



**PERSONNEL COMMITTEE**

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To: Councillors Barkley (Chair), Draycott (Vice-Chair), Hampson, Morgan, Poland, Shepherd and Snartt (For attention)

All other members of the Council  
(For information)

You are requested to attend the meeting of the Personnel Committee to be held in Committee Room 1 - Council Offices on Wednesday, 3rd October 2018 at 6.00 pm for the following business.

Chief Executive

Southfields  
Loughborough

25th September 2018

**AGENDA**

1. APOLOGIES
2. MINUTES OF THE PREVIOUS MEETING 3 - 6  
To confirm as a correct record the minutes of the meeting held on 12th June 2018.
3. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

4. QUESTIONS UNDER COMMITTEE PROCEDURES 12.8  
No questions were submitted.
5. AMENDMENTS TO POLICIES ON THE HUMAN RESOURCES A-Z  
INTRANET PAGE 7 - 97  
Report of the Head of Strategic Support is attached.
6. MANAGING EMPLOYEE PERFORMANCE NJC AND JNC  
POLICIES & PROCEDURES 98 - 167  
Report of the Head of Strategic Support is attached.
7. CHIEF EXECUTIVE'S PERFORMANCE AND DEVELOPMENT  
REVIEW 168 - 170  
Report of the Head of Strategic Support is attached.
8. NEW NATIONAL JOINT COUNCIL PAY SPINE - 1ST APRIL 2019 171 - 180  
Report of the Head of Strategic Support is attached.

#### **FUTURE MEETING DATES**

Please note further meetings of the Committee for 2018-19 are scheduled as follows:

11th December 2018

12th March 2019

ITEM 02

## PERSONNEL COMMITTEE 12TH JUNE 2018

PRESENT: The Chair (Councillor Barkley)  
Councillors Draycott, Morgan, Poland, Shepherd, and Snartt

Strategic Director of Corporate Services  
CBC HR Manager - Strategy (GB)  
Democratic Services Officer (NC)

APOLOGIES: none

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

### 1. MINUTES

The minutes of the meeting of the Committee held on 17th October 2017 were confirmed as a correct record and signed.

### 2. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

In response to an enquiry the Strategic Director of Corporate Services advised members that although Charnwood Borough Council contracted its human resources services from the County Council, Councillors were not required to declare being a County Councillor as the policies to be decided at this meeting were Borough Council policies.

### 3. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

### 4. JOINT NEGOTIATING AND CONSULTATIVE COMMITTEE (JNCC) – APPOINTMENT OF COUNCILLORS 2018 - 19

A report of the Head of Strategic Support was submitted to appoint councillor representatives to the Joint Negotiating and Consultative Committee (JNCC) for 2018/19 (item 5 on the agenda filed with these minutes).

**RESOLVED** that that Councillors Barkley, Draycott, Morgan and Poland be appointed as representatives on the Joint Negotiating and Consultative Committee for 2018/19.

## Reason

To enable the operation of the Joint Negotiating and Consultative Committee in accordance with its constitution and, therefore, negotiation and consultation to take place between the Council as an employer and its employees.

### 5. APPOINTMENTS TO PANELS 2018 - 19

A report of the Head of Strategic Support was submitted to consider appointments to Panels for 2018/19 (item 6 on the agenda filed with these minutes).

#### **RESOLVED**

1. that a Panel comprising Councillors Barkley, Draycott, Morgan, Poland and Snartt be appointed for the Council year 2018/19 in respect of the following:
  - (i) to undertake the Chief Executive's Performance and Development Review;
  - (ii) to make appointments to Chief Officer and Statutory Officer posts, excluding the Head of Paid Service, if any;
  - (iii) to make recommendations to Council on the appointment of the Head of Paid Service, if necessary;
  - (iv) to determine appeals by a Chief Officer or Deputy Chief Officer against dismissal, if any.
2. that it be clarified to the Committee whether all five members appointed to the Panel are required to be present to undertake the tasks identified in points (i) to (iv).

## Reasons

1. Section 5.5 (e) of the Council's Constitution (Roles of decision taking Committees) states that the Personnel Committee will appoint Panels comprising 5 councillors for these functions. Appointing Panels to undertake these functions at the beginning of the Council year will prevent the need for a meeting of the Committee for the sole purpose of appointing a Panel and enable the functions to be dealt with in a timely manner.
  2. Members noted that some of the members appointed to the Panel for 2017/18 had not been involved in the tasks identified in points (i) to (iv) and wished to understand whether all five members were required to participate in Panel meetings.
6. DISCIPLINARY POLICY AND PROCEDURE FOR JNC GRADE AND ABOVE, AND DISCIPLINARY GUIDANCE

A report of the Head of Strategic Support was submitted to obtain approval of the Committee to implement a Disciplinary Policy and Procedure (JNC Grade and Above) and a revised Disciplinary Guidance document (item 7 on the agenda filed with these minutes).

In response to questions from the Committee, the Strategic Director of Corporate Services and the CBC HR Manager explained that if an Independent Person was required, the list supplied by the Monitoring Officer could be consulted or, if particular expertise was required, a person could be identified by Human Resources. If members of the Personnel Committee were required to participate in a Stage 3 Panel hearing, training in hearing processes would be provided prior to the meeting.

**RESOLVED** that the implementation of a Disciplinary Policy and Procedure (JNC Grade and Above) and a revised Disciplinary Guidance document be agreed, subject to the inclusion of a flowchart of the process in the Guidance Document.

### Reason

The Committee were satisfied that the documents outlined the process in relation to disciplinary issues for officers at JNC Grade and above and the additional process in relation to the Council's 3 Statutory Officers (Chief Executive, Strategic Director of Corporate Services and Head of Strategic Support) but considered the procedure to be unclear and that the inclusion of a flowchart of the process would be beneficial.

## 7. GENDER PAY GAP

A report of the Head of Strategic Support was submitted to note the Council's Gender Pay Gap report based on the snapshot date of 31st March 2017 (item 8 on the agenda filed with these minutes).

### **RESOLVED**

1. that the details of the Gender Pay Gap report is noted;
2. that additional information with respect to the apprenticeship scheme including the number of apprentices, the Services they are apprenticed to, their genders and how gender pay issues may be impacting the scheme, be submitted to the Committee in a timely manner after the information has been presented to the Senior Management Team.

### Reasons

1. The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires public sector employers with 250 or more employees on the snapshot date of 31st March each given year, to carry out gender pay analysis and reporting and Members were satisfied with the information provided.
2. The Committee wished to receive an update regarding the apprenticeship scheme and understand if gender pay issues were impacting the recruitment and retention of apprentices. This information was currently being drafted to be presented to the Senior Management Team and would be submitted to the Committee for their consideration at a later meeting.

Notes:

1. No reference may be made to these minutes at the Council meeting on 3th September 2018 unless notice to that effect is given to the Head of Strategic Support by five members of the Council by noon on the fifth working day following the publication of the minutes.
2. These minutes are subject to confirmation as a correct record of the Committee's decisions at the next meeting of the Committee.

## PERSONNEL COMMITTEE – 3RD OCTOBER 2018

### Report of the Head of Strategic Support

#### Part A

#### ITEM 5 AMENDMENTS TO POLICIES ON THE HUMAN RESOURCES A – Z INTRANET PAGE

##### Purpose of Report

An information item, requesting Personnel Committee to note the policy and document amendments outlined below. All documents are published on the Human Resources A – Z intranet page. These changes were agreed with SMT on 30th May 2018 and discussed at JMTUM on 19th July 2018.

##### Recommendation

That the revisions to the Attendance Management Guidance, Job Profile Template, Organisational Change Policy and Procedure and Guidance on the Recruitment and Employment of Apprentices be noted.

##### Reason

The policy and document amendments have been made to take account of legislative changes and best practice.

##### Policy Justification and Previous Decisions

The Attendance Management Guidance, Organisational Change Policy and Procedure and Guidance on the Recruitment and Employment of Apprentices have all previously been approved by Personnel Committee. In order to ensure each policy is up to date and fit for purpose the highlighted changes have been made to each policy. The Job Profile Template is used to outline the job description and person specification required for each post. In order to capture the requirements under the General Data Protection Regulations (GDPR) an amendment has been made to this template document.

##### Implementation Timetable including Future Decisions

It is recommended that the amendments be published on the intranet, following agreement by the Personnel Committee at its meeting.

##### *Financial Implications*

There are no immediate financial implications arising from this decision.

##### *Risk Management*

There are no specific risks associated with this decision.

Background Papers: none

Appendices: Annex A – Attendance Management Guidance  
Annex B – Job Profile Template  
Annex C – Organisational Change Policy and Procedure  
Annex D – Guidance on the Recruitment and Employment of Apprentices

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## Part B

### Background

#### 1. Attendance Management Guidance

All references to the Government Fit for Work Assessment Service have been removed due to its withdrawal on 31st March 2018. There are also some minor amendments to the wording in the section on Fit Notes.

At its JMTUM meeting on 19th July 2018 it was agreed that an additional highlighted sentence be added to the section on Fit Notes.

#### 2. Job Profile Template

The Job Profile Template has been updated to include a mandatory duty for all posts relating to information security.

#### 3. Organisational Change Policy and Procedure

The policy has been updated to confirm the new arrangements regarding the calculation of a week's pay for redundancy purposes. If the employee is in a pension scheme and their actual week's pay is less than the statutory cap then the employer's pension contribution must be added onto the weekly pay amount (up to a maximum of the statutory cap level).

#### 4. Guidance on the Recruitment and Employment of Apprentices

The policy has been amended in light of legal comments. This includes confirming the need to outline the fixed term duration of the apprenticeship in advertisements, clarifying that the correct notice provisions should be given following the meeting 5 months 'before the end of the apprenticeship including placing the apprentice on redeployment, ordinarily for a period of 3 months'. The policy and contract template has also been amended to highlight that if the training identified in the training action plan is completed prior to the completion date, the contract may be terminated at this point in accordance with the provisions relating to termination.



## Attendance Management Guidance

### Contents

Purpose .....	1
Reporting of Sickness Absence .....	1
Recording and Monitoring of Employee Attendance .....	2
Maintaining Contact During Employee Absence .....	2
Return to Work Meetings .....	3
Support Mechanisms .....	4
Attendance Issues and Disability .....	7
Pregnancy-Related Absence .....	8
Annual Leave and Public Holidays .....	98
Escalation to Stage 4 .....	9
Stage 1 - Preliminary Action .....	10
Stage 2 - Formal Action .....	11
Stage 3 - Final Action .....	13
Stage 4 - Attendance Management Hearing .....	17
Sick Pay .....	20
Next of Kin .....	20
Complaints Raised During the Attendance Management Process .....	21
Links to the Disciplinary Policy and Procedure .....	21
Appendix A - Sickness Absence Reporting and Certification .....	22
Appendix B - Absence without Authorisation Letter .....	24
Appendix C - Example Support Plan .....	25
Appendix D - Invitation to Formal Attendance Management Meeting (Stage 2) .....	27
Appendix E - Outcome of Stage 2 (Formal Action) .....	29
Appendix F - Invitation to Attendance Management Hearing (Stage 3) .....	31
Appendix G - Example Hearing Contents Page .....	33
Appendix H - Outcome of Attendance Management Hearing (Stage 3) .....	35
Appendix I - Invitation to Appeal Hearing .....	38
Appendix J - Outcome of Appeal Hearing .....	40
Appendix K - Outcome of Stage 3 (Final Action) .....	41
Appendix L - Invitation to Attendance Management Hearing (Stage 4) .....	43
Appendix M - Outcome of Attendance Management Hearing (Stage 4) .....	45

## Purpose

This guidance should be used in conjunction with the [Council's Attendance Management Policy and Procedure](#).

## Reporting of Sickness Absence

It is essential that managers are familiar with the Council's procedure for reporting sickness absence and are clear about their responsibilities in ensuring that employees are aware of and comply with the procedure. It is recommended that new employees are informed of the

procedure during induction training. A copy of the sickness absence reporting procedure is attached at [Appendix A](#).

### **Failure to Report an Absence**

If the employee fails to report an absence in line with [Appendix A](#), then the employee will be deemed 'absent without authorisation'. The employee will not be paid for this period of absence. This should be confirmed in writing to the employee. A template letter is attached at [Appendix B](#).

[Back to Contents](#)

## **Recording and Monitoring of Employee Attendance**

Effective record keeping is an essential management tool for monitoring employee absence. It provides important information to enable managers to:

- Assess levels of absence against key indicators;
- Manage sickness absence effectively and increase attendance levels by supporting employees to remain at or return to work;
- Identify problems so that they can be addressed at an early stage;
- Make informed decisions so that there is no disruption to service provision;
- Identify trends and any underlying issues which may need to be addressed on an individual and/or group level.

In all cases a [Self-Certification e-form](#) must be completed and submitted by the employee. A copy of the completed form will be sent to both the employee and the manager for their records.

Managers are responsible for inputting sickness absence directly into iTrent. This will provide them with access to real-time information regarding sickness levels in their area and thereby help them to identify at an early stage any trends that may need addressing or individual cases that should be managed under the [Attendance Management Policy and Procedure](#).

Managers should ensure that medical information about employees is treated in absolute confidence and only relevant information should be shared with colleagues on a strictly need to know basis only.

Other leave of absence (e.g. compassionate leave, unpaid leave, etc.) should be recorded separately. Managers will need to complete the appropriate e-form available on the intranet. Employees will need to record the absence on iTrent.

[Back to Contents](#)

## **Maintaining Contact during Employee Absence**

Throughout any period of absence it is important to maintain regular contact with the employee in order to offer them appropriate support and assistance. The extent, frequency and method of this contact will need to be judged on a case by case basis.

Although communication is a two way responsibility between the manager and the employee, in some cases, because of the nature of the illness, it may be necessary to

agree that contact with the employee will be made indirectly through a third party (e.g. Trade Union representative, partner, or close relative).

However it is managed, the important principle is that some reasonable level of contact with the employee is maintained whether this is by telephone, in person, e-mail, or letter. This will ensure that all parties are kept informed of progress regarding particular issues including a timescale for return. A brief record of the contact made should be kept.

Further information and advice on maintaining contact can also be found in the [Line Manager Guide on Mental Ill Health and Supporting Employees](#).

[Back to Contents](#)

## Fit Notes

Employees must provide ~~a doctor's "fit note"~~ medical certificates if they are off sick for more than 7 calendar days in a row (including non-working days). This may be in the form of a GP's "Fit Note". The fit note will advise whether the employee is 'not fit for work' or 'may be fit for work'. Managers should ensure that a copy of the fit note and a summary of any related discussions are uploaded into the employee's record on i-Trent. The original copy of the fit note should be returned to the employee.

### Not Fit For Work

This means that the employee should refrain from work of the kind associated with their jobany kind. If an employee requests to return to work before their 'not fit for work' note expires, manager should seek advice from HR Services before agreeing to the request.

### May Be Fit For Work

This means that the employee may be able to undertake work of some kind. The ~~doctor will~~ Fit Note should advise on what support would be required to support the employee to return to work or to improve their attendance (e.g. amended duties or working hours, workplace adaptations etc.). Managers should meet with the employee as soon as possible to discuss the fit note recommendations and any other support that could be provided. If it is not possible to accommodate the ~~necessary changes~~ advised measures, the employee should be classed as 'not fit for work'. In which case advice should be sought from HR. A new fit note confirming this would not be required until the expiry of the current Fit Note.

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## Return to Work Meetings

The purpose of this discussion is to:

- Welcome the employee back to work;
- Ensure that the employee is fit to return;
- Discuss the reason for the absence;
- Address any problems that may be causing or contributing to the absence (e.g. workload, work relationships, etc.);
- Identify any support or assistance that could be provided;
- Agree return to work arrangements including work priorities;
- Brief the employee on anything that occurred during their absence;

- Discuss the employee's attendance record and alert them to any action that may need to follow this meeting (e.g. implement or update a support plan, make a referral to Occupational Health referral);
- Complete and sign off the Return to Work e-form.

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As the return to work meeting is part of normal day-to-day management, the employee does not have the right to be accompanied. In many cases the meeting may be as brief as a quick chat to ensure that the employee is fit to return to work and welcome them back.

Managers must complete a return to work interview with employees following every episode of absence. Return to work meetings should normally take place on the employee's first day back, regardless of the length of the absence. If the discussion takes place over the telephone, arrangements will need to be made for the employee to complete the relevant sections of the Self-Certification e-form. If the employee's manager is absent on their return, responsibility for carrying out the return to work meeting should be passed to another manager.

[Back to Contents](#)

## Support Mechanisms

Managers may wish to explore the following support mechanisms, depending on the nature of the case:

### Amica Counselling and Psychological Support Service

Employees should be reminded about the availability of AMICA but they cannot be forced to make contact with them. The service can offer counselling support on a range of issues (e.g. financial worries, family concerns, work-related problems, etc.) and can also signpost employees to other specialist services.

### Occupational Health Referral

Occupational Health should be seen as a preventive service with professional expertise to help managers and employees with interventions that may prevent an absence or speed up a recovery. A referral to Occupational Health can be made at any time. The employee does not need to be off sick or on long term absence. Often an early referral can provide both the manager and the employee with the necessary advice to provide any relevant support and to prevent a period of absence from occurring.

### Health and Safety Workplace Risk Assessment

If the employee identifies work-related factors which they feel are contributing to their attendance level then it will be necessary to consider how to address these factors. It may be appropriate to undertake a risk assessment or make some adjustment to the employee's working environment. Health and Safety may be able to provide support and advice on cases or a referral to Occupational Health may be considered. For further advice and information on conducting risk assessments please contact Health and Safety.

### Reasonable Adjustments

Where the employee has a condition which may be considered a disability, managers have a duty to consider reasonable adjustments. This can include adjustments to the role and to the absence management process itself. Details of information on Access to Work are available in the Supporting Disabled Employees Guidance. Further advice can also be obtained from HR Services.

### **Rehabilitation / Phased Return to Work**

Consideration should be given as to whether a rehabilitation / phased return to work plan might be appropriate to support the employee. This could include a variety of interventions, for example:

- Job shadowing;
- Reduced hours - incrementally increasing over a period of time;
- Refresher training;
- Light duties.

As a guide, a rehabilitation / phased return to work plan would not run for longer than 6 weeks. During this period the employee will receive full pay. If, at the end of the 6 week period the employee has not returned to their substantive hours, the manager will need to consider next steps. This may include the employee temporarily reducing their contracted hours or extending their phased return for a short period by using annual leave to cover the shortfall in hours.

### **Reduction in Working Hours**

In order to support the employee to either return to, or improve their attendance at work, it may be appropriate to consider a reduction in their working hours. This would need to be mutually agreed and can be on a temporary or permanent basis. A [variation to contract e-form](#) would need to be submitted so that the employee's contract of employment can be changed accordingly.

### **Redeployment**

It may be appropriate to consider redeployment into an alternative vacant post, either on a permanent or temporary basis, to enable the employee to return to or remain at work. This should be undertaken in conjunction with the formal absence management procedure. Where it is agreed by both the manager and the employee that suitable alternative employment would be an option to resolve the situation, the employee will be given [Preferential Treatment Status](#) in accordance with the Redeployment Policy and put on the Council's Redeployment Register. If the employee is appointed to another post, it will be the pay and conditions of the new post which will apply. There will be no entitlement to pay protection or additional travel expenses. Further information and advice is available from HR Services.

### **Consideration of Ill Health Retirement**

Depending on the nature of their absence, the employee may be considering applying for ill health retirement. If so, advice can be sought by the employee, or by the manager on their behalf, from HR Services. Additional support may be available from the employee's Trade Union. In such cases, employees will need to be assessed by an Occupational Health Professional. A potential application on the grounds of ill health retirement should not necessarily delay the timing of any meetings.

### **Flexible Working**

Flexible working would enable employees to adjust their working arrangements on a temporary basis where this can be accommodated by the service area. The service area may consider requests for flexible working, which may include an element of home working or a difference pattern of work.

## Employees with a Serious Medical Condition

The Council recognises that employees can develop serious medical conditions which can affect their attendance at work. Serious medical conditions can occur at any time and may be evidence through long term or short term frequent absences.

In these circumstances, managers should be sensitive and supportive to employees, working with HR to provide appropriate and reasonable supportive measures.

Managers should also give due consideration, taking into account advice received from Occupational Health, to when it is appropriate to adopt different stages within the policy. Where possible, solutions should be sought, which are beneficial to both the employee and the service.

If an employee is diagnosed as having a terminal illness, then managers should refer to the 'Dying to Work' charter which the Council has adopted.

## Fit for Work Service

~~Fit for Work is a government scheme that offers free health and work advice to help support employees to remain in, or return to, work.~~

~~Managers and employees can seek advice from the service on any work-related health matters (e.g. general information about health conditions, types of adjustments which may be appropriate) via the Fit for Work website or telephone advice line (0800 0326235).~~

~~Employees who have been, or are expected to be, absent from work for over 4 weeks may be referred to the service by their GP for an occupational health assessment. This assessment will consider all of the health, work, and other (e.g. personal and social) issues that may be affecting the employee's ability to return to work. As part of the assessment, Fit for Work may contact the employee's manager (with the employee's consent) to discuss factors which might help to support the employee back to work.~~

~~Managers should note that the services provided by Fit for Work do not replace the Council's own occupational health provider and referrals should therefore continue to be made in the normal way.~~

### ~~Return to Work Plans~~

~~Following the occupational health assessment, a Return to Work Plan will be produced which sets out any advice and/or recommendations that will help the employee to return to work more quickly. With the employee's consent, a copy of the plan will be provided to the employee's manager via email or, where appropriate, by post. The Council is not legally required to implement the recommendations from a Return to Work Plan however, if a manager is considering disregarding such recommendations, advice should be sought from Human Resources.~~

~~Return to Work Plans can be accepted as evidence of sickness absence in the same way as a fit note. If an employee has been issued with a plan, their GP will not provide them with a fit note unless they remain off work when they are discharged from the Fit for Work service. A fit note would be required to cover any period of absence (over 7 days in duration) that takes place before a Return to Work Plan is issued.~~

~~Employees will be discharged from Fit for Work once they have returned to work, or where the service can no longer provide further assistance or if a return to work has not been achieved after 3 months.~~

[Back to Contents](#)

## Attendance Issues and Disability

When reviewing an employee's sickness record consideration should be given as to whether any or all of the absence is related to an employee's disability. Sickness absence which is disability-related should be clearly recorded as such on iTrent.

Where an employee has a disability the Council has a duty to make "reasonable adjustments" to both the workplace and/or working environment and to our policies and procedures to assist the employee in improving their attendance and not place them at a disadvantage. If at any stage a disability becomes apparent, reasonable adjustments must be considered. These could include:

- Flexible working arrangements;
- Specialist equipment (possibility of funding through Access to Work);
- Redeployment into an alternative role;
- Using discretion in relation to the 'indicators', to allow the employee more time off before proceeding to the next stage of the procedure (advice should be sought from Occupational Health on the likely level of absence);
- Allowing the employee to take [disability-related leave](#) for reasons connected with rehabilitation, assessment, treatment or servicing of necessary equipment or disability aids;
- Allowing a longer timescale for review of reasonable adjustments (e.g. modifications to working pattern or provision of special equipment);
- Allowing a longer period of time to seek redeployment;
- Amending the process to alleviate any other disadvantage.

It is difficult to specify the amount of variation required as each employee's disability is different. Advice should be obtained from HR Services and Occupational Health before reasonable adjustments are implemented.

Once agreed 'reasonable adjustments' should be progressed as soon as possible. They will usually be given at least 3 months or more to work and will be subject to regular monthly reviews. Dependent upon the circumstances, in some cases adjustments may need to be permanent.

Further information and advice on making reasonable adjustments can be found in the [Manager's Guide to Supporting Disabled Employees](#).



More specific guidance regarding supporting employees who are experiencing mental ill health is available in the [Line Manager Guide on Mental Ill Health and Supporting Employees](#).

Managers should note that whilst an occupational health report can assist an employer in deciding whether or not an employee is disabled, it is the employer's responsibility to make the final decision as to whether the individual is covered by disability discrimination legislation. While it may be appropriate to ask Occupational Health for clarification as to whether or not the employee should be treated as disabled, it is also important to pose specific practical questions, as part of the referral, directed at the particular circumstances of the employee's condition. Where there is any doubt, consideration should be given to offering the employee appropriate reasonable adjustments. Further advice is available from HR Services.

