditions of the secondees may change depending on the local variations within the department, i.e. flexi-time. However, if there is a significant difference between the secondment and the individual's salary this must be brought to the attention of the ODHR Department and a decision will be taken on whether to review salary arrangements in line with complexities of the job.

## 2.10 Market Supplements

A Market Supplement is payable, in exceptional circumstances, for posts (including Chief Officer posts), which are critical to the delivery of essential/statutory services, and to which the Council has been unable to recruit.

## 2.11 Pay protection

An employee, who is redeployed to a suitable post which is one grade lower, will receive protection of earnings (basic pay plus local weighting allowance) for a period of one year. The 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.

Where an employee accepts redeployment to a post which is more than one grade lower, there is no entitlement to protection of earnings. In exceptional circumstances, in order to minimise financial hardship and avoid redundancies Directors may, subject to budgetary considerations, exercise discretion to grant some element of protection. This would apply for no longer than one year.

## 2.12 Termination Payments

In the event of a redundancy situation, all employees, including chief officers, are entitled to redundancy payments based on a multiple of 1.5 times statutory provision, based on weekly pay, subject to a cap of 30 weeks as the maximum number of weeks payable, and to a cap of 20 years service.

The terms, and any payment relating to the termination of employment of any officer of the Council in any contentious circumstances which do not result from an award made by an Employment Tribunal or Court are settled by the Council on the basis of the legal merits of the case, the time and disruption which protracted litigation would involve, any limit of statutory entitlement on monetary claim available to an employee, and what is considered prudent in all circumstances.

Any redundancy or severance packages of £100,000 or more will be approved by Full Council. In presenting the information to Full Council the components of any such severance package will be set out including; salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances paid.

If an applicant for a post (including Chief Officer posts) is in receipt of a severance payment from any local authority, or a Local Government retirement pension, this does not form part of the Council's decision as to whether or not they should be appointed.

Any employee, who is made redundant, including Chief Officers, must have a break of at least four weeks in order to retain a redundancy payment before they can be re-employed by the Council in a different position.

Consultancies over £5,000 (excluding cover for established posts) or any consultancy/employment offered to former senior officers of the Council of third tier and above are a "significant officer decision." (Significant officer decisions are circulated monthly to all members and published on the website).

2.13 The Government is consulting on regulations regarding the recovery of public sector exit payments. SBC will comply with any future legislative requirements.

#### 2.14 Pension Payments

All employees who are members of the Local Government Pension Scheme, including Chief Officers, are entitled to a retirement pension calculated in accordance with the Local Government Pension Scheme Regulations.

### **3. Remuneration of Our Lowest Paid Employees**

3.1 All SBC employees are paid in accordance with a locally determined salary scale, appendix A.

3.2 "Lowest Paid Employee" means the employee on the lowest grade, assuming that the posts are full-time, excluding apprentices. The lowest grade is Level 1, £17,663 inclusive of LW.

#### 3.3 Unsocial Hours Payments

The Council has a comprehensive Working Pattern Arrangement Scheme which sets out the allowances payable for:

- Overtime (for employees up to and including Level 5)
- Saturday and Sunday working
- Bank holidays
- Night working
- Sleeping-in duty
- Shift working
- Standby, on-call and call-out

#### 3.4 Terms and Conditions of Employment

Employees, who are not Chief Officers, are employed on NJC terms and conditions of employment. Pay awards for these officers are negotiated nationally, and the Council applies any/all nationally negotiated pay awards to NJC employees.

### **4. Relationship between the Remuneration of Our Chief Officers and our lowest paid employees**

4.1 The base pay of the Chief Executive is currently £136,546. This is 7.730 times the pay of our lowest paid employees. ( $136,546 / 17,663 = 7.730$ )

The median earnings of all employees as of 1 April 2018, was £26,470. The median earnings figure complies with the specific requirements within the Local Government Transparency Code 2015 and includes all elements of remuneration that can be valued.

4.2 The pay of the Chief Executive is currently 5.2 times the pay of median earnings of our employees.

Date last updated: January 2019

Appendix A: Slough Borough Council Salary Scales



**NEW SLOUGH LEVELS STRUCTURE 1ST APRIL, 2018**

Level		SCP	Basic	L/W	Inclusive Annual Salary
L1	01	5	N/A	N/A	N/A
	02	7	N/A	N/A	N/A
	03	9	16755	908	17663
L2	01	10	16863	908	17771
	02	11	17007	908	17915
	03	13	17391	908	18299
L3	01	14	17681	908	18589
	02	16	18319	908	19227
	03	18	18870	908	19778
L4	01	19	19446	908	20354
	02	20	19819	908	20727
	03	21	20541	908	21449
	04	22	21074	908	21982
L5	01	23	21693	908	22601
	02	24	22401	908	23309
	03	25	23111	908	24019
	04	27	24657	908	25565
	05	29	26470	908	27378
L6	01	30	27358	908	28266
	02	31	28221	908	29129
	03	32	29055	908	29963
	04	34	30756	908	31664
	05	35	31401	908	32309
L7	01	36	32233	908	33141
	02	37	33136	908	34044
	03	38	34106	908	35014
	04	40	36153	908	37061
	05	41	37107	908	38015
L8	01	42	38052	908	38960
	02	44	39961	908	40869
	03	46	41846	908	42754
	04	47	42806	908	43714
L9	01	48	43757	908	44665
	02	50	45645	908	46553
	03	52	47568	908	48476
	04	53	48536	908	49444
L10	01	54	49561	908	50469
	02	55	50582	908	51490
	03	57	52642	908	53550
	04	59	54684	908	55592

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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	P		
<b>N Holledge</b>	P	P	P		
<b>B S Bains</b>	P	P	Ap		
<b>S Hussain</b>	P	P	P		
<b>Brooker</b>	P	P	P		
<b>M Bedi</b>	P	P	P		
<b>S Chaudhry</b>	P	Ap	P		
<b>W Sabah</b>	P	P	P		
<b>D Smith</b>	P	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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