



# Exeter City Council

## Exeter City Council

### Sickness Absence Management Policy

#### Policy development and Version details

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<b>Title</b>	Sickness Absence Management Policy
<b>Author</b>	Karen Jamieson
<b>Owner</b>	Human Resources
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This policy can be made available in large print and other formats such as printed on yellow paper, taped, Braille etc. as requested.

## **1. Policy Statement**

- 1.1. Exeter City Council supports a culture where high levels of attendance at work are the norm and contribute to the successful performance of the duties of the Council.
- 1.2. This policy relates to sickness absence. Management of any other absence, such as, Annual Leave, Flexi-Leave, Maternity, Paternity, Parental and Adoption Leave, Compassionate Leave and other authorised absences from work are covered under other policies.
- 1.3. Consistent attendance at work is not only a contractual requirement but it also impacts on the successful delivery of the services, duties and reputation of Exeter City Council.
- 1.4. Where inconsistent attendance through sickness absence becomes a problem the council will adopt practices that balance support with robust management.
- 1.5. The principle of the Council is to maintain a consistent approach to absence management through the provision of training and awareness, health promotion, advice and information and access to external Occupational Health support.
- 1.6. Exeter City Council will ensure that the contractors selected to deliver our Occupational Health or other health related services have policies and procedures in place to comply with the Equality Duty and that their staff work in a way which respects the diversity of each client.
- 1.7. The Council actively encourages employees to disclose if they have a disability and will make every reasonable effort to ensure when employees become disabled, they stay in employment.

## **2. Reason for the Policy**

- 2.1. The policy sets out:
  - The standards required, the responsibilities of those involved in Absence Management, the triggers that identify unacceptable levels of absence and the actions and procedures that will be applied to manage sickness absence.
  - Consistently managing sickness absence will minimise disruption to services, reduce absence levels and additional staffing costs.
  - Actively managing absence will encourage achievement of high levels of attendance.
  - To provide a safe, healthy and supportive working environment for all employees of Exeter City Council.

## **3. Compliance under the Policy**

- 3.1. **Management** - have a key responsibility for:
  - Case managing sickness absence issues appropriately and according to each individual case.
  - Seeking guidance and support from HR and Occupational Health when required and;
  - Proactively monitoring and reviewing absence data.

### 3.2. **Employees – have a contractual obligation to:**

- Attend for work and only to be absent due to sickness when it is genuine and justified.
- Comply with Exeter City Council's absence reporting procedures.
- Co-operate with management by attending Occupational Health appointments.
- Co-operate with management by attending meetings related to their absence or health.

### 3.3. **Human Resources – will:**

- Work with Managers to ensure effective management of sickness absence.
- Provide absence data and advice in case management and;
- Act as the liaison between Managers and the Occupational Health service.

### 3.4. **Occupational Health – will according to its agreed contract:**

- Provide advice, support and information in case management, rehabilitation and attendance at work.
- Have policies and procedures in place to comply with the Equality Duty and ensure that their employees work in a way which respects the diversity of each client.

## 4. **Absence Management – Implementation**

### 4.1. **Principles**

- It is accepted that on occasion employees will be sick, therefore any period of sickness absence will be treated as genuine. Any cause for doubt will prompt further investigation.
- Exeter City Council will adopt a proactive approach to sickness management.
- Effective and consistent communication between all parties on sickness absence matters will be the norm.
- Access to all sickness and health records will be treated with the utmost confidentiality and in line with the Access to Medical Records Act 1998 and the Data Protection Act 1998. Employees will have full access to their sickness and health records.

### 4.2. **Notification**

- Employees must comply with the absence reporting procedures and continue to maintain contact with their line management as required.
- Notification should be by telephone and direct to the line manager with details of illness and expected time away from work.
- Notification procedures may be tailored to local arrangements and working patterns where required.

### 4.3. **Recording and Monitoring**

- Absence will be recorded in line with Exeter City Council procedures.
- The Self Certification e-Form must be used to notify absence of up to 7 days; thereafter a Fit Note is required from the GP.
- When absence begins before a weekend and continues over to the following working week, absence records will include weekends until the return to work of the employee.
- Managers must notify payroll via the absence e-form of the absence of the employee's on the day that it occurs.

#### 4.4. Return to work

- The Manager will conduct a return to work interview with the employee on the day they return to work to ensure that they are fit enough to return.
- Any adjustments agreed to support rehabilitation must be put in place and any discrepancies discussed.

### 5. Absence Management – Monitoring

- 5.1. Sickness absence is monitored to enable Managers to see where there may be an issue with an employee's attendance. The monitoring of absence is considered to be a best practice process by most employers. Exeter City Council has set its acceptable standards of attendance and where an employee's absence increases beyond this level, some triggers have been put in place to alert manager's to take some action.

### 6. Management of Short Term Absence - Trigger points and actions

- 6.1. Trigger points provide a consistent approach for Exeter City Council to measure sickness absence. HR produces absence data to help Managers review the absence records of their staff. This data is used in the review process where an employee has hit a trigger point and when sickness absence needs to be actively managed.

- 6.2. The trigger points set by Exeter City Council are as follows:

Trigger	Trigger levels	Action taken if appropriate
1 <sup>st</sup> Trigger	3 occasions of absence or 7 working days in a rolling 12 month period	Stage 1 review at return to work interview
2 <sup>nd</sup> Trigger	A further 2 occasions of absence or a total of 10 working days lost in a rolling 12 month period.	Stage 2 Formal Review
3 <sup>rd</sup> Trigger	<b>Any</b> further occasions of absence lost whilst there is a 'live' warning letter in place as a result of reaching stage 2.	Stage 3 Formal Review
4 <sup>th</sup> Trigger	<b>Any</b> further occasions of absence lost whilst there is a 'live' warning letter in place as a result of reaching stage 3.	Stage 4 Formal Review

- 6.3. The staged process is designed to allow managers to focus on employees with a history of persistent short term absence and where a robust approach to improving attendance is required.

- 6.4. From Stage 2 onwards the employee has the right to be accompanied by a Union Representative or a work colleague and can appeal against the decision. HR will provide support at the meeting where required. In all cases there is a requirement for managers to consider each case separately and where applicable adopt a tailored approach.

**Stage 1** – is an informal review with the employee by the Manager at the return to work interview with informal recorded advice to improve and the action that may be taken if there is no improvement.

**Stage 2** – is a formal review with the employee by the Manager (or delegated Officer) with if appropriate a formal warning to improve attendance and clear guidance on the measures that may be taken if there is no improvement in attendance.

**Stage 3** – is a second formal review with the employee by the Manager and Assistant Director with if appropriate a formal 2<sup>nd</sup> warning to improve attendance and clear guidance on the measures that may be taken if there is no improvement in attendance.

**Stage 4** – is a formal review with the employee by the Manager and Assistant Director with, if appropriate termination of employment.

## **7. Case management of Long term Sickness Absence / Ill Health**

- 7.1. The main aim of a case management approach is to aid a return to work by the employee in a reasonable capacity as quickly as possible. However, this may not always be possible, and ultimately long term absence/incapacity or disability may lead to the termination of employment due to the inability of the individual to fulfil their employment contract, or for some other substantial reason.
- 7.2. There are key principles for managing long term sickness absence / ill health which should be applied to achieve successful case management.

These are to:

- Take advice from HR at all stages of the case management process,
- Maintain contact with the employee throughout the period of absence keeping records of meetings and agreed actions,
- Take account of the circumstances of the absence and any limitations the employee may have with regard to their return to work,
- Gain advice from Occupational Health to inform decisions regarding fitness for work and adjustments/phased return arrangements,
- Keep the employee updated on activities and developments at work to avoid any sense of isolation,
- Consider all the options to assist a return to work such as a phased return to work, implementing reasonable adjustments to take account of Disability and re-deployment into another suitable role,
- Move to the formal Ill Health Capability process where it has not been possible to achieve a return to work within a reasonable timeframe; there is no indication that the employee will be able to return within the foreseeable future; the health issue is continuing to have a detrimental impact on attendance / performance.

## **8. Ill Health Capability**

- 8.1. The Ill Health Capability process focuses on cases of long term ill health, disability, incapacity, and significant underlying health issues which impact on an employee's ability to fulfil their employment contract/job role. Whilst this is a staged process, it can be fluid according to the circumstances of each case.
- 8.2. The stages provide a framework, but the circumstances of each case will affect the speed with which the process is concluded. There may be cases where the needs of the individual and the severity of the circumstances require moving

quickly or immediately to the final stage (for example in cases of terminal illness).

**Stage 1 (Long-term absence/ill health)** – Ongoing and regular informal contact with the individual will form the initial stage of case management. The aim will be to assist individuals return to work, improved attendance and reduced impact on performance. This can be in writing, telephone conversations and face to face meetings, and is likely to include referral for Occupational Health advice.

**Stage 2 (Long-term absence/ill health)** – A formal review of the case will occur when it is clear that a return to work in the individuals existing role is unlikely, or the health issue is having an ongoing and detrimental impact on the individuals attendance or ability to carry out their normal duties. The review will be held between the Manager (or delegated Officer), an HR Representative and the employee. The employee will have the right to be accompanied by a trade union representative or work colleague. Updated OH advice may be sought on a prognosis for a return to the existing role (with or without adjustments), together with the impact on the Service and colleagues.

The purpose of the review will be to warn the individual that their employment may be in jeopardy, to support a return to work or minimise the impact of the health issue on their job role and to state a requirement to improve attendance. Consideration will include but is not limited to the possibility of:

- Redeployment to a suitable alternative available role,
- The application of reasonable adjustments,
- Any other support that might be reasonable and which has an approved business justification.

Timescales for improvement will be agreed and is likely to be accompanied by a review process. In certain circumstances Stage 2 may involve more than 1 formal meeting.

**Stage 3 (Long-term absence/ill health)** – When the individual is unable to improve their attendance/performance, is unable to return to work within the agreed timeframe, or where other alternatives have not been successful, a formal panel review will be held to consider whether or not the individual's employment should be terminated. The review will be held between the Manager (or delegated Officer), an HR Representative and the employee. The employee will have the right to be accompanied by a trade union representative or work colleague.

The review will include:

- Discussion on the prognosis for a return to work after advice from OH
- The likelihood of an improvement in attendance and/or a reduction in the impact on their performance in the job role
- The measures that have been taken to support the individual to meet the Council's expectations
- The measures that the individual has taken to meet the Council's expectations
- The likelihood of a change in circumstances in the foreseeable future

- Whether there are any unexplored avenues that that would bring about the required improvements
- What the most beneficial route for the individual might be in cases such as terminal illness

## **9. Ill Health Retirement**

- 9.1. For staff in the Local Government Pension Scheme, a formal request for consideration of ill health retirement can only be made when it is likely or clear that the employment will be terminated due to ill health/incapacity. There may be cases where it may be appropriate to commence the process as early as Stage 2. This should be in consultation with the employee and Ill Health Retirement will only be confirmed following a decision at Stage 3 to end the employment.
- 9.2. Human Resources will provide advice on which cases are likely to fulfil the criteria of being incapable of undertaking their existing role until they reach age 65 and the stage at which the case should be referred to an Independent Registered Medical Practitioner for consideration of Ill Health Retirement.

## **10. Appeals**

- 10.1. An employee who wishes to appeal against formal action must inform the relevant manager in writing within 5 working days of receipt of the letter advising them of the outcome of the formal meeting.

## **11. Equality Statement**

- 11.1. The Council undertakes to make reasonable adjustments/provisions to enable employees and their representatives with protected characteristics to effectively access and engage with this policy/procedure. This may include actions such as the provision of communication in a different format (e.g. Braille, foreign or sign language interpreter) and ensuring accessibility of office locations and meeting rooms, and/or provision of equipment.
- 11.2. However, in order to fulfil this function, the employee must make Human Resources aware of their or their representative's access needs.

## **12. Further information**

- 12.1. This policy is linked to the documents [Absence Management - A Guide for Managers](#) and [Absence Management - A Guide for Employees](#)
- 12.2. This policy should be read, where appropriate, with other Exeter City Council policies related to health and absence. Further information on these policies can be found on Employment Matters

Links to:

- 1.1. [Reporting Sickness Absence Flow Charts](#)
- 1.2. Absence e-form guidance
- 1.3. [Referral to Occupational Health Form](#)

# Anti-Fraud, Anti-Bribery and Anti-Corruption Policy

## 1 Introduction

- 1.1 Exeter City Council is committed to the prevention and detection of fraud, bribery and corruption. Any suspected cases of fraud, bribery or corruption will be investigated and wherever possible, the Council will refer the matter to the police in order that perpetrators can be prosecuted, and losses recovered through all appropriate means.
- 1.2 Misuse of public funds deprives the Council of finance it needs to achieve its agreed goals and strategic objectives. As a consequence of lack of finance, citizens (particularly those in need) may be deprived of vital services.
- 1.3 The purpose of this policy is to set out for councillors and its employees, the Council's key principles and approach to countering fraud, bribery and corruption.

## 2 Definitions

- 2.1 **Fraud** is an intentional criminal activity. Types of fraud that could affect the Council include obtaining assets or services by deception; forgery and false accounting intended to mislead or misrepresent, for example, providing false information when submitting a claim.

The Fraud Act 2006 provides that people carrying out serious frauds can be imprisoned for up to 10 years. Fraud includes:

- taking something you are not entitled to (e.g. cash, supplies, even peoples' identities)
- false accounting
- deception
- forgery

- 2.2 **Bribery** is the offering, giving, receiving or soliciting of something of value for the purpose of influencing the action of an official in the discharge of his or her public or legal duties. The Bribery Act 2011 came into force in July 2011. The Act is significant not only because the new penalties are described as the toughest in the world, but also because it forces organisations to evaluate how, and with whom, they do business. The Act also makes them accountable for ensuring that safeguards are in place to prevent bribery.
- 2.3 **Corruption** is when an individual abuses their position or powers to make gains for themselves or someone else, and often involves collusion between two or more individuals.

## 3 Key principles

- 3.1 The commitment to eliminate fraud, bribery and corruption are summarised by the principles that the Council will:
  - **Culture** - create an anti-fraud, anti-corruption, anti-bribery and zero tolerance culture
  - **Prevention** - review existing, and check new, policies and systems to ensure that any apparent weaknesses are removed and fit-for-purpose
  - **Detection** - provide appropriate mechanisms for employees to voice their concerns. and protect those who do make reports
  - **Investigation** - maintain formal procedures to investigate fraud or corruption whenever it is suspected
  - **Sanctions** - deal robustly with perpetrators of fraud or corruption, and to have no hesitation in referring cases to the police where it is appropriate to do so
  - **Redress** - use reasonable measures to seek redress to recover any monies defrauded

## 4 Corporate framework



- 4.1 Everyone has a role to play in the prevention and detection of fraud, bribery or corruption. The Council expects its employees and elected members to lead by example.