[Back to Contents](#)

## Pregnancy-Related Absence

Under health and safety legislation, a workplace risk assessment must be carried out on all expectant mothers. If the duties of the job are likely to cause the employee harm, steps must be taken to remove or reduce the risk. Specifically, consideration should be given to:

- Adjusting the employee's working hours if she is a night worker and her medical practitioner certifies that it would be detrimental to her health to continue working nights;
- Removing the employee from any duties that might pose a risk to her health and safety;
- Transferring the employee to an alternative job on comparable terms and conditions;
- "Suspending" the employee from work on normal pay until the commencement of her maternity leave if no suitable alternative work is available or would not remove or reduce the risks to her.

Sickness absence which is pregnancy-related should be clearly recorded as such on iTrent. If the employee has a high level of absence related to this, managers should meet with her at the earliest opportunity to discuss what support could be provided to help improve her attendance. This may include reviewing and revising the pregnancy risk assessment and if necessary, seeking advice from [Occupational Health](#).

Sickness absence prior to the last 4 weeks before the expected week of child birth (EWC), supported by a fit note or self-certificate, shall be treated as sickness absence in accordance with normal sickness absence provisions, but will normally be disregarded for the purposes of invoking the formal stages of the process and for any future employment related decisions.

If the employee is absent due to a pregnancy-related illness during the 4 weeks up to her EWC, her maternity leave will normally commence on the day after the first day of absence. Odd days of pregnancy-related sickness during this period may be disregarded at the manager's discretion if the employee requests to continue working until her planned maternity leave start date. When considering whether to allow this discretion, managers should ensure that they have considered the relevant risks (e.g. duration and reason for absence, advice from the individual's GP / midwife, etc.).

[Back to Contents](#)

## Annual Leave and Public Holidays

Annual leave will continue to accrue during sickness absence. Employees on long term sickness absence (i.e. over 4 weeks) will also accrue their public holiday entitlements.

Employees who return to work following a period of long term sickness may be entitled to carry over any outstanding annual leave entitlement into the next annual leave year. The amount of annual leave that the employee has accrued over the previous 18-month period will be taken into account when agreeing how much leave can be carried forward.

The actual amount of leave which may be carried forward will depend on the facts of each case. Managers will therefore need to provide HR Services with details of the:

- Employee's annual leave entitlement over the last 2 years;
- Amount of employee's annual leave at start of each leave year (including any carried forward from previous leave year);
- Amount of annual leave booked in the last 2 leave years (including any booked but not taken owing to sickness);
- Amount of annual leave taken in the last 2 leave years;
- Dates of sickness absence(s) - from and to;
- Any individual circumstances (e.g. if the employee has requested leave but has not been allowed to take it).

Any accrued leave carried forward is to be taken during the new leave year. As a general rule, employees will not be permitted to carry leave forward again (excluding standard carry forward arrangements).

Employees are entitled to book and take annual leave during a period of long term sickness absence and should be encouraged to do so. This may be of particular benefit to the employee if they are in receipt of half-pay or no-pay.

If an employee falls ill whilst on annual leave, this will be treated as sickness absence and their annual leave refunded providing that the individual:

- Follows correct sickness absence reporting procedures; and
- Provides a medical certificate to cover their absence.

Employees who resign or are dismissed following long term sickness absence are entitled to be paid for any outstanding leave. Managers should contact HR Services for specific advice in these circumstances.

[Back to Contents](#)

## Escalation to Stage 4

In most cases, there will be four stages to the attendance management process. However, there may be occasions in cases of long term sickness absence where the medical reports indicate that a return to work is not possible within a reasonable time period. In these circumstances the manager must ensure that all avenues of [support](#) such as [ill health](#)

9

[retirement](#) and [redeployment](#) have been exhausted as applicable, but may proceed to [Stage 4](#) of the attendance management process without completing all and/or any of the other three stages. Where the manager wishes to progress to Stage 4 before the preliminary action stage has been completed, this must be agreed by the employee. The employee should ensure they are in receipt of all appropriate information before making this decision. Advice must be sought from HR Services before escalating to Stage 4.

[Back to Contents](#)

## Stage 1 - Preliminary Action

It is acknowledged that, at times, employees need to take time off work due to personal illness or injury. The Council provides appropriate paid (or in some instances unpaid) leave in such circumstances and expects its employees to respond by ensuring they take reasonable care of their health and attend work unless they are unable to do so.

Where an employee's attendance level requires further attention/investigation, they should be advised that a meeting will be arranged to review their absence record and if appropriate, put in place a support plan and review period. Appropriate and reasonable support and assistance should be provided to improve employee's attendance. The employee should be provided with a copy of the [Attendance Management Policy and Procedure](#).

It is not usual practice for an employee to be accompanied at this stage. However, if the manager or employee feels that it would be appropriate, the employee may be accompanied by a work colleague or Trade Union representative.

At the meeting the manager should:

- Provide the employee with a summary of their absence record, highlighting any significant patterns or characteristics. The return to work meeting notes included on the [Return to Work e-form](#) can be used as a prompt to cover all of the points that need to be discussed;
- Identify the level of attendance which is not being met;
- Ask the employee to give their explanation as to why their current attendance is not meeting expectations and explore any factors that may be having an impact (e.g. domestic circumstances, underlying health problem, etc.);
- Explore what support or assistance can be provided to ensure that the employee is able to maintain an acceptable attendance record;
- Discuss the contents / recommendations of the [Occupational Health](#) report (if applicable);
- Agree how the employee's attendance record might be improved, which could include actions by either or both parties;
- If relevant, draw up a written support plan identifying [support mechanisms](#), the level of improvement required and the timescale for achievement (4-8 weeks);

- Agree the date and time for the review meeting which will be held at the end of the support plan period. Managers are also recommended to hold at least one mid-point review meeting. The date and time of this meeting should also be agreed with the employee;
- Inform the employee that failure to improve to the required attendance level within the agreed timescale could result in them progressing to [Stage 2 \(Formal Action\)](#) of the [Attendance Management Policy and Procedure](#).

There may be occasions where managers feel that a support plan and review period is not necessary (e.g. where absences are [pregnancy-related](#)). In such circumstances managers are advised to discuss the case with HR Services prior to informing the employee.

### The Support Plan

Appropriate and reasonable support and assistance should be provided to improve employee's attendance. The contents of the support plan should:

- Seek to address the areas of concern;
- Detail the expected level of attendance;
- Identify [support mechanisms](#);
- Specify the timescales for monitoring and review.

An example of a completed support plan can be found at [Appendix C](#). A copy of the agreed support plan should be provided to the employee following the meeting.

At the end of the support plan review period, the manager should meet with the employee and confirm whether or not they have met the required standard of attendance. If the employee has made sufficient improvement, the attendance management procedure will cease. Failure to sustain this improvement for a period of 4 months may result in the employee being progressed to [Stage 2 \(Formal Action\)](#) of the attendance management procedure.

If there are still concerns at the end of the review period, the manager may advise the employee that they will now be managed under [Stage 2 \(Formal Action\)](#) of the attendance management procedure and that a further meeting will be arranged to discuss their attendance.

Brief notes of all meetings should be taken to record what has been discussed and a copy provided to the employee for their agreement.

[Back to Contents](#)

## Stage 2 - Formal Action

If there are still concerns about the employee's level of attendance at the end of the Stage 1 review period or the employee has not sustained their improved attendance for the required 4 month period, the manager should invite the employee to attend a Formal Attendance Management Meeting.

### **Formal Attendance Management Meeting**

The purpose of this meeting is to discuss the concerns regarding the employee's attendance level and to consider ways in which this could be improved. Notes should be taken at the meeting.

The meeting will usually be held by the employee's manager and the employee should be informed in writing of the requirement to attend giving at least 10 working days notice. The employee has the right to be accompanied by a work colleague or Trade Union representative.

The invite letter must include details of the concerns and confirm the record of monitoring / progress to date. A copy of the support plan agreed previously during Stage 1 of the procedure should also be included. A template invite letter is attached at [Appendix D](#).

At the meeting the manager should include in the discussion the following:

- Identify the level of attendance which is not being met (making reference to the outcome of the [Stage 1](#) support plan and review period);
- Ask the employee to give their explanation as to any reasons why their current attendance is not meeting expectations and explore any factors that may be having an impact (e.g. domestic circumstances, underlying health problem, etc.);
- Explore what support or assistance can be provided to ensure that the employee is able to maintain an acceptable attendance record;
- Discuss the contents / recommendations of the [Occupational Health](#) report (if applicable);
- Agree how the employee's attendance record might be improved, which could include actions by either or both parties;
- Draw up a written support plan which identifies any [support mechanisms](#), the level of improvement required and the timescale for achievement (4-8 weeks);
- Agree the date and time for the [review meeting](#) which will be held at the end of the support plan period. Managers are also recommended to hold at least one mid-point review meeting. The date and time of this meeting should also be agreed with the employee;
- Inform the employee that failure to improve to the required attendance level within the agreed timescale could result in a [Stage 3 Attendance Management Hearing](#) being arranged at which they could be issued with a final written warning.
- If applicable, consider immediate [escalation](#) to a Stage 4 Attendance Management Hearing (see above).

Following the meeting, the employee should be provided with a copy of the agreed support plan and notes of the meeting.

### **The Support Plan**

Attendance Management Guidance  
Version: 2014 - 1  
Agreed at: Personnel Committee  
Date agreed: 04/08/15  
Review date: 04/08/18

Details of what should be included in the support plan can be found in the [Preliminary Action](#) section of this guidance. An example of a completed support plan is attached at [Appendix C](#). If an Occupational Health referral has not already been arranged then managers are advised to complete one as part of the support plan at this stage.

### **Review Meeting**

A review meeting should be held at the end of the support plan period. The purpose of this meeting is to review the contents of the plan and to assess whether there has been an improvement in the employee's attendance. The employee has the right to be accompanied by a work colleague or Trade Union representative. Notes should be taken at the meeting.

The potential outcomes of the review meeting are:

- If the employee has made sufficient improvement, the attendance management procedure will cease. However, if the improvement is not sustained for 9 months from the end of the review period then the manager may recommence at [Stage 3 \(Final Action\)](#) of the procedure.
- If some improvement has been made and further progress is likely, it may be appropriate to extend the review period by 4-6 weeks. In the majority of cases it will be appropriate to extend the review period just once during the attendance management procedure.
- If no, or insufficient improvement has been made, the employee will be advised that a [Stage 3 Attendance Management Hearing](#) will be arranged at which the employee could be issued with a Final Written Warning. In the case of long term sickness absence, if medical reports indicate that a return to work is not possible within a reasonable timescale and all other avenues of support have been exhausted then a [Stage 4 Attendance Management Hearing](#) will be arranged with the agreement of the employee, a potential outcome of which could be dismissal. Please see the section on [Escalation to Stage 4](#) for more information.

The employee should receive written confirmation of the outcome of the meeting and a copy of the notes. A template letter is attached at [Appendix E](#).

[Back to Contents](#)

## **Stage 3 - Final Action**

If the employee fails to make sufficient improvement by the end of the Stage 2 support plan review period or has not sustained their improved attendance for the required 9 month period then an Attendance Management Hearing will be convened to consider the case.

### **Attendance Management Hearing**

The manager will be responsible for arranging a panel, chaired by a Senior Manager (PO Grade or above), supported by a further Senior Manager and a representative from HR Services, who will act as panel members. All of the panel should have had no prior involvement in the employee's case. The manager should also arrange a note-taker.

### **Documentation**

Attendance Management Guidance  
Version: 2014 - 1  
Agreed at: Personnel Committee  
Date agreed: 04/08/15  
Review date: 04/08/18

The manager will write to the employee to notify them of the details of the hearing (date, time, venue, etc.) giving them a minimum of 10 working days notice. A template letter is attached at [Appendix F](#). Whenever possible the date should be arranged in consultation with the employee and their representative.

A copy of any paperwork / evidence folder which the manager intends to refer to at the hearing must also be enclosed. This could include:

- Brief details of the employee's role and their employment with the Council (include a copy of the employee's job description);
- Details of the employee's attendance record (including the number of days lost, dates and reasons for absence);
- How the employee's absence compares with others;
- Copies of self-certification forms (including notes from return to work meetings);
- Notes of meetings;
- Letters confirming the outcome of meetings;
- Copies of support plans;
- Copies of Occupational Health reports;
- Copies of fit notes / medical documents.

An example hearing folder contents list can be found at [Appendix G](#). Further information on preparing for the hearing can be found in the [Hearing Preparation Guide](#).

The employee must be informed of their right to be accompanied by a work colleague or Trade Union representative and that a potential outcome of the hearing is a final written warning.

The letter to the employee must also request that if they intend to refer to any documentation at the hearing, a copy of this must be sent to the Chair of the panel at least 5 working days before the date of the hearing along with the names of any witnesses they wish to call.

### **Witnesses**

It is the responsibility of the manager to ensure that they invite any witnesses (if required) to attend the hearing. Likewise, it is the employee's responsibility to ensure that they invite any witnesses (if required) to support their case at the hearing. Please note that the employee's Trade Union representative / work colleague can act on behalf of the employee to arrange their attendance at the hearing if permission from the employee has been granted.

Witnesses should only be present at the hearing whilst questions are being asked of them by the employee, their representative, management representative and panel members.

### **Release of Witnesses**

Employees who are required to attend an attendance management hearing as a witness **must** be released from duty unless this would have a significant impact on service delivery. Advice should be sought from HR Services before declining such a request.

### **Failure to Attend**

It is important that the employee is made aware that if they fail to attend on a given (or rearranged) date without an acceptable reason, the hearing may go ahead in their absence.



## Conduct of the Hearing

1. The Chair of the panel will introduce those present and outline the procedure to be followed. An employee who is not accompanied will be reminded of their right to representation by a work colleague or Trade Union representative.
2. The manager presenting the case (i.e. the Presenting Officer) will outline their case. They should refer to documents circulated beforehand to evidence their views.
3. The employee and/or their representative may question the Presenting Officer.
4. The panel may question the Presenting Officer.
5. If applicable, the Presenting Officer will invite management's witnesses (one by one) to the hearing. Each witness will be questioned initially by the Presenting Officer, then the employee and/or their representative may question the witness followed by questions from the panel.
6. The employee and/or their representative will outline their case. They may refer to documents circulated beforehand.
7. The Presenting Officer may question the employee and their representative.
8. The panel may question the employee and their representative.
9. If applicable, the employee or their representative will invite the employee's witnesses (one by one) to the hearing. Each witness will be questioned initially by the employee and/or their representative, then the Presenting Officer may question the witness followed by questions from the panel.
10. The Presenting Officer may make brief concluding remarks.
11. The employee and/or their representative may make brief concluding remarks.
12. The Presenting Officer, the employee, their representative and the note taker will leave the room.
13. Having deliberated on the matters placed before them, the panel will reach their decision and then recall and advise those attending the hearing of the outcome.

## Potential Outcomes

The panel may find that:

- The employee's level of attendance is acceptable. The attendance management procedure will therefore cease. However, if the improvement is not sustained for 12 months from the end of the review period then the manager may recommence at [Stage 4](#) of the attendance management procedure;
- It is appropriate to issue the employee with an extension (4-6 weeks) to the review period of the support plan agreed during [Stage 2](#). This should only be considered if



an extension has not previously been given during the attendance management procedure or in exceptional circumstances. The panel will reconvene at the end of the extension period;

- The employee's level of attendance is not acceptable. If the panel are satisfied that the employee has been unable to improve their attendance to the required standard, they will issue the employee with a final written warning. Within 7 days of the hearing, the manager should meet with the employee to agree a further [support plan](#) and review period. A date and time should also be agreed for the final (and any mid-point) review meeting. The panel may wish to make recommendations at the hearing regarding the contents or duration of the support plan.

### **Notification of the Outcome**

The employee should receive written confirmation of the outcome of the hearing including details of their right to appeal against the decision. A template letter is attached at [Appendix H](#).

If the employee has been issued with a final written warning, a copy should be sent with the outcome letter. A copy of the notes from the hearing should also be provided.

### **Final Written Warning**

Where an employee has received a final written warning, this will remain on their file for 12 months. The employee should also be informed that failure to achieve an acceptable level of attendance by the end of the support plan review period may result in a [Stage 4 Attendance Management Hearing](#) being arranged at which they could be dismissed.

### **The Support Plan**

Details of what should be included in the support plan can be found in the [Preliminary Action](#) section of this guidance. An example of a completed support plan can be found at [Appendix C](#).

### **Right of Appeal**

Details of the employee's right of appeal are contained in the [Attendance Management Policy and Procedure](#). Template letters for inviting an employee to an appeal hearing and confirming the outcome are attached at [Appendix I](#) and [Appendix J](#).

### **Review Meeting**

A review meeting should be held at the end of the support plan period. The purpose of this meeting is to review the contents of the plan issued following the Stage 3 Attendance Management Hearing and to assess whether there has been an improvement in the employee's attendance. The employee has the right to be accompanied by a work colleague or Trade Union representative. Notes should be taken at the meeting.

The potential outcomes of the review meeting are:

- If the employee has made sufficient improvement, the attendance management procedure will cease. However, if the improvement is not sustained for 12 months from the end of the review period then the manager may recommence at [Stage 4](#) of the procedure;

- If some improvement has been made and further progress is likely, it may be appropriate to extend the review period by 4-6 weeks. This should only be considered if an extension has not previously been given during the attendance management procedure.
- If no, or insufficient improvement has been made, the employee will be advised that a [Stage 4 Attendance Management Hearing](#) will be arranged at which the employee could be dismissed.

The employee should receive written confirmation of the outcome of the meeting and a copy of the notes. A template letter is attached at [Appendix K](#).

[Back to Contents](#)

## Stage 4 - Attendance Management Hearing

If the employee fails to make sufficient improvement by the end of the Stage 3 support plan review period or has not sustained this improvement for the required 12 month period then an Attendance Management Hearing will be convened to consider the case.

The manager will be responsible for arranging a panel, chaired by a Senior Manager (PO Grade or above), supported by a further Senior Manager and a representative from HR Services, who will act as panel members. All of the panel should have had no prior involvement in the employee's case. The manager should also arrange a note-taker.

If a hearing has already been held under Stage 3 of the procedure then, where possible, the same panel should be used for this hearing. The manager should also arrange a note-taker.

### Documentation

The manager will write to the employee to notify them of the details of the hearing (date, time, venue, etc.) giving them a minimum of 10 working days notice. A template letter is attached at [Appendix L](#). Whenever possible the date should be arranged in consultation with the employee and their representative.

A copy of any paperwork / evidence folder which the manager intends to refer to at the hearing must also be enclosed. This could include:

- Brief details of the employee's role and their employment with the Council (include a copy of the employee's job description);
- Details of the employee's attendance record (including the number of days lost, dates and reasons for absence);
- How the employee's absence compares with other relevant team members;
- Copies of self-certification forms (including notes from return to work meetings);
- Notes of meetings;
- Letters confirming the outcome of meetings;
- Copies of support plans;
- Copies of Occupational Health reports;
- Copies of fit notes / medical documents;
- Copy of Final Written Warning (if applicable).

17

An example attendance management hearing folder contents list can be found at [Appendix G](#). Further information on preparing for the hearing can be found in the [Hearing Preparation Guide](#).

The employee must be informed of their right to be accompanied by a work colleague or Trade Union representative and that a potential outcome of the hearing is dismissal.

The letter to the employee must also request that if they intend to refer to any documentation at the hearing, a copy of this must be sent to the Chair of the panel at least 5 working days before the date of the hearing along with the names of any witnesses they wish to call.

**Witnesses**

It is the responsibility of the manager to ensure that they invite any witnesses (if required) to attend the hearing. Likewise, it is the employee's responsibility to ensure that they invite any witnesses (if required) to support their case at the hearing. Please note that the employee's Trade Union representative / work colleague can act on behalf of the employee to arrange their attendance at the hearing if permission from the employee has been granted.

Witnesses should only be present at the hearing whilst questions are being asked of them by the employee, their representative, manager and panel members.

### **Release of Witnesses**

Employees who are required to attend an attendance management hearing as a witness **must** be released from duty unless this would have a significant impact on service delivery. Advice should be sought from HR Services before declining such a request.

### **Failure to Attend**

It is important that the employee is made aware that if they fail to attend on a given (or rearranged) date without an acceptable reason, the hearing may go ahead in their absence.

### **Conduct of the Hearing**

1. The Chair of the Panel will introduce those present and outline the procedure to be followed. An employee who is not accompanied will be reminded of their right to representation by a work colleague or Trade Union representative.
2. The manager presenting the case (i.e. the Presenting Officer) will outline their case (i.e. the reasons for considering the termination of the individual's employment). They should refer to documents circulated beforehand to evidence their views.
3. The employee and/or their representative may question the Presenting Officer.
4. The panel may question the Presenting Officer.
5. If applicable, the Presenting Officer will invite management's witnesses (one by one) to the hearing. Each witness will be questioned initially by the Presenting Officer, then the employee and / or their representative may question the witness followed by questions from the panel.
6. The employee and/or their representative will outline their case (i.e. the reasons for considering the continuation of the individual's employment). They may refer to documents circulated beforehand.
7. The Presenting Officer may question the employee and their representative.
8. The panel may question the employee and their representative.
9. If applicable, the employee or their representative will invite the employee's witnesses (one by one) to the hearing. Each witness will be questioned initially by the employee and / or their representative, then the Presenting Officer may question the witness followed by questions from the panel.
10. The Presenting Officer may make brief concluding remarks.
11. The employee and/or their representative may make brief concluding remarks.
12. The Presenting Officer, the employee, their representative and the note taker will leave the room.
13. Having deliberated on the matters placed before them, the panel will reach their decision and then recall and advise those attending the hearing of the outcome. Before

deciding whether or not an employee's contract of employment should be terminated, the panel will satisfy themselves that every effort has been made by both the manager and the employee to make viable alterations to the working arrangements of the employee concerned (including redeployment). If the employee has a disability then the panel will satisfy themselves that all reasonable adjustments have been identified and considered.

### Potential Outcomes

The panel may find that:

- The employee's level of attendance is acceptable. The attendance management procedure will therefore cease. However, if the improvement is not sustained for 12 months from the end of the review period then the manager may recommence at [Stage 4](#) of the attendance management procedure;
- It is appropriate to issue the employee with an extension (4-6 weeks) to the review period of the support plan agreed during [Stage 3](#). This should only be considered if an extension has not previously been given during the attendance management procedure. The panel will reconvene at the end of the extension period;
- The employee's level of attendance is not acceptable. If the panel is satisfied that the employee has been unable to improve their attendance to the required standard, having considered mitigation, including any reasons for the failure to reach the required standard, they will dismiss the employee with notice.

### Notification of the Outcome

The employee should receive written confirmation of the outcome of the hearing including details of their right to appeal against the decision. A template letter is attached at [Appendix M](#). If the employee has been dismissed, the letter should include the reason for the dismissal and the employee's termination date. A copy of the notes from the hearing should also be provided.

### Right of Appeal

Details of the employee's right of appeal are contained in the [Attendance Management Policy and Procedure](#). Template letters for inviting an employee to an appeal hearing and confirming the outcome are attached at [Appendix I](#) and [Appendix J](#).

[Back to Contents](#)

## Sick Pay

The period during which sick pay will be paid and the rate payable for any period of absence is calculated by deducting from the employee's entitlement on the first day of absence the total periods of sickness absence during the previous 12 months.

[Back to Contents](#)

## Next of Kin

If the employee is too unwell to engage in communication then it may be necessary for the manager to communicate and manage the sickness absence through next of kin / power of

attorney. In these circumstances, the employee should be asked to confirm their permission in writing, where possible.

[Back to Contents](#)

## Complaints Raised During the Attendance Management Process

The Council's [Grievance Policy](#) or [Dignity at Work Policy](#) should not be used for appeals against attendance management decisions or the process itself. These should be dealt with as part of the appeal under the [Appeal Policy and Procedure](#).