A key element of prevention is the range of interrelated policies and procedures the Council has in place that together seek to create a zero tolerance culture. These have been formulated in line with appropriate legislative requirements and include:

- the Anti-Fraud, Anti-Bribery and Anti-Corruption Policy
- codes of conduct for councillors and employees
- standing orders, financial regulations and sustainable procurement strategy
- accounting procedures and records
- internal control systems
- Internal Audit
- recruitment and selection procedures
- disciplinary procedures
- anti-money laundering procedures
- whistleblowing policy
- Regulation of Investigatory Powers (RIPA) procedures

## **5 Roles and responsibilities**

- 5.1 The corporate framework can only be effective in prevention or detection if the policies, procedures and arrangement are complied with, and there are clear lines of accountability and responsibility which are:

### **5.2 Management responsibilities**

The day-to-day responsibility for the prevention and detection of fraud and corruption rests with line managers who are responsible for:

- identifying the risks to which systems, operations and procedures are exposed;
- developing and maintaining effective controls to prevent and detect fraud; and
- ensuring that controls are being complied with.

Managers must ensure that all of their staff are aware of the Council's anti-fraud, anti-bribery and anti-corruption arrangements, as well as the Whistleblowing Policy. Managers must also encourage an environment in which their staff feel that they are able to approach them should they suspect irregularities are occurring.

### **5.3 Employees' responsibilities**

All employees must:

- act with propriety in the use of resources and in the handling and use of public funds, whether they are involved with cash or payment systems, receipts or dealing with contractors, suppliers or customers;
- immediately report, without fear of recrimination, if they suspect or believe there is evidence of irregular or improper behaviour or that fraud may be being committed
- comply with the employees' code of conduct

### **5.4 Councillors' responsibilities**

Councillors have a duty to the citizens of Exeter to protect Council assets from all forms of abuse. This is reflected by the adoption of this policy and compliance with the code of conduct for members, relevant legislation, policies and procedures.

### **5.5 Role of the responsible officer**

Section 151 of the Local Government Act 1972 and the Accounts and Audit Regulations make the 'responsible officer' (Executive Director Resources and Chief Financial Officer) responsible for ensuring the Council has adequate control systems and measures in place.

## 5.6 **Role of internal audit**

All suspected fraud or irregularities should be reported to Internal Audit. The purpose of internal audit is to provide independent and objective assurance to the Council on risk management, control and governance, by evaluating their effectiveness in achieving the Council's stated objectives. Amongst the range of services provided it includes fraud and irregularity investigations in which:

- specialist skills and knowledge will be provided to assist in an investigation, or lead where appropriate; and
- fraud prevention controls and detection processes are assessed for effectiveness.

## 5.7 **Role of the benefits investigation team**

The benefit investigation unit undertakes the investigation of allegations of fraud and discrepancies in the housing and council tax benefits systems, including national benefits, in accordance with the benefit fraud policy

## 5.8 **Role of the external auditor**

The external auditor reviews the Council's arrangements for preventing and detecting fraud, bribery and corruption. Whilst external auditors do not have a specific preventative role, they are always alert to the possibility of fraud, bribery and corruption and will report any grounds for suspicion that comes to their attention.

# 6 **Culture**

6.1 Exeter City Council expects all persons and any organisation associated with it to act with integrity and operate high ethical values, and operates a zero tolerance culture. The Council expects councillors and its employees to strictly comply with the Nolan Committee's *Seven Principles of Public Life*:

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership

6.2 The councillors and the employees' codes of conduct define the Council's expectations, and state what behaviour is deemed acceptable and what is unacceptable. The codes are published on the Council's website and are thus readily accessible.

6.3 Anti-fraud, anti-bribery and anti-corruption training is delivered via an e-learning module, and provided to all councillors and employees. New councillors and employees must undertake the training as part of their induction training process, during which they are made aware of the Council's culture and of the policies and procedures they must comply with. This training ensures councillors and employees are aware of the disciplinary process and of the sanctions that can be taken against wrong-doers.

# 7 **Prevention**

7.1 The Council has established robust systems of internal controls that are designed to prevent and detect fraud, bribery and corruption, examples of these include:

- cross-checking data and information provided by applicants with that held on other systems to check that the information agrees and is accurate
- baseline checking of job applicants in order to combat identity fraud and false claims. These measures include checking: proofs of identity; employment history; educational and professional qualifications, experience, etc.

- active participation in the National Fraud Initiative data matching exercise that cross-checks data held by the Council with data held by other local and public authorities, Government departments and other organisations. Where suspect data is found, the cases are thoroughly investigated, and appropriate action taken or sanctions imposed.
- 7.2 The Council's Internal Auditors use risk-based auditing techniques to identify frauds and irregularities, and have devised an Enterprise Risk Management Auditing (ERMA) approach and written Enhanced Systems Based Auditing (ESBA) controls matrices that check, for example, that:
- employees are aware of the Council's policies, procedures and rules, and that they must report any suspicions of fraud, bribery and corruption they may have
  - internal controls are in place and working effectively. Where actual or potential weaknesses are identified, recommendations are made to enhance the effectiveness and robustness of controls
- 7.3 The Benefits Investigation Team use risk-based techniques as a means of ensuring that the types of claims regarded as high risk are identified to ensure that they can be given careful attention, constantly monitored and regularly reviewed.

## **8 Detection**

- 8.1 The Council provides appropriate mechanisms to detect fraud, bribery and corruption, and to enable employees and members of the public to voice their concerns, these include:
- 8.2 Internal Auditors assess the effectiveness and robustness of systems' internal controls by, for example, checking transactions are valid.
- 8.3 The Council provides fraud reporting hotlines on its homepage of its website to encourage the reporting of benefits and other types of frauds.
- 8.4 The Council maintains a Whistleblowing Policy and procedures (that are published on the internet) to encourage employees to report fraud, corruption, malpractice, etc.
- 8.5 Employees wishing to make reports are encouraged to raise the matter with their line manager or assistant director/corporate manager. However, if employees are uncomfortable or unwilling to take this course of action, then can report the matter to:
- the Council's statutory monitoring officer, the Corporate Manager Legal
  - Internal Audit
  - their trade union
  - the independent charity Public Concern at Work (telephone 020 7404 6609)
- 8.6 Each half-year Internal Audit sends an email to employees and councillors reminding them of, and providing web links to, the Council's Anti-Fraud, Anti-Bribery and Anti-Corruption Policy and to the Whistleblowing Policy

## **9 Investigation**

- 9.1 Internal Audit investigate allegations of fraud, bribery and corruption (except benefits cases) that are received from both internal and external sources, or found as part of the normal audit testing they undertake. Investigations are carried out in accordance with the Council's Collection of Evidence Policy.
- 9.2 The Benefits Investigation Team investigate allegations of fraudulent benefits' claims that are received from internal and external sources, and liaise with other agencies (including Government) as appropriate

## 10 Sanctions

- 10.1 Where it is possible to prove beyond reasonable doubt that a criminal offence has been committed, an option open to the Council (in addition to recovering the sums lost) is to prosecute the offender
- 10.2 Each case is considered on its merits, but where there is sufficient evidence that a crime has been committed, then the Council will generally pursue prosecution. Where it is considered a possibility, the case papers are examined by Legal. The recommended action will be discussed and agreed by the Corporate Manager Legal, Human Resources and Internal Audit. The actual decision to prosecute or not will be made by the respective strategic director and/or assistant director/corporate manager.
- 10.3 Internal Audit will report such cases to the Police for investigation unless the sum involved is minimal or the circumstances of the case make this inappropriate (e.g. falsifying time records). Prosecutions for benefits fraud are in accordance with the benefits prosecution policy that is published on the intranet
- 10.4 Issues that will need to be taken into account when considering prosecution in fraud and corruption cases are:

Issue	Points to consider
Quality of available evidence	<ul style="list-style-type: none"> <li>Is there sufficient evidence to satisfy a court?</li> <li>Is all of the evidence admissible?</li> <li>Has the evidence been obtained appropriately?</li> </ul>
Degree of criminality	<ul style="list-style-type: none"> <li>How was the fraud perpetrated?</li> <li>Was it opportunist?</li> <li>How much planning went into the fraud?</li> <li>How long did it continue?</li> </ul>
Persistent offender	<ul style="list-style-type: none"> <li>Has the offender previously committed fraud?</li> <li>Has the offender received a sanction previously?</li> </ul>
Position of Trust	<ul style="list-style-type: none"> <li>Is the perpetrator a Council employee or councillor</li> <li>Is the perpetrator a Council representative or contractor?</li> </ul>
Duration of the fraud	<ul style="list-style-type: none"> <li>How long did the fraud continue?</li> </ul>
Loss to public funds	<ul style="list-style-type: none"> <li>It would be unlikely to prosecute for fraud for amounts less than (say) £1,000, but this should not necessarily be ruled out, and other issues on this list need to be considered as well.</li> </ul>
Voluntary disclosure	<ul style="list-style-type: none"> <li>Was the fraud admitted prior to investigation?</li> </ul>
Widespread offence	<ul style="list-style-type: none"> <li>Is the offence part of a local trend? (The offence itself may not be particularly serious but may be particularly prevalent in a specific area)</li> </ul>
Social and medical factors	<ul style="list-style-type: none"> <li>Are there any mitigating circumstances?</li> <li>Are there any mental or physical disabilities?</li> <li>Is the perpetrator fit to stand trial?</li> <li>Whilst social or medical factors do not automatically preclude prosecution, they must be considered.</li> </ul>
Public interest	<ul style="list-style-type: none"> <li>What gain is there for the Council and/or the general public?</li> </ul>

## 11 Redress

- 11.1 Redress can be defined as the recovery or attempted recovery of assets lost or defrauded, and includes any type of financial recompense for the fraud.
- 11.2 Where possible the Council will pursue cases to this point. Whilst the Council aims to progress to sanctions, attempts will also be made to recover any loss.

11.3 Where the fraud is committed by an employee, disciplinary proceedings will also be taken against the perpetrator wherever possible. Such cases are not subject to the criminal burden of proof, but rather on the 'balance of probabilities'

11.4 The various types of redress and recovery options are:

Case type	Method of redress/recovery
Internal and general	<ul style="list-style-type: none"><li>• Charges on property</li><li>• Attachment to earnings</li><li>• Freezing orders</li><li>• Civil recovery orders</li><li>• Insurance claims (fidelity guarantee)</li><li>• Pursuing debts via legal proceedings</li><li>• Confiscation orders</li><li>• Compensation</li><li>• Restitution orders</li></ul>

11.5 Publicity is an important tool in the prevention of fraud, bribery and corruption as it emphasises the Council's commitment of not tolerating such and can therefore act as a deterrent. Consideration is, therefore, given to publicising all cases that are successfully resolved and/or prosecuted.

## 12 Review

12.1 This policy will be reviewed by Internal Audit, in consultation with other relevant persons, at least biennially. Any significant changes will be reported to the Audit and Governance Committee for consideration and approval.



# Exeter City Council

## Exeter City Council

### 'Dignity at Work'

### Policy

This policy should be read with the Exeter City Council Guides for Managers and Employees

Policy development and Version details  
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## 1. Policy Statement

- 1.1. Exeter City Council believes that all of its employees have the right to be treated with dignity and respect and that any form of harassment or bullying is totally unacceptable. It will take any reasonable steps it sees fit to both prevent and stop it.
- 1.2. The drive and commitment to show trust and respect toward each other and our customers is reflected in 'Our Values' in the corporate plan for 2012/2014.
- 1.3. Harassment and bullying at work is inappropriate behaviour, it will not be permitted or condoned and serious cases will be treated by the Council as misconduct which may include in some cases gross misconduct which might lead to dismissal.
- 1.4. Harassment and bullying are not only damaging to the individual/s affected but also have serious consequences for the Council.
- 1.5. The policy applies to any harassment on the grounds of protected characteristics which include;
  - **Age**
  - **Disability**
  - **Gender reassignment**
  - **Race (which includes colour, nationality and ethnic or national origins)**
  - **Religion or belief,**
  - **Sex**
  - **Sexual orientation**
  - **Marriage and civil partnership**
  - **Pregnancy and maternity.** <sup>1</sup> see footnote
- 1.6. The policy applies to bullying of any sort that intimidates or belittles someone through the misuse of power or position which leaves the recipient feeling hurt, upset, vulnerable or helpless. Where bullying is linked to one or more of the protected characteristics described in 1.5 above, this could constitute unlawful discrimination where criminal or civil proceedings could be brought against the alleged bully. (see footnote 1)
- 1.7. The policy takes account of the UK legal framework and specifically the following legislation;
  - Equality Act 2010
  - Health and Safety at Work Act 1974
  - Protection from Harassment Act 1997
  - Management of Health and Safety at Work Regulations (SI 1999/3242)
  - Criminal Justice and Public Order Act 1994

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<sup>1</sup> It is unlawful to discriminate against or harass any individual for association with another individual with a protected characteristic or based on a perception that they have a protected characteristic (other than marriage and civil partnership, pregnancy and maternity).

- Employment Rights Act 1996

## 2. Scope of the Policy

2.1. The policy covers bullying and harassment of and by the following groups:

- Officers and elected members of the Council
- Agency staff, contractors and anyone else engaged to work for the Council
- Third parties such as clients or customers of the Council

2.2. The policy covers harassment and bullying in the workplace and in any work related setting outside the workplace, e.g. business events and work-related social events

## 3. Definitions under the Policy and Law

### 3.1. Harassment:

Is unwanted conduct or behaviour which is related to a relevant protected characteristic as described at 1.5, in that it;

- Has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- Is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person.

#### 3.1.1. Examples of harassment:

This may be misconduct that is physical, verbal or non-verbal, e.g. by letter or e-mail. Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- Physical conduct ranging from unwelcome touching to serious assault;
- Unwelcome sexual advances;
- The offer of rewards for going along with sexual advances, e.g. promotion, preferential treatment, access to training;
- Threats that rejecting sexual advances will adversely affect the employee's employment;
- Demeaning comments about a person's appearance;
- Unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- Questions about a person's sex life;
- Unwanted nicknames related to a person's age, race or disability;
- The use of obscene gestures;
- Excluding an individual because he/she is associated or connected with someone with a **protected characteristic**;
- Ignoring an individual because they are perceived to have a **protected characteristic** when they do not;
- The open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person;



- Spreading malicious rumours or insulting someone;
- Picking on someone or setting him/her up to fail;
- Isolation or non-cooperation at work; and
- Excluding someone from group or social activities

### 3.2. Bullying:

Is unlikely to be a single or isolated instance; it is usually, but not exclusively repeated persistent behaviour which has happened to a person that they consider offensive, intimidating, malicious or insulting, and/or is an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

#### 3.2.1. Examples of bullying:

This may be misconduct that is physical, verbal or non-verbal, e.g. by letter or e-mail. Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- Conduct which is intimidating, physically abusive or threatening
- Conduct that denigrates, ridicules or humiliates an individual especially in front of colleagues
- Picking on one person where there is a common problem
- Shouting at an individual
- Spreading malicious rumours or insulting someone;
- Consistently undermining someone, their ability to do their job, providing poor instruction or setting him/her up to fail;
- Making threats or comments about someone's job security without good reason;
- Unfair treatment such as unreasonable refusal to allow leave
- Isolation or non-cooperation at work; and
- Excluding someone from group or social activities
- Cyber bullying which can include bullying via email, text or social website postings

### 3.3. What Harassment and Bullying are not:

Managers are required to manage the performance and conduct of their staff. Normal management activity does not usually constitute harassment or bullying so long as it is conducted in a fair and reasonable way. Any concerns about normal management activity should be discussed with the manager or Human Resources.

**Harassment and bullying may be summarised as any behaviour by an individual against an individual or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome by the person to whom it is directed. It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant in law as to whether harassment or bullying has occurred.**

### 3.4. Victimization

- 3.4.1. Victimization is the action of subjecting a person to a detriment, such as isolation, unfairly increasing work loads or tasks or withdrawing

support, when they have in good faith complained, whether formally or informally about harassment or bullying that is affecting themselves or another.

3.4.2. Employees, providing they have acted in good faith, have a right not to be victimised for making a complaint.

3.4.3. The Council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised another employee.

## **4. Policy Implementation**

### **4.1. Stages and routes for raising a complaint**

4.1.1. Employees who wish to raise a complaint, either that they are the subject of harassment or bullying, or that they are affected by harassment or bullying can raise their complaint either informally or formally. They can do so either verbally or in writing to the relevant manager, Assistant Director, Human Resources Business Partner or trade union representative.

### **4.2. Informal Action**

4.2.1. Where it is possible and appropriate they should raise the complaint in the first instance with the person who they believe is harassing or bullying them. An informal resolution may be achieved at this stage, particularly where the person is unaware that their behaviour is offensive and unwelcome.

4.2.2. Where the informal approach is not appropriate either because the allegation is so serious or where the person who is harassing or bullying does not or cannot resolve the situation then the complaint can be taken to the formal action stage.

### **4.3. Formal Action**

4.3.1. The complaint must be made in writing to the relevant manager, Assistant Director, Human Resources Business Partner or trade union representative in accordance with the Council's Grievance Procedures.

4.3.2. An appropriate Officer or nominated representative will be appointed to thoroughly investigate the matter in line with the Council's Grievance Procedure.

4.3.3. The employee making the complaint will be kept informed of the general progress of the investigation into their grievance, and the outcome (i.e. whether or not their complaint has been upheld).

4.3.4. The employee may be provided with additional information/support if the outcome impacts on their ongoing working relationship or working arrangements.

#### **4.4. Suspension**

- 4.4.1. There may be cases where the allegation is sufficiently serious to warrant the suspension of the alleged harasser or bully. Suspension is not an indication of the outcome of the hearing but more relevant to the seriousness of the case and to ensure that a fair investigation is conducted.
- 4.4.2. Wherever possible, the Council will try to ensure that the complainant and the alleged harasser are not required to work together while the complaint is under investigation.
- 4.4.3. The option of either party remaining at home on special leave may be considered while the investigation and any subsequent actions, which may include disciplinary proceedings are underway

#### **4.5. Confidentiality**

- 4.5.1. Complaints of harassment or bullying will be treated with the utmost confidentiality and sensitivity. However investigations may require a limited amount of disclosure of information to those involved, such as witnesses or other managers to aid the investigation and the removal of further risk of harassment or bullying.
- 4.5.2. All those involved in the process will be required to maintain confidentiality at the time and in the future.

#### **4.6. Managing the outcome**

- 4.6.1. Where the complaint is upheld and the person found to have been harassing or bullying remains an employee of Exeter City Council every effort will be made to resolve the relationship or where necessary consider transferring either party to another suitable post if possible.
- 4.6.2. Where the complaint has not been found both the complainant and the person accused of harassment or bullying will be supported by Exeter City Council in making suitable arrangements either to repair or maintain the working relationship or to consider arrangements to avoid the parties having to have regular one to one contact.
- 4.6.3. Whilst the employee who made the complaint has a right not to be victimised for making a complaint in good faith (even if the complaint is not upheld) making a complaint that they know to be untrue may lead to disciplinary action being taken.

### **5. Support for individuals involved in complaints of harassment and bullying**

- 5.1. The Council will provide access to counselling for those involved in the process.
- 5.2. Those affected are strongly encouraged to seek support, where applicable from their union representative or a work colleague.

### **6. Responsibilities under the policy**

## **6.1. Exeter City Council:**

- 6.1.1. Will provide relevant training and awareness for all employees and elected members in the conduct and behaviour required under its policy and also under the legislation described at 1.7.
- 6.1.2. Will ensure that Agency providers, contractors and anyone else engaged to work for the Council are made aware of the policy and their requirement to abide by it.
- 6.1.3. Will take reasonable steps to prevent third party harassment and will consider taking appropriate action against any third party, client or customer found to have harassed or bullied an officer or elected member of the Council or anyone else engaged to work for the Council.

## **6.2. Managers:**

- 6.2.1. Will be required to comply with the standards of behaviour and conduct set out in this and other associated policies.
- 6.2.2. Will be required to ensure that their staff understand and adhere to those standards.
- 6.2.3. Will be required to comply with the details set out in this policy and the guidelines included in the Managers' Guide.

## **6.3. Employees:**

- 6.3.1. Will be required to comply with the standards of behaviour and conduct set out in this and other associated policies.
- 6.3.2. Will be required to ensure that they understand and adhere to those standards.
- 6.3.3. Will be required to comply with the details set out in this policy and the guidelines included in the Employees' Guide.

## **7. Equality Statement**

- 7.1. The Council undertakes to make reasonable adjustments/provisions to enable employees and their representatives with protected characteristics to effectively access and engage with this policy/procedure. This may include actions such as the provision of communication in a different format (e.g. brail, foreign or sign language interpreter) and ensuring accessibility of office locations and meeting rooms, and/or provision of equipment.
- 7.2. However, in order to fulfil this function, the employee must make Human Resources aware of their or their representative's access needs.

## **8. Further information**

This policy is linked to the documents [Dignity at Work - A Guide for Managers](#) and [Dignity at Work - A Guide for Employees](#)

This policy should be read, where appropriate, with other Exeter City Council policies related to behaviour and conduct. Further information on these policies can be found on the intranet page Employee Matters.



# Exeter City Council

## Exeter City Council Disciplinary Policy

This policy should be read with the Exeter City Council Disciplinary Guidance for Managers & Guidance for Employees

Policy development and Version details  
V7 August 2011

<b>Title</b>	Disciplinary Policy
<b>Author</b>	Angela Bennett
<b>Owner</b>	Human Resources
<b>Effective from</b>	1 <sup>st</sup> September 2011
<b>Review dates</b>	September 2014
<b>Status for FOI</b>	Open
<b>EIA conducted</b>	July 2011
This policy can be made available in large print and other formats such as printed on yellow paper, taped, Braille etc. as requested.	

## **1. Policy statement**

2. This policy is designed to help all employees achieve and maintain satisfactory standards of conduct and behaviour and comply with the Council's rules. Its aim is to ensure consistent and fair treatment for everyone, and to support a healthy and harmonious working environment.

1.2 The policy applies to all Council employees except where other statutory procedures are required for example in respect of the Chief Executive, the 151 Officer and Monitoring Officer.

This procedure will not apply where the reason for dismissal is "some other statutory enactment", e.g. where the employees' job requires them to have a driving licence and they then lose their licence.

1.3 This policy is primarily concerned with improving conduct and behaviour, not with applying disciplinary penalties. It aims for an outcome, which is fair and constructive in pursuit of the Council's delivery of services to the community.

## **2. Principles of the policy**

2.1 No disciplinary action will be taken without a prompt and thorough investigation into the circumstances.

2.2 At each stage, employees subject to disciplinary action will be advised of the nature of the complaint and be given the opportunity to state their case.

2.3 The formal procedure may be implemented at any stage if the alleged misconduct warrants such action.

2.4 Employees are entitled to be represented or accompanied at the disciplinary hearing by a Trade Union representative or a work colleague. However, employees are encouraged to seek advice/ support as soon as a disciplinary issue arises.

2.5 No disciplinary action will be taken against a Trade Union official until the circumstances of the case have been discussed with a senior representative or paid official of the Trade Union.

2.6 Employees will not be dismissed for a first breach of discipline except for cases of gross misconduct, when the penalty will normally be dismissal without notice. Examples of what constitutes misconduct and gross misconduct can be found in appendix A and levels of authority in appendix B.

2.7 Employees have the right to appeal against any formal disciplinary action taken against them apart from verbal warnings.

2.8 In implementing the disciplinary procedure the Council reserves the right to interview the employee and other employees as appropriate, to monitor and inspect the use of telephones, correspondence, information held on personal computers, working methods, CCTV recordings and other information pertinent to the issue under investigation and to the employee who is subject to the disciplinary procedure.

2.9 Throughout the disciplinary procedure, the individual concerned and any other individuals involved in the case will be treated with and should treat each other with courtesy and respect.

### **3. Compliance under the Policy**

3.1 **Management** - have responsibility for:

- Ensuring that all staff are aware of the Council's standards of behaviour, enforcing rules and ensuring that breaches of these rules are tackled promptly.
- Ensuring any minor shortcomings are dealt with informally. Wherever possible, informal resolution should be used to avoid the need for the formal procedure.
- Dealing with matters of misconduct as a high priority.
- Never taking disciplinary action during an appraisal session.
- Seeking guidance and support from HR as appropriate.

3.2 **Employees** – have a responsibility to:

- Comply with Exeter City Council's standards of behaviour
- Co-operate with management by attending disciplinary meetings and hearings as directed.
- Arrange representation at an early stage.

3.3 **Human Resources** – will:

- Work with managers to ensure effective management of disciplinary matters,
- Ensure all proceedings, witness statements and records are made and kept confidential.

### **4. Informal Resolution**

4.1 Before considering any formal action, informal resolution should be considered as a means to resolve the situation. The informal process should only be used to address minor shortcomings in conduct.

4.2 There is no right to representation and no right of appeal at this stage.

### **5. Suspension**

5.1 It might be appropriate to consider suspending the employee if:

- the allegation of serious misconduct means that the employee's presence at the workplace may interfere with the impartiality of the investigation,
- the alleged misconduct issues may continue unless the employee is suspended or to protect the employee,
- it would be inappropriate for the employee and/ or the Council if the employee were to remain at work,
- the allegation is of gross misconduct where there is a likelihood that the employee may be dismissed,
- in some circumstances, the employee is the subject of a police investigation.

5.2 Suspension will be on contractual full pay.



## 6. Levels of Disciplinary Warnings and Action

6.1 Dependent on the seriousness of the offence the following sanctions may be imposed following the formal Disciplinary Procedure: -

- **Verbal warning** - If conduct does not meet acceptable standards, the employee may be given a verbal warning.
- **First written warning** - If the misconduct is of a more serious nature, or if a further offence occurs whilst a verbal warning is still active, a first written warning may be given.
- **Final written warning** - If there is still a failure to improve following previous disciplinary action or the misconduct is sufficiently serious to warrant only one written warning, but insufficient to justify dismissal, a final written warning may be given.
- **Dismissal with notice** - If there is a failure to improve following a final written warning or there is an act of serious misconduct, other than gross misconduct, an employee will be liable to dismissal with notice.
- **Summary dismissal** - If the employee is judged to have committed gross misconduct, it will normally result in summary dismissal, i.e. the employee will be dismissed without notice. Examples of gross misconduct can be found in Appendix A.
- **Actions short of dismissal** - If the employee is judged to have committed serious misconduct the Disciplining Officer may decide that in addition to a final written warning, a further sanction will be imposed. This may include demotion, a period of suspension without pay, reduction in pay, deduction of pay, transfer to another post or any other action deemed reasonable in the circumstances.

6.2 Warnings will normally remain on an employees file for the following time limits before being disregarded for disciplinary purposes, unless a shorter or longer period is decided upon at the time of the disciplinary action:

- |                         |           |
|-------------------------|-----------|
| ➤ Verbal warning        | 6 months  |
| ➤ First written warning | 12 months |
| ➤ Final written warning | 24 months |

6.3 All employees who have disciplinary action taken against them will be advised that as long as the warning is current a further act of misconduct might result in further action being taken which could lead to their dismissal.

## 7. Appeals

7.1 An employee who wishes to appeal against formal disciplinary action must inform the relevant manager (refer to appendix B –authority to act) in writing within 5 working days of receipt of the letter advising them of the outcome of the hearing.

7.2 The employee is entitled to be accompanied by a Trade Union representative or work colleague.

## 8. Equality Statement

8.1 The Council undertakes to make reasonable adjustments/provisions to enable employees and their representatives with protected characteristics to effectively access and engage with this policy/procedure. This may include

actions such as the provision of communication in a different format (e.g. brail, foreign or sign language interpreter) and ensuring accessibility of office locations and meeting rooms, and/or provision of equipment.

- 8.2 However, in order to fulfil this function, the employee must make Human Resources aware of their or their representative's access needs.

**9. Further information**

- 9.1 This policy is linked to the documents; Disciplinary Guidance for Managers, Disciplinary Guidance for Employees.
- 9.2 This policy should be read in conjunction with other relevant Council policies.

# Equal Opportunities Policy

## Policy Statement

The City Council is committed, both as an employer and as a deliverer of services, to ensuring that no recipient of services provided by the Council receives less favourable treatment on any grounds such as disability, ethnic origin, age, gender, sexual orientation, language, religion or belief, political or other opinion, national or social origin, association with a national minority, locality, property, birth or other status.

The Council has also stated its commitment to ensuring that institutional racism and discrimination in general does not exist within Exeter.

As a major employer, service deliverer and influencer of public opinion within Exeter the City Council is committed to eliminating discrimination from all its employment practices. The Council's aim is to positively influence individual behaviour and to create a working environment that promotes equality of treatment and of opportunity.

Within the organisation itself, the Council will treat its employees fairly, with consideration and respect and offer them appropriate training and development to achieve the Council's objectives in respect of equalities and access.

The Council is committed not to discriminate in its employment practices and procedures on the grounds of sex, marital status, sexual orientation, gender re orientation, religion or belief, race, nationality, colour, ethnic origin, political beliefs, disability, age or spent convictions. Legislation or Codes of Practice cover many but not all of these areas. However it is intended that no employee, or potential employee, shall receive less favourable treatment because of any of the above aspects or be disadvantaged by any other condition or requirement which cannot be justified.

## Forms of Discrimination

**Direct Discrimination** occurs when a person is treated less favourably than another person on the grounds of gender, sexual orientation, race, disability, religion or belief, age etc. In many cases direct discrimination is made unlawful through legislation such as the Sex Discrimination, Race Relations, Disability Discrimination Acts and The Employment Equality (Age) Regulations 2006.

**Indirect Discrimination** occurs when a condition or requirement, formal or informal, although applied equally to all groups has the effect of excluding, penalising or treating any of those groups less favourably and cannot be shown to be justified and may be to the detriment of those who cannot comply with it.

**Positive Discrimination** is illegal. For example it is illegal to employ someone purely on the basis of their race, gender etc. (see Positive Action below)

**Positive Action** is not illegal if it reasonably appears that it prevents or compensates for disadvantage suffered by specific groups in work or who are likely to take up that work. Thus, if it can be shown that specific groups are currently underrepresented in certain areas and levels of the workforce then positive action can be taken to redress the situation. For example, courses and events can be run for specific groups and positive action can include positively seeking to attract applicants from underrepresented groups.

**By Way of Victimisation** when a person is treated less favourably than others because it is known that they are taking proceedings or acting as a witness under a particular Act e.g. Sex Discrimination Act, The Employment Equality (Age) Regulations 2006.

**In Recruitment** when the choice of candidates for interview or appointment is influenced solely by discriminatory factors

**In Treatment of Employees** when deciding which employees have access to promotion, training, allowances or services: between colleagues where harassment takes place : by the discriminatory abuse of procedures e.g the disciplinary procedures

**Circumstances when Discrimination can legally take place** In certain occupations where there is a genuine occupation qualification for reasons of decency and privacy, welfare provision, religion or belief, or single sex establishments.