If, however, the employee has a complaint against the manager during the course of an attendance management case, they may raise this using either the Council's Grievance Policy or Dignity at Work Policy as appropriate. The attendance management procedure will not cease, but if required, another manager will be brought in to deal with this case.

[Back to Contents](#)

## Links to the Disciplinary Policy and Procedure

Where absence patterns emerge, or where it is believed that absences are not attributable to genuine sickness, this will be investigated through the [Disciplinary Policy and Procedure](#).

[Back to Contents](#)

## Appendix A - Sickness Absence Reporting and Certification

### First Day

You must telephone your manager at a time you would normally expect them to be available. If your manager is not available, speak to the most senior person available. You should not, unless there is no alternative, leave a message on an answering machine or with another colleague or send an email or a text message. However, if there is no alternative, leave your telephone number with the person you speak to so that your manager can contact you as soon as possible.

In some cases specific arrangements need to be made locally to take account of circumstances such as the need to ring as early as possible so that cover can be arranged. **Your manager will let you know the arrangements that apply to you.**

When you telephone your manager will ask:

- What date you were first unfit for work (this may be a non working day);
- The reason for your absence.

If appropriate they may also ask whether your absence is due to:

- A hospital/medical appointment;
- Disability related absence;
- An accident at work;
- An accident involving a third party (e.g. road accident).

**Managers should agree with employees how often they are to make contact if the absence is likely to continue beyond one day. This will usually be on a daily basis so that cover arrangements can be made however the minimum arrangements detailed below should be followed.**

### If your absence continues

**On Day 4\*** you must telephone your manager again. This is so that your manager can assess the need for cover or to reallocate your work if necessary.

**On Day 8\*** you must obtain a fit note, telephone your manager to let them know how long you have been signed off work for and post the note to your manager as soon as possible.

\*Non working days count e.g. for a Monday-Friday worker absent from Friday, Day 4 is Monday and Day 8 is Friday.

If your absence is long enough to require another fit note you must keep your manager informed so that cover and work reallocation arrangements can continue.

### When you return to work

A [Self-Certification e-form](#) must be completed and submitted by the employee.

### **Sickness Absence during Annual Leave**

Part 3 of the Green Book provides that employees on annual leave will be regarded as being on sick leave if they have a doctor's certificate to cover that illness. Therefore, to reclaim full contractual annual leave, a doctor's certificate is required as proof of illness.



## Appendix B - Absence without Authorisation Letter

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]  
[Address]  
[Date]

Dear [Name],

You have been absent from work without authorisation since [date of absence] and I am growing increasingly concerned for your wellbeing as you have failed to make any contact during this period.

In line with the Attendance Management Policy and Procedure, I have instructed Payroll to stop your pay from the start date of your absence until I receive notification of your wellbeing. This period of absence will be classified as 'Absence without Authorisation'.

Please contact me on [telephone number] upon receipt of this letter to advise me of your current situation.

Yours sincerely,

[Name of manager]  
[Job Title]

## Appendix C - Example Support Plan

**SUPPORT PLAN: ATTENDANCE**

**DATE OF PLAN:** 30<sup>th</sup> April - 25<sup>th</sup> June 2014

<b>Employee:</b>	Mary Roberts	<b>Manager:</b>	Ken Smith
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Areas of Concern	What needs to be achieved	How this will be achieved	Who is responsible	Timescales
Continued long term absence from work (absent since 31 January 2014).	Return to work within support plan timeframe (on therapeutic or substantive hours). On going reduction in absences.	Mary to attend work as required.	Mary	8 weeks and ongoing
	To consider if any adjustments are required to support Mary's return, either in working hours or duties.	Referral to be made to Occupational Health.	Ken	8 weeks and ongoing
Mary has said that she is still suffering from low mood, has trouble sleeping and interacting on a daily basis.	Mary to contact her GP to seek advice as necessary and to keep Ken informed of any medical issues that he needs to be aware of.	Mary to update Ken following her GP appointment next week.	Mary	8 weeks and ongoing
	To consider a self referral to the Wellbeing Service.	Mary to contact the Wellbeing Service as required.	Mary	8 weeks and ongoing
Maintain contact during Mary's absence	Ensure that regular contact is maintained throughout Mary's absence from work.	Ken to contact Mary on a weekly basis by phone. Mary to contact Ken as	Ken / Mary	8 weeks



## Appendix D - Invitation to Formal Attendance Management Meeting (Stage 2)

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

At our meeting on [date], under Stage 1 of the Attendance Management Policy and Procedure, I advised you that as I have ongoing concerns regarding your level of attendance it is now necessary to manage you under Stage 2 of the procedure. I would therefore like to invite you to attend a Formal Attendance Management Meeting at [time] on [date] in [location].

The purpose of this meeting is to discuss the following concerns that I have regarding your attendance and to consider ways in which this could be improved:

[List areas of concern]

At the meeting, you will have the opportunity to provide an explanation as to why your attendance is not meeting expectations. If you wish, you may be accompanied by a work colleague or Trade Union representative.

To date you have been issued with a [number] week support plan, a copy of which I have enclosed for your information. During the meeting we will review the contents of this plan and draw up a new plan identifying possible support mechanisms, the level of improvement required and the timescale in which this should be achieved.

At the end of the support plan period, a review meeting will be held. There are three potential outcomes of this meeting:

- If sufficient improvement has been made, the attendance management procedure will cease. Failure to sustain this improvement for 9 months from the end of the review period may result in the attendance management process recommencing at Stage 3 (Formal Action);
- If some improvement has been made and further progress is likely, it may be appropriate to extend the review period;
- If no, or insufficient improvement has been made, a Stage 3 Attendance Management Hearing will be arranged at which you could be issued with a Final Written Warning. Please note that in the case of long term sickness absence, if medical reports indicate that a return to work is not possible within a reasonable timescale and all other avenues of support have been

exhausted then a Stage 4 Attendance Management Hearing will be arranged, a potential outcome of which could be dismissal.

A copy of the Attendance Management Policy and Procedure is enclosed for your information.

If you, or your representative, require any special arrangements in order to attend the meeting on [date], please let me know as soon as possible so that I can facilitate these for you.

Please do not hesitate to contact me on [telephone number] if you have any questions regarding the contents of this letter.

Yours sincerely,

[Name of manager]  
[Job Title]

## Appendix E - Outcome of Stage 2 (Formal Action)

**NB: If the employee has failed their support plan please use Appendix F to confirm the outcome and invite them to attend a Stage 3 Attendance Management Hearing**

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the review meeting held on [date] under Stage 2 of the Attendance Management Policy and Procedure.

The purpose of this meeting was to review your progress against the contents of the support plan which was agreed at the Formal Attendance Management Meeting on [date].

[Delete options below as appropriate]

#### Option One

*As I advised at the meeting, I am pleased to be able to confirm that you have achieved the required level of improvement in your attendance. The attendance management procedure will therefore cease.*

*I hope that you will continue to maintain this improvement. As discussed at the review meeting, if you fail to sustain this improvement for a 9 month period from the end of the review period then it may be necessary to recommence managing your attendance at Stage 3 of the Attendance Management Policy and Procedure.*

#### Option Two

*As I advised at the meeting, I am pleased to be able to confirm that you have made some improvement towards achieving the required level of attendance. We therefore agreed that we would extend your support plan by [number] weeks. The review period will therefore now end on [date].*

*As agreed at the meeting, we will hold a further review meeting on [date] at [time] in [location].*

Please find enclosed a copy of the notes taken at the meeting for your information. If you have any questions regarding the contents of this letter, please do not hesitate to contact me on [telephone number].

Yours sincerely,

[Name of manager]  
[Job Title]

## Appendix F - Invitation to Attendance Management Hearing (Stage 3)

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the review meeting held on [date] under Stage 2 of the Attendance Management Policy and Procedure. The purpose of this meeting was to review your progress against the contents of the support plan which was agreed at the Formal Attendance Management Meeting on [date].

As I advised at the meeting, you have failed to achieve the required level of improvement in your attendance. It is therefore now necessary to convene an Attendance Management Hearing.

The hearing will take place at [time] on [date] in [location] and will be heard by [name, job title], and [name, job title]. Also present will be [name] to take notes. On arrival you should report to [location] and ask for [name].

I will present the management case at the hearing and enclosed is a copy of the documents that I will refer to. During the course of the hearing you will have the right to hear and question the evidence presented. You will also have the opportunity to present your case and may, if you wish, be accompanied by a work colleague or Trade Union representative.

The purpose of the hearing is to consider the steps taken to improve your attendance and your progress against the support plans put in place previously.

If the panel is satisfied that you have been given every opportunity to improve your attendance, but the standard has still not been reached, you will be issued with a Final Written Warning which will remain on your file for 12 months.

Any documentation that you wish to refer to during the hearing must be provided to [name of Chair of panel] at [address] no later than 5 days before the hearing, along with the names of any witnesses you intend to call to support your case. Please note that it is your responsibility to invite your witnesses to attend the hearing. Your Trade Union representative or work colleague may act on your behalf to contact these witnesses if permission from yourself has been granted. [For your information, I will be calling the following witnesses: [name(s)].

If you, or your representative, require any special arrangements in order to attend the hearing, please let me know as soon as possible so that I can facilitate these for you.

31

Attendance Management Guidance  
Version: 2014 - 1  
Agreed at: Personnel Committee  
Date agreed: 04/08/15  
Review date: 04/08/18



Please note that failure to attend the hearing without an acceptable reason may result in the hearing going ahead in your absence.

If you have any questions regarding the contents of this letter, please do not hesitate to contact me on [\[telephone number\]](#).

Yours sincerely,

[\[Name of manager\]](#)  
[\[Job Title\]](#)

## Appendix G - Example Hearing Contents Page

This template is to provide managers with a framework on how to structure panel hearing folders. It is not intended to be prescriptive and can be adapted to suit managers' individual requirements.

Name of employee  
Attendance Management Hearing  
Date and venue of hearing

Panel Members:

[Name, Job Title] (Chair)  
[Name, Job Title] (HR Representative)

Presenting Officer: [Name, Job Title]

### **Section 1**     Attendance Management Policy

- 1.1 Attendance Management Policy and Procedure
- 1.2 Hearing Format

### **Section 2**     Employment Details

- 2.1 Employee Summary (Job Title, Grade, Hours, Location)
- 2.2 Contract of Employment
- 2.3 Job Description

### **Section 3**     Correspondence

- 3.1 Invite to Formal Attendance Management Meeting on [date]
- 3.2 Outcome of Stage 2 review meeting on [date]
- 3.3 Invite to Stage 3 Attendance Management Hearing on [date]
- 3.4 Outcome of Stage 3 Attendance Management Hearing on [date]
- 3.5 Invite to Stage 4 Attendance Management Hearing on [date]

### **Section 4**     Notes of Meeting / Evidence

- 4.1 Copy of support plan (Stage 1)
- 4.2 Notes from Formal Attendance Management Meeting on [date]
- 4.3 Copy of support plan (Stage 2) covering [dates]
- 4.4 Notes from review meeting (Stage 2) on [date]
- 4.5 Notes from Attendance Management Hearing (Stage 3) on [date]
- 4.6 Copy of support plan (Stage 3) covering [dates]
- 4.7 Notes from review meeting (Stage 3) on [date]

Attendance Management Guidance  
Version: 2014 - 1  
Agreed at: Personnel Committee  
Date agreed: 04/08/15  
Review date: 04/08/18

33

**Section 5**    Supplementary Information

- 5.1 Absence information (e.g. list / chart showing dates, reasons, etc.)
- 5.2 Comparative absence data / departmental targets
- 5.3 Advice from Occupational Health
- 5.4 Redeployment information

## Appendix H - Outcome of Attendance Management Hearing (Stage 3)

**STRICTLY PRIVATE AND CONFIDENTIAL**

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the Attendance Management Hearing held on [date] which was heard by me, [name, job title] and [name, job title]. Also present were [name] as your representative and [name] as note-taker.

The purpose of the hearing was to consider the steps made to improve your attendance and your progress against the support plan put in place at the Attendance Management Meeting (Stage 2) on [date].

[Delete options below as appropriate]

### Option One

*Having considered the evidence provided at the hearing, the panel have decided that your attendance meets the expected level. The attendance management procedure will therefore cease. However, if the improvement is not sustained for a period of 12 months from the end of the review period then your manager may recommence managing your attendance at Stage 4 of the Attendance Management Policy and Procedure.*

### Option Two

*Having considered the evidence provided at the hearing, the panel have decided that you should be issued with a [number] week extension to the support plan review period agreed during Stage 2.*

*As agreed at the hearing, the panel will reconvene at [time] on [date] in [location] to consider your progress against the support plan during this period.*

### Option Three

*Having considered the evidence provided at the hearing, the panel have decided that your level of attendance is not acceptable and therefore you will be issued with a Final Written Warning. This will remain on your file for 12 months.*

*Your manager will meet with you within the next 7 days to agree a further support plan and review period with you. If you fail to achieve the required level of improvement in your attendance by the end of the support plan review period then a Stage 4 Attendance Management Hearing will be arranged. A possible outcome of this hearing may be the decision to terminate your contract of employment.*

Attendance Management Guidance  
Version: 2014 - 1  
Agreed at: Personnel Committee  
Date agreed: 04/08/15  
Review date: 04/08/18

35

*I have enclosed a copy of the Appeal Policy and Procedure along with an appeal registration form. You have the right to appeal against the decision to issue you with a Final Written Warning. If you wish to appeal please complete and return the appeal registration form to myself within 7 working days of receiving this letter.*

A copy of the notes taken at the hearing is enclosed for your information.

Yours sincerely,

[Name of chair]  
[Job Title]

## **ATTENDANCE MANAGEMENT PROCEDURE - FINAL WRITTEN WARNING**

**Name:**

**Job Title:**

1. Date Issued  
This warning was issued at the Attendance Management Hearing (Stage 3) on [date].
2. Status of Warning  
This is a final written warning issued under the Attendance Management Policy and Procedure.
3. Nature of Offence  
You were issued with this warning as you had failed to achieve the required level of improvement in your attendance.
4. Improvements Required  
Following the Attendance Management Hearing a further support plan was agreed to support you to improve your attendance. You are therefore required to achieve the improvements as set out in the plan and to maintain this improvement in your attendance for a 12 month period.
5. Support to be Given  
Details of the support that will be provided to you are set out in the agreed support plan. If you feel that additional help or support could be provided, please speak to your manager.
6. Retention of Warning on Personal File  
A copy of this warning will be kept on your personal file for 12 months from [date of Attendance Management Hearing].
7. Consequences of Failure to Maintain  
Failure to achieve and maintain the requirements set out in paragraph 4 above will result in an Attendance Management Hearing (Stage 4) being convened. If the panel is satisfied that you have been given every opportunity to improve your attendance, but the standard has still not been reached, your contract of employment will be terminated.

---

### **Acknowledgement of Final Written Warning**

I acknowledge that I have been given a final written warning under the Attendance Management Policy and Procedure. I have read and understood the contents of this warning.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

## Appendix I - Invitation to Appeal Hearing

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]  
[Address]  
[Date]

Dear [Name],

Following receipt of your appeal under the Attendance Management Policy and Procedure against your [final written warning / dismissal], I am writing to invite you to attend an appeal hearing. Your appeal will be heard by [name, job title], and [name, job title] at [time] on [date] in [location]. [Name] will also be in attendance to take notes. On arrival you should report to [location] and ask for [name].

You may, if you wish, be accompanied at the hearing by a work colleague or Trade Union representative.

Enclosed for your attention is a copy of management's response to your appeal statement, along with supporting documents. I will be in attendance at the hearing to present the management case. [For your information, management will be calling [name(s)] as their witness].

The outcome of the appeal hearing will be to either:

- Uphold the original decision taken and maintain any sanction;
- Overturn the original decision and implement a new decision along with any appropriate sanction/action.

Please be advised that the decision of the appeal hearing will be final and there is no further right of appeal.

I would be grateful if you would please confirm that you are able to attend the hearing. Please note that failure to attend without an acceptable reason may result in the hearing going ahead in your absence.

If you, or your representative, require any special arrangements in order to attend the hearing, please contact me as soon as possible so that I can facilitate these for you.

If you have any questions regarding the contents of this letter, please do not hesitate to contact me on [telephone number].

Yours sincerely,

[Name of manager]  
[Job Title]



## Appendix J - Outcome of Appeal Hearing

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]  
[Address]  
[Date]

Dear [Name],

I am writing to confirm the outcome of the Attendance Management Appeal Hearing held on [date] which was heard by me, [name, job title] and [name, job title]. Also present was [name] as your representative and [name] as note-taker.

You appealed against the decision made at the Attendance Management Hearing on [date]. The reason for your appeal was [reason].

Having considered the evidence provided at the hearing, the panel have decided to [uphold the original decision to issue you with a final written warning / terminate your employment] or [overturn the original decision to issue you with a final written warning / terminate your employment]. Include details of any additional actions/ recommendations and reasons for decision.]

The decision of the appeal hearing is final and there is no further right of appeal.

Yours sincerely,

[Name of Chair of panel]  
[Job Title]

## Appendix K - Outcome of Stage 3 (Final Action)

**NB: If the employee has failed their support plan please use Appendix L to confirm the outcome and invite them to attend a Stage 4 Attendance Management Hearing**

**STRICTLY PRIVATE AND CONFIDENTIAL**

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the review meeting held on [date] under Stage 3 of the Attendance Management Policy and Procedure.

The purpose of this meeting was to review your progress against the contents of the support plan which was agreed following the Attendance Management Hearing on [date].

[Delete options below as appropriate]

### Option One

*As I advised at the meeting, I am pleased to be able to confirm that you have achieved the required level of improvement in your attendance. The attendance management procedure will therefore cease.*

*I hope that you will continue to maintain this improvement. As discussed at the review meeting, if you fail to sustain this improvement for a 12 month period from the end of the review period then it may be necessary to recommence managing your attendance at Stage 4 of the Attendance Management Policy and Procedure.*

### Option Two

*As I advised at the meeting, I am pleased to be able to confirm that you have made some improvement towards achieving the required level of attendance. We therefore agreed that we would extend your support plan by [number] weeks. The review period will therefore now end on [date].*

*As agreed at the meeting, we will hold a further review meeting on [date] at [time] in [location].*

Please find enclosed a copy of the notes taken at the meeting for your information. If you have any questions regarding the contents of this letter, please do not hesitate to contact me on [telephone number].

Yours sincerely,

[Name of manager]  
[Job Title]

## Appendix L - Invitation to Attendance Management Hearing (Stage 4)

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the review meeting held on [date] under Stage 3 of the Attendance Management Policy and Procedure. The purpose of this meeting was to review your progress against the contents of the support plan which was agreed following the Attendance Management Hearing on [date].

As I advised at the meeting, you have failed to achieve the required level of improvement in your attendance. It is therefore now necessary to convene a further Attendance Management Hearing.

The hearing will take place at [time] on [date] in [location] and will be heard by [name, job title], [and [name, job title]]. Also present will be [name] to take notes. On arrival you should report to [location] and ask for [name].

I will present the management case at the hearing and enclosed is a copy of the documents that I will refer to. During the course of the hearing you will have the right to hear and question the evidence presented. You will also have the opportunity to present your case and may, if you wish, be accompanied by a work colleague or Trade Union representative.

The purpose of the hearing is to consider the steps taken to improve your attendance and your progress against the support plans put in place previously.

If the panel is satisfied that you have been given every opportunity to improve your attendance, but the standard has still not been reached, you will be dismissed from the Council's employment with notice.

Any documentation that you wish to refer to during the hearing must be provided to [name of Chair of panel] at [address] no later than 5 days before the hearing, along with the names of any witnesses you intend to call to support your case. Please note that it is your responsibility to invite your witnesses to attend the hearing. Your Trade Union representative or work colleague may act on your behalf to contact these witnesses if permission from yourself has been granted. [For your information, I will be calling the following witnesses: [name(s)].

If you, or your representative, require any special arrangements in order to attend the hearing, please let me know as soon as possible so that I can facilitate these for you.

43

Attendance Management Guidance  
Version: 2014 - 1  
Agreed at: Personnel Committee  
Date agreed: 04/08/15  
Review date: 04/08/18

Please note that failure to attend the hearing without an acceptable reason may result in the hearing going ahead in your absence.

If you have any questions regarding the contents of this letter, please do not hesitate to contact me on [\[telephone number\]](#).

Yours sincerely,

[\[Name of manager\]](#)  
[\[Job Title\]](#)

## Appendix M - Outcome of Attendance Management Hearing (Stage 4)

**STRICTLY PRIVATE AND CONFIDENTIAL**

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the Attendance Management Hearing held on [date] which was heard by me and [name, job title]. Also present were [name] as your representative and [name] as note-taker.

The purpose of the hearing was to consider the steps made to improve your attendance and your progress against the support plan put in place following the Attendance Management Hearing (Stage 3) on [date].

[Delete options below as appropriate]

### Option One

*Having considered the evidence provided at the hearing, the panel have decided that your attendance meets the expected level. The attendance management procedure will therefore cease. However, if the improvement is not sustained for a period of 12 months from the end of the review period then your manager may recommence managing your attendance at Stage 4 of the Attendance Management Policy and Procedure.*

### Option Two

*Having considered the evidence provided at the hearing, the panel have decided that you should be issued with a [number] week extension to the support plan review period agreed during Stage 3.*

*As agreed at the hearing, the panel will reconvene at [time] on [date] in [location] to consider your progress against the support plan during this period.*

### Option Three

*Having considered the evidence provided at the hearing, you have been given a full opportunity to improve your level of attendance and have failed to do so. The panel's decision is therefore that you will be dismissed on the grounds of unsatisfactory attendance.*

*As this is not summary dismissal, you are entitled to [duration] paid notice from the date of the hearing and therefore your employment will terminate on [date]. You [are/are not] required to work this notice. Your P45 will be forwarded to you shortly.*

*You are required to return any property which is still in your possession and [name] will be in contact with you to arrange this.*

*I have enclosed a copy of the Appeal Policy and Procedure along with an appeal registration form. You have the right to appeal against this decision and should complete and return the appeal registration form to myself within 7 working days of receiving this letter.*

*Should you decide to appeal, the effect of the dismissal will still stand i.e. you will remain dismissed pending the outcome of the appeal hearing.*

A copy of the notes taken at the hearing is enclosed for your information.

Yours sincerely,

[Name of chair]  
[Job Title]



JOB DESCRIPTION

<b>Division:</b>	
<b>Job Title:</b>	
<b>Grade:</b>	
<b>Post Number:</b>	
<b>Base/Location:</b>	
<b>Responsible To:</b>	<i>(Line Manager job title required)</i>
<b>Responsible For:</b>	<i>(Jobs supervised where applicable).</i>
<b>Key Relationships/ Liaison with:</b>	

Job Purpose
<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>• Delivery of an effective and appropriate service to all service users, fairly and without discrimination.</li> </ul>

Main Duties and Responsibilities	
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	<b>Mandatory duty that must be included for all posts</b> – Responsible for protecting and managing information securely, and reporting breaches or suspected information security breaches, in line with Council policies.