## Responsibilities to Eliminate Discrimination

Ultimate responsibility for the provision of equal opportunities within the Council lies with the Council

### Members' Responsibilities

Each Member of the Council has the personal responsibility to comply with the Policy.

### Chief Executive and Strategic Directors' Responsibilities

Delegated overall responsibility for ensuring that Equal Opportunities are:

- Developed
- Implemented effectively
- Monitored
- Updated

### Human Resources Responsibilities

- Ensure that the Council's recruitment, training and development and other working practices and procedures are non-discriminatory
- Corporate monitoring of the constituent parts of the Policy and publish results annually
- Ensure that managers and Members are aware of the content of the policy and the legislative framework underpinning it, with particular emphasis on the requirements of the Race Relations (Amendment) Act 2000

### Assistant Directors Responsibilities

- Managing equal opportunities within their Units
- Ensuring that all employees within the Unit are aware of the Policy and where necessary have received training in the implementation of the Policy, particularly in respect of those people involved in recruitment and selection.

### Trade Unions Responsibilities

- Working with management in monitoring equal opportunities
- Ensuring that their elected officials are conversant with the Council's Policy and its application

### Employee Responsibilities

- ensure that they understand and comply with the letter and spirit of the Policy.
- actively participate in measures introduced by the Council to ensure that there is equality of opportunity and non-discrimination.
- report to management any discriminatory practices
- support the proper investigation of complaints.

## Elimination of Discrimination

### ELIMINATION OF DISCRIMINATION IN THE DELIVERY OF SERVICES

- General training will be given to staff to increase awareness of how discrimination operates at both individual and institutional levels and to ensure awareness of the Council's moral and legal obligations, practices and procedures.
- The corporate Induction Programme and Management Induction Programme will include a basic introduction to the Council's policies on Equal Opportunities in order to give a broad understanding of their purpose and implications. Directorate induction should cover issues specific to that area of work
- All staff will have equal access to training and development (subject to the availability of resources), career development and promotion opportunities
- All terms and conditions of employment will apply equally to employees within scope of those terms and conditions.
- Before entering contracts with Agencies providing temporary staff, the Council must be satisfied that the Agency has a robust Equal Opportunities Policy in place.

### ELIMINATION OF DISCRIMINATION ON GROUNDS OF GENDER/SEXUAL ORIENTATION

The Council is committed to creating an environment free from sex discrimination in respect of gender, marital status, sexual orientation or gender re-orientation. In this context the Council will consider equal opportunities particularly in recruitment, training and development, sexual harassment terms and conditions of employment and flexible working.

#### Recruitment and Selection

- All literature including the advertisement, job description and person specification should describe the job and the person required without any sex bias, with all applications being processed in the same way, regardless of gender, sexual orientation or marital status.
- At interview all questions asked must be specific to the job and to the purpose of the interview.
- Questions relating to childcare and family provision etc should be asked of all candidates or none.
- There should be at least two people interviewing and they should have attended a Recruitment and Selection training programme.

#### Learning and Development

- Access to training must be fairly available to all.
- Any consideration given to career development or personal development should be based on a persons capabilities, performance and potential.
- All individuals should be encouraged and assisted in developing the skills necessary for improvement, particularly in those areas where any minority group is underrepresented.

#### Sexual Harassment

The Council's Harassment and Bullying Policy covers sexual harassment and makes it clear that the Council's believes that all employees have the right to seek and hold employment without discrimination, harassment or bullying. It aims to create a working environment that is free from sexual and other harassment and intimidation.

The Sex Discrimination Act makes it illegal to take employment-based retaliation if sexual advances are refused or if harassment affects an individual's working performance. The Council fully supports this position.

Harassment involves unwanted conduct that has had the purpose or effect of

- Violating the individual's dignity, or

- Creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her

### **Flexible Working**

The Council recognises that equal opportunities involves the introduction of flexible working practices to allow individuals to create a suitable work/life balance and to this end has introduced a range of flexible working arrangements including flexitime, non-standard working arrangements, parental leave etc. In particular, requests for flexible working from parents with children under 16 (18, if disabled) will be considered positively and agreed where possible.

### **Terms and Conditions of Employment**

The national and local conditions relating to family circumstances will apply to same sex partners as to heterosexual partners.

### **ELIMINATION OF DISCRIMINATION ON GROUNDS OF RACE OR ETHNIC ORIGIN**

The Council aims to eliminate racial discrimination and to promote equality of opportunity. The Council is aware that it is under-represented in the employment of ethnic minorities and, within the markets available, will take positive action to promote the Council as a good employer to these minority groups. The areas directly addressed in this context are:

#### **Recruitment and Selection**

- All job vacancies will be widely advertised in order to be accessible to all appropriate markets.
- All literature will be free from ethnic or cultural bias.
- Particular care must be taken in assessing qualifications from applicants from outside the UK, in order to ensure an understanding of the level of qualification, training and experience of the candidate
- Advice will be available from Human Resources on this issue.
- As part of recruitment and selection training, interviewers will be made aware of possible misunderstandings that can occur between persons of different cultural backgrounds and decisions should not be made on generalised assumptions or prejudices.
- Individuals should not be rejected if they complete an application form with assistance or if they do not have spoken English as a first language, unless it is clearly justifiable on the basis that a specific level of written and spoken English is an essential requirement of the job.

#### **Learning and Development**

- Particular attention should be paid to the induction training provided for a person whose ethnic background may mean that a greater level of adjustment is required of both that person and their immediate colleagues.
- An individual's career progression and training and development must be based on their experience, potential and capabilities only.
- Positive action may be taken in providing training and development to this minority group to ensure that members of the group have equal access to training and development and promotion opportunities.

#### **Racial Harassment**

The Council's Harassment and Bullying Policy makes it clear that it will not tolerate any type of harassment and bullying, including that based on race, ethnic origin, nationality, religious or cultural differences.

Advice and training given to front line employees in dealing with difficult people will include training on appropriate responses to racist/sexist remarks.

## **Grievance and Disciplinary Procedures**

Regular monitoring will be undertaken to ensure that ethnic minorities are not over-represented in grievances and disciplinarys.

## **ELIMINATION OF DISCRIMINATION ON THE GROUNDS OF DISABILITY**

The Disability Discrimination Act 1995 specifies that a person has a disability if she or he has a physical or mental impairment which has a substantial and long term effect on his/her ability to carry out normal day to day activities as it affects on or more of: mobility, manual dexterity, physical co-ordination, continence, ability to lift or carry or otherwise move everyday objects, speech, hearing, eyesight, memory or ability to learn, concentrate or understand, perception of the risk of danger'.

In the context of equal opportunities in employment, the Council believes that a person is disabled if she/he has an impairment as outlined above and if, as a consequence, she/he is prevented from taking employment because of lack of access to the workplace or difficulty in carrying out the work, poor employment prospects, lack of access to information, reduced social contact, prejudice or negative images held by colleagues.

The Council is therefore of the view that where positive action or reasonable adjustments (as laid down in the DD Act) may be made in order to employ persons with disabilities then this will be done.

### **Reasonable adjustment**

- involves the removal of barriers which impair a disabled person from doing the job
- may relate to adjustments to premises, work design, flexibility in working arrangements, special equipment etc...

### **Recruitment and Selection**

- Selection criteria must relate to the needs of the job.
- Parts of the job that are desirable but not essential e.g. occasional driving should not be used as the basis for excluding a disabled person from consideration.
- Consideration should always be given to what 'reasonable adjustments' could be made to a job to make it available for a person with disabilities.
- All jobs must be advertised in places and in formats which are accessible to persons with disabilities, including the minority press, the job centres, the internet and possibly through text messaging and large print etc.
- It must be made clear to applicants that being disabled does not preclude full and fair consideration for the job. The Council guarantees to interview all suitably qualified/experienced disabled applicants who meet the requirements of the person specification
- Where necessary, special arrangements might be made at interview to meet the needs of the disabled applicants.

### **Learning and Development**

- All considerations for career development or training opportunities should be made on an individual's capabilities, performance and potential and, if necessary, reasonable adjustments made to venue, training format etc, to ensure that disabled employees may take full advantage of these opportunities.
- Where necessary positive action may be taken to assist employees with disabilities to take advantage of training opportunities.
- Induction training must take into account any specific training required to do the job and review of performance should take into account any adjustments which may be made to assist the person in carrying out the tasks and responsibilities of the post.

## **Assisting Employees who are disabled or who become disabled**

- Where possible advantage will be taken of external support in introducing reasonable adjustments to equipment, furniture etc to assist employees who are disabled or who, in the course of their employment, become disabled
- Employees who become disabled will be given opportunities to train within their present job to continue with that job or to re-train and be re-deployed to a job more suitable to their level of abilities.

## **ELIMINATION OF DISCRIMINATION ON GROUNDS OF RELIGION OR BELIEF**

The Council has always included elimination of discrimination on religious grounds in its Equal Opportunities policy and from December 2003 it will be unlawful to discriminate on the grounds of religion or belief. Religion or belief means any religion, religious belief or similar philosophical belief. It does not include political belief. The Council will take into account government guidance on matters such as what constitutes a religion and information on issues such as diet, dress and religious observance.

### **Recruitment and Selection**

- No reference will be made to religion or belief in any job advertisement, unless there is a genuine occupational reason for doing so.
- All recruitment literature will be free from religious bias
- All interviewers, through training, will be made aware of cultural differences between different religions

### **Learning and Development**

- No Employees will be denied access on the basis of religion or belief
- Promotion will be on the ability and or demonstrated potential to do the job
- Particular care will be taken during the induction process to address any behavioural issues arising through religion or belief

### **Flexible Working**

The Council's flexible working arrangements may take account of religious requirements. Although there is no entitlement for a person to work particular days or hours because of religious commitments, any requests to do so will be looked at positively. Religious requirements for certain dress codes will also be looked at positively.

## **ELIMINATION OF DISCRIMINATION ON GROUNDS OF AGE**

The Employment Equality Age Regulations 2006 specify that as from 1st October 2006 it is unlawful to discriminate on the grounds of age. The Council recognises the contribution that employees with significant working knowledge and experience can bring to an organisation and also recognises its' responsibility to provide working opportunities for young and inexperienced employees.

### **Recruitment and Selection**

- In advertising any job vacancy the Council is committed to attracting the best person for the job and no advertisements therefore will include age limits or age ranges.
- All adverts will make it clear what skills and abilities are required for the post and will not be written in such a way as to imply age restrictions.
- Age, age-related criteria or age ranges should not be used in adverts other than to encourage applications from age groups which do not usually apply.



## **Learning and Development**

- Employees will not be denied access to training and development on the basis of age and no assumptions about ability to learn or be trained or promoted shall be made on the basis of age.
- Promotion will be on the ability and/or demonstrated potential to do the job.
- The Council will wherever possible work with schools and colleges in providing work experience for young people.

## **Retirement**

- The regulations set a default retirement age of 65 (to be reviewed in 2011.)
- Employees have the right to request to continue working beyond their retirement date and employers have a duty to consider each request.

## **Employment of young people**

- The Council employs very few people under aged 21 and consideration will be given to positive action in attracting young people as well as the other groups, to jobs within the Council and to the provision of training and development focused on their personal skills and knowledge requirements.

## **OTHER AREAS OF DISCRIMINATION**

There are a number of other areas of potential discrimination which the Council believes are also unacceptable and these include:

- Discrimination against people with spent convictions, other than in permitted circumstances, which relate to providing services to people under 18 and the frail elderly
- Discrimination against people with HIV/Aids. The Council feels that this is unacceptable in terms of recruitment and selection and in the context of the harassment and bullying policy. HIV/Aids will be managed in accordance with the Council's Sick leave policies
- Discrimination against people on political grounds, except where employees are legally precluded from political activity
- Discrimination against people who have left the Council's employment, particularly in respect to the provision of references.

## **HUMAN RIGHTS ACT**

While the Human Rights Act is not directly concerned with equality of opportunity, the Council supports the underlying purpose of the Act which is to create in society a culture of respect balanced with an acknowledgement of responsibilities, and the Council specifically supports the principles in Article 14 which provides that 'the rights and freedoms set forth in (the HRA) shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

In this context the Council will ensure that its policies, practices and procedures are justified and relevant, equally applied and proportionate to the individual's rights and the interests of all employees and the Council as a whole

## **What to do in situations of Discrimination**

- Employees who feel that they are victims of discrimination should immediately draw the issue to the attention of their line manager who should, if possible, resolve the issue informally.
- If the issue cannot be resolved in this way that a complaint should be made in accordance with the Council's Grievance Procedure.

The Council requires that everyone should be treated with dignity and respect and will not tolerate any form of discrimination. It will take seriously any complaints by members of staff in relation to other colleagues or the public and will thoroughly investigate these complaints.

- If the complaints are substantiated, appropriate action will be taken in respect of employees and this may include disciplinary action.
- If the complaint is in respect of the behaviour of a member of the public, then it will be made clear to that person that such behaviour is unacceptable to the Council. If further action is taken against the member of the public by the employee, the Council's solicitor will advise on whether this should be with the involvement of the Council.

## Equal Opportunities Monitoring

The Council will ensure that its Equal Opportunities policies and practices are regularly monitored so that the success of the Council's aims and objectives can be measured and continuous improvements made.

A report will be made to SMT and to the Scrutiny Committee annually.

The following equal opportunities in employment issues will be monitored

- Number of women and men in each salary grade
- Number of women who work part-time and men who work part-time
- The percentage of top 5% of earners that are women
- The percentage of top 5% of earners that are from black and ethnic communities
- The percentage of posts filled by people with disabilities compared with the percentage of economically active disabled people in the City
- The percentage of posts filled by people from the minority communities compared with the percentage of the economically active ethnic minority community population in the City
- The age distribution of the Council
- Number of people attending training and development activities within the Council by age, sex, part/full time, ethnic background
- The number of equalities complaints received
- The breakdown of job applicants, shortlisting and appointment by gender, age, disability, ethnic origin, marital status, dependent relatives
- In respect of employees from the black and ethnic communities, details of career development, involvement in disciplinarys and grievances and leavers in the context of employees as a whole
- The turnover of employees of the Council and reasons for leaving the Council

Data will be obtained from the Equal Opportunities Monitoring form included with the application form and will be retained on the PRO IV System. Additionally information will be obtained from other sources eg. training records, staff questionnaires etc...

## Related Information

### **Policies**

Harassment and Bullying  
Flexible Working Hours Scheme  
Family Friendly policies such as leave during school holidays

### **Legislation**

Equal pay Act 1970  
Rehabilitation of Offenders Act 1974  
Sex Discrimination Act 1975  
Race Relations Act 1976  
Disability Discrimination Act 1995  
Sex Discrimination Code of practice (Recruitment and Selection) 1998  
Human Rights Act 1998

Sex Discrimination (Gender Reassignment) Regulations 1999  
Employment Relations Act 1999



## Family Friendly Policies

Version No:	7.0
Issue Date:	June 2014

This policy should be read in conjunction with the information related to Annual Leave

### Policy development and Version details

<b>Author</b>	Angela Bennett
<b>Owner</b>	Human Resources
<b>Created</b>	1 October 2011
<b>Review Period</b>	2 years
<b>Status for FOI</b>	Open
<b>EqIA conducted</b>	8 November 2011
This policy can be made available in large print and other formats such as printed on yellow paper, taped, Braille etc. as requested.	

Version	Date	Description
6.0	October 2013	Amended Adoption Policy to mirror maternity provisions; increase parental leave and other minor changes for clarification
7.0	June 2014	Requests for Flexible Working policy amended in line with changes brought about by the Children & Families Act 2014 and the Flexible Working Regulations 2014

## CONTENTS

- 1.0 [MATERNITY POLICY](#)
- 2.0 [ADOPTION POLICY](#)
- 3.0 [PATERNITY & PARENTAL LEAVE POLICY](#)
- 4.0 [FLEXIBLE WORKING REQUESTS FOR PARENTS / CARERS](#)

### Glossary of Terms

AAL	Additional Adoption Leave
AML	Additional Maternity Leave
AOAP	Additional Occupational Adoption Pay
APL	Additional Paternity Leave
ASPP	Additional Statutory Paternity Pay
EWC	Expected Week of Childbirth
OAL	Ordinary Adoption Leave
OAP	Occupational Adoption Pay
OML	Ordinary Maternity Leave
OMP	Occupational Maternity Pay
OPL	Ordinary Paternity Leave
SAP	Statutory Adoption Pay
SMP	Statutory Maternity Pay
SPP	Statutory Paternity Pay
MA	Maternity Allowance
MATB1	Certificate of Pregnancy
Primary Adopter	The adoptive parent of the child(ren) who elects to take adoption leave/pay
Qualifying Week	the 15 <sup>th</sup> week before the expected week of childbirth
Relevant Week	the week in which the adopter has been notified of being matched with a child
Secondary Adopter	The adoptive parent of the child(ren) who does not take adoption leave/pay, but who could be eligible to paternity leave
Spouse, partner or civil partner	Someone of either sex who lives with the mother/father of the child(ren) in an “enduring family relationship” but who is not the parent, grandparent, sibling, aunt or uncle of the mother/father.

# **MATERNITY POLICY**

## **1 Policy Statement**

- 1.1 This policy applies to all pregnant employees regardless of the number of hours worked per week, and sets out the statutory and contractual rights and responsibilities of employees taking maternity leave.

## **2 Risk Assessment**

- 2.1 A risk assessment should be carried out for all pregnant employees, which should take account of their duties and responsibilities, and whether they are able to continue with their normal duties. For further information on risk assessments please see [The Health & Safety Executive guidance for new and expectant mothers](#). If they are unable to continue with all of their duties e.g. heavy lifting or constant driving, then the Council should adjust the working arrangements to accommodate this. If there is still a risk then the employee must be offered suitable alternative work or if that is not possible, the employee should be suspended on full pay until she officially commences maternity leave.

## **3 Leave for Ante Natal Care**

- 3.1 Employees may take reasonable paid time off (including travel time) for ante-natal care. Where employees wish to take such time off they will need to show their appointment card to their line manager. Wherever possible, this time off should be arranged with minimum impact on service delivery.

## **4 Ordinary Maternity Leave/Additional Maternity Leave**

- 4.1 All pregnant employees are entitled to 26 weeks Ordinary Maternity Leave and a further additional 26 weeks Additional Maternity Leave, giving a total of 52 weeks' maternity leave. Additional Maternity Leave (AML) always starts immediately after Ordinary Maternity Leave (OML). OML can start either no earlier than the 11<sup>th</sup> week before the expected week of childbirth (EWC) or from the time of childbirth if that is earlier.
- 4.2 All women must take a period of 2 weeks compulsory maternity leave commencing on the day the child is born.

## **5 Notice to take Maternity Leave**

- 5.1 The employee must notify the Council of her intention to take maternity leave and the date they wish this to start, no later than the 15th week before the baby is due. OML can commence on whichever day of the week the employee chooses
- 5.2 Employees must notify their Service Manager in writing, with a copy to Human Resources. The letter should include the following information:
- The fact that the employee is pregnant
  - The expected week of childbirth
  - The date the employee intends to start maternity leave

- A certificate from a registered medical practitioner or registered midwife confirming the expected week of childbirth. (Normally known as MATB1 which can be obtained from the employee's GP after the 21st week of the pregnancy).
  - Whether the employee intends to return to work at the end of her maternity leave period.
- 5.3 Within 28 days of receiving the employees' notice Human Resources will inform the employee of their full entitlement to maternity leave and pay.

## 6 **Maternity Pay**

- 6.1 Pay during maternity leave will be dependent on length of service and average earnings. Average earnings are calculated using earnings during the eight weeks ending with the 15th week before the expected week of childbirth (the "qualifying week").
- 6.2 **All employees who have completed 26 weeks continuous** service by the qualifying week are entitled to Statutory Maternity Pay (SMP) (or Maternity Allowance (MA) if they earn on average less than the lower earnings limit for national insurance purposes). Employees who do not qualify for SMP will be sent form SMP1 by Human Resources.
- 6.3 SMP is payable for 39 weeks at a rate of 90% earnings for the first 6 weeks, followed by 33 weeks at the current rate of SMP or 90% earnings, whichever is less.
- 6.4 **Employees with 1 year's continuous service** at the beginning of the 11th week before the expected week of childbirth and who confirm in their written notice that they intend to return to work following maternity leave will also be entitled to Occupational Maternity Pay (OMP) which for the first 6 weeks will be offset against payments made by way of SMP/MA. OMP provides for the first 6 weeks of OML at 90% of a weeks pay, followed by the equivalent of a further 6 weeks of full pay. The 6 weeks full pay will be paid at a rate of half pay over 12 weeks plus SMP/MA provided that the two when added together do not exceed normal pay. Alternatively, this sum can be spread over 33 weeks of OML. The distribution should be agreed, in writing, between the employee and Human Resources.
- 6.5 The payment of the equivalent of 6 weeks full pay is made on the understanding that the employee will return to work in local government for a period of at least 3 months or longer pro-rata for employees who reduce their contracted hours on their return to work.
- 6.6 In the event that the employee does not return to work she will be required to refund to the Council OMP made in excess of SMP/MA. The amount required to be refunded will be calculated by Human Resources taking into account any period of return to work.
- 6.7 SMP will commence when OML commences.
- 6.8 **Employees with less than 26 weeks continuous service** by the end of the qualifying week are not entitled to either SMP or MA, but may be entitled to other benefits from the Department for Work and Pensions.

## **7 Returning after maternity leave**

- 7.1 All employees are expected to return on the next working day after the end of their 52 weeks maternity leave.
- 7.2 If the employee wishes to return to work before the end of the 52 weeks maternity leave period she must write to her Service Manager and give them 21 days notice of the date she intends to return to work.
- 7.3 Where the notice given is less than 21 days then the Council may postpone the return to ensure 21 days notice but cannot extend beyond the end of the maternity leave period. If the employee comes to work when their return has been postponed in the above circumstances, the employee will not receive pay for the time worked. Any such postponement of the employee's return to work must be explained to the employee.
- 7.4 Employees who decide not to return to work after their Ordinary or Additional Maternity Leave should give notice as specified in their contract of employment.

## **8 Paternity & Parental leave and maternity leave**

- 8.1 Parental leave entitlement can be added to the maternity leave period prior to the employee returning to work with no detriment to her rights to return to work.
- 8.2 The Additional Paternity Leave Regulations 2010 allow an employee to return to work without taking her full years maternity leave in order for the father of the child and spouse, partner or civil partner of the child's mother to take up to 26 weeks Additional Paternity Leave. Please refer to the [Paternity & Parental Leave policy for further details](#).

## **9 Annual Leave and other Contractual Benefits**

- 9.1 Annual leave and public/extra statutory holidays will accrue throughout the entire period of maternity leave (OML and AML).
- 9.2 Managers should ensure that employees who are taking maternity leave know that Exeter City Council's leave carry over rule applies to them before they take their maternity leave. That is, employees may carry over up to 5 days leave (pro rata for part time staff) into the following leave year.
- 9.3 Employees who do not return to work following maternity leave and who have taken more annual leave than they are entitled to may be asked to repay the excess.
- 9.4 Employees who are planning their maternity leave may want to consider taking some of their annual leave entitlement before they go on maternity leave so that they do not lose any of their entitlement.
- 9.5 During ordinary maternity leave and additional maternity leave, all terms and conditions of the employee's contract except normal pay will continue.



## **10 Sickness Absence during Pregnancy**

- 10.1 If the employee is absent due to sickness before the last 4 weeks of pregnancy the absence should follow the same procedures as other sickness absences.
- 10.2 Where the sickness absence occurs before the start of maternity leave and is unrelated to the pregnancy, then it is treated in the same way as any other sickness absence. Where sickness absence which is unrelated to the pregnancy continues up until the birth the employee can remain on sick leave and receive Statutory Sick Pay/Incapacity benefit right up until the birth.
- 10.3 Where the sickness absence is related to the pregnancy prior to the start of maternity leave it should be treated in accordance with usual sickness procedures. Where a pregnancy related sickness absence continues into or occurs within the 4 weeks prior to the expected week of childbirth then OML will begin automatically on the day after the first complete day of sickness absence within that 4 week period. Human Resources should be informed as soon as possible when this may apply. This applies even if the day of absence is before the date the employee has notified as the date on which she intends to start maternity leave.
- 10.4 To preserve the employee's maternity rights the employee must give the Service Manager notice in writing as soon as is practicable that the absence from work is wholly or partly due to the pregnancy.
- 10.5 After the birth and at the end of maternity leave where through sickness, employees are incapable of work and have a doctor's certificate confirming this the employee may delay their return to work providing they have notified their Service Manager of this before the expiry of their maternity leave. In this situation the normal contractual arrangements for sickness absence apply and the employee should follow the usual procedures for notification of sick leave.

## **11 Working during Maternity Leave - Keeping in Touch Days**

- 11.1 An employee can work for up to 10 days during her maternity leave by mutual agreement with her manager without losing any SMP and without bringing her maternity period to an end. Whether she returns for one hour or a whole day, this will count as one Keeping in Touch day. Employees should discuss with their manager if they wish to arrange any Keeping in Touch days. Neither the employee or the Council can insist upon Keeping in Touch days. The employee will receive their normal salary for these days.
- 11.2 A part time employee who has another part time or casual employment with the council or other organisation cannot take up or continue that employment within the 39 week period without losing maternity pay. Working outside the 39 week period does not affect earnings in the secondary employment.

# **ADOPTION POLICY**

## **1 Policy Statement**

- 1.1 This policy sets out the statutory and contractual rights and responsibilities of employees who wish to take adoption leave.
- 1.2 Where the Council employs both adoptive parents, only one may elect to have adoption leave (referred to as the Primary Adopter). The other \*referred to as the secondary adopter) may be entitled to [Paternity Leave and Parental Leave](#).

## **2 Adoption leave**

- 2.1 To be eligible for adoption leave from the Council the primary adopter must be:
  - An employee of the Council
  - The child's adopter
  - Have 26 weeks continuous service by the end of the notification week in which the adopter has been notified of being matched with a child (the "relevant week").
  - Have given due notice of his/her intention to take adoption leave (see 2.4)
- 2.2 Adoption leave is made up of up to 26 weeks Ordinary Adoption Leave (OAL) followed immediately by up to 26 weeks of Additional Adoption Leave (AAL) making a total of 52 weeks leave, and starts on the day the employee has specified in their notice (see section 2.4 for notice requirements)
- 2.3 Only one period of adoption leave is allowed regardless of the number of children placed as part of the same arrangement.
- 2.4 The employee must notify the Council using the Notification of Adoption Leave form no more than 7 days after being notified of being matched with a child, or as soon as reasonably practicable of:
  - The date the child is to be placed with the parents
  - The date the primary adopter wants the leave to begin, which may be from the date on which the child(ren) is placed or from a fixed date up to 14 days beforehand.
- 2.5 The Council will need written documents from the agency outlining
  - details of the agency
  - the name and date(s) of birth of the child(ren)
  - the date the employee was notified of being matched with the child
  - the expected date of placement
- 2.6 Any notice of variation to the agreed date of starting should be given at least 8 weeks before the new starting date.

- 2.7 The Council will respond to the employees notification within 28 days of receipt informing the employee of the date on which they expect them to return to work if the full entitlement to adoption leave is taken.
- 2.8 Where, after starting their leave an employee is notified that the child(ren) will not be placed, or after the child(ren) is (are) placed, the child dies or is returned to the adoption agency, the employee will not be entitled to the full adoption leave period. In this situation adoption leave will end 8 weeks from the end of that week. There is no extension of additional adoption leave if the adoption ceases (for the reasons above) with less than 8 weeks to go.

### 3 **Adoption Pay**

- 3.1 Pay during adoption leave will be dependent on length of service and average earnings. Average earnings are calculated using earnings during the eight weeks ending with the relevant week.
- 3.2 All **employees who have completed 26 weeks continuous** service by the end of the relevant week are entitled to Statutory Adoption Pay (SAP).
- 3.3 SAP is payable for 39 weeks at the SAP rate set by the Government or a rate of 90% earnings if this is lower. The remainder of any adoption leave is unpaid.
- 3.4 In addition, all employees who qualify for adoption leave (in accordance with 3.2 above) will be eligible to Occupational Adoption Pay (OAP) of the difference between SAP and 90% of weekly earnings for the first 6 weeks of adoption leave which for the first 6 weeks will be offset against payments made by way of SAP.
- 3.5 **Employees with 1 year's continuous service** at the beginning of the relevant week and who confirm in their written notice that they intend to return to work following adoption leave will also be entitled to Additional Occupational Adoption Pay (AOAP). Following the first 6 weeks of OAP at 90% of a weeks pay, AOAP provides for the equivalent of a further 6 weeks of full pay. This 6 weeks full pay will be paid at a rate of half pay over 12 weeks plus SAP provided that the two do not exceed normal pay. Alternatively, this sum can be spread over the remaining 33 weeks of OAL. The distribution should be agreed, in writing, between the employee and Human Resources.
- 3.6 The payment of the equivalent of 6 weeks full pay is made on the understanding that the employee will return to work in local government for a period of at least 3 months or longer pro-rata for employees who reduce their contracted hours on their return to work.
- 3.7 In the event that the employee does not return to work he/she will be required to refund to the Council AOAP made in excess of SAP. The amount required to be refunded will be calculated by Human Resources taking into account any period of return to work.
- 3.8 SAP will commence when OAL commences.
- 3.9 **Employees with less than 26 weeks continuous service** by the end of the week in which he/she is notified of having been matched with the child(ren) are not entitled to SAP, but may be entitled to other benefits from the Department for Work and Pensions.

#### **4 Return to work**

- 4.1 The employee must give 21 days notice of their return to work.
- 4.2 An employee, who returns to work after ordinary adoption leave will be entitled to return to the same job, provided no additional adoption leave nor more than 4 weeks parental leave was taken. An employee returning after additional adoption leave or parental leave of more than 4 weeks is entitled to return to the same job or, if that is not reasonably practicable, to another job which is suitable and appropriate in the circumstances.
- 4.3 Employees who decide not to return to work after their Ordinary or Additional Adoption Leave should give notice as specified in their contract of employment.

#### **5 Working during Adoption Leave - Keeping in Touch Days**

- 5.1 An employee can work for up to 10 days during their adoption leave by mutual agreement in line with the provisions outlined in the [maternity policy](#).