Special Factors	
<ul style="list-style-type: none"> <li>• The nature of the work may involve the jobholder carrying out work outside of normal working hours.</li> </ul>	



**Delete the item below if not applicable**

**PLEASE REMEMBER to delete this and the following information and one of both of the bullet pointed paragraphs below before the job description is published.**

**ONLY ONE of the following paragraphs should appear if this post appears on the list of CBC posts eligible to be checked by the Disclosure and Barring Service (DBS) on the intranet. If the list shows that the post does not require a criminal records check please delete both paragraphs as it is a criminal offence for them to remain in the published document. If the list shows that the post requires a criminal records check please delete the paragraph which does not apply.**

- This post is eligible for a DBS check under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (i.e. it involves certain activities in relation to children and/or adults) and is defined as regulated activity under Part 1 of the Safeguarding Vulnerable Groups Act 2006. Therefore a **DBS enhanced check for a regulated activity (includes a barred list check) is an essential requirement.**
- This post is eligible for a DBS check under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (i.e. it involves certain activities in relation to children and/or adults) and defined as regulated activity under Part 1 of the Safeguarding Vulnerable Groups Act 2006 before the coming into force of section 64 of the Protection of Freedoms Act 2012 on 10<sup>th</sup> September 2012. Therefore a **DBS enhanced check (without a barred list check) is an essential requirement.**

**This job description sets out the duties and responsibilities of the job at the time when it was drawn up. Such duties and responsibilities may vary from time to time without changing the general character of the duties or the level of responsibility entailed. Such variations are a common occurrence and cannot in themselves justify a reconsideration of the grading of the job.**

**Charnwood Borough Council is seeking to promote the employment of disabled people and will make any adjustments considered reasonable to the above duties under the terms of the Equality Act 2010 to accommodate a suitable disabled candidate.**

**Date Prepared/Revised:**



<b>Division:</b>	
<b>Job Title:</b>	
<b>Grade:</b>	
<b>Post Number:</b>	

	Essential	Desirable	How assessed
<b>Qualifications</b>  <b>Or</b> Demonstrable experience identified within the section below.	✓	✓	App/Doc App/Doc
	✓		App/Int
<b>Experience</b>	✓	✓	App/Int App/Int
<b>Skills/Knowledge</b> <b>(CUSTOMER FACING ROLES ONLY)</b> The ability to converse at ease with customers and provide advice in understandable spoken English is a requirement of the post.	✓		App/Int
		✓	App/Int
<b>Interpersonal Skills</b>	✓	✓	Int
<b>Other requirements</b>  An understanding of, and commitment to equal opportunities, and the ability to apply this to all situations.  Must be able to perform all the duties and tasks of the job with reasonable adjustments, where appropriate, in accordance with the provisions of the Equality Act 2010.	✓  ✓		App  App/Int
	✓		

<b>Key:</b> <b>App = Application form</b> <b>Test = Test</b> <b>Int = Interview</b>	<b>Pre = Presentation</b> <b>Med = Medical questionnaire</b> <b>Doc = Documentary evidence (e.g. certificates)</b>
--	--

<b>Prepared by:</b>	<b>Date:</b>
---------------------	--------------

NO-HAC-T-COMP-SOZ-MP

## NOTES

If it is a new post or an existing post that has substantially changed, a copy of the job description and person specification must be sent to Human Resources, email [hr@charnwood.gov.uk](mailto:hr@charnwood.gov.uk), in order for the post to undergo Job Evaluation for grading.

**Person specifications must not include any reference to years of experience, attendance record and appearance or any other requirement that could be perceived as discriminatory.**

### Guidance on completing the person specification

In general, person specifications should include details of:

1. Qualifications - Qualification requirements which are not necessary to undertake the job should be avoided, as they are potentially discriminatory. The use of professional or academic qualifications should be avoided where they are not demonstrably and genuinely needed to undertake the job. Instead appropriate testing should be used to gather information on a candidate's abilities. The challenge is to be very specific about the skill or level of skill required to carry out the post and then to test for it. Evidence of appropriate skills, knowledge and experience should be considered as an alternative. Where a qualification is necessary, an equivalent qualification should also be taken into account e.g. qualifications gained overseas or National Vocational Qualifications.

The use of basic Maths or English qualifications as evidence of relevant numeracy or literacy skills is a commonly included criterion that should be considered very carefully before inclusion in a person specification. These criteria could be seen to discriminate against persons who have acquired similar levels of skill through experience and vocational training. Furthermore an academic qualification is no guarantee that the applicant will have the particular skills needed.

Some exceptions to this rule would be:

- Where a national qualification standard has been adopted by the Council with which it must comply.
- Where there is a statutory requirement for persons to be appropriately qualified in order to perform their function, e.g. Solicitors.
- Where it would be unrealistic to test a body of knowledge on account of its scope e.g. Education, Engineering etc, and where it is reasonable to rely on that professional qualification as evidence of competence.

Recruiters must always challenge the inclusion of academic qualifications in person specifications. If in doubt you should seek advice from HR.

2. Experience - Consider the type of experience required (if any). Also consider what types of experience may be valid, e.g. voluntary work.
3. Skills/Specialist Knowledge - Is there any specialist knowledge or skills required, e.g. management competencies, Surveying, Accounting or IT.
4. Interpersonal Skills - What 'people' skills are required for effective performance in the job, e.g. communication, listening, negotiation, counselling skills.
5. Other Requirements

The 2 requirements shown must always be included. There may also be other requirements that are necessary for the particular job e.g. "To be able on occasion to work outside normal office hours", "To be able to travel throughout the Borough, (may be using

own transport)", etc. You must not refer to appearance or attendance record or include any other requirement that could be perceived as discriminatory.

#### 6. New English Language Requirement for Customer Facing Roles

Following the introduction of the Immigration Act 2016, all public sector employees in customer facing roles must be able to speak fluent English. The legislation only applies to roles which work directly with the public (e.g. customer services). It does not apply to workers employed directly by a private or voluntary sector provider of a public service.

Managers should ensure that the relevant wording from the job profile template is included in the person specifications and job adverts for these roles.



**Organisational Change Policy and Procedure**

**Contents**

**Purpose**..... 2

**Scope** ..... 2

**Roles and Responsibilities**..... 2

**Supportive Measures** ..... 3

**Types of Change** ..... 4

Major Changes..... 4

Minor Changes..... 4

Ending a Fixed-Term Contract..... 54

Relocation..... 5

**Engagement and Communication** ..... 5

**Seeking to Avoid or Minimise Redundancies**..... 6

**Planning** ..... 7

Establish the current structure and affected employees ..... 7

Determine the new structure and Job Profiles (Job Descriptions/Person Specifications)..... 7

Understanding potential costs and savings..... 7

Consultation Timescales..... 8

Equality Impact Assessment..... 9

**Fixed-Term Contracts** ..... 10

**Secondments and Acting Up** ..... 10

**Employees on Maternity Leave, Adoption Leave or Shared Parental Leave** .... 12

**Writing the Consultation Action Plan Document**..... 13

**Comparability** ..... 13

**Pre-consultation Approval** ..... 14

**Formal Consultation** ..... 14

**Implementation**..... 15

Delegated Decision Authorisation..... 16

Cabinet Authorisation..... 16

**Job Preferences** ..... 16

**Ring Fencing** ..... 1817

Ring Fencing Principles ..... 1817

Confirmation into Post..... 18

**Selection** ..... 18

Voluntary Redundancy..... 18

Selection Process ..... 19

Right of Appeal ..... 20

**Redeployment** ..... 20

**Redundancy Compensation**..... 2120

**Reduction in hours resulting from a restructuring** ..... 2224

Compensation payments and flexible retirement..... 23

Organisational Change Policy and Procedure  
 Version 2017 – 1  
 Agreed at: Personnel Committee  
 Date Agreed: 04/04/2017  
 Last Date Amended: 01/02/2012

<b>Pay Protection</b> .....	<u>2423</u>
Pay protection and flexible retirement.....	<u>2423</u>
Flexible retirement .....	<u>2423</u>
Withholding a redundancy payment.....	<u>2423</u>
<b>Implementation of redundancy</b> .....	<u>2524</u>
<b>Payment in lieu of notice</b> .....	<u>2524</u>

## Purpose

The purpose of the Organisational Change Policy and Procedure is to set out the Council's approach to managing organisational change. The Council is committed to full and meaningful consultation with employees and the recognised trade unions regarding proposals for organisational change. The policy and procedure establishes a fair, transparent and effective process for dealing with such situations and ensures compliance with statutory requirements.

## Scope

This policy and procedure applies to all employees of Charnwood Borough Council employed under the conditions of service of the following bodies:

- Joint Negotiating Committee for Local Government Service.
- National Joint Council for Local Government Services.
- Joint Negotiating Committee for Chief Officers of Local Authorities.
- Joint Negotiating Committee for Local Authority Craft and Associated Employees.

This policy and procedure is not applicable to agency staff, casual workers or individuals who are self-employed.

[Back to Contents](#)

## Roles and Responsibilities

<b>Strategic Director</b>	Responsible for initiating and approving organisational change.
<b>Lead Officer (usually Heads of Service)</b>	Responsible for planning, consulting on and implementing organisational change. To consider the implications of proposals on service delivery and to take the necessary steps to ensure continuity of service after reorganisation.
<b>Employees</b>	To consider the implications of the proposals for themselves as individuals and also in terms of service delivery and to make comments, ask questions and suggest alternative options as appropriate.

<b>HR Services</b>	HR Services will provide advice, coaching and support to managers on the application of the Policy and Procedure. HR will also act as panel members at hearings and will express a view on whether the case is founded and make recommendations about the appropriate outcome.
<b>Recognised Trade Unions</b>	The recognised trade unions will be consulted regarding all major changes affecting job security and minor changes as appropriate, and will provide advice and support to their members.
<b>Redundancy Appeal Panel</b>	<ul style="list-style-type: none"> <li>• Appeals below JNC level: The chair should be Head of Service level or above, accompanied by 2 other panel members.</li> <li>• Appeals at or above JNC level: The panel will be a sub-Committee of the Personnel Committee.</li> </ul>

[Back to Contents](#)

## Supportive Measures

It is recognised that being at risk of redundancy or facing significant changes to working practices can be extremely stressful for employees, and managers have a responsibility to provide appropriate support and guidance.

### Counselling Service

Employees affected by organisational change should be advised how to contact the Council's telephone counselling service, AMICA, which can offer confidential advice and support.

### Mental Health

Employees who are known to have mental health problems may require additional support and reasonable adjustments during periods of change. For further guidance please refer to the [Manager's Guide on Mental Health and Supporting Employees](#).

### Time Off to Seek Alternative Employment or Arrange Training

Employees being made redundant who either have redeployment status or have been continuously employed for 2 years or more will be granted reasonable time off work with pay during their notice period to look for new employment or to arrange training for future employment. This will include time off to attend job interviews and visit employment agencies or Jobcentre Plus in connection with new employment. Managers should discuss with employees who are on the redeployment register what training and development opportunities are available and appropriate to them and endeavour to meet reasonable training and development requests.

[Back to Contents](#)

## Types of Change

### Major Changes

Examples of major change include Directorate, Service or Team restructurings, changes to terms and conditions of employment (which may include relocating employees) and significant changes to working practices. Any changes, which represent a substantial change to an employee's terms and conditions or a reduction in work, necessitate formal consultation.

If a major change is planned the following steps (which are explained in more detail below) should be followed:

- [engagement and communication](#);
- [seeking to avoid or minimise redundancies](#);
- [planning](#);
- [writing the Consultation Document](#);
- [formal consultation](#);
- [implementation](#).

If a proposed change is likely to result in the TUPE transfer of employees either into or out of the Council, managers must seek advice from HR Services at the earliest opportunity.

[Back to Contents](#)

### Minor Changes

Minor changes are those which form part of day-to-day management and do not affect an employee's terms and conditions. Examples include a change of job title, minor amendments to the job profile, a change of line management or change of title of the Directorate, Service or Team.

To adapt to changing requirements, it is likely that from time to time, the Council will need to make changes to roles, responsibilities and/or working practices. Employees are therefore expected to be flexible and accept reasonable changes appropriate to the level of their posts. Where changes are required, the reasons for these will be discussed with employees and they will be given the opportunity to state their views and suggest any alternative solutions. Affected employees will be given reasonable notice of any change and supported, as far as practical, to adapt to new ways of working.

Managers should consider carefully the impact of minor changes on employees (e.g. on any caring responsibilities) and seek advice from HR Services as necessary.

Managers do not need to follow the Organisational Change Policy and Procedure when carrying out minor changes. However, managers should consider, depending on the nature of the change, making the trade unions aware prior to speaking to the affected employee/s.



## Ending a Fixed-Term Contract

Individual fixed-term contracts which are being terminated early or not renewed, in isolation from a restructuring or review, should be managed in line with the [Fixed-Term contracts – Guidance for Managers](#).

Where employees on fixed-term contracts fall within a restructure or review, the provisions of the Organisational Change Policy and Procedure will apply.

[Back to Contents](#)

## Relocation

When it is proposed to relocate employees, managers are responsible for deciding, with advice from HR Services, if it will be necessary to follow the Organisational Change Policy and Procedure. A key consideration is whether relocation is reasonable for the employee(s) concerned and account should be taken of the following factors:

- location and/or mobility clauses in contracts of employment;
- difference between current and proposed journey to work (additional travelling time and cost);
- method of transport e.g. access to own transport, suitability of public transport, car-sharing, etc.;
- grade and duties;
- if the employee travels on Council business;
- hours of work;
- caring responsibilities (children and/or dependent adults);
- any disability related issues.

If an employee unreasonably refuses to relocate, the Lead Officer should contact HR Services for further advice.

If the Council considers that the relocation is not reasonable, this places the employee(s) at risk of redundancy. As a result, the employee(s) should be consulted on the proposals and ways to avoid compulsory redundancy. In these circumstances, if following consultation, an employee is not able to relocate, they will be given redeployment status (provided they are eligible), and be subject to the provisions of the [Redeployment Policy and Procedure](#).

[Back to Contents](#)

## Engagement and Communication

Open and effective communication and consultation are key to organisational change being successful. Managers should communicate with affected employees and trade union representatives **at the earliest opportunity** to enable them to have

sufficient time to give thorough consideration to the proposals **before formal consultation begins**.

Informal consultation with trade unions and employees is an important part of the organisational change process and managers should engage with both as soon as possible. The information available at this initial stage will vary depending upon circumstances.

Communication methods should be appropriate to the information being presented, the audience and the purpose and may include one-to-one meetings, team meetings, Directorate briefings or newsletters. Large scale change programmes involving a significant number of employees and/or partners may require a communications strategy that identifies a planned approach.

Managers should ensure that engagement stretches to any areas outside the immediate review that will also be affected, in order to gain feedback and support.

At the informal stage of the consultation process, the recognised trade unions should also be advised of the schedule of dates for implementation of each stage of the procedure, and they should be informed of the date for the first consultation meeting.

[Back to Contents](#)

## Seeking to Avoid or Minimise Redundancies

The Council is committed to minimising the number of compulsory redundancies and therefore the following measures should be fully explored:

- deletion of vacant posts;
- restriction or suspension of recruitment;
- cessation or reduction of overtime;
- cessation or reduction of casual contracts;
- voluntary redundancy;
- voluntary reduction in hours;
- flexible retirement;
- revision of expenditure (e.g. travel mileage, reduction in absence levels, etc).
- cessation or reduction in the use of agency workers.

These measures should be considered before and during the planning of a restructuring. They should also form part of the considerations during the consultation period.

[Back to Contents](#)

## Planning

### **Establish the current structure and affected employees**

Managers need to identify which employees will be affected by the proposed changes and establish their employment status and working arrangements, as this may affect their position under the Organisational Change Policy and Procedure.

Advice should be sought from HR Services if the proposed reorganisation includes the following:

- Employees on fixed-term (temporary) contracts;
- Employees who are seconded into or are acting-up within the current structure OR who are seconded away to another team/Directorate;
- Employees on maternity leave, adoption leave or shared parental leave.
- Employees absent from work due to illness and/or disability so that it can be ensured that they are fully involved in the process.
- Employees on different terms and conditions to other employees, usually as a result of them TUPE transferring into the Council.
- Employees engaged on a casual contract, so their employment status can be confirmed and consideration can be made to terminating the contracts if permissible.

### **Determine the new structure and Job Profiles (Job Descriptions/Person Specifications)**

When designing the new structure, managers should first consider what tasks will need to be carried out and what knowledge, skills, abilities and experience will be required, having regard to future service plans.

Any posts which are new or have changed significantly must be evaluated under the Council's [Job Evaluation Scheme](#) and the Consultation Action Plan Document should not be issued until evaluation has taken place. If an employee is concerned about the grading of a post in the new structure, they should raise this with the Lead Officer during the formal consultation period. Employees who are appointed into a new post cannot apply for re-evaluation until at least 6 months after their appointment.

### **Understanding potential costs and savings**

If during the planning process redundancies are identified as a potential outcome of organisational change, managers should obtain an estimate of the potential costs before commencing formal consultation so that the financial impact can be assessed.

HR Services will support managers in obtaining estimated redundancy costs, including the cost of lump sum redundancy payments and the capital costs of early release of pension for employees who are aged 55 and over. Cost estimates should be obtained for all employees who could be at risk of redundancy.

Managers may also need to consider the cost of replacing lost skills and/or up-skilling employees following reorganisation.

[Back to Contents](#)

### Consultation Timescales

When planning a restructuring, managers need to allocate sufficient time to plan, determine the financial implications, write a Consultation Action Plan Document, consult on it and then implement the final proposals.

The purpose of collective and individual consultation is to provide an opportunity for all concerned to understand the situation, consider the plans for addressing it and explore any options to avoid compulsory redundancy.

The timescales for consultation are:

Number of employees affected by the proposed restructure/redundancy in one establishment	Length of formal consultation period
100 or more	45 calendar days
20-99	30 calendar days
11-19*	21 calendar days unless mutually agreed otherwise*
0-10*	14 calendar days unless mutually agreed otherwise*

\* There is no statutory consultation period where it is proposed to dismiss less than 20 employees at an establishment. In these circumstances, managers must consult for a period of at least 14 calendar days. Depending on the complexity of the restructure, or if issues arise during the consultation period, it may be necessary to extend this consultation period up to a maximum of 30 calendar days.

There may be other occasions (e.g. cessation of a service) that require the deletion of all posts and it may be necessary to issue redundancy notices to employees before the end of the formal consultation period. In these circumstances, with the agreement of all parties (ie, the employees, trade unions and management) issue of redundancy notice can be given however, the minimum duration recommended for consultation is 14 calendar days. Advice must be sought from HR Services. This would only be applicable in circumstances where less than 20 employees are at risk of redundancy.

Charnwood Borough Council is considered to be an “establishment”. Therefore, to determine the required consultation period, managers must consider not only the number of employees affected by the restructure that they are responsible for, but also the number of employees affected by other restructures in the Council on which formal consultation begins on the same day. Such information may be obtained from HR Services.

To fulfil its requirement under Section 188 the Council must disclose the following information to the trade unions, using the Consultation Action Plan template:

- The reasons for the proposal.
- The numbers and descriptions of employees whom it is proposed to dismiss a redundant.
- The total number of employees of that description employed at the establishment in question, and the definition of the establishment.
- The proposed method of selecting the employees who may be dismissed, including the period over which the dismissals are to take effect.
- The proposed method of calculating the amount of any redundancy payments to be made (other than statutory redundancy pay) to employees who may be dismissed.

Where it is proposed to dismiss as redundant 20 or more employees within a 90 day period, the Department for Business, Innovation and Skills (BIS) must also be notified using the Advanced Notification of Redundancies [Form HR1](#). The Lead Officer is responsible for completing this, with support from HR Services. A copy of the completed Form HR1 should be sent to each of the recognised trade unions.

[Back to Contents](#)

## Equality Impact Assessment

The Council is committed to ensuring that, as far as possible, organisational change does not have an adverse impact on employees or members of the public defined by “protected characteristics” under the Equality Act 2010. These “protected characteristics” are:

- age;
- disability;
- gender;
- maternity or pregnancy;
- marital status or civil partnership;
- race or ethnicity;
- religion or belief;
- sexual orientation;
- gender reassignment.

To ensure that any potential adverse impact is identified and where possible mitigated, managers, with support from HR Services, are responsible for conducting an [Equality Impact Assessment \(EIA\)](#) on the proposed changes.

Managers will need to obtain equality monitoring information about the affected service and/or employees, consider the changes being proposed and give consideration as to whether this may result in specific barriers for certain groups. Where it is identified that organisational change is likely to adversely affect a particular group, managers should consider what action can be taken to mitigate this.

Where five employees or less are affected by a restructure it is not a requirement that an EIA is completed.

A copy of the EIA should be sent to the trade unions with the Consultation Action Plan Document; there is no requirement for it to be distributed to employees.

[Back to Contents](#)

## Fixed-Term Contracts

Managers should check the contract of employment of individuals on fixed-term contracts to determine the reason why the contract was issued.

Fixed-term employees will be entitled to equal consideration for posts and given the opportunity to apply for new or vacant posts in the new structure alongside permanent employees where their fixed-term contract states that it is to cover a short term need and the contract was issued before the Department was aware of the impending restructuring.

Fixed-term employees will not be entitled to equal consideration for posts and given the opportunity to apply for new or vacant posts in the new structure alongside permanent employees where:

- Their fixed-term contract states that it is to cover an absent employee (eg, maternity cover, secondment etc). This type of contract will end when the employee for whom the cover is provided returns to their substantive post;
- Their fixed-term contract specifically states that it is for additional work or a specific task/project which is a temporary additional to the establishment and there are no permanent employees carrying out the same role. This type of contract will end when the work is completed or funding for the work finishes;
- Their fixed-term contract states that it is to cover a short term need and/or to provide cover during the period of the restructuring and the contract was issued after the Department was aware of the impending restructuring. In this situation, to exclude a fixed-term employee from consideration for posts in the new structure, the Department must have informed employees and the trade unions of the impending restructuring within a reasonable timescale of the fixed-term contract being issued.

## Secondments and Acting Up

Where an employee is seconded and their substantive post becomes subject to a Consultation Action Plan, the employee must be advised and included in the consultation as if they were in their substantive role. The employee's comparability will be based on their substantive post. Managers of the seconded employee must allow sufficient time away from their post for them to be fully engaged in the process

(eg, to attend consultation meetings etc). The employee is also responsible for ensuring they engage in the process.

During this process the employee should be allowed to continue with their secondment. Where the employee is appointed to a post in the new structure, the secondment arrangement will continue as per the variations to contract or secondment agreement.

In the case of internal secondments, if the employee is made redundant from their substantive post and their secondment is due to end after their notice end date, the employee may be given the opportunity of transferring onto a fixed-term contract for the remainder of the secondment period. If a fixed-term contract is offered, the employee can choose:

- To take the redundancy from the substantive post and their employment will terminate.
- OR
- To transfer onto the fixed-term contract for the remainder of the secondment period.

Where a secondee is covering for the absence of another employee and they decide to accept a fixed-term contract when their substantive post ends, both managers must understand the redundancy implications. These are:

- The manager of the substantive post must pay the Ready Reckoner redundancy amount up to the point of the secondment.
- The manager of the secondment must then pay any additional costs associated with the Ready Reckoner calculation.

In the case of external secondments, if the secondment is due to end after their redundancy notice end date, they will revert to their substantive post at the point that their redundancy notice period ends, and the secondment agreement will terminate automatically on the same date. Any entitlement to a redundancy payment will be based on their substantive post.

Employees who are seconded into a post that is subject to a Consultation Action Plan will not be included in the restructuring process in relation to that post. In such circumstances, the secondment may be brought to an end subject to any relevant notice period or agreed terms.

Where an employee's substantive and seconded post are within the same restructuring, the employee's comparability should be considered based on their substantive post. In order to avoid unfairly disadvantaging the employee it may be appropriate to consider whether any allowance should be made during the selection process to take account of the time that they have spent out of their substantive post.

## Acting Up

Employees who are Acting Up within a current structure will have their comparability considered on the basis of their substantive post within the current structure.

## Employees on Maternity Leave, Adoption Leave or Shared Parental Leave

Managers must seek the advice of HR Services during the planning stage if this affects any employees.

Employers have a statutory duty to offer an employee whose post is confirmed as redundant whilst they are on maternity leave, adoption leave or shared parental leave, any suitable alternative post as an alternative to redundancy. To be classed as a suitable alternative the post must be on the same terms and conditions and in a capacity and location which is not substantially less favourable than the employee's substantive post and be suitable and appropriate for them.

The statutory duty referred to ONLY applies during an employee's maternity leave, adoption leave or shared parental leave, if either of the following occur:

1) The post they hold is being deleted

It is proposed to delete the employees post, they should be offered any suitable alternative (ie, new or vacant) post in the new structure, even if this means that they are being treated more favourably than other employees who are also at risk of redundancy. This will include any post that is identified as comparable for the employee. If no suitable post exists in the new structure, the employee should be offered any suitable alternative post elsewhere in the Council. They will be given redeployment status from the start of formal consultation and offered any suitable alternate post in the new structure or elsewhere over other employees with redeployment status.

Employees will continue to be entitled to this preferential consideration even if they return from maternity leave, adoption leave or shared parental leave prior to the new structure being implemented.