#### **6 Annual Leave and other Contractual Benefits**

- 6.1 Annual leave and public/extra statutory holidays will accrue throughout the entire period of adoption leave (OAL and AAL).
- 6.2 Managers should ensure that employees who are taking adoption leave know that Exeter City Council's leave carry over rule applies to them before they start their leave. That is, employees may carry over up to 5 days leave (pro rata for part time staff) into the following leave year.
- 6.3 Employees who do not return to work following adoption leave and who have taken more annual leave than they are entitled to may be asked to repay the excess.
- 6.4 Employees who are planning their adoption leave may want to consider taking some of their annual leave entitlement before they start their leave so that they do not lose any of their entitlement.
- 6.5 During OAL and AAL, all terms and conditions of the employee's contract except normal pay will continue.

# **PATERNITY AND PARENTAL LEAVE POLICY**

## **1 Policy Statement**

- 1.1 This section covers the right to paternity and parental leave.
- 1.2 For the purpose of this policy, a partner is defined as someone of either sex who lives with the mother & the child(ren) in an “enduring family relationship” but who is not her parent, grandparent, sibling, aunt or uncle; or is the child’s adopter.

## **2 Ordinary Paternity Leave**

- 2.1 Ordinary Paternity Leave (OPL) of 5 days at full pay is available to:
  - Employee’s whose wife, civil partner or partner gives birth to a child or who is the biological father of the child and has or expects to have responsibility for the upbringing of the child
  - Employee’s who are adopting and who are not the primary adopter (i.e. have elected not to take adoption leave).
- 2.2 A further 5 days OPL at the Statutory Paternity Pay (SPP) rate is also available to employees who have 26 weeks' continuous service by either the 15th week before the expected week of childbirth (EWC) (the “qualifying week”) or the week they have been notified of having been matched with the child for adoption (the “relevant week”).
- 2.3 OPL must be taken within 56 days of the actual birth/adoption and if 2 weeks are taken these must be taken as consecutive weeks.
- 2.4 Employees must give notice of their wish to take paternity leave by returning [Inland Revenue form SC3 \(SC4 for adoptive parents\)](#) at least 15 weeks before the week the baby is expected, or if this is not practical and in the case of adoption at least 28 days before the leave commences. They should state the date that the baby is due/child(ren) will be placed, the length of paternity leave they intend to take and the date on which they wish the leave to commence.

## **3 Additional Paternity Leave**

- 3.1 The right to Additional Paternity Leave only takes effect where the mother or primary adopter returns to work without taking their full year’s maternity/adoption leave. In doing so, the father/partner/secondary adopter can then take up to 26 weeks off work to care for the child(ren).
- 3.2 To be eligible for Additional Paternity Leave an employee must:
  - Have at least 26 weeks service with ECC as at the end of the qualifying or relevant week.
  - Still be employed by the Council until the week before the first week of additional paternity leave.
  - Either be the father or adopter of the child and the spouse, partner or civil partner of the child’s mother/primary adopter.

- 3.3 In addition, the mother or child's primary adopter must:
- Be entitled to one or more of maternity leave, statutory maternity pay, statutory adoption pay or maternity allowance.
  - Have returned to work.
- 3.4 An employee may take between 2 and 26 weeks leave. These must be taken in multiples of a week and must be taken as one continuous period.
- 3.5 Leave can only be taken at least 20 weeks after the birth/placement of the child(ren) and must be completed within 12 months of the birth/placement.
- 3.6 Maternity/adoption leave and additional paternity leave cannot be taken at the same time.

#### 4 **Notice of additional paternity leave**

- 4.1 At least 8 weeks before the commencement of additional paternity leave the employee must give the Council the following documents:
- 4.1.1 **A leave notice** – This should include:
- The expected date of the child's birth or placement for adoption
  - The actual date of birth or placement for adoption
  - The requested start and end dates of additional paternity leave
- 4.1.2 **An employee declaration** – This should be signed and include:
- Confirmation that the purpose of the leave is to care for the child
  - That they are the child's father/adopter and spouse, partner or civil partner of the mother or adopter
  - That they have or expect to have the main responsibility for the care of the child(ren) during the APL/ASPP period.
- 4.1.3 **A Mothers/Primary Adopters declaration** – This is a declaration from the mother or primary adopter stating their:
- Name, address and NI number
  - Confirmation of entitlement to statutory maternity pay, maternity allowance or statutory adoption pay and the date on which their maternity or adoption pay period commenced,
  - The date on which the mother/primary adopter intends to return to work and confirmation that their employer has been given notice of this.
  - That the employee requesting APL is the child's father and the mother/primary adopters spouse, partner or civil partner and has or expects to have the main responsibility for the care of the child(ren) during the APL/ASPP period.

- That to their knowledge, the employee is the only person claiming additional paternity leave in respect of the child(ren); and
  - Their consent to the Council processing the information in the declaration.
- 4.2 Standard Inland Revenue forms are available from Human Resources in respect of the above requirements and should be sent to Human Resources in accordance with the stated timescales once completed.
- 4.3 The Council will respond to the employee's notification to take additional paternity leave within 28 days, confirming the relevant start and end dates of additional paternity leave and pay.
- 4.4 Within 28 days of receiving the employees notification, the Council may request the name and business address of the mothers or adopters employer and a copy of the child's birth certificate/evidence of being matched for adoption. This must be provided by the employee within 28 days of the request.
- 4.5 The employee may bring forward the start date of the additional paternity leave if they give notice in writing at least 6 weeks before the new start date or as is reasonably practicable. Equally the employee may postpone the start date or cancel their leave completely provided they do so in writing at least 6 weeks before the original start date or as soon as is reasonably practicable.
- 4.6 If the circumstances of the employee change so that additional paternity leave is no longer required or appropriate (e.g. they split up with the mother, partner or civil partner) they may cancel the planned additional paternity leave but if they do not give the required 6 weeks notice and the change cannot be reasonably accommodated by the Council the Council can require them to still take leave. The Council will confirm this in writing.
- 4.7 During the period of additional paternity leave the employees' contract of employment continues in force and he/she is entitled to receive all his/her contractual benefits, except for salary. Any benefits in kind will continue and contractual annual leave and bank holiday entitlement will continue to accrue.
- 4.8 As with maternity leave, employees are encouraged to take any outstanding annual leave before the commencement of their additional paternity leave as normal carry over provisions still apply.

## 5 **Additional Paternity Pay**

- 5.1 Additional statutory paternity pay (ASPP) may be payable during a period of additional paternity leave. An employee is entitled to ASPP if:
- they are the father of the child, or the partner of the child's mother/primary adopter, and, in the case of a birth child, expects to have the main responsibility for the upbringing of the child (apart from the mother's responsibility) or, in the case of adoption, has been matched with the child for adoption, and in either case intends to care for the child during the additional statutory paternity pay period;
  - they have a minimum of 26 weeks' service, as at the end of the qualifying or relevant;

- they remain in continuous employment until the week before the additional statutory paternity pay period begins;
  - their average weekly earnings for the period of eight weeks ending with the relevant week are not less than the lower earnings limit for national insurance contributions;
  - the mother is entitled to statutory maternity pay or maternity allowance or, in the case of adoption, the primary adopter is entitled to statutory adoption pay, and the mother or primary adopter has returned to work before his/her full entitlement to statutory maternity pay/maternity allowance/statutory adoption pay has been exhausted;
  - the mother or primary adopter has at least two weeks of his/her maternity or adoption pay period that remains unexpired; and
  - he/she gives proper notification in accordance with the rules set out above.
- 5.2 Any statutory paternity pay due during additional paternity leave will be paid at the statutory rate, or at a rate equivalent to 90% of the employee's average weekly earnings if this figure is less than the statutory rate.
- 5.3 Additional paternity pay is only payable during the period of the mothers/primary adopters 39 week maternity allowance, statutory maternity or statutory adoption pay period.
- 5.4 Statutory paternity pay is payable whether or not the employee intends to return to work after his/her additional paternity leave.

## **6 Keeping in touch days**

- 6.1 In line with maternity leave provisions, an employee can work for up to 10 days during their additional paternity leave by mutual agreement with their manager without losing any ASPP and without bringing their additional paternity period to an end. Whether they return for one hour or a whole day, this will count as one keeping in touch day. Employees should discuss with their manager if they wish to arrange any keeping in touch days. Neither the employee nor the Council can insist upon keeping in touch days. The employee will receive their normal salary for these days.

## **7 Returning to work**

- 7.1 If the employee wishes to return to work earlier than originally stated they must give the Council at least 6 weeks notice.
- 7.2 If the employee decides not to return to work following additional paternity leave he/she must give notice of resignation as soon as possible and in accordance with their terms and conditions of employment. If the notice period would expire after the end of the additional paternity leave the Council may require the employee to work the remainder of the notice period.
- 7.3 Upon return to work, the employee is entitled to return to the same job as he/she occupied before commencing paternity leave on the same terms and conditions of employment as if he/she had not been absent.



## 8 Parental Leave

- 8.1 The purpose of the parental leave is to provide for unpaid time off to care for the child i.e. to look after the welfare of the child. Examples of caring for the child in this context include: spending more time with the child in the early years, accompanying the child during a stay in hospital, checking out new schools, settling a child into new child care arrangements.
- 8.2 Employees who have been employed by the Council for 1 year and who become parents (natural, adoptive or legal guardian) are entitled to take up to 18 weeks unpaid leave to care for:
- a child under the age of five until the child's fifth birthday
  - a child placed for adoption until the fifth anniversary of the adoption or until the child's 18<sup>th</sup> birthday, whichever occurs sooner.
  - a child who has been awarded disability living allowance or personal independence payment until the child's 18<sup>th</sup> birthday
- 8.3 Parents in this context include the parent named on the birth certificate, the formal adoptive parents, a person with parental responsibility under the law, guardians and a father who is not married to the mother but who has a formal agreement with the mother or a court order.
- 8.4 The right to parental leave arises in respect of each child and both parents are entitled to parental leave. Parental leave is not transferable between parents and unless the Council agrees otherwise or the child is disabled, must be taken in blocks of 1 week.
- 8.5 A week's leave is equal to the length of time the parent is contracted to work in the week, or, if this differs, the average length of time the parent is contracted to work.
- 8.6 The contract of employment will be continuous during parental leave and statutory employment rights will be protected. However, the following conditions will apply:
- There will be no entitlement to car allowances or lump sum car payment and there will be no entitlement to accrue annual leave during the periods of parental leave.
  - Parental leave can be taken in blocks of one week or more up to a maximum of 4 weeks in a year for each child.
  - Employees must give at least two week's notice of parental leave. Parental leave will not be refused or postponed unless in management's view the work of the section or unit would be unduly disrupted if the employee took leave at the time chosen. Managers may not postpone agreement to parental leave for longer than six months.
  - Parental leave shall be agreed with line managers in advance and be recorded in the same way as for annual and other leave.
- 8.7 Employees will not lawfully be dismissed, selected for redundancy or subjected to any other detriment for asserting, exercising or proposing to exercise their right to parental leave.

# **FLEXIBLE WORKING REQUESTS POLICY**

## **1 Policy statement**

- 1.1 The council believes that flexible working can increase employee motivation, promote work-life balance, reduce employee stress and improve performance and productivity. This policy outlines the rights of employees to request flexible working and how to make an application.

## **2 Eligibility**

- 2.1 All employees who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request considered seriously by the Council.
- 2.2 Examples of what a request for flexible working could include are a request for a change to the number of hours worked, a request for a change to the pattern of hours worked, a request to job share or a request to perform some or all of the work from a different location.

## **3 Application Process**

- 3.1 All requests must be made in writing using the Flexible Working Request form and be sent to the Service Manager with a copy to Human Resources for logging the request. Any request made under this policy must include:
- the date of the application;
  - the changes that the employee is seeking to his/her terms and conditions;
  - the date on which the employee would like the terms and conditions to come into effect;
  - what effect the employee thinks the requested change would have on the council;
  - how, in his/her opinion, any such effect might be dealt with;
  - a statement that this is a statutory request;
  - whether or not the employee has made a previous application for flexible working; and
  - if so, when the employee made that application.
- 3.2 Where the request is being made by a disabled person as part of a request for a reasonable adjustment to his/her working arrangements, the employee should state this in the written application.

## **4 Considering the Application**

- 4.1 The Service Manager should not reject out of hand a request that does not contain the required information. Instead, the Service Manager should consult Human Resources and explain to the employee what additional or amended information he/she needs to provide and ask the employee to resubmit the request.
- 4.2 Once the service manager receives the request, it will be dealt with as soon as possible, but no later than the deadline set out below. The Service Manager will usually arrange a meeting to deal with the request. Where a request can without

further discussion be approved in the terms stated in the employee's written application, a meeting will not be necessary.

- 4.3 An employee should be given the right to be accompanied by a work colleague at any flexible working meeting. The meeting should take place in a private meeting room so that the discussion is kept away from other employees. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and the Council.

## **5 Outcome of a flexible working request**

- 5.1 After the meeting, the Service Manager will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the Council against any adverse impact of implementing the changes. Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to his/her working pattern.
- 5.2 The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the deadline set out below. The request may be granted in full or in part: for example, the council may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to trial the flexible working arrangement for a set period. Employees have the right to appeal the decision if their request is not upheld or is upheld in part.

## **6 Flexible working requests that are granted**

- 6.1 If the request is upheld, the employee and the Service Manager will discuss how and when the changes will take effect. Any changes to terms and conditions will be put in writing and sent to the employee as an amendment to his/her employment contract as soon as is reasonably practicable.

## **7 Reasons for turning down a flexible working request**

- 7.1 The Service Manager will give reasons for the rejection of any request. Those reasons must be for one or more prescribed business reasons, which are:
- the burden of additional costs;
  - an inability to reorganise work among existing employees;
  - an inability to recruit additional employees;
  - a detrimental impact on quality;
  - a detrimental impact on performance;
  - a detrimental effect on ability to meet customer demand;
  - insufficient work for the periods the employee proposes to work; and
  - a planned structural change
- 7.2 The Service Manager must not reject a request for any other reason. The agreement or refusal should be notified in writing using the appropriate acceptance / refusal form.

## **8 Timescales and Appeals**

- 8.1 All requests will be dealt with within a period of three months from first receipt to notification of the decision on appeal.

- 8.2 The Service Manager should hold the initial meeting within 28 days of receiving the request and notify the decision to the employee within 14 days of the meeting, so that there is enough time for any appeal to be concluded.
- 8.3 Employees who are dissatisfied with the outcome of their request are allowed to lodge an appeal within 14 days of the notification, with the appeal to be heard within 14 days of being lodged.
- 8.4 The employee will be informed of the outcome of his/her appeal within 14 days of the appeal meeting.
- 8.5 These time limits may be extended where both the employee and employer are in agreement. For example, the Service Manager and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

## **9 Problems with a flexible working request**

- 9.1 If an employee is dissatisfied or unclear at any stage throughout the process, he/she should contact the Assistant Director/Corporate Manager. Employees who are dissatisfied with the way in which their request has been handled, should raise a grievance in accordance with the council's grievance procedure.
- 9.2 Service Managers who receive a request are required to pay due regard to the council's equal opportunities policy when considering the request.
- 9.3 If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, his/her application will be deemed to have been withdrawn.

## **LEGISLATION**

Employment Act 2002

Work and Families Act 2006

Maternity and Parental Leave Regulations 1999

The Work and Families Act 2006

Additional Paternity Leave Regulations 2010

The Parental Leave (EU Directive) Regulations 2013

The Children & Families Act 2014

Flexible Working Regulations 2014

## **FORMS**

- Notification of Adoption Leave Form
- Notification of Ordinary Paternity leave – SC3/SC4
- Notification of Additional Paternity leave – SC7/SC8 notice and employee & Mothers declaration
- Flexible Working – Request Form
- Flexible Working – Response Form



# Exeter City Council

## Exeter City Council Grievance Policy & Procedure

This policy should be read with the Exeter City Council Disciplinary Policy & Disciplinary Guidance for Managers

Policy development and Version details  
V5 August 2011

<b>Title</b>	Grievance Policy
<b>Author</b>	Angela Bennett
<b>Owner</b>	Human Resources
<b>Effective from</b>	1 <sup>st</sup> September 2011
<b>Review dates</b>	September 2014
<b>Status for FOI</b>	Open
<b>EIA conducted</b>	July 2011
	This policy can be made available in large print and other formats such as printed on yellow paper, taped, Braille etc. as requested.

## **1 Policy Statement**

1.1 Exeter City Council aims to create a working environment in which all employees feel confident about raising concerns. This Grievance Policy and Procedure provides a process to resolve grievances promptly, fairly consistently and as near to the point of origin as possible.

1.2 The grievance procedure enables individuals to raise issues with management about their employment or about employees or employees actions that affect them. It is impossible to provide a comprehensive list of all issues that may give rise to a grievance but listed below are some of the more common ones:

- Terms and conditions of employment
- Health and Safety
- Relationships at work
- New working practices
- Working environment
- Discrimination

In addition the Council has a procedure on Whistleblowing which is specific in that it addresses issues relating to illegal or unethical conduct connected with the workplace which would be inappropriate to deal with through other channels.

## **2. Principles**

2.1 Employees are expected, as far as possible to raise any concerns informally in the first instance with their line manager.

2.2 Wherever possible, grievances will be dealt with at the earliest opportunity and as promptly as possible and in confidence. However whilst confidentiality of the individual will be respected in all instances, it is seldom possible to resolve individual grievances without reference to other parties. The permission of the individual will be sought prior to contacting other staff but it should be remembered that a full satisfactory outcome to a grievance is unlikely unless all parties are brought together to discuss the matter.

2.3 At all formal stages, the employee is entitled to be accompanied by a union representative or a work colleague. It is the employees' responsibility to arrange representation.

2.4 Throughout the procedure, the individual and all other parties involved will be treated with courtesy and respect.

## **3. STAGE 1 - Informal Resolution**

3.1 Employees are expected to raise any concerns informally with their line manager in the first instance. This does not need to be in writing. However an employee may proceed directly to the formal stage if there are good reasons why this is not possible or appropriate.

- 3.2 Informal resolution should take the form of a discussion between the employee and their manager or a more senior manager if the grievance is in respect of their line manager.
- 3.3 There is no right to representation at this stage, however employees are encouraged to seek support and advice as soon as a potential grievance situation arises.
- 3.4 Any agreed action should be recorded and all involved parties informed within 5 working days
- 3.5 If the matter is not resolved at the informal stage then the employee should invoke the formal procedure.

#### **4. STAGE 2 - Formal Procedure**

- 4.1 If the employee who has the grievance is not satisfied with the result of the informal process, or wishes to go directly to the formal stage he/she must put the issues in writing to their immediate line manager.
- 4.2 If the grievance relates to the line manager then it should be made to the managers' manager. In all instances if a person is the subject of a grievance they should be made aware of that fact and the content of the grievance and be given the opportunity to respond.
- 4.3 The formal grievance must be submitted in writing and the individual should state clearly in the letter the following points:
  - Their full name, post title, team and unit
  - Date of submission of the grievance
  - Name of the manager to whom the grievance is addressed
  - The full details of the issues which form the grievance
  - Actions taken so far to try and resolve the grievance
  - Preferred outcomes the individual would like to see
- 4.4 Within 5 working days of receiving the grievance, the line manager or nominated representative should meet with the employee and his/her representative to discuss the grievance.
- 4.5 Following this meeting the line manager or nominated representative should carry out any further investigation necessary into the grievance, including interviewing any other parties involved. This should be completed within a maximum of a further 10 working days where possible.
- 4.6 Once all relevant information has been collated and reviewed the line manager or nominated representative should provide the employee with a written response to their grievance within 5 working days of the completion of their investigation and inform all other relevant parties of the outcome as necessary.
- 4.7 Although the manager will provide a full response to the grievance, it is very difficult within this procedure to indicate actions that may be taken in respect of the outcome of any grievance. Any further actions will be fair, equitable



and consistent and in line with relevant legislation and other council procedures as appropriate.

- 4.8 It is the responsibility of the manager dealing with the grievance to ensure any recommendations are implemented.
- 4.9 If the employee is not satisfied with the response then they have a right of appeal.

## **5. STAGE 3 - Appeals**

5.1 The employee has the right of appeal if they are not satisfied with the outcome of the grievance. The notice of appeal should be made in writing and sent to the appropriate Director within 5 working days of receipt of the letter. The appeal will be heard by the appropriate Director and two Heads of Service who have not previously been involved in the case. The appeal meeting will be held within 10 working days of receipt of the letter by the appropriate Director.

5.2 The purpose of the appeal will be to:

- review all the evidence supporting the original decision;
- consider that the correct procedures were followed at all times;
- confirm a final decision

The appeal panel may wish to review submissions made previously and speak directly with those involved in the original discussions

- 5.3 Following the meeting the decision of the appeals panel will be confirmed in writing to all parties within 5 working days.
- 5.4 The decision of the appeal panel is final.

## **6. Recording grievances**

6.1 Records will be kept detailing the nature of any grievance, the action taken and the reasons for it, whether an appeal was lodged, its' outcome and any subsequent developments. These will be kept on the employee's personal file and are covered under Data Protection Regulations.

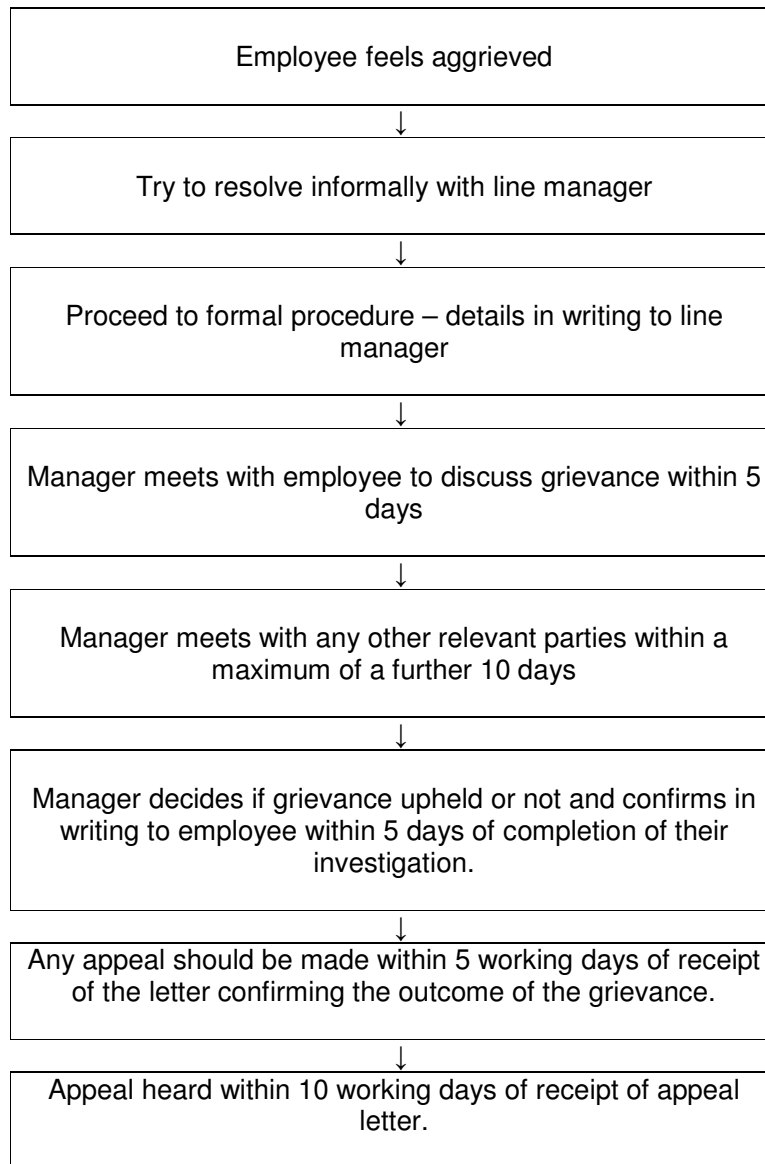
6.2 In accordance with the Council's Equality Standards, the Human Resources Unit will monitor and analyse the impact of this procedure on equality groups within the Council.

## **7. Equality Statement**

7.2 The Council undertakes to make reasonable adjustments/provisions to enable employees and their representatives with protected characteristics to effectively access and engage with this policy/procedure. This may include actions such as the provision of communication in a different format (e.g. brail, foreign or sign language interpreter) and ensuring accessibility of office locations and meeting rooms, and/or provision of equipment.

7.3 However, in order to fulfil this function, the employee must make Human Resources aware of their or their representative's access needs.

**Appendix A – Grievance procedure summary**



# Officers' Code of Conduct

## 1. Standards

- 1.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.
- 1.2 Employees must report to the appropriate manager any impropriety or breach of procedure.

## 2. Disclosure of Information

- 2.1 No employee may take part in any broadcast (sound or vision) or publish an article or otherwise disclose information to the media which relates to the business of the Authority without first obtaining the permission of the Chief Executive & Growth Director, Deputy Chief Executive, Assistant Director or Corporate Manager. If contacted by the media for information, an officer should refer the journalist to the Chief Executive & Growth Director, Deputy Chief Executive, Assistant Director/Corporate Manager Directorate Media Contact Officer or the Authority's Communications Service.
- 2.2 An employee who wishes to take part in any outside activity which involves the disclosure of information or use of official experience or equipment must first obtain the permission of his/her Chief Executive or Strategic Director.
- 2.3 An employee should not be influenced by improper motives (e.g. secret profit or gain).
- 2.4 An employee must not, without the sanction of the Chief Executive & Growth Director disclose either orally or in writing, to an unauthorised person, any information of a confidential nature as determined by the above officer he/she has acquired through his/her official duties or to which he/she has access owing to his/her official position.
- 2.5 Information concerning an officer's or elected member's private affairs shall not be supplied to any person outside the service of the employing authority, unless the consent of such officer or elected member is first obtained.

## 3. Political Neutrality

- 3.1 Employees serve the Authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

- 3.2 Subject to the Authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.
- 3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

#### **4. Relationships**

##### 4.1 Councillors

Employees are responsible to the Authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore, be avoided.

##### 4.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Authority.

##### 4.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

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

#### **5. Appointment and Other Employment Matters**

- 5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the

candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

- 5.2 In principle, no employee should be directly or indirectly in authority over a relative or someone with whom he or she has close personal ties, including for example, father or mother, husband or wife, son or daughter, brother or sister, or common-law partner. This factor may be taken into account in any recruitment and selection process. Should the situation arise, the Council would not wish to be put in the position of taking extreme measures and in the first instance, would look to the parties to resolve the situation themselves and so far as possible, would give assistance in achieving this in accordance with redeployment procedures. In addition, while the situation persists, any action or decision in respect of discipline, grading, promotion etc., should be made by objective third parties, e.g. Human Resources and Chief Executive & Chief Executive, Deputy Chief Executive or appropriate Assistant Director/Corporate Manager.

## **6. Outside Commitments**

- 6.1 An employee must not have any secondary employment without first obtaining the permission of the Chief Executive & Growth Director, who shall not unreasonably withhold consent, having taken into account whether that employment would conflict with the interests of the Authority.
- 6.2 The Authority will not attempt to preclude officers from undertaking additional employment, but any such employment must not, in the view of the Authority, conflict with, or react detrimentally to the Authority's interest, or in any way weaken public confidence in the conduct of the Authority's business.
- 6.3 Officers above Grade 7 shall devote their whole-time service to the work of the Authority and shall not engage in any other business or take up any additional appointment without the express consent of the Authority.

## **7. Personal Interests**

- 7.1 Employees must declare to an appropriate manager, any non-financial interests that they consider could bring about conflict with the Authority's interests.
- 7.2 Employees must declare to an appropriate manager, any financial interests which could conflict with the Authority's interests.
- 7.3 Employees should declare to an appropriate manager, membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

## **8. Equality Issues**

- 8.1 All employees should ensure that policies relating to equality issues as agreed by the Authority are complied with, in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

## **9. Separation Of Roles During Tendering**

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and internal contractor roles within the Authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors, whether internal or external.
- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors, should not disclose that information to any unauthorised party or organisation.
- 9.4 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding process.
- 9.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

## **10. Corruption**

- 10.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made, it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

## **11. Use Of Financial Resources**

- 11.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

## **12. Acceptance Of Gifts And Hospitality**

- 12.1 The creation of good external relations both inside and outside the Council's area is one of prime importance, so staff will inevitably be faced with the difficulty of deciding whether or not to accept gifts and hospitality. Whilst it is

impossible to cover every set of circumstances, the following guideline should provide a basis for making a decision in the vast majority of cases.

- 12.2 The general approach of the Prime Minister's Committee on the Local Government Rules of Conduct to the problems of gifts and hospitality is expressed:

“Another particular source of conflict between the private and public interest is the offer of gifts, hospitality or other benefits in kind to councillors in connection with their official duties. A nice exercise of judgement may sometimes be necessary to decide how the public interest, and the authority's good name, may be best served. A reasonable amount of entertainment is a normal part of the courtesies of public life and extreme strictness can give unnecessary offence to people and organisations with whom the authority's relationships should be cordial. But an appearance of improper influence is easily created and with it encouragement of cynicism about the motives of those who serve in local government.”

- 12.3 In applying the judgement, staff are strongly advised to err on the side of caution and to consult with their superiors if they are in any doubt in a particular case.
- 12.4 Staff will often run the risk of their actions being misinterpreted simply because they have a close working relationship with donors. Staff should report to their superior, the offer of any gifts or hospitality and there should be a letter of thanks for any gifts or hospitality. If possible, gifts which are accepted should be pooled.
- 12.5 The guidance also applies to spouses and other close members of the family.

#### 12.6 Gifts

The acceptance of gifts is a dangerous practice and the general rule should be to refuse tactfully, all such offers from organisation or persons who do, or might, provide work, goods or services to the Council, or who need some decision from the Council (e.g. planning application).

- 12.7 Exceptions from the general rule would include modest gifts of no more than £25 in value, which may be of promotional character (e.g. calendars, diaries, articles for office use, or a small gift during a courtesy visit to a firm).

Such exceptions relate only to modest gifts, and an expensive gift would raise questions, even if it would otherwise fall within one of the above categories. It is impossible to be more precise in dealing with what do and do not amount to acceptable gifts and this is very much a matter for the individual judgement of the Chief Executive & Growth Director given the particular circumstances.