OR

2) There is a reduction in the number of employees carrying out the same role

There is a need to reduce the numbers of employees carrying out the same role as the employee; the employee will be required to participate in the selection process alongside all other employees carrying out that role. However, managers will need to consider whether any adjustments are required to the selection process so as not to unfairly disadvantage the employee. If the employee fails to obtain a post during this process and is consequently issued with their formal redundancy notice, they should be given redeployment status at this point and offered any suitable alternative post (either a new or vacant post within the new structure or a post within the Council) over and above other employees with redeployment status.



Employees who return from their maternity leave, adoption leave or shared parental leave prior to being confirmed as redundant will not be entitled to preferential treatment if they are unsuccessful in obtaining a post in the structure.

Advice from HR Services should be sought regarding the treatment of individuals with protected status when it is unclear which of the above arrangements apply.

Employees who are on maternity leave, adoption leave or shared parental leave can express an interest in higher graded new or vacant posts. However, they will be required to undertake a selection process unless the post is classed as suitable alternative employment.

## Writing the Consultation Action Plan Document

To provide all the necessary information regarding the proposals to affected employees and the recognised trade unions, the Lead Officer is required to draft a formal Consultation Action Plan Document. A [template](#) is available which sets out the information that should be included. Copies of all Job Profiles, the current and proposed structure charts should all be attached to the draft Consultation Action Plan as Appendices.

Managers are encouraged to engage with trade union representatives regarding this from the outset.

## Comparability

The Lead Officer should identify in the Consultation Action Plan which posts in the new structure, if any, each employee is comparable to. To determine this, the current and new Job Profiles should be compared. Once this has been completed, the manager can then see which posts in the new structure are new (i.e. no current jobs are comparable to them), vacant (i.e. there is no current job holder) or comparable.

Under normal circumstances, unless provision of a particular service is due to cease entirely, it is expected that there will be comparable posts in the current and new structures, and individual employees should be identified as having comparability where the content of a new job is substantially the same as that of their current job. An employee will normally only be deemed to be comparable with one post in the new structure. It is possible for an employee to be comparable with a post at a different grade to their current job, but it is likely that this will only be by one grade above or below their current job. It is also possible that employees with the same job profile in the current structure may, due to differences in the focus of their duties, be comparable to different posts in the new structure. It may also be identified that some employee jobs are not comparable with any jobs in the new structure.

To determine whether posts are comparable, the current and new Job Profiles should be compared. If the current Job Profile is out-of-date and/or inaccurate, managers are recommended to hold discussions with the affected employees in order to seek agreement about current duties and responsibilities. To ensure objectivity and consistency of decision-making, it is strongly recommended that decisions about comparability are made by at least 2 managers. Such decisions should be based on factual and objective reasoning which can be justified and evidenced. Employees will have the opportunity as part of the consultation process to challenge any comparability decisions.

[Back to Contents](#)

## Pre-consultation Approval

Once the Consultation Action Plan document has been prepared, the Lead Officer should arrange to meet with their Strategic Director to obtain their agreement to it; the manager should provide details of the costs involved and a summary of how any impact on workforce skills can be mitigated. The Consultation Action Plan document must be approved by the relevant Strategic Director before formal consultation can start.

[Back to Contents](#)

## Formal Consultation

The formal consultation period commences with the distribution of the Consultation Action Plan document. This should be done by holding a collective meeting with affected employees, to which representatives of the recognised trade unions must be invited. Employees whose continued employment is affected by the proposals should be met with separately in advance of the collective meeting. Consideration should also be given to informing and/or consulting with stakeholders and partners, such as other Council Directorates, partner organisations, etc., once the affected employees have been informed.

The recognised trade unions should be provided with a copy of the Consultation Action Plan document during the week prior to formal consultation commencing, regardless of whether any of the individual employees are trade union members. They should also be invited to all collective meetings.

The number of meetings held during the formal consultation period should be appropriate to the change proposed, ensuring that employees and trade union representatives are given sufficient opportunity to consider the proposals, ask questions and suggest alternatives. The Lead Officer should keep a record of all meetings held, including dates, times, names of attendees and notes of matters discussed.

Any individual who is affected by the review should be offered the opportunity to meet a manager to discuss their concerns in a constructive way and explore any

alternatives to redundancy. Employees are entitled to be accompanied at individual meetings by a trade union representative or work colleague.

Employees who are not in the office due to secondment, maternity leave, adoption leave, shared parental leave, maternity/adoption support leave, or absent from work for any other reason should also be consulted and arrangements must be put in place for this. This can be sending information and invitations to meetings to their home address, arranging individual meetings or communicating through appropriate representatives. The Lead Officer should keep a record of what arrangements made.

If there are any significant developments during the consultation period that affect the group of employees subject to the Consultation Action Plan document, which have not previously been discussed with employees and the trade unions, consultation should take place to decide if further meetings will be required.

During the consultation period, an employee is entitled to challenge the decision regarding which post(s) they are deemed to be comparable with or not. Any challenge should be submitted in writing to the Lead Officer within the first 5 working days of the consultation period, in order to give adequate time for consideration and to make any alterations to the Consultation Action Plan document. Consultation will not end until after the challenge has been considered and the outcome communicated in writing to all affected employees. The Lead Officer will be responsible for organising a meeting to discuss the challenge, which will be attended by the managers involved in making the original decision and the employee. The employee concerned is entitled to be accompanied by a trade union representative or work colleague. The outcome will be communicated in writing to the employee within 3 working days of the meeting.

The Lead Officer should keep a record of when and how information has been communicated during the consultation period and retains this for 6 months after the implementation date.

Throughout the consultation period, mechanisms should be in place to receive (and publish, if applicable) questions and comments from employees and trade union representatives and to provide responses, e.g. meetings, emails, letters, etc. All responses on the consultation should be directed to the Lead Officer. At the end of the consultation period, all comments and suggestions should be thoroughly considered and responded to before the proposals are finalised.

[Back to Contents](#)

## Implementation

Following the end of consultation, the Lead Officer will take into account all comments made during the consultation period and respond to each in writing. A report will then be submitted to the relevant Strategic Director who will either agree

the recommendations, if within delegated authority, or submit the report to Cabinet in the name of the Lead Officer. This report will contain the following information:

- Background;
- Summary of consultation responses;
- Recommendations;
- Financial implications;
- Legal implications;
- Implementation timetable;
- Structure charts with grades;
- Original consultation document (as an appendix).

In urgent cases, where issues are relatively straightforward, a report may be written and submitted to Cabinet before the close of consultation, and the summary of consultation responses tabled at the meeting. If the consultation raises substantive or complex issues, the report will be withdrawn.

### **Delegated Decision Authorisation**

Proposals affecting 5 posts or less should be approved through a delegated decision (DD) process. This requires approval from Finance, HR, Legal (Compliance) and the Chief Executive. A post is defined as a type of job covered by one job title and job description, not head count of FTE (e.g. if there are three employees involved who occupy an identical post, this would count as one post being affected).

### **Cabinet Authorisation**

Cabinet approval is required for reorganisations that:

- Affect more than 5 posts;
- Have a financial impact of £100,000 or more (through expenditure, income or savings);
- Have an impact on service provision or communities in 2 or more wards in the Borough;
- Will close any Borough facilities;
- Reduce funding, staffing or hours by 10% or more.

[Back to Contents](#)

Following the decision, the Lead Officer will inform the affected employees and trade unions of the outcome. If there are implementation proposals that have not been consulted on, or any variations to the proposed selection process, the Lead Officer will issue these at this time for consultation. Any delays in decisions will be advised by the Leader Officer to the affected employees and trade unions.

## **Job Preferences**

Once formal consultation has ended and implementation has been agreed, each employee will be required to submit to the Lead Officer indicating the jobs that they

wish to be considered for, in order of preference, using the Job Preference Form. A template [Job Preference Form](#) is available.

The following guidelines should be followed when completing the form:

- If an employee has been identified as being comparable with a post in the new structure, they **must** include this comparable job on their list of preferences.
- An employee may not indicate a preference for a post in the new structure that has already been identified as a comparable post for another employee;
- An employee can only indicate a preference for a new or vacant post higher up their preference list than a comparable job if the new job/vacancy is at the same grade or higher than their current job;
- An employee is not prevented from indicating a preference for a job on a lower grade than their current job provided this is a new or vacant post. If the employee has a comparable post, the lower graded post must appear lower down their preference list than the comparable post;
- An employee may only include new jobs and/or vacancies on their preference list if they meet the essential criteria for them;
- An employee may indicate a preference for a new or vacant post which would result in a change (increase or decrease) to their working hours;
- An employee who does not have a comparable job should ensure that any jobs at their current grade or above for which they meet the essential criteria are placed at the top of their preference list.

Failure to indicate preferences will not entitle an employee to receive a redundancy payment. If an employee unreasonably refuses suitable alternative employment, they may lose their right to receive a redundancy payment.

If an employee has a comparable post in the new structure and no other employees are deemed comparable to the same post (no selection process is required) and there are no new jobs or vacancies available for the employee to consider, they will not need to complete a Job Preference Form; following conclusion of the formal consultation period, they will be confirmed into post.

If a group of employees have the same comparable posts in the new structure, but each job has a different emphasis (e.g. different geographical responsibilities or specialisms), each employee should complete a Job Preference Form and indicate on it their preferences for particular a specialism. Wherever possible, mutual agreement on assimilation should be sought, but if this cannot be reached, a selection process (see below) will be required.

[Back to Contents](#)

## Ring Fencing

### Ring Fencing Principles

Where there are more employees than posts, or where the duties of the new jobs are deemed to be not substantially the same as those jobs in the old structure, employees will be required to participate in a selection process.

Any new posts in the structure will be initially ring fenced to those employees in the scope of the Consultation Action Plan document whose posts have been deleted or substantially changed by the reorganisation proposals. Selection will be conducted in accordance with the Council's Redeployment Policy and Procedure and will normally proceed from higher to lower graded posts. Any remaining vacancies will subsequently be advertised to all employees on the redeployment register before being advertised internally or externally as appropriate.

[Back to Contents](#)

### Confirmation into Post

If an employee has a comparable post in the new structure and no other employees are deemed comparable to the same post, the individual will, following agreement of the action plan, be confirmed into post without a selection process being required.

In some cases, a group of similar jobs may be substantially the same but each job may have a different emphasis (e.g. jobs having different geographical responsibilities or specialisms). Wherever possible, the holders of these jobs will be given the opportunity to express interest, via the job preference form, in specific jobs with a view to mutual agreement on assimilation being reached. However, if mutual agreement cannot be reached then it will be necessary to carry out a structured, but concise selection process, which is appropriate to the situation.

If an employee declines an offer of confirmation into post, which is classed as suitable alternative employment, the redundancy payment will be withheld. See [withholding a redundancy payment](#) for further information.

[Back to Contents](#)

## Selection

Once consultation has ended and implementation has been agreed, the Lead Officer will confirm the implementation process and timetable, and commence any required selection process.

### Voluntary Redundancy

Asking for volunteers to be considered for redundancy may be appropriate where it is necessary to reduce the number of employees in a particular job. The pool of

Organisational Change Policy and Procedure  
Version 2017 – 1  
Agreed at: Personnel Committee  
Date Agreed: 04/04/2017  
Last Date Amended: 01/02/2012

employees from which volunteers will be sought and the deadline for them to submit requests will have been set out in the Consultation Action Plan Document. The inclusion of an employee in the pool does not guarantee that their request will be agreed.

The decision to grant redundancy is discretionary and should be based on criteria which are clear, fair, non-discriminatory and easily evidenced. It is recommended that this should be carried out by two managers who can assess comparability. This decision may also include, cost, skills, knowledge, work performance, capability and disciplinary record. Managers should consider the need to retain key skills and the cost implications of granting a redundancy request and are encouraged to seek advice from HR Services regarding these decisions.

### **Selection Process**

Once all job preference forms have been received, managers will need to determine the sequence in which selection for each job will take place. This will usually be by working from the top of the new structure down (by grade). Once an employee has been appointed to a post in the new structure, they will not be considered for jobs lower down their preference list (and therefore as selection into higher graded posts is completed, the pool of candidates for lower graded posts will usually reduce in size).

The selection methods to be used should be set out in the Consultation Action Plan Document and therefore are subject to consultation with the affected employees and trade unions. It is recommended that one of more of the following should be used.

Possible methods could include:

- written submission;
- interview;
- test;
- presentation.

Managers should consider if reasonable adjustments need to be made to the selection method(s) for employees with a disability, e.g. additional time for tests.

The criteria for selection must be based on the person specification, focussing on the skills and abilities that will be required to undertake the job effectively, and should be clear, fair, non-discriminatory, easily evidenced and in line with the needs of the service. In addition, it may be appropriate to give consideration to other factors such as disciplinary and capability records.

Where there are sufficient comparable posts in the new structure, a selection process will not be required and existing employees will be confirmed into post. If there are not enough posts for all comparable employees, or there are new or vacant posts with which no employee is comparable, a selection process should be undertaken.

When selecting employees for posts, managers must not take into consideration whether there might be a more suitable external candidate. Appointees should meet the minimum essential requirements for the post, but managers should also give consideration as to whether an employee has the potential to acquire any additional skills they need to meet the minimum requirements within a reasonable timescale and cost, and may consider providing training to enable them to do this.

Decisions following selection should be communicated sensitively and wherever possible face-to-face or by another agreed method. In some cases, the outcome will put employees at risk of redundancy and it is therefore essential that managers act swiftly to provide them with support and access to redeployment opportunities.

Managers should retain copies of documentation relating to the selection process for 6 months after the implementation date.

On conclusion of the selection process, managers are expected to advise HR Administration via i-Trent of any changes to contracts or new appointments via the relevant E-form.

### **Right of Appeal**

Employees who are selected for redundancy have the opportunity to appeal against this decision. The employee must notify the relevant Strategic Director in writing within 7 working days of receiving their redundancy notice letter.

[Back to Contents](#)

## **Redeployment**

Eligible employees will be given redeployment status where:

- it is proposed that all posts will be deleted (e.g. as the result of the cessation of a service) - in these circumstances, all affected employees should receive redeployment status from the beginning of the formal consultation period;
- they do not have a comparable post - such employees should also receive redeployment status from the beginning of the formal consultation period;
- during implementation of a restructuring, if an employee has failed to obtain a job following a selection process - such employees should receive redeployment status from the point where it is confirmed that they have not been able to obtain a comparable post in the new structure.

Where possible employees will be given a period of approximately 3 months' on the redeployment register, this may be shorter or longer due to associated timescales relating to the nature of the restructure or expiry of notice period.

Line managers are responsible for assisting employees to secure redeployment. The [Redeployment Policy and Procedure](#) contains further guidance about eligibility, redeployment status, trial periods, pay protection, and other measures.



Employees with less than one year's continuous service are not eligible for redeployment status.

[Back to Contents](#)

## Redundancy Compensation

Employees are entitled to receive statutory redundancy pay in accordance with the legislative provisions. As with the statutory scheme, redundancy compensation under the Council's occupational scheme varies depending on the age, length of continuous service and salary of the individual employee and the provisions of their pension scheme, together with any discretion exercised by the Council.

For the purpose of calculating any entitlement to redundancy pay under the occupational scheme, a week's pay will be based on the individual's actual weekly salary. ~~For the avoidance of doubt, employees who earn less than the statutory cap amount and who are members of the LGPS, this does not include employer pension contributions.~~ Payments are calculated as follows:

Weekly hours x hourly rate x number of weeks (in accordance with the Ready Reckoner) x 2, plus employer pension contributions where appropriate.

The payment is based on the employee's salary as at the date that notice is given; the employee's age and length of service are as at the date of termination.

Where an employee has multiple jobs with the Council but is only being made redundant from one of them, consideration will need to be given to the appropriate continuous service date that should be used for the calculation of any redundancy payment. Further advice is available from HR Services.

For the purpose of the above calculation, the weekly hours of a term time only employee are those which the employee is contracted to work each week during term time. In the case of an employee who works annualised hours, the individual's weekly hours should be calculated by averaging out the hours worked during the last 12 weeks of working time. Both would use the following calculation: weekly salary = weekly hours x hourly rate.

~~Redundancy compensation varies depending on the age and length of continuous service of the individual employee.~~ The same compensation is paid in the event of either voluntary or compulsory redundancy. The following provisions apply:

- Employees with less than 2 years' continuous service (with a body listed on the Modification Order) - no entitlement to redundancy compensation.
- Employees with at least 2 years' continuous service (with a body listed on the Modification Order) but who are not members of the Local Government Pension Scheme - a redundancy payment based on age, length of service and salary (link to Ready Reckoner).

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- Employees who are members of the Local Government Pension Scheme aged under 55 with at least 2 years' continuous service (with a body listed on the Modification Order) - a redundancy payment ~~based on age, length of service and salary (link to Ready Reckoner)~~. Pension benefits may be deferred or refunded depending on when the employee joined the pension scheme and their length of membership.

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- Employees who are members of the Local Government Pension Scheme (LGPS) aged 55 and over with at least 2 years' LGPS membership but less than 2 years' continuous service (with a body listed on the Modification Order) - immediate payment of pension benefits without reduction, but no entitlement to a redundancy payment.

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- Employees who are members of the Local Government Pension Scheme (LGPS) aged 55 and over with at least 2 years' LGPS membership and at least 2 years' continuous service (with a body listed on the Modification Order) - a redundancy payment ~~based on age, length of service and salary (link to Ready Reckoner)~~ and immediate payment of pension benefits without reduction.

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~~The redundancy payment is based on the employee's salary at the date which notice is given; the employee's age and length of service are as at the date of termination. This is calculated using the Ready Reckoner. The redundancy payment **is not** subject to income tax and National Insurance if under £30,000. If the redundancy payment is over £30,000, income tax and national insurance **is** payable on any amount over £30,000.~~

~~The redundancy payment is calculated as follows:~~

~~Weekly hours x hourly rate x number of weeks (in accordance with the Ready Reckoner) x 2.~~

Employees have the option of using their redundancy payment, in excess of the statutory redundancy payment, to purchase a period of membership in the Local Government Pension Scheme. The amount of membership purchased by the cash sum will vary depending on the age of the employee and the number of years' service. Employees should contact the Pensions Section for further information.

[Back to Contents](#)

## Reduction in hours resulting from a restructuring

As part of an organisational change process managers may propose a compulsory reduction in post hours. In these circumstances consideration will need to be given as to whether the proposed hours would constitute suitable alternative employment for the individual concerned. Managers are advised to contact HR Services if considering a reduction in hours. Where a reduction is not considered to be a suitable alternative, compulsory redundancy will apply.

Organisational Change Policy and Procedure  
Version 2017 – 1  
Agreed at: Personnel Committee  
Date Agreed: 04/04/2017  
Last Date Amended: 01/02/2012

If an employee's hours of work are compulsorily reduced as part of an organisational change process, provided they have at least two years' continuous local government service, they will be eligible to receive a compensation payment. This payment is based on the calculation for a redundancy payment pro rata to the number of hours lost. As the employee is not being made redundant, the compensation payment **is** subject to income tax and National Insurance.

Where during a restructuring, an employee is appointed to a post in the new structure at a lower grade and their hours of work have also been compulsorily reduced, they will be entitled to receive pay protection based on their new hours of work and a compensation payment for the reduction in hours.

Where during a restructuring, an employee's hours of work are compulsorily reduced but the grade of their job has increased:

- if their new salary is higher than their previous salary (based on gross pay received), they will not be eligible to receive a compensation payment for the reduction in hours;
- if their new salary is lower than their previous salary (based on gross pay received), they will be eligible to receive a compensation payment based on the calculation for a redundancy payment for the amount of pay lost. This payment is calculated as follows:

Previous weekly salary less new weekly salary multiplied by the number of weeks' pay due according to age and length of service in the [Ready Reckoner](#) x 2. Weekly salary is calculated as: weekly hours x hourly rate.

Where during a restructuring, an employee applies for a post which is not their comparable post and it comprises fewer hours than their previous post, they will not be entitled to receive any compensation payment.

## **Voluntary reduction in hours by an employee or group of employees**

### **Compensation payment**

To avoid a redundancy or a compulsory reduction in hours, an employee or group of employees may agree voluntarily to reduce their contracted hours of work. When considering such requests, managers must ensure that the proposal would avoid the need for one or more redundancies or avoid the need to compulsorily reduce hours and that it will meet the needs of the service, including considerations of cost and the retention of key skills.

If the request is agreed, the employee(s) concerned will receive compensation on the same basis as employees whose hours are compulsorily deleted (see above).

### **Compensation payments and flexible retirement**

Organisational Change Policy and Procedure  
Version 2017 – 1  
Agreed at: Personnel Committee  
Date Agreed: 04/04/2017  
Last Date Amended: 01/02/2012

Employees who receive a compensation payment for a reduction in hours will **not** also be granted flexible retirement under the terms of the Local Government Pension Scheme in relation to the reduction in their hours.

Employees who have been granted flexible retirement under the terms of the Local Government Pension Scheme in relation to the reduction of their hours will **not** also be eligible to receive pay protection for the reduction of hours.

[Back to Contents](#)

## Pay Protection

If an employee is redeployed into a job which is graded below their current grade, their salary will be protected\* on a red-circled basis (frozen – with no incremental progression or pay award) for three years or until the maximum salary for the new job becomes higher than the frozen salary, whichever is the earlier.

(\* Excludes any shift payments, weekend working, market supplements or car allowances).

The cost of pay protection will be met by the original employing Department.

There will be no protection of any other payments (eg, allowances, enhancements etc) and all other conditions of service will be those pertaining to the new job.

### Pay protection and flexible retirement

Employees who have been granted flexible retirement under the terms of the Local Government Pension Scheme in relation to the reduction of their grade will **not** also be eligible to receive pay protection for the reduction of grade.

### Flexible retirement

A member of the Local Government Pension Scheme aged 55 and over who is appointed to a lower graded job may request release of their pension. Acceptance of such a request is at the discretion of the Council.

### Withholding a redundancy payment

No redundancy payment will be made if an employee unreasonably refuses an offer of suitable alternative employment, including declining confirmation in post or unreasonably terminating a trial period.

When determining “suitable alternative employment” the following factors should be considered:

- whether the employee can reasonably be expected to do the work, taking into account their level of seniority and skills;
- whether the terms and conditions are substantially less favourable;
- the rate of pay and value of any contractual benefits;
- the duties, level of responsibility and status;

- the place of work and its proximity to the employee's current workplace (and whether there is a mobility clause in the employee's contract);
- the number of hours and working pattern;
- the working environment e.g. working conditions.

The employee must be advised in writing of a decision to withhold a redundancy payment, which should include the reasons for this decision. Managers should seek advice from HR Services when considering withholding a redundancy payment.

There is no entitlement to a redundancy payment if an employee accepts an offer of a new contract of employment with Charnwood Borough Council, or another employer covered by the Redundancy Payments Modification Order, where the offer is made before their redundancy notice expires and the new contract is to commence within 4 weeks of termination.

In these circumstances the employee's service will be treated as continuous. Written confirmation will be obtained from an employee made redundant that these circumstances do not apply.

[Back to Contents](#)

## Implementation of redundancy

When the decision has been made to make an employee redundant, the following steps must take place:

1. The employee is invited to a meeting to discuss the decision, the reason for it, redeployment and support measures. If the employee challenges the decision, more than one meeting may be required to fully explore the issues. The employee may be accompanied at these meetings by a trade union representative or work colleague.
2. HR Services gives notice to the employee in writing, confirming the date of redundancy (in accordance with their statutory or contractual notice period, whichever is the greater), setting out their entitlement to redundancy pay (if applicable) and advising of their right of appeal.
3. The employee has a right to appeal against their dismissal on the grounds of redundancy. This will be heard in accordance with the Appeal Policy and Procedure.

[Back to Contents](#)

## Payment in lieu of notice

It is usual practice for employees issued with notice of redundancy to continue to work during their notice period. In exceptional circumstances payment may be made in lieu of notice. Managers are advised to contact HR Services before progressing any such requests.

If agreed, payment for notice will be calculated in accordance with contractual or statutory notice, whichever is the greater. Depending on the employee's grade and length of service, notice may be given in months or in weeks. Where payment is made in lieu of notice at the request of the manager, annual leave will be accrued up to the date on which the notice period would have ended. Where an employee requests to waive their notice and this is agreed, the employee is entitled to accrue annual leave entitlement only up until the last day worked.

[Back to Contents](#)



## Guidance on the Recruitment and Employment of Apprentices

### Scope

This guidance applies to all employees of Charnwood Borough Council employed under the National Joint Council for Local Government Services and the Joint Negotiating Committee (JNC) for Local Authority Craft and Associated Employees' undertaking an apprenticeship. The main principles of this guidance apply to new apprentices. Where existing employees are being upskilled, the relevant section of this guidance should be considered.

### Purpose

The purpose of this guidance is to provide recruiting officers and managers with advice and guidance on the employment of apprentices within the Council.

### Apprenticeship Advice

For managers who are considering an apprentice position within their service, advice can be obtained from the Learning & Organisational Development Co-ordinator in the first instance. This can include obtaining advice around the process, type of apprenticeship, training providers, funding and recruitment. Further advice can also be obtained from Human Resources.

In addition a **Manager's Quick Reference Guide** to taking on an Apprentice is available to support managers with the process.

## About an Apprenticeship

The detail in this policy relates predominantly to new apprenticeship positions within the organisation. However, the regulations state that the funding in the digital account can be used for upskilling existing employees. This is outlined in more detail in the final section of the policy.

An apprenticeship is a real job, with real training, meaning an apprentice can earn while they learn and gain a nationally recognised qualification.

An apprenticeship is available to any individual aged 16 and there is no upper age limit.

### Funding

All apprenticeships have been placed into one of 15 **funding bands**. Employers are expected to negotiate a price for their apprentice's training and assessment up to the funding band maximum for that apprenticeship. If the costs of training and

assessment go over the funding band maximum, the difference will need to be paid from the **service budget**.

Funding for apprenticeships is available in the Councils digital account and covers the cost of training and assessment. The funding does not cover any other costs associated with employing an apprentice, such as salary, personal protective clothing and safety equipment, travel costs etc. which need to be met from the **service budget**.

Once the apprenticeship training has started, monthly payments will be taken from the digital service account and sent to the training provider.

If there is not enough to pay for training for all apprentices training and assessment in a particular month, the government will pay the remaining 90% up to the funding band maximum. 10% of that outstanding balance will need to be paid **from a central budget**.

There may also be additional government funding available for example, to support relevant apprentices to achieve their GCSE's grades A to C.

### Types and Levels of Apprenticeships

Apprenticeships have equivalent educational levels as outlined below.

Levels of Apprenticeship	Level	Equivalent educational level
Intermediate	2	5 GCSE passes at grade A* to C or equivalent
Advanced	3	2 A Level passes
Higher	4,5,6 and 7	Foundation degree and above
Degree	6 and 7	Bachelor's or master's degree

### Duration of Apprenticeship

The anticipated duration of the Apprenticeship should be agreed through the **delegated decision** process.

#### NJC Employees

The duration of the Apprenticeship Agreement depends on the type and level of apprenticeship required. Apprenticeships must last for at least a year and can continue for up to 5 years depending on the level the apprentice is studying.

Guidance on the Recruitment and Employment of Apprentice's  
 Version: 2017 – v2  
 Date agreed: 20.01.15  
 Date Amended:  
 Agreed at:



### Trade Employees

Apprentices employed under the terms of the Joint Negotiating Committee (JNC) for Local Authority Craft and Associated Employees' (Red Book) agreements, the duration of the apprenticeship will be in accordance with the details outlined within that agreement. Further information can be obtained from Human Resources.

### **Hours of Work**

An apprentice will ordinarily be contracted to work 30 - 37 hours a week, including training. If an apprentice works less than 30 hours a week with a minimum of 16 hours, the duration of the apprenticeship should be extended (pro-rata) to support successful completion of the apprenticeship.

### **Training**

The majority of training is on the job at an employer's premises, learning job specific skills in the workplace. Off the job training is provided by a training organisation/provider and may be delivered through day release, block release, on-line/remote learning or a blend of different methods. At least 20% of an apprentices time should be spent on off the job training.

Time off for college, usually one day per week during term time, is given to the apprentice as well as time off as necessary to sit relevant exams. The pattern for training can vary depending on the apprenticeship being undertaken.

Travelling expenses for training will be paid in accordance with the **Travel, Subsistence and Other Allowances Policy**.

### **Payment**

An apprentice will be paid the National Minimum Wage (NMW) rate for 18 – 20 year olds for the first year of the apprenticeship. From the second year of the apprenticeship, any apprentice age 21 or above would get the appropriate NMW rate for their age.

Levels of Apprenticeship	Salary	
Intermediate	Year 1 Year 2 to completion	NMW Rate for 18 – 20 year olds Appropriate NMW age rate for those aged 21 and above
Advanced	Year 1 Year 2 to completion	NMW Rate for 18 – 20 year olds Appropriate NMW age rate for those aged 21 and above
Higher	Year 1 Year 2 to completion	NMW Rate for 18 – 20 year olds Scale 1 – 2 with annual incremental progression

Guidance on the Recruitment and Employment of Apprentice's  
Version: 2017 – v2  
Date agreed: 20.01.15  
Date Amended:  
Agreed at:

Degree	Year 1 Year 2 to completion	NMW Rate for 18 – 20 year olds Scale 2 – 3 with annual incremental progression
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An apprentice employed under the terms of the Joint Negotiating Committee (JNC) for Local Authority Craft and Associated Employees' (Red Book) will be paid in accordance with that agreement. Further information can be obtained from Human Resources.

## Process for Recruiting an Apprentice

The following steps must be considered by managers' before recruiting an apprentice.

### Job Description

A job description must be prepared to outline the duties and responsibilities of the post. A **template job description** for apprentices has been produced to assist managers in outlining the requirements of the role.

### Person Specification

A person specification must be prepared to outline the essential and desirable criteria required to undertake the duties and responsibilities of the post. A **template person specification** for apprentices has been produced to assist managers in determining the criteria required for the post.

### Apprenticeship Standards and Frameworks

There are two different types of apprenticeship schemes, frameworks and standards.

Managers must choose a **standard** for an apprenticeship in their service area at a suitable level.

An apprenticeship standard covers a specific occupation and sets out the core skills, knowledge and behaviours an apprentice will need; they are developed by employer groups known as "trailblazers".

Existing apprentices may be on an apprenticeship framework. Apprenticeship frameworks are being progressively phased out and replaced by the newer apprenticeship standards.

Details of the agreed Apprenticeship Standard will be outlined in the Apprenticeship Agreement.

### Training Provider

Once a manager has determined an apprenticeship standard, they will need to find an organisation that offers **training**. The training provider will be picked from the Register of Apprentice Training Providers. To be eligible to deliver apprenticeship

Guidance on the Recruitment and Employment of Apprentice's  
Version: 2017 – v2  
Date agreed: 20.01.15  
Date Amended:  
Agreed at:

Page 4 of 11

training for apprentices, organisations must be listed on the register. All registered providers are subject to inspection by OFSTED.

The manager will need to negotiate a price for their apprentice's training and assessment in accordance with the funding bands. They will also need to agree the delivery model for off the job training with the provider. This could be onsite, day release or block release as appropriate. The Learning and Development Co-Ordinator will assist managers with this process.

### **Delegated Decision Process**

Recruiting an apprentice will ordinarily require a change to the establishment. Having considered the type of apprentice and the requirements of that post, the manager **must** complete a delegated decision report to gain authorisation for an apprenticeship post. A template delegation decision report is available [here](#).

### **Authorisation to Advertise**

Once the delegated decision has been agreed, managers must seek permission from the Head of Service to recruit by completing and submitting the [Recruitment Approval Request Form](#).

**The authorised Recruitment Approval Request form must be sent to Human Resources.** A job description and person specification should be provided at the time of the request. The manager must ensure that the duties and responsibilities outlined within the job description, and the requirements of the person specification, should be appropriate for an apprenticeship position. A template person specification and job description is available.

### **Advertising**

The recruiting manager will need to find a [training provider](#) for the apprenticeship standard that has been chosen as outlined above. The [training](#) provider will advertise the apprenticeship through the Find an Apprenticeship Service. Managers should ensure that a link to Charnwood's job site is included on the advertisement, to enable applicants to apply using the standard application form.

The position will also be advertised on Charnwood Borough Council's website through the normal recruitment process [and will include the fixed term duration of the apprenticeship](#). Managers should also consider advertising the post at appropriate local colleges or training providers.

The Council's commitment to equality of opportunity will be observed at all times during the operation of this policy and procedure. This will ensure that employees are treated fairly and without discrimination on the grounds of race, nationality, ethnic or national origins, sex, marital status or civil partnership, disability, age, sexual orientation, trade union membership or activity, political or religious belief, maternity or pregnancy, gender re-assignment and unrelated criminal conviction.

### **Recruitment Process**

Where a training provider is used to find a suitable apprentice the recruiting manager should clarify the role of the training provider in supporting the selection process.

Guidance on the Recruitment and Employment of Apprentice's  
Version: 2017 – v2  
Date agreed: 20.01.15  
Date Amended:  
Agreed at:

The principles contained in the [Recruitment and Selection Guidance](#) must be followed when recruiting an apprentice and a job offer must only be made subject to satisfactory references and pre-employment checks.

Managers should interview the individual(s) to assess that they have the necessary skills and experience and are competent to carry out the role. This should include checking whether there have been any gaps in their employment history, if they have been in employment previously. If any gaps are identified, the reasons for these should be established. It is also important to assess whether they have an understanding of the role being offered and that they are suitable for the role.

### **Interview Questions**

In order to assist managers with the interview process, a sample list of questions has been prepared for manager's consideration.

### **Appointment Process and Pre-Employment Checks**

Once a decision has been made to appoint, the manager should contact the successful candidate. Once the successful candidate has confirmed that they wish to accept the post as offered, the manager should complete the [Selection Outcome e-form](#).

Following completion of the [Selection Outcome e-form](#), Human Resources will generate an email to the unsuccessful candidate(s) through iTrent. Additionally, a provisional offer letter will be issued to the successful candidate by Human Resources, enclosing a pre-employment medical history questionnaire. The completed questionnaire is initially screened by HR, depending on the nature of the job and the candidate's medical history, this may be forwarded to the Council's Occupational Health provider for clearance. The recruiter will be advised by HR once satisfactory medical clearance has been obtained. If required, the recruiting manager should arrange a DBS Disclosure Application form to be completed through Customer Services.

Managers MUST ensure that the completed [Personal File – Appointees checklist](#) and all the required documentation (including the checklist) are collated before being sent to Human Resources. All the documents identified on this checklist MUST have been received before a contract can be issued and any payments made. The checklist includes:

- Application Form
- Proof of identity, which confirms name, date of birth, address and photographic ID;
- [Proof of right to work in UK](#);
- Evidence of appropriate qualifications
- Two satisfactory written references, one of these must be from the current or most recent employer. For applicants who have not worked in paid employment or on a voluntary basis, a character reference should be sought from someone who is able to confirm (as well as possible) the applicant's

suitability. This may be someone in authority e.g. head teacher, lecturer, community leader. In the case of a school/college leaver, one of the referees must be the Head Teacher/Principal of the last educational establishment they attended.

### **Right to Work in the UK (Prevention of Illegal Working) (Statutory requirement);**

It is a criminal offence to employ someone who does not have the right to work in the UK. An apprentice cannot commence work until satisfactory documentary evidence has been provided and photocopies taken. **If the apprentice cannot demonstrate their right to work in the UK they must not be engaged.**

Guidance on the document requirements is available on the intranet in the [Prevention of Illegal Working Guidance](#). The photocopied documents should be signed, verified and dated by the manager. The manager should send the completed personal file checklist along with the relevant documentation to Human Resources.

Managers must complete the [New Starter Form](#) once medical clearance and reference are back. On receipt of the completed checklist accompanied with the appropriate documents, Human Resources will issue all of the relevant paperwork, including the apprenticeship agreement, and ensure payment is made. Managers will receive an email notification to advise that the contract has been sent. A copy of the contract will be attached to this e-mail to enable managers to check the contract details.

### **Apprenticeship Agreement and Commitment Statement**

The apprentice will be issued with an apprenticeship agreement which is a contract of service reflecting the fact that an Apprenticeship is primarily a job rather than training. Alongside the required information for a Contract of Employment, the Apprenticeship Agreement also includes a statement of the skill, trade or occupation for which the apprentice is being training under the qualifying Apprenticeship Standard or Framework.

A Commitment Statement must also be signed by the manager, apprentice and the training organisation. This statement must include: the planned content and schedule for training, what is expected and offered by the employer, the training organisation and the apprentice and how to resolve queries or complaints.

Paperwork relating to the apprenticeship will be retained on an individual personal file in Human Resources.

## **Training Evaluation and Assessment**

### **Training Evaluation**

The manager should meet with the apprentice every 4 months to formally review the apprenticeship and the progress being made. Managers should also meet with the apprentice informally on a regular basis between the formal meetings. In addition,

Guidance on the Recruitment and Employment of Apprentice's  
Version: 2017 – v2  
Date agreed: 20.01.15  
Date Amended:  
Agreed at:

Page 7 of 11

the training provider may also have specific requirements for assessment which should be agreed at the commencement of the apprenticeship. Managers are advised to conduct the formal meetings to combine with the probationary and personal review meetings where possible.

This assessment should be relevant to the role but may include a review of:

- Development opportunities within the apprentice role to aid successful completion of the apprenticeship standard.
- Performance review within the apprenticeship role
- Quality of off the job training provision
- Progress relating to on and off the job training, with a view to meeting relevant targets
- relationship with training provider

5 months prior to the end of the apprenticeship a review should take place with the manager and apprentice to once again consider the success of the apprentice and the learning that has taken place. Points to consider during this meeting include:

- Review of the learning that has taken place during the apprenticeship and how this has linked to the apprenticeship standard
- Evaluation of the off the job training that has been provided and how this has linked to the apprenticeship standard
- Evaluation of the apprenticeship post overall to ensure it aids successful completion of the apprenticeship standard
- Performance review of the apprentice within the apprenticeship role
- Relationship with training provider
- How the apprenticeship post and apprentice will be managed at the end of the apprenticeship period, including redeployment and serving notice.

Following this meeting, the manager will need to consider how they would like to proceed with the post on their establishment. Options available include making the post permanent on the establishment if funding is available, or retaining as an apprenticeship position, both subject to approval through delegated decision.

The apprentice will need to be put on the redeployment register at the end of the apprenticeship as outlined below, given redeployment status at the commencement of the notice period subject to the relevant provisions of the Redeployment Policy and Procedure.

Notice should be served following this meeting to confirm the end of the apprenticeship in accordance with relevant timescales. The period of redeployment will ordinarily be 3 months.

### **End Point Assessment**

An End-point Assessment needs to take place at the end of the apprenticeship for those on an apprenticeship standard. Apprenticeships based on the existing frameworks will feature continual assessment. The end-point assessment is a holistic and independent assessment of the knowledge, skills and behaviours which

Guidance on the Recruitment and Employment of Apprentice's  
Version: 2017 – v2  
Date agreed: 20.01.15  
Date Amended:  
Agreed at:

Page 8 of 11

have been learnt throughout an apprenticeship standard. The requirements for end-point assessment are set out in the assessment plan for the specific apprenticeship standard.

Apprentices will not be able to achieve an apprenticeship standard without satisfying all the requirements of the assessment plan, including the end-point assessment.

An organisation must be selected by the manager to deliver the end point assessment from the register or apprentice assessment organisations (RoAAO). Although the provider will be involved in arrangements for the end-point assessment, the assessment itself must be independent of both the provider and employer.

The cost of end-point assessment will vary but should not usually be more than 20% of the total agreed price for the delivery of the apprenticeship training and assessment.

## Requirements during the Apprenticeship

### Induction

The manager should ensure that the apprentice is fully inducted in line with Charnwood Borough Council's [induction process](#).

### Maintenance of records

The personal file of the worker should be held by Human Resources. It is the responsibility of the Manager to ensure that all of the appropriate documentation is collected and sent to Human Resources.

### Probationary Procedure

All new apprentices will be subject to the council's [Probationary Procedure](#).

The Apprentice's progress and attendance on their training course should be taken into account during the probationary period.

### Personal Review

Line Managers should ensure personal reviews are conducted with an Apprentice who reports to them in accordance with the [Personal Review Policy](#). Where possible, this should be combined with the formal training evaluation process.

### Issues Arising during the Course of the Apprenticeship

If there are any issues or concerns relating to the apprentice during the course of the apprenticeship, these should be discussed with Human Resources in the first instance. The Council's relevant policies and procedures will apply.

## Completion of Apprenticeship

### Completion of Apprenticeship

At the meeting held 5 months' prior to the end of the apprenticeship, the manager must discuss how the apprenticeship will be managed at the end of the

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Guidance on the Recruitment and Employment of Apprentice's  
Version: 2017 – v2  
Date agreed: 20.01.15  
Date Amended:  
Agreed at:



apprenticeship period. This will include confirming that the apprenticeship will terminate with notice. Additionally, the apprentices will be given redeployment status as outlined below. The notice needs to be given early enough to allow for the redeployment period, which is ordinarily 3 months'. The reason for termination of the apprenticeship is not redundancy. It is classed as a dismissal for some other substantial reason (SOSR).

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### ▲ **Early Completion of the Apprenticeship**

If the training identified in the Apprentices individual learning plan is completed prior to the anticipated completion date, the contract will ordinarily cease on the anticipated completion date. If the training identified in the training action plan is completed prior to the completion date, the contract may be terminated at this point in accordance with the provisions relating to termination.

### **Redeployment**

An apprentice will be placed on redeployment with at risk status for approximately 3 months', subject to the provisions of the **Redeployment Policy**. This period may be shorter or longer due to associated timescales relating to the nature of any restructure taking place.

An apprentice cannot be automatically slotted into a post, even where the post occupied during the apprenticeship has been made permanent on the establishment. The apprentice will need to apply for the post with redeployment status if they wish to be considered.

For the purposes of redeployment Apprentices will be able to apply for jobs at Scale 4 or below with preferential treatment status where they meet the criteria within the Redeployment Policy.

## **Upskilling Existing Employees**

Funds in the digital account can be used to upskill an existing employee to undertake an apprenticeship at a higher level than a qualification they already hold, including a previous apprenticeship. The apprenticeship must be linked to their job, the learning must be materially different to any qualifications they hold and it must be evidenced that the repeat or lower level apprenticeship is supporting the apprentice to acquire new skills and knowledge. This does not have to be in a different job to the one the existing employee is already in, but it must be evidenced that the apprentice is genuinely learning new skills to the benefit of the wider economy.

The terms and conditions of service for an existing employee must remain the same, including salary. They will be issued with an **apprenticeship agreement for existing staff** for the duration of the apprenticeship. A commitment statement must also be signed by the Council, apprentices and the training provider.

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If an existing employee wishes to undertake apprenticeship training they should continue to be paid the evaluated grade of the job. The employee will remain within

Guidance on the Recruitment and Employment of Apprentice's  
Version: 2017 – v2  
Date agreed: 20.01.15  
Date Amended:  
Agreed at:

Page 10 of 11



their normal role and continue in this position at the end of the end of the apprenticeship agreement.

Further advice can be sought from the Learning and Development Co-Ordinator when considering upskilling an existing employee.

## PERSONNEL COMMITTEE – 3RD OCTOBER 2018

### Report of the Head of Strategic Support

#### Part A

#### ITEM 6 MANAGING EMPLOYEE PERFORMANCE NJC AND JNC POLICIES & PROCEDURES

##### Purpose of the Report

To gain approval by the Personnel Committee to implement revised Managing Employee Performance Policies and Procedures (NJC and JNC Grade) and a revised Employee Performance Guidance document.

##### Recommendation

That the Personnel Committee agree to the implementation of revised Managing Employee Performance Policies and Procedures (NJC and JNC Grade) and a revised Employee Performance Guidance document.

##### Reason

To outline the process in relation to employee performance for NJC and JNC employees and the additional process in relation to the Council's 3 Statutory Officers (Chief Executive, Strategic Director of Corporate Services and Head of Strategic Support).

##### Policy Justification and Previous Decisions

The Managing Employee Performance Policies and Procedures (NJC and JNC Grade) was agreed at SMT on 20th June 2018 and JMTUM on 19th July 2018. The current Capability Policy and Procedure and Guidance documents were agreed on 1st October 2010.

##### Implementation Timetable including Future Decisions

It is recommended that the Managing Employee Performance Policies and Procedures (NJC and JNC Grade) and the Disciplinary Guidance be published on the intranet following approval by Personnel Committee. Following a presentation to Heads of Service, mandatory training sessions will also be delivered to all managers.

##### Report Implications

The following implications have been identified for this report.

##### *Financial Implications*

There are no immediate financial implications arising from this decision.

##### *Risk Management*

There are no specific risks associated with this decision.

Background Papers: none

Appendices: Annex A - NJC Managing Employee Performance Policy and Procedure  
Annex B - JNC Managing Employee Performance Policy and Procedure  
Annex C - Managing Employee Performance Guidance Document  
Annex D – Employee Performance Flowcharts

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## Part B

### Background

1. The Council's People Strategy 2017 to 2020 includes an action to review the current Personal Review process in 2019. In preparation for this review, HR has worked with the members of CMT and the Learning and Organisational Development Coordinator to consider how the current process works and how it links with the HR Capability Policies and Procedures. Consideration has also been given to feedback from 2017 IIP interviews, the results of the last staff survey and HR statistical casework information.
2. Based upon all of the above, the NJC Capability Policy and Procedure has been changed significantly and was agreed by SMT on 20th June 2018. Principles relating to the review of the process had previously been agreed by SMT in July 2017. It was also necessary to design a new JNC Capability/Managing Employee Performance Policy and Procedure following advice from the LGA. The revised process mirrors that of the JNC Disciplinary Policy and Procedure which was agreed at Personnel Committee in June 2018.

### **NJC Managing Employee Performance Policy and Procedure**

3. In order to compare the current and proposed processes, within the NJC Managing Employee Performance Policy and Procedure, the key differences have been outlined in the table below:

<b>Current Policy and Procedure</b>	<b>Proposed Policy and Procedure</b>
This is called the Capability Policy and Procedure:	It is proposed that we amend this to the Managing Employee Performance Policy and Procedure:
The policy stands alone in managing unsatisfactory performance:	Will be used in conjunction with Performance Reviews and 1-2-1s:
The purpose of the policy is for an employee to achieve an acceptable level of performance:	The purpose of the amended policy is for the employee to sustain an acceptable level of performance:
Additional factors include Capability issues and Disability plus sickness absence during a review process.	Has a whole section on Medical or Disability Related Performance.
Acknowledges that the Capability Policy and Procedure may need to be suspended if a grievance or complaint is raised against the	Provides advice about Counter Complaints, recognising that managers will not be regarded as demonstrating unreasonable behaviour unless they have acted

<p>manager of Bullying and Harassment:</p>	<p>inappropriately. This is in line with the Council's other key Policies and Procedures.</p> <p>This policy and procedure also includes advice about implementing improvement plans and outlines when and how monitoring periods should be implemented.</p>
<p><b>Informal Stage</b></p> <p>The informal stage guides managers in defining the shortfall in performance and supporting employees to meet the required standard:</p>	<p><b>Stage 1 Informal Stage</b></p> <p>This stage also clarifies expectations and supports employees to consistently reach a satisfactory level.</p> <p>Greater emphasis is put on resolving issues at this stage.</p>
<p><b>Formal Procedure Stage 1</b></p> <p>The formal procedure has 2 stages. Stage 1 includes a formal meeting with the line manager and an agreed improvement plan.</p> <p>If the required improvement hasn't been reached then a 1<sup>st</sup> formal hearing is arranged.</p>	<p><b>Stage 2 Formal Procedure</b></p> <p>Failure to sustain an improvement in performance and failure to fully engage with the process have been introduced as additional reasons to move onto a formal process.</p> <p>A formal meeting is held with the manager and the manager's manager. The status of this meeting more closely mirrors a formal meeting with the line manager. However, the manager's manager is involved to ensure that the employee has received a reasonably comprehensive level of support to improve, before moving to a formal hearing.</p> <p>Dependant on the decision, performance should continue to be monitored for 12 months:</p>
	<p>A further objective intervention is introduced at this stage. In line with the Council's other key policies and procedures, the requirement to seek the agreement of an objective</p>

<p style="text-align: center;"><b>Formal Procedure Stage 2</b></p> <p>Stage 2 of the formal process is a further hearing which could include a decision to dismiss. The employee will also have a right of appeal at this stage.</p>	<p>decision maker before proceeding to a hearing has been introduced.</p> <p><b>Stage 3 Formal Procedure</b></p> <p>Includes a formal hearing where dismissal is a possible outcome.</p> <p>The employee will have a right of appeal at this stage.</p>
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### **JNC Managing Employee Performance Policy and Procedure**

4. The stages within this draft policy and procedure, closely resemble the stages within the recently agreed Chief Officers Disciplinary Policy and Procedure. The stages are summarised below and a copy of the draft policy and procedure is attached as a Annex B.:
- **Stage 1**, A senior manager will meet with the employee to identify the shortfall in performance and provide support mechanisms to help the employee to improve.
  - **Stage 2**, a formal meeting, with a right of representation and a further improvement period.
  - **Stage 3**, a hearing at either officer or member level dependant on the employee's role.
  - **A Review Meeting of the Panel**, Monitoring performance for a 12 month period or dismissal are possible outcomes of this meeting.
  - **Consult with Cabinet Members**, the Chief Executive has to provide cabinet members with the name of the employee who has been dismissed and deal with any objections to this decision.
  - **Appeal**, the employee has a right of appeal in line with the Council's Appeal Policy and Procedure.