#### 12.8 Hospitality

When to accept hospitality is again very much a matter of judgement, given the particular circumstances, and it would be wrong to produce an atmosphere in which staff refused all invitations for social involvement with persons or bodies who have, or may seek to have in the future, business dealings with the Authority. Contacts established at a social level can often be helpful in pursuing the Authority's interests. What is important, is to avoid any suggestion of improper influence or giving others the opportunity reasonably to impute improper influence.

- 12.9 The extent of the hospitality will be a factor as to its acceptability. It may be more reasonable to join in hospitality offered to a group, than to accept something unique to yourself.
- 12.10 When a particular person or body has a matter currently in issue with the Authority, then common sense dictates a more restrictive approach (e.g. negotiations with an outside organisation). An important criterion in exercising your judgement is what interpretation others may reasonably put on your acceptance.
- 12.11 The following checklist of questions should help in deciding whether a gift or an offer of hospitality should be accepted or tactfully rejected:
- Is the donor, or event, significant in the community or in your Council's area?
  - Are you expected to attend because of your position in the community?
  - Will the event be attended by others of a similar standing in the community or in other communities?
  - What is the motivation behind the invitation?
  - Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Authority?
  - Could you justify the decision to the Council, press and public?
  - Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
  - How will you respond to the hospitality?
  - Are you comfortable with the decision?

### **13. Sponsorship - Giving And Receiving**

(Amended June 2013)



- 13.1 Where an outside organisation wishes to sponsor, or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 13.2 Where the Authority wishes to sponsor an event or services, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest.
- 13.3 Similarly, where the Authority, through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.



# Exeter City Council



This policy should be read with other relevant Exeter City Council Policies

Policy development and Version details  
April 2011

<b>Title</b>	Work Related Stress Management Policy
<b>Author</b>	Kären Jamieson
<b>Owner</b>	Human Resources
<b>Effective From</b>	April 2011
<b>Review dates</b>	April 2012
<b>Status for FOI</b>	Open
<b>EqIA conducted</b>	August 2011

This policy can be made available in large print and other formats such as printed on yellow paper, taped, Braille etc. as requested.

## 1. Policy Statement

Exeter City Council is committed to protecting the health, safety and well being of all its employees. It is recognised that workplace stress impacts directly on the performance and well being of Council employees and is also a health and safety issue.

It is recognised that Exeter City Council has a responsibility to identify the causes of workplace stress and to introduce processes, practices and competencies to reduce those stressors.

It is also recognised that pressures in work may vary between roles and volume of workloads. Work related stress may occur when the individual is unable to manage those pressures.

This policy takes account of employers' duties under the Management of Health and Safety at Work Regulations 1999 and the Health and Safety at Work Act 1974.

## 2. Scope of the Policy

This policy applies to all employees of Exeter City Council.

## 3. Definition of Stress

The Health and Safety Executive defines stress as 'the adverse reaction people have to excessive pressure or other types of demands placed on them'.

It is important to make the distinction between the demands of the role, which can be a positive state if managed correctly, and unmanaged pressure or demands which could result in work related stress which for some can be detrimental to health.

## 4. Policy Implementation

The policy sets out Exeter City Council's Strategy on stress. Its objectives span three areas:

1. To provide comprehensive training on risk assessments and the HSE management standards to reduce the effects of work related stress and to implement risk control measures. (See below at 3.1)
2. To identify, control and take action on workplace stressors through the process of risk assessment involving employees, supervisors and unions.
3. To provide relevant support for employees who are experiencing work related stress through advice and counselling services.

### 4.1 HSE Management Standards

- **Demands** – such as workloads, work patterns and the work environment.
- **Control** – how much influence the person has in the way they do their work.
- **Support** – includes the encouragement, sponsorship and resources provided by Exeter City Council, line management and work colleagues.

- **Relationships** – promoting positive working to avoid conflict and dealing with unacceptable behaviour.
- **Role** – whether people understand their role within the Council and whether the Council ensures that they do not have conflicting roles.
- **Change** – how organisational change (large or small) is managed and communicated.

#### **4.2 Application of the HSE Management Standards**

Line manager's have responsibility for carrying out stress risk management which will be done via the assessment process outlined in the training, using the Health and Safety Executive's (HSE's) Management Standards Model detailed above.

In order to provide further support, all managers will be trained to understand the behaviours identified in the HSE's & CIPD 'Stress management competency indicator tool'.

Assessments will involve the whole team and will be classified as open information. A Unison Health and Safety Representative should also be notified of the assessment and may wish to be involved. Where assessments for individuals are required these will be classified as restricted information. The employee may choose to involve a Unison Health and Safety Representative in this process.

#### **4.3 Notification**

Employees are required under Exeter City Council Absence Management Policy 3.2 to keep managers informed with regard to their absence and to cooperate with management and Occupational Health in case management.

Employees are encouraged to seek support if they identify they are experiencing work related or personal stress and to communicate this either to their line manager or another relevant person. If management is unaware of their difficulties they cannot provide the relevant support or intervention.

#### **4.4 Recording and Monitoring**

The assessment process outlined in 4.2 above will be recorded in the format of the HSE's Management Standards, be it for a team (open) or an individual (restricted).

Risk management of stress will be monitored by the Principal Health and Safety Officer. This will primarily take the form of proactive monitoring via the Health and Safety Management System review process. However, reactive monitoring of specific services and teams will occur if concerns are raised via sickness absence monitoring statistics, or via a request from a Unison Health and Safety Representative.

#### **4.5 Support at work**

Support for all employees will be provided through counselling and the absence management process. Information on stress is provided for employees in the health and safety section of City Net (***link to City net page to be advised***). Employees wishing to discuss stress issues should approach their line manager in the first instance.

If, for a given reason, this is not possible, they should approach their workplace safety representative, union representative, HR or the Principal Health and Safety Officer. It is mandatory for all managers to have received training in stress awareness and stress management in the workplace.

## **5. Responsibilities under the Policy**

### **5.1. Management;**

Have a key responsibility for risk assessment including understanding and managing the impact of stress in their teams. This is delegated from director level through heads of service as defined in the Health and Safety Policy.

Managers must encourage good communication between management, staff, Key Partners and Members and ensure timely consultation with Unions and safety representatives.

Managers are required to attend stress training and ensure that employees are made aware of the policy and the support available to them. Managers must seek advice and guidance when stress has been suggested or indicated.

### **5.2. Employees;**

Have a responsibility to take care with regards to their own health and safety in relation to stress, and that of others, who may be affected by what they do or omit to do.

Employees must co-operate with the Council to allow it to comply with any legal duty or requirement placed on it, or another person. To this end employees will be afforded the opportunity to discuss stress management within their teams or with their manager.

### **5.3. Human Resources;**

Via the Learning and Development team training for all line managers upon their appointment or promotion will provided in the management of stress in the workplace.

Human Resources and Health and Safety will provide support and guidance on the policy to managers and individuals, particularly during an identified change environment.

Human Resources will produce comprehensive data to supplement the risk assessment process. This data is to include absence, employee turnover, return to work information etc.

### **5.4. Occupational Health;**

Our occupational health provider will provide access to advice and support to Exeter City Council managers and Human Resources in case managing employees with work related stress and provide advice to employees on areas of support. Occupational Health will advise on interventions in recovery and rehabilitation which might include counselling through the Council provider.

### 5.5. Health and Safety;

Will review stress risk assessments for teams as part of the Health and Safety Management System. This will be classified open information.

Health and Safety will provide advice and guidance in conjunction with Human Resources and line managers for specific stress related cases – for example, return to work assessments or case conferences. This will be classified as restricted information.

## 6. Equality Statement

The Council undertakes to make reasonable adjustments/provisions to enable employees and their representatives with protected characteristics to effectively access and engage with this policy/procedure. This may include actions such as the provision of communication in a different format (e.g. brail, foreign or sign language interpreter) and ensuring accessibility of office locations and meeting rooms, and/or provision of equipment.

However, in order to fulfil this function, the employee must make Human Resources aware of their or their representative's access needs.

## 6. Further information

- a. This policy is linked to the documents [Absence Management - A Guide for Managers](#) and [Absence Management - A Guide for Employees](#)
- b. This policy should be read, where appropriate, with other Exeter City Council policies related to health and absence. Further information on these policies can be found in the intranet pages for [Corporate Health and Safety](#) and the [Employment Handbook](#).

# Whistleblowing Policy

## 1 Introduction

- 1.1 All of us at one time or another has had concerns about what is happening at work. You may be worried about raising such issues or decide to keep your concerns to yourself, perhaps feeling it is none of your business or it is only a suspicion. You may also feel that raising such matters would be disloyal to your colleagues or manager, or that in doing so your job would be put at risk. You may even have raised the matter previously but the person you spoke to did nothing about it, and you are not sure what to do next.
- 1.2 To address these issues the Council has established this policy to enable you to raise your concerns as soon as you have a concern rather than wait for proof.

Please note that this policy complements the Council's Anti-Fraud, Anti-Bribery and Anti-Corruption Policy.

## 2 The Whistleblowing Policy

- 2.1 Who does the policy apply to?
- councillors and employees of the Council
  - contractors and sub-contractors working for the Council
  - agency staff, consultants, volunteers, work experience placements, etc.
- 2.2 What concerns does the policy cover?
- criminal offences (e.g. stealing assets such as equipment)
  - falsifying time recordings, car and travel claims
  - breaching legal obligations
  - breaching health and safety requirements (e.g. unsafe practices)
  - environmental damage
  - miscarriage of justice

Please note that:

- should you have an employment grievance, then this policy will not apply, and instead you should use the Council's Grievance Procedure which is published on the intranet or obtainable from Human Resources
- you should not raise your concerns outside of the Council before you have raised them internally, because by doing so you may weaken the protection given to you by the Public Interest Disclosure Act 1998.

## 3 The Council's assurances to you

- 3.1 Exeter City Council is fully committed to this policy and assures you that if you raise a concern in good faith, then you will not risk losing your job or suffer any form of retribution as a result. The Council does not, however, give this assurance to anyone who maliciously reports a concern that they know is untrue.
- 3.2 The Council will not tolerate the harassment or victimisation of anyone who raises a concern. The Council recognises, however, that there may be occasions when you want to raise a concern in confidence rather than approach your manager direct. Where this is the case, your identity will be protected and not disclosed without your consent. Should a situation arise where the matter concerned cannot be resolved without revealing your

identity (for example, because your evidence is needed in court), then the person investigating the matter will discuss with you how to proceed.

- 3.3 The Council will, as far as is reasonably practicable, investigate concerns that are raised anonymously. However, if you do not identify who you are, then the person investigating the matter will not be able to provide you with feedback and this may make the investigation more difficult if details and facts cannot be checked. Because of this, this policy is not appropriate for those who wish to raise concerns anonymously.

#### **4 What the Council will do if you raise a concern**

- 4.1 Once you have raised your concern, an assessment will be made to decide what action should be taken, which could involve an internal inquiry or a formal investigation. In the interim your raising of a concern will be acknowledged within five working days and you will be told:
- who is dealing with the matter
  - how you can contact him or her
  - whether any further assistance may be needed from you
- 4.2 When you raise your concerns you may be asked how you think the matter would best be resolved. Should you have any personal interest in the matter, please say so at the outset.
- 4.3 The person dealing with the matter will write to you within 10 working days summarising your concerns and setting out what is likely to happen next. Once the investigation is completed, you will be advised of the outcome in writing. Please note that the Council may not be able to tell you the precise action taken where this would infringe a duty of confidence owed to another person.

#### **5 How to raise your concerns**

- 5.1 Please raise your concern with your line manager or assistant director/corporate manager first, either orally or in writing. If you raise a concern with your line manager, they are required to relay your concern to your assistant director/corporate manager for investigation.
- 5.2 If, for whatever reason, you do not wish to raise the concern with your line manager or assistant director/corporate manager please contact either:

The Council's statutory monitoring officer, Baan Al-Khafaji, Corporate Manager Legal  
Civic Centre, Paris Street, Exeter, EX1 1JN  
Telephone: (01392) 265874 or

Internal Audit  
Civic Centre, Paris Street, Exeter, EX1 1JN  
Telephone: (01392) 265631

- 5.3 You can always contact a trade union representative for advice and assistance on how best to proceed.
- 5.4 If you:
- consider the matter is so serious that you do not wish to discuss it with any of the above, or
  - still have concerns after raising your concern with any of those listed at 5.2 above



then please contact the Chief Executive, & Growth Director Civic Centre, Paris Street,  
Exeter, EX1 1JN  
Telephone: (01329) 265188

- 5.5 No matter which method you select, please always say if you want to raise the matter in confidence so that the person who will investigate your concern can make appropriate arrangements.

## **6 Independent advice**

- 6.1 If you are unsure about using this procedure or want independent advice, you can contact the independent charity, Public Concern At Work (telephone 020 7404 6609). Their advisers will give you free confidential advice at any stage about how to raise a concern at work, and will support and advise you on the law and how best to proceed.

## **7 If you are dissatisfied with the way your concern is dealt with**

- 7.1 If you are unhappy with the response or feedback you get from the investigating person, then you can always raise your concern with the Chief Executive & Growth Director or seek advice from Public Concern At Work.

## **Whistleblowing Policy**

### **Guide for investigating, recording and reporting allegations of malpractice**

Where an allegation is received, the following procedures will apply:

1. Where the allegation is raised with a line manager, they will immediately inform in writing the relevant assistant director/corporate manager.
2. The assistant director/corporate manager (or where appropriate the Chief Executive & Growth Director, the Council's Monitoring Officer or Internal Audit) must acknowledge the complaint in writing within five working days and state:
  - the name of the person who is handling the investigation
  - how he/she can be contacted
  - whether further assistance from the complainant may be needed
3. The person who is named as investigating the matter at 2 above, must:
  - investigate the matter personally or appoint an Investigating Officer to do so
  - advise the Monitoring Officer of the details of the allegation made
4. The Investigating Officer must be either:
  - the relevant assistant director/corporate manager or
  - a senior member of staff (appointed by the person at 2 above) who has relevant expertise of the area where the complaint refers to
5. The Investigating Officer must within five working days thereafter, contact the complainant in writing summarising the allegations made.

#### **Allegation of financial impropriety:**

6. Where the allegation involves financial irregularity, the matter must be referred to Internal Audit for investigation in accordance with the Council's Anti-Fraud, Anti-Bribery and Anti-Corruption Policy. Once the investigation is concluded, Internal Audit must report the outcome of the investigation (including any recommendations for improving areas of weakness) to the Council's Monitoring Officer and the relevant assistant director/corporate manager.

#### **Allegations of non-financial impropriety:**

7. Where the allegation does not involve financial irregularity, the Investigating Officer must:
  - conduct the investigation
  - follow the Council's Management Guide to Disciplinary Procedures, which includes the requirement to follow the principles of natural justice.
  - comply with the requirements of the Human Rights Act 1998
  - where anonymity is requested, ensure that every effort is made to guarantee such confidentiality
  - propose an action plan for necessary improvements
  - report the outcome of the investigation to the Council's Monitoring Officer and relevant assistant director/corporate manager
  - update the complainant of progress to date

#### **Recording and reporting**

8. The Monitoring Officer shall keep a central register of all complaints received and submit an annual report to the Audit and Governance Committee setting out the number of complaints

received and the outcome of each investigation conducted, together with any action plan for improvements put forward by the Investigating Officer.