## Managing Employee Performance Policy and Procedure

### Contents

Information about this Policy	1
Scope	2
Purpose	2
Definition	2
Roles and responsibilities	2
Improvement Plans	3
Medical or Disability related Unsatisfactory Performance	4
Further information about Implementing this Policy and Procedure	5
Procedure for Monitoring Unsatisfactory Performance	6

## 1 Information about this Policy and Procedure

- 1.1 Managers should use this policy and procedure in conjunction with regular individual meetings with their staff, including Performance Reviews and 121s. This procedure should be adopted if the manager has concerns about an employee's overall performance, e.g. the quality/quantity of their work generally or if there are significant aspects of the job that the member of staff needs targeted support in order to bring their performance up to the required standard.
- 1.2 The policy and procedure should be read in conjunction with the supporting guidance document and toolkit, which provide additional details and template documentation to assist managers in the application of this policy.
- 1.3 The Council's commitment to equality of opportunity will be observed at all times during the operation of this policy and procedure.
- 1.4 All employees have a contractual responsibility to achieve a satisfactory level of performance at work. Responsibility is also placed on managers to ensure that appropriate support is given to their employees to help them to achieve this satisfactory level.

## 2 Scope

- 2.1 This policy applies to all employees of Charnwood Borough Council except for:
- Chief Officers, to which separate arrangements apply;
  - Employees in their probation period, during which the Probation Policy and Procedure will apply;
  - Workers engaged under a casual contract for services.

## 3 Purpose

- 3.1 The Council aims to recruit, develop, support and maintain a high-performing and effective workforce. It is the responsibility of all managers to identify and take steps to address under performance issues promptly and appropriately as a matter of day to day management.
- 3.2 The purpose of the Managing Employee Performance Policy and Procedure is to encourage and support employees to perform at the required standards.
- 3.3 Managers should provide the employee with reasonable assistance to improve. However, the Council cannot continue the employment of an employee in their post if an acceptable level of performance cannot be sustained.

## 4 Definition

- 4.1 The Managing Employee Performance Policy and Procedure will apply where an employee is unable to perform the duties of their job to the required standard. This may be connected with the employee not having the necessary skill, knowledge, aptitude, capability, competencies or motivation to do their best.
- 4.2 If the employee has the ability to perform the duties of their job to at least the required standard but deliberately chooses not to do so, or it becomes apparent that the employee has chosen to adopt a negligent approach, this should be dealt with in accordance with the Disciplinary Policy and Procedure.

## 5 Roles & Responsibilities

<b>Line Managers</b>	To clarify expectations, set realistic and achievable targets, monitor performance, provide honest constructive feedback and effective managerial support and encouragement. If an under performance issue is identified, the manager should apply the procedure.
<b>Line Manager's Manager or Senior Manager</b>	To support and advise the line manager. To manage the Formal Employee Performance Meeting and make the final decision about the outcome of that meeting.



<b>Employees</b>	Employees have a contractual responsibility to work to the required standard, achieving a level of performance which is prescribed by the Council.
<b>HR Services</b>	HR Services will provide advice, coaching and support to managers on the application of the Policy and Procedure. HR will also act as panel members at hearings.
<b>Chair of the Hearing Panel</b>	The Chair of the panel will manage the hearing and notify the employee of the decision. They will also normally present the case if the employee exercises their right to appeal against that decision.
<b>Panel Members</b>	Will support the Chair of the panel and express a view on whether the case is founded and make recommendations about the appropriate outcome.
<b>Trade Union Representative or Work Colleague</b>	To support and advise, if appropriate, the employee. At a hearing this may include presenting the employee's case, summarising and conferring with the employee and responding to points on behalf of the employee. The Trade Union or work colleague cannot answer questions put directly to the employee.

## 5 Improvement Plans

- 5.1 Improvement Plans are used to document actions to be taken by the employee and the manager to improve the employee's performance. An Improvement Plan may be used at any time, regardless of whether formal performance procedures have been initiated.
- 5.2 An Improvement Plan will normally cover a period of 4 - 8 weeks, depending on the circumstances. Progress should be reviewed on a regular basis. At the end of the period covered by the Improvement Plan, this should be extended if appropriate, or a further Improvement Plan may be agreed if required. The manager and employee may review and agree amendments to the Improvement Plan together at any time.
- 5.3 It is expected that Improvement Plans will be put in place in a timely manner unless there is evidence which indicates that an Improvement Plan would not achieve the aim of supporting the employee to improve their performance to a consistently satisfactory standard.

## 6 Medical or Disability Related Employee Performance

6.1 Where the cause of an employee's under performance is connected with their state of health, a disability or long term condition, managers must give consideration to supportive measures and reasonable adjustments which could assist the employee to perform at the required standard. If any actions are agreed, following these discussions, they should be set out in writing by the manager and reviewed on a regular basis.

### 6.2 Medical Advice

Medical advice may be sought at any stage about an employee's state of health, with a view to implementing any measures which could assist the employee to improve their performance; this may be requested more than once if required. Managers should discuss the purpose of the referral in detail with the employee and subsequently discuss any medical reports received with the employee promptly. If any actions are agreed, following this referral, they should be set out in writing by the manager.

6.3 Employees are required to make every effort to attend appointments that have been arranged for them.

### 6.4 Management of Cases involving Disabilities and Long Term Conditions

Managers are expected to approach these cases in a positive and supportive manner, which may include making reasonable adjustments to the implementation of the procedure as appropriate for employees with a disability or long term condition.

### 6.5 Absence from Work

Where the employee's condition or state of health results in absence from work, it may be necessary to manage this in accordance with the Managing Attendance Policy and Procedure. Depending on the circumstances, management of performance and attendance issues may take place simultaneously or consecutively, as appropriate, but as the two procedures are initiated for different reasons they must be carefully managed.

In addition, if the employee is absent at all due to workplace stress, the manager should contact them and refer them to Occupational Health without delay. Referring employees, before they have met triggers within the Attendance Management Policy and Procedure, provides the manager with a better understanding of how they can support the employee through this process.

## 7 Further Information about implementing this Policy and Procedure

### 7.1 Counter Complaints

Managers are responsible for appropriately managing an employee's job performance. Carrying out this function in a supportive, fair, firm and consistent manner does not constitute unacceptable behaviour, although it is recognised that some staff may feel stressed or anxious whilst the procedures are ongoing. The aim of this policy is that managers and employees work closely and cooperatively together to improve the employee's performance at work.

Managers who are using Council procedures to address an employee's performance, attendance or conduct will not be regarded as demonstrating unacceptable behaviour unless there is evidence to show that they have acted inappropriately. Where a complaint is received from an employee against their manager and the complaint is solely or largely related to the commencement of these procedures, the manager's manager will meet with the complainant to discuss their concerns. The complaint will only be investigated further if evidence is provided which suggests that the manager has acted inappropriately or the concerns raised are not a consequence of the instigation of these procedures.

### 7.2 Alternative Work

Where it is agreed by both the manager and the employee that suitable alternative employment would be an option to resolve the situation at any stage of the procedure, the manager will provide a reasonable level of support to help the employee gain alternative employment. This support may include coaching, short training sessions and or support in completing job applications or interview skills training as appropriate.

### 7.3 Escalation of Cases

In a small number of serious cases, the circumstances may indicate that escalation directly to a Formal Employee Performance Meeting or Formal Employee Performance Hearing is appropriate. Escalation can take place as required, at any time. Managers must be able to justify their decision to escalate a case. This may occur for example because there is a clear and significant risk to service users or colleagues.

Managers should consult with and enlist the support of HR before taking steps to escalate directly to a Formal Employee Performance Meeting or Hearing.

The employee must be forewarned that escalation to a Formal Employee Performance Meeting or Formal Employee Performance Hearing is being considered prior to taking this decision.

## 8/12 Procedure for Managing Unsatisfactory Performance

### 8. Stage 1 Informal Stage

- 8.1** Where concerns about an employee's performance arise, the manager should discuss the matter with the employee without delay, especially where the repercussions could have a significant adverse impact, for example potentially jeopardising the health and safety of colleagues or service users. The employee should be informed that the manager intends to support them to improve their performance in line with the Managing Employee Performance Policy and Procedure. These areas of concern should be linked with the employees regular Performance Reviews and 121 meetings, however, discussions about the areas of concern should not be delayed in order to fit with reviews or 121s which have been scheduled for a future date.
- 8.2** The manager will engage with the employee to clarify their concerns and their expectations of the employee, and the employee will be given an opportunity to respond. The cause of the unsatisfactory performance should be fully explored.
- 8.3** If the employee has successfully completed their probationary period, within the last 6 to 12 months, the manager should explore the reason why the employee's performance has become unsatisfactory in some detail and take advice from HR.
- 8.4** Unless the circumstances are serious enough to justify progressing directly to the formal stages of the procedure, the employee will usually be offered assistance to improve and the employee will be required to take steps to achieve and sustain performance at a level or performance to the required standard.
- 8.5** Brief notes of all discussions relating to managing the employee's performance should be taken and retained, and any agreed actions followed up in writing. An improvement plan can be used for this purpose. Managers will arrange review meetings with the employee to discuss their progress, which will normally take place no less frequently than monthly. .
- 8.6** If the employee's performance improves and consistently reaches a satisfactory level, the manager will recognise the efforts that the employee has made to improve their performance and confirm with the employee that they have reached a satisfactory level. However, the employee should also be informed that if their performance falls below the required standard, within a reasonable timescale, then it is likely that the formal process will be adopted.
- 8.7** When the agreed actions have been implemented and the employee has received a reasonably comprehensive level of support to improve, but this does not result in the required improvements, the manager should initiate the formal procedure. The manager should also confirm this to the employee.

## 9 Stage 2 Formal Stage

The formal procedure for managing an employee's performance should be used where;

- attempts to improve the employee's performance informally have not resulted in the required improvements:

Or

- it is apparent that the employee's performance issues are sufficiently serious to justify escalation:

Or

it is apparent that the employee is not fully engaging with the process in order to make the required improvements to their performance within a reasonable timescale.

### 9.1 Failure to Attend

Where the employee fails to attend a Formal Employee Performance Meeting or Formal Employee Performance Hearing, without an acceptable reason, the meeting/hearing may go ahead in their absence.

### 9.2 FORMAL EMPLOYEE PERFORMANCE MEETING

Where the employee's performance continues to be unsatisfactory, the manager will make arrangements for a Formal Employee Performance Meeting to take place and will invite the employee to attend.

The manager will also invite their own line manager (or an appropriate senior manager within their section who has supported them in managing this case) and an HR representative to attend the meeting. Arrangements should also be made for notes to be taken of the meeting.

The employee will be given at least 5 working days' notice in writing of the Formal Employee Performance Meeting, and will have the right to be accompanied by a work colleague or Trade Union representative. The employee must be made aware of the evidence that will be considered at the Formal Employee Performance Meeting, and provided with copies of documentary evidence in advance if they are not already in possession of them. The employee may also submit evidence for consideration, and where this is the case the Senior Manager must receive it no later than 2 working days before the Formal Employee Performance Meeting.

Having carefully considered the case, the Senior Manager may find that:

- A) The employee's performance is satisfactory. No further action will be taken at this stage; however, the employee's performance will continue to be monitored for a period of 12 months following the Formal Employee Performance Meeting to ensure it is sustainable.

- B) The employee has not been given sufficient opportunity to improve their performance or there is insufficient evidence that that the performance does not meet the required standard. The Senior Manager would then advise the manager to continue to monitor performance at Stage 1 and will make recommendations to help with this process.
- C) They are satisfied that the employee has been given sufficient opportunity and support to improve their performance, but their performance remains unacceptable. An Improvement Plan will be drawn up and the employee will be made aware that if they fail to reach the required standard by the end of the plan, then their case will be considered at a Formal Employee Performance Hearing.

The employee will be notified of the Senior Manager's decision, and this will be confirmed in writing within 5 working days.

**9.3** The line manager and employee will meet to draw up an Improvement Plan as soon as possible following the Formal Employee Performance Meeting. The Improvement Plan will normally cover a period of 4 - 8 weeks, depending on the circumstances. However, with the agreement of the Senior Manager, this may be extended for a reasonable timescale in order to implement any further support mechanisms to enable the employee to reach the required standard of performance.

**9.4** At the end of the period of the improvement plan, the line manager will meet with the employee and decide whether the employee has reached the required standard of performance. If they have, this will be acknowledged in a positive way by the line manager. However, the employee will be informed that their performance will continue to be monitored for a period of 12 months following the successful completion of the Improvement Plan, in order to ensure it is sustainable.

**9.5** Where the employee's performance continues to be unsatisfactory, and as a result dismissal is being considered, the manager will seek the agreement of a decision maker for the case to be considered at a Formal Employee Performance Hearing. The decision maker will be a Head of Service who has no detailed knowledge of the case. In some cases it may be appropriate for the head of a different service to act as decision maker. The employee will also have an opportunity to make a written submission to the decision maker.

## **10 Monitoring Period**

Where an employee is subject to a 12-month monitoring period and their performance falls below an acceptable standard, reasonable attempts to support the employee to improve must be made. If attempts to resolve the situation are unsuccessful, the procedure will recommence at any time, at the Formal Employee Performance Hearing stage.

**10.1** Review meetings will be held as necessary during the 12-month monitoring period. The frequency of the meetings will depend upon the requirements of any Improvement Plan that is in place, and the level of support that the employee

requires, but should not normally occur less frequently than on a monthly basis. This 12 month period should reflect the employee's time at work or on annual leave. If the employee is absent during this period for a substantial period, e.g. 4 weeks or more, due to sickness absence or other leave, the monitoring period will be extended in line with that leave.

## **11 Stage 3 FORMAL EMPLOYEE PERFORMANCE HEARING**

### **Preparing for the Hearing**

- 11.1 The manager should write a report which summarises the employee's shortfall in performance and the steps taken to address that shortfall and submit it, along with appropriate supporting paperwork, to the decision maker. If agreement is reached that a Formal Employee Performance Hearing should be arranged, the report will be adjusted, if necessary, to form the Management Statement of Case at the Hearing. The manager will then make arrangements for a Formal Employee Performance Hearing to take place and will invite the employee to attend.
- 11.2 If the employee's performance issues are connected to a disability or long term condition, the manager must have obtained up to date medical information, and have considered and implemented any reasonable adjustments before proceeding to a Formal Employee Performance Hearing.
- 11.3 The Formal Employee Performance Hearing will be chaired by an experienced Senior Manager. The Chair will be accompanied by an HR representative and a further Senior Manager, who will also act as a panel member. The panel members will have no previous knowledge of the case. The HR representative will arrange a note-taker.
- 11.4 The employee will be given at least 10 working days' notice in writing of the Formal Employee Performance Hearing, and will have the right to be accompanied by a colleague or Trade Union representative. The employee must be made aware of the evidence that will be considered at the Formal Employee Performance Hearing, and provided with copies of documentary evidence in advance if they are not already in possession of them. The employee may also submit evidence for consideration, and where this is the case the Chair must receive it no later than 5 working days before the Formal Employee Performance Hearing.
- The manager and employee may each call witnesses to attend the Formal Employee Performance Hearing to give evidence.
- 11.5 Having carefully considered the case, the Chair may find that:
- A The employee's performance is satisfactory. No further action will be taken at this stage; however, the employee's performance will continue to be monitored for a

period of 12 months following the Formal Employee Performance Hearing to ensure it is sustainable.

- B The employee's performance is not satisfactory but it is apparent that they could achieve an acceptable standard of performance within a reasonable period of time. The exact duration of the improvement period will be determined by the Chair, taking account of the evidence available, and will not normally exceed three months. The Formal Employee Performance Hearing may be reconvened at any time if the employee's performance does not improve during this period. If the employee achieves a satisfactory standard of performance during this period, their performance will continue to be monitored for a period of 12 months following the reconvened Formal Employee Performance Hearing to ensure it is sustainable.
- C They are satisfied that the employee has been given sufficient opportunity and support to improve their performance, and it is appropriate in the circumstances to dismiss with notice.

The employee will be notified of the Chair's decision, and this will be confirmed in writing within 5 working days.

## **12 Appeal**

- 12.1 The employee has the right to appeal against the panel's decision. The grounds for the appeal must be submitted in writing to the Chair of the panel to be received within 7 working days of receiving written confirmation of the Chair's decision.
- 12.2 The appeal panel will comprise of a Head of Service or above who will act as Chair of the panel and they will be accompanied by a Senior Manager and an HR representative. Members of the panel will have no prior knowledge of the case.
- 12.3 Having carefully considered the case, the panel will decide on one of the following;
  - A) To uphold the decision; or
  - B) Find that the employee's performance is satisfactory. In this case, the employee's performance will continue to be monitored for a period of 12 months following the Formal Employee Performance Hearing to ensure it is sustainable.



## Employee Performance Procedure for Chief Officers

### Scope

This procedure applies to all employees of the Council employed on JNC for local authority Chief Officer terms and conditions. Where the employee concerned is the Head of Paid Service (i.e. the Chief Executive), the Monitoring Officer (i.e. the Head of Strategic Support) or the Chief Finance Officer (i.e. the Strategic Director for Corporate Resources) please refer to [Appendix A](#) for additional procedural requirements which are applicable to these posts.

### Purpose

This document sets out the procedure to be followed where an employee fails to perform their job to the required standard. Its aim is to provide a process by which to raise concerns in relation to performance and to assist employees to improve their performance in order to reach and then maintain the required standard.

The Council's Code of Conduct sets out the minimum standards of behaviour expected from its employees. Managers and employees should ensure that they read this document in conjunction with the Code of Conduct.

### STAGE 1

Senior Managers are expected, as part of their day-to-day management duties, to provide regular feedback to their employees regarding their performance. Concerns regarding an employee's underperformance should be addressed at the time they arise and should not be saved up for a Performance Review or scheduled 121, unless the meeting is imminent. However, reference to the areas of concern should also be reflected in Performance Reviews when they occur to ensure that a consistent approach to the management of performance can be evidenced.

The senior manager will clearly identify the shortfall in performance making reference to specific examples of work where the employee's performance did not meet the required standard. The employee will be given the opportunity to respond and explain any factors that might be affecting their performance. The manager will clarify the standard of performance that is expected and, where appropriate, targets will be set. Depending on the nature of the performance concerns, a period of up to 2 months may be given for the necessary improvements to be made before determining whether to proceed to stage 2. The length of such a period is at the discretion of the manager.

In cases where the employee's performance issues may be related to a medical condition or disability, advice should be sought from Occupational Health in relation to potential reasonable adjustments and the likelihood of the employee being able to successfully undertake their current or an alternative role.

The manager and employee will meet during the improvement period to review progress. If either the manager or the employee identifies any further support that could reasonably be provided to improve performance, this will be arranged where it is considered

appropriate. These progress review meetings do not replace normal day-to-day management and any issues should be picked up as they arise, with further discussion taking place at the next review meeting.

At the end of the improvement period, a final review meeting, with their senior manager, will take place to determine the employee's progress. There are two possible outcomes to this meeting:

- The employee has reached the required standard therefore no further action is necessary. The employee will be reminded of the need to sustain this level of performance for the following 12 month period. Failure to do so without, in the view of the manager, an acceptable reason will result in any further concerns being considered immediately under stage 2;
- The employee has failed to reach the required standard and it will therefore be necessary to move to stage 2 of the procedure.

Following the meeting, the employee will be provided with a written summary of the discussion.

Where a shortfall in performance could jeopardise the health and safety of the employee or others, immediate action will be required and consideration should be given to bypassing stage 1 and commencing the procedure at stage 2. In exceptional circumstances, there may be a need to consider restricting duties on health and safety grounds. Advice should be sought from Strategic HR.

## **STAGE 2**

Where stage 1 does not lead to a satisfactory improvement in the employee's performance or there is a serious health and safety risk or where it is otherwise considered appropriate, the employee will be invited to a formal performance meeting.

The manager will write to the employee to notify them of the details of the meeting and their right to be accompanied by a work colleague or trade union representative. At least 5 working days' notice must be provided. The letter must also include details of the concerns regarding the employee's performance and any monitoring/progress to date.

The meeting should include:

- A discussion around the (continued) shortfall in performance, including reference to specific examples of work where the employee's performance did not meet the required standard;
- Consideration of any extenuating circumstances that may be affecting the employee's performance;
- A discussion around any support that has already been provided or could be provided in order to help the employee improve their performance;

- A reminder of the standard of performance that is expected, the targets that will be set (where appropriate) and the time frame over which performance will be monitored for improvement.

Depending on the nature of the performance concerns, a period of up to 4 months may be given for the necessary improvements to be made. The length of such a period is at the discretion of the manager. The employee must be advised that if they fail to improve their performance by the end of this period, an employee performance hearing will be arranged, the outcome of which could be dismissal. Following the meeting, the employee will be provided with a written summary of the discussion.

The manager and employee will meet during the improvement period to review progress. If either the manager or the employee identifies any further support that could reasonably be provided to improve performance, this will be arranged where it is considered appropriate. Where it is felt that the employee is unlikely to achieve the required improvements but may be capable of successfully undertaking another role, consideration should be given to exploring whether a suitable role is available within the Council. This should be discussed with the employee.

Where an employee fails to engage in the process and no progress has been made towards achieving the necessary improvements, the employee will be advised that the improvement period will be terminated early and an employee performance hearing will be arranged, in accordance with stage 3. Advice must be sought from Strategic HR before escalating the procedure in this way.

At the end of the improvement period, a final review meeting will take place to determine the employee's progress. There are three possible outcomes to this meeting:

- The employee has reached the required level of performance therefore no further formal action is necessary. The employee will be reminded of the need to sustain this level of performance for the following 12 month period. Failure to do so without, in the view of the manager, an acceptable reason will result in any further concerns being considered immediately under stage 3;
- The employee has not reached the required level of performance but has made substantial improvements and further progress is likely. In this situation the review period may be extended by up to 2 months. Progress will continue to be monitored during this period and a further final review meeting will be held at the end of the extension;
- The employee has made little or no improvement and further progress is unlikely therefore an employee performance hearing will be arranged under stage 3. The employee must be reminded that dismissal is a potential outcome of the hearing.

The employee must be sent a letter confirming the outcome of the final review meeting.

### **STAGE 3**

A Managing Employee Performance hearing will be arranged to consider the employee's performance. The panel for JNC staff up to and including Heads of Service will include a Head of Service and a Strategic Director or 2 Strategic Directors, with no prior involvement in the case, plus a HR Manager. For cases relating to a Strategic Director who is not a Statutory Officer, the panel, appointed by the Personnel Committee, will consist of five elected members (with a quorum of three) with no prior involvement in the case.

The employee will receive a minimum of 10 working days written notice of the hearing. The letter should include details of the employee's right to be accompanied by a work colleague or trade union representative and the potential outcomes of the hearing. A copy of any paperwork which the manager intends to refer to at the hearing must also be enclosed. Any documentation that the employee wishes to refer to at the hearing must be received by the Chair of the panel at least 5 working days before the date of the hearing. It will be the panel's discretion as to whether any documentation presented outside of these deadlines will be considered at the hearing.

Both the manager and the employee may call witnesses. Details of the manager's witnesses will be included in the hearing invite letter. The employee is responsible for inviting their witnesses to the hearing and must provide the names of any witnesses to the Chair of the panel at least 5 working days before the hearing date. The format of the hearing can be found at [Appendix B](#).

The panel may decide that:

- The employee's level of performance is now acceptable. In this situation, the employee performance procedure will cease however the employee will be reminded of the need to sustain this level of performance for the following 12 month period. Failure to do so without, in the view of the manager, an acceptable reason will result in any further concerns being considered immediately under stage 3;
- The employee should be granted a further period (up to 2 months) during which to improve their performance. In addition to determining the duration of the improvement period, the panel may also wish to make recommendations regarding targets and/or supportive measures. During the extension period, the manager will continue to monitor progress and should meet with the employee to discuss their progress. If the employee's performance has not improved by the end of the extension period, the manager will arrange a further employee performance hearing using the same panel members and process as the original hearing. If the employee's performance has improved to an acceptable level, the manager should remind the employee of the need to sustain this level of performance for the following 12 month period. Failure to do so without, in the view of the manager, an acceptable reason will result in any further concerns being considered immediately under stage 3;
- The employee's level of performance is not acceptable. In this situation, the panel will dismiss the employee from the Council's employment with contractual notice.

The employee must be sent a letter confirming the outcome of the hearing within 5 working days. A copy of the notes from the hearing should also be provided.

If the panel determines that the employee should be dismissed, notice of the dismissal cannot be issued until:

- The Chief Executive is provided with the name of the employee whom it is proposed to be dismissed and any other particulars which the hearing panel considers relevant to the dismissal; and
- The Chief Executive has provided every member of the Cabinet with the name of the employee whom it is proposed to be dismissed, any other particulars relevant to the dismissal notified to the Chief Executive and the date by which any objection to the dismissal must be made by the Leader on behalf of the Executive to the Chief Executive; and either
- The Leader has, within the specified period, notified the hearing panel that there are no objections to the dismissal from the Cabinet or the Chief Executive has confirmed to the panel that no objections were received from the Leader; or
- The panel is satisfied that any objection received from the Leader within the specified period is not material or is not well-founded.

The panel will write to the employee to confirm their decision within 5 working days and to give notice of dismissal, if appropriate.

### **Right of Appeal**

An employee has the right to appeal against their dismissal and must submit an appeal registration form to the Head of Strategic Support within 5 working days of receiving the letter confirming their dismissal. When completing the registration form the employee should specify the grounds for their appeal and attach any supporting evidence. New evidence will only be considered if it is relevant and there was a good reason why it was not provided as part of the original hearing.

The appeal will be considered by a panel, appointed by the Personnel Committee, of five elected members (with a quorum of three) with no prior involvement in the case. The panel should contain no more than one member of the Cabinet. The employee may be accompanied by a work colleague or trade union representative.

The format of the hearing will be as per the Appeal policy and Procedure. The panel will consider the appellant's grounds of appeal and determine whether the original decision to recommend the employee's dismissal was reasonable in the circumstances.

The panel will write to the employee to confirm the outcome of the appeal within 5 working days. There is no further internal right of appeal.

## Appendix Additional Procedural requirements applicable to the Head of Paid Service, Monitoring Officer and Chief Finance Officer

The following variations to the Employee Performance Procedure for Chief Officers will apply where the subject of the underperformance is the Head of Paid Service (i.e. the Chief Executive), the Monitoring Officer (i.e. the Head of Strategic Support) or the Chief Finance Officer (i.e. the Strategic Director for Corporate Resources).

### **STAGE 1 - Informal**

If the employee concerned is the Chief Executive, an appropriate person will be appointed by the Leader (or Deputy Leader in their absence) to undertake this stage of the procedure. For the other two posts, the Chief Executive will undertake this stage as the manager of the post holders.

### **STAGE 2 – Personnel Committee**

If the employee fails to make the required improvements by the end of stage 2 and therefore dismissal is a possibility, the matter will need to be referred for consideration by the Personnel Committee. The Committee may decide to appoint an Independent Investigating Officer to examine the circumstances of the case and to advise it on any action to be taken.

A meeting of the Personnel Committee will be arranged to consider what action, if any, is appropriate. The Committee must include at least one member of the Cabinet.

The employee will be invited to attend the meeting and may be accompanied by a work colleague or trade union representative. At least 10 working days' notice should be provided. After considering the results of the stage 2 investigation and hearing the views of the employee, the Committee may decide:

- That no further action is necessary;
- To deal with the matter informally (e.g. by providing the employee with additional training);
- To grant the employee redeployment status for a specified period to provide them with the opportunity to obtain an alternative post with the Council;
- To allow the employee the opportunity to tender their resignation or to retire;
- To recommend the employee's dismissal and refer the matter to an Independent Panel for a report.

The employee will be notified in writing of the outcome of the meeting within 5 working days. The letter should include the rationale for the decision and details of the employee's right of appeal. A copy of the notes from the meeting should also be provided.

### **The Independent Panel**

Where the Personnel Committee recommends the dismissal of the employee, the matter will be referred to an Independent Panel for a report. This panel will include at least two independent persons who have consented to serve from amongst those previously appointed by the County Council or by another Council under Section 28(7) of the Localism Act 2011.

Both parties should be present or represented at the meeting. The Independent Panel should receive any oral representation from the Statutory Officer. The Personnel Committee should nominate a person to attend on its behalf to provide any response on behalf of the Personnel Committee to the points made. The Independent Panel may ask questions of either party.

The Independent Panel should review the decision of Personnel Committee and prepare a report for Full Council. This report should contain clear rationale if they disagree with the recommendation to dismiss.

The Personnel Committee's proposal to dismiss the employee will be referred to Full Council along with a copy of the Independent Panel's report. The meeting of the Independent Panel must take place at least 20 working days before Full Council meet to consider the employee's dismissal.

### **Full Council**

Full Council will meet to consider the proposal to dismiss the employee and will take into account factors including:

- Any advice, views or recommendations from the Independent Panel;
- The conclusions of any investigation into the proposed dismissal;
- Any representations from the employee concerned.

The employee will be invited to attend and may be accompanied by a work colleague or trade union representative. Copies of the paperwork to be considered at the meeting should be provided to all parties in advance. The employee should ensure that they take the opportunity to challenge their proposed dismissal as there is no further internal right of appeal after this meeting.

All discussions will take place under the exempt section of the council meeting.

If Full Council approves the proposal to dismiss the employee, the notice of dismissal cannot be issued until the Chief Executive (or Deputy Chief Executive if required) has provided every member of the Executive with the opportunity to object to the dismissal.

Personnel Committee will write to the employee within 5 working days to advise them of the outcome and to give notice, if appropriate.

## Appendix B - Format of the Employee Performance Hearing

1. The Chair of the panel will introduce those present and outline the procedure to be followed. An employee who is not accompanied will be reminded of their right to representation by a work colleague or trade union representative.
2. The manager presenting the case (i.e. the Presenting Officer) will outline their case. They should refer to documents circulated beforehand to evidence their views.
3. The employee and/or their representative may question the Presenting Officer.
4. The panel may question the Presenting Officer.
5. If applicable, the Presenting Officer will invite management's witnesses (one by one) to the hearing. Each witness will be questioned initially by the Presenting Officer, then the employee and/or their representative may question the witness followed by questions from the panel.
6. The employee and/or their representative will outline their case. They may refer to documents circulated beforehand.
7. The Presenting Officer may question the employee and their representative.
8. The panel may question the employee and their representative.
9. If applicable, the employee or their representative will invite the employee's witnesses (one by one) to the hearing. Each witness will be questioned initially by the employee and/or their representative, then the Presenting Officer may question the witness followed by questions from the panel.
10. The Presenting Officer may make brief concluding remarks.
11. The employee and/or their representative may make brief concluding remarks.
12. The Presenting Officer, the employee and their representative will leave the room.
13. Having deliberated on the matters placed before them, the panel will reach their decision and then recall both parties to inform them of the decision. If the panel cannot realistic make a decision on that date, they should agree a date and method of relaying this decision to the employee as quickly as possible.





## Managing Employee Performance Guidance

### Contents

<b>Purpose</b>	<b>1</b>
<b>Informal Discussion</b>	<b>1</b>
<b>Stage 2 Formal Stage</b>	<b>3</b>
<b>Stage 3 Employee Performance Hearing</b>	<b>6</b>
<b>Other Factors</b>	<b>13</b>
<b>Sample improvement Plan</b>	<b>15</b>
<b>Template Improvement Plan</b>	<b>19</b>
<b>Letter Confirming satisfactory Improvement at Stage 1</b>	<b>21</b>
<b>Letter – Invitation to Formal Meeting</b>	<b>24</b>
<b>Letter – Outcome of Formal Meeting</b>	<b>27</b>
<b>Template Performance Management Report</b>	<b>30</b>
<b>Letter Invitation to a Formal Hearing</b>	<b>32</b>
<b>Hearing Folder Content List</b>	<b>35</b>
<b>Letter – Outcome of the Formal Hearing</b>	<b>37</b>

## 1 Purpose

- 1.1 This guidance should be used in conjunction with the Council's Managing Employee Performance Policy and Procedure or the Managing Employee Performance Policy and Procedure for JNC Grade and above.
- 1.2 The guidance outlines in greater detail how managers can encourage and support employees to perform at the required standard.

## 2 Stage 1 - Informal Discussion

- 2.1 Managers need to be very clear about what they expect from the employees who report to them, for some roles it will be possible to measure output and make comparisons with other employees. For many jobs measures will include targets (KPIs), behaviours, skills, knowledge, team working, project management etc. While the Council does not adopt a formal competency framework, there is nothing to stop managers identifying key competences which relate to particular roles and using these as a benchmark of performance. In this instance, advice should be sought from HR to ensure that the competencies are in line with the job profile and grade for the job.

- 2.2 Managers who are managing managers and team leaders need to consider the performance and motivation of the teams that are being managed. Recognising that a whole set of different skills and knowledge are required in order for a manager to manage people effectively. While it is helpful to set targets for team performance and to provide ongoing support and guidance to managers and team leaders, allowances should also be made for the fact that managers have different styles and some team members can be more challenging than others.
- 2.3 Management of underperformance should sit seamlessly with day to day performance management of all employees. Outlined below are examples of when it is likely to be appropriate to adopt the Managing Employee Performance Policy and Procedure, this list is not exhaustive:
- Where the quantity and or quality of an employee's work is consistently lower than colleagues in comparable posts:
  - Where previous workplace performance is not maintained and discussions with the employee have not revealed a reason for or change in this pattern:
  - Where the employee has failed to adapt to the changing demands of their job:
  - Following complaints or feedback from service users, elected members, team members or colleagues:
  - Where an employee can fulfil only part of the duties of their job and interventions identified in Personal Reviews and 121s have been unsuccessful:
  - Where employees fail to build and maintain working relationships that are appropriate for their role.
  - Where a team or teams managed by the employee are dysfunctional, seriously de motivated or underperforming.
- 2.4 Whether the underperformance has already been discussed at Personal Reviews or 121s or is something that has recently come to the attention of the manager, a meeting should be arranged with the employee to discuss this without delay. The manager should prepare carefully for the meeting by gathering evidence to support the concerns, preparing questions, taking advice from HR or their line manager and considering carefully how they can support the employee to improve.
- 2.5 The meeting should be confidential and the employee should know why the meeting has been arranged e.g. to discuss how a particular aspect of their work can be achieved more effectively, feedback received from service users, the performance of the employees team etc. The employee should also understand the status of the meeting, e.g. the meeting is in line with the informal stage of HR 'Managing Employee Performance Policy and Procedure. Reassurance should be given that that the main purpose of the policy is to work with the employee to ensure that they maintain a required standard of performance at work. The employee should be provided with a copy of the policy and procedure.

- 2.6 At the meeting the manager should focus on providing honest and clear feedback without undermining the employee's confidence and self-esteem. There will inevitably need to be some discussion about the standards that are expected and an outline of where the manager feels that they would want the employee to change or improve. However, the manager should also be prepared to listen to the employee's assessment of their performance and to work with them to come to an agreement, where possible, of a way forward. The manager and employee should aim for cooperation and joint endeavour to help the employee to improve.
- 2.7 Brief notes of the discussion and actions should be taken. This may be in the form of an improvement plan or simply an outline of expectations and actions to be taken to support the employee to reach those expectations. [A sample Improvement Plan is attached as Appendix 1 and a template Improvement Plan is attached as Appendix 2.](#) The manager and employee should both have a copy of the documentation. Following the meeting, the manager should also arrange a series of review meetings with the employee to discuss their progress. While these meetings should be regular, at least monthly, they should also be appropriate to the expectations set and the employees working hours etc. The review meeting should include a brief summary of what has happened so far, an opportunity to recognise any improvements that have been made and to agree further actions if appropriate. Copies of documentation should be provided to the employee.
- 2.8 The manager should seek the help and support of their line manager, or another appropriate senior manager suggested by the manager's manager throughout the process. In addition to providing positive suggestions and the benefit of their experience, this manager should also act as a 'critical friend' reviewing decisions and paperwork and offering supportive 'challenges' as appropriate. It is envisaged that the views of a senior manager, in assessing what constitutes an acceptable standard, would be particularly useful. Help and support would also be available from HR.
- 2.9 Following a reasonable number of review meetings, 2 to 6 meetings dependant on the amount of support to be implemented, the manager should be in a position to decide if performance has improved and if it consistently reaches a satisfactory level. If this is the case, the manager should recognise the efforts that the employee has made to improve their performance and confirm to the employee that they have reached a satisfactory level. However, the employee should also be informed that if their performance falls below the required standard, within a reasonable timescale, then it is likely that the formal process will be adopted. [This decision should be confirmed in writing and a template letter is attached as Appendix 3.](#)
- 2.10 If the employee's performance fails to reach and maintain a satisfactory standard, when the agreed actions have been implemented and a reasonably comprehensive level of support has been provided, the manager should

initiate the formal procedure. The manager should also confirm this to the employee.

### 3 Stage 2 – Formal Stage

- 3.1 This stage could be likened to Stage 2 of the Attendance Policy and Procedure of the formal investigatory stage of the Council's Disciplinary Policy and Procedure. This is a formal meeting, which is arranged by the line manager. The employee will be invited to attend the meeting in writing, they have a right to be accompanied by a Trade Union representative or work colleague. [A template letter is attached as Appendix 4.](#) The employee should also have access to all the documentary evidence which will be presented by the line manager at the meeting and will have an opportunity to present documentary evidence of their own in support of their case. The employee will be given at least 5 working days' notice of the meeting and should expect to provide copies their evidence at least 2 days before the date of the meeting.
- 3.2 The purpose of the meeting is for the manager's manager or another appropriate senior manager, who has been involved in supporting the line manager, to consider all the documentary evidence and listen carefully to the views of the manager and the employee. That Senior Manager will be supported in their deliberations by a member of the HR team.
- 3.3 In addition to any informal improvement plans and other relevant evidence already used, supporting documents may include some of the following:
- Files
  - Policies and procedures
  - Management documents (e.g. Service Plans, KPIs etc.)
  - Information about team performance (anonymised as appropriate)
  - Rotas and timesheets
  - Computer records\*
  - Telephone records\*
  - Vehicle tracking systems\*
  - Training records
  - Service user information, comments or complaints
  - Personal Review records
  - Information from colleagues and managers
- 3.4 The Senior Manager will decide how the meeting will be conducted and should aim to ensure that all relevant views and evidence have been properly considered. At the start of the meeting the Senior Manager will:

- Acknowledge that the process may be difficult for both the employee and the manager and reiterate that the purpose of the process is to support the employee to perform to an acceptable level:
  - Introduce the people present and explain their role if necessary:
  - Explain the purpose of the meeting;
  - Advise that breaks can be taken as necessary;
  - Advise that a written record of the meeting will be taken and sent to the employee and manager for verification and that the employee will have the opportunity to amend the notes as necessary before signing and returning one copy.
- 3.5 During the course of the meeting, the Senior Manager will ask whether there are any factors which may be affecting the employee's performance which have so far not been disclosed or discussed. Open questions should be used to gain a broad picture of any additional factors. The Senior Manager should also reiterate the importance of ensuring confidentiality and discuss how the employee's self-esteem and motivation can be supported through the process.
- 3.6 At the end of the meeting, the Senior Manager is likely to need time to consider the 3 options available to them and discuss the case further with their HR representative before reaching a decision. Alternatively, they may feel that they require further evidence and will re convene the meeting at a later date when this evidence has been provided.
- 3.7 The Senior Manager will then decide upon and inform the employee of one of the following Options:
- A) That the employee's performance is now satisfactory, congratulate them on the improvements that they have made with their performance and be advised that this will be monitored for a period of 12 months to ensure that they are able to sustain an acceptable level of performance:
  - B) That the Senior Manager feels that the employee is likely to meet the required standard following further support or interventions. This support or intervention should be articulated in some detail to both the employee and manager and the employee informed that they will continue to be supported in line with Stage 1 of this Policy and Procedure.
  - C) That the Senior Manager is satisfied that the employee has been given sufficient opportunity and support to improve, but their level of performance remains unacceptable. The Senior Manager will advise that the manager and employee should meet together as soon as possible to draw up an improvement plan which would normally cover a period of 4 to 8 weeks. However, with the agreement of the Senior Manager, this may be extended for a reasonable timescale in order to implement any further support

mechanisms to enable the employee to reach the required standard of performance.

- 3.8 The Senior Manager will confirm their decision to the employee in writing within 5 working days of the meeting. [A template letter is attached as Appendix 5.](#)
- 3.9 At the end of the period of the improvement plan, the line manager will meet with the employee and decide whether the employee has reached the required standard of performance. If they have, this will be acknowledged in a positive way by the line manager. However, the employee will be informed that their performance will continue to be monitored for a period of 12 months following the successful completion of the Improvement Plan, in order to ensure it is sustainable. Adjust template letter 5 as appropriate in order to confirm this in writing.
- 3.10 Where the employee's performance continues to be unsatisfactory, and as a result dismissal is being considered, the manager will seek the agreement of a decision maker for the case to be considered at a Formal Employee Performance Hearing. The decision maker will be a Head of Service who has no detailed knowledge of the case. In some cases it may be appropriate for the head of a different service to act as decision maker.

### **Preparing for the Hearing**

- 3.11 The manager should write a report which summarises the employee's shortfall in performance and the steps taken to address that shortfall and submit it, along with appropriate supporting paperwork, to the decision maker. As a copy of the report should be included in any employee performance hearing paperwork, it is important that the report is well structured and clearly defines the background, methods of investigation, and summarises the key points. [An example employee performance report format can be found at Appendix .6](#)
- 3.12 The manager should also write to the employee and inform them that they also have an opportunity to submit a written document to the decision maker within 5 days of receiving this letter.
- 3.13 The decision maker should read all the written evidence in support of the case carefully and decide whether this case should be brought before a hearing panel. They should take into account that that panel could decide to dismiss the employee because of their inability to sustain a level of workplace performance to a required standard. The decision maker should consider if that required standard is fair and in line with the seniority of the post, whether these expectations have been made clear to the employee and whether a reasonably comprehensive level of support has been provided to the employee to help them to meet and maintain this level of performance.

## 4 Stage 3 Formal Employee Performance Hearing

- 4.1 Once a decision has been made whether or not that the case should be considered at a hearing, the employee should be advised of the outcome in writing as soon as possible by the decision making manager. The decision maker should talk to the employee and confirm their decision and confirm this decision by email.
- 4.2 If the decision maker agrees that a Formal Employee Performance Hearing should be arranged, the line manager will adjust the report, if necessary, to form the Management Statement of Case at the Hearing. The manager will then make arrangements for a Formal Employee Performance Hearing to take place and will invite the employee to attend.
- 4.3 If the employee's performance issues are connected to a disability or long term condition, the manager must have obtained up to date medical information, and have considered and implemented any reasonable adjustments before proceeding to a Formal Employee Performance Hearing.
- 4.4 The line manager is responsible for organising the hearing, including arranging a panel, rooms and refreshments. HR will provide advice on suitably experienced panel members and will arrange for an external note taker to attend. It is not expected that a verbatim account of the hearing will be produced.

### Documentation

- 4.5 The line manager will write to the employee, on behalf of the Chair of the panel, to notify them of the details of the hearing giving them a minimum of 10 working days' notice. The letter should include:
  - The date, time and venue of the employee performance hearing:
  - The names and job titles of the panel members and HR representatives:
  - A brief statement outlining how the employee has failed to sustain workplace performance to the required standard:
  - Details of the employee's right to be represented at the hearing by a work colleague or Trade Union representative:
  - The names of any witnesses that will be attending.

A template letter is attached at [Appendix 7](#)

**A copy of any evidence that will be relied on at the hearing must also be enclosed.** This should include:

- Brief details of the employee's role and their employment (include a copy of the employee's job description and person specification);
- A copy of the employee performance report (including copies of all notes of meetings, improvement plan/plans, training/coaching interventions and evidence of how the employee has failed to meet and sustain performance to the required standard);
- Copies of relevant policies and procedures.

An example employee performance hearing folder contents list can be found at [Appendix 8](#)

- 4.6 The letter to the employee must also request that if they intend to refer to any documentation at the hearing, a copy of this must be sent to the line manager with the names of any witnesses, at least 5 working days before the date of the hearing. The line manager should ensure that copies are provided to the panel members.
- 4.7 At the employee performance hearing the line manager or the Senior Manager, who managed the meeting at Stage 2 of this Policy and Procedure will be required to act as Presenting Officer and present a 'statement of case'. It is important that only relevant, factual, concise information which can be evidenced is presented. If the line manager is presenting the case, then the Senior Manager should be called as a witness and if the Senior Manager is presenting the case, then the line manager should be called as a management witness. It will not normally be necessary to ask the decision maker to be called as a management witness.
- 4.8 In advance of the hearing, the Presenting Officer should try to predict the questions which the employee and panel may ask and prepare the answers. If witnesses are due to attend in support of the management case, questions the Presenting Officer wishes to ask of them should also be prepared in advance.
- 4.9 The Formal Employee Performance Hearing will be chaired by an experienced Senior Manager. The Chair will be accompanied by an HR representative and a further Senior Manager, who will also act as a panel member. The panel members will have no previous knowledge of the case.

### **Failure to Attend**

- 4.10 Wherever possible, arrangements for the date of the hearing should be made in consultation with the employee and their representative. Where an employee's chosen representative is unable to attend on the arranged date of the hearing the employee can suggest an alternative within 5 working days of the original date. It is important that the employee is made aware that if they fail to attend on the given (or rearranged) date without an acceptable reason, the hearing may go ahead in their absence.



- 4.11 Where an employee is not able to attend due to ill health it may be necessary, depending on the length of and reason for the absence, to postpone the hearing. In such cases, it may be appropriate for an Occupational Health referral to be made regarding the employee's fitness to attend a hearing.

### **Witnesses**

- 4.12 It is the responsibility of the Presenting Officer (i.e. the manager who will be presenting the case at the employees performance hearing) to ensure that they invite any witnesses to attend the hearing.
- 4.13 Likewise, it is the employee's responsibility to ensure that they invite any witnesses (if required) to support their case at the hearing. Please note that the employee's Trade Union representative / work colleague can act on behalf of the employee to arrange their attendance at the hearing if permission from the employee has been granted.
- 4.14 Witnesses should only be present at the hearing whilst questions are being asked of them by the employee/representative, Presenting Officer and panel members.

### **Release of Witnesses**

- 4.15 Employees who are asked to attend a disciplinary hearing as a witness **must** be released from duty unless this would have a significant impact on service delivery. Advice should be sought from Human Resources before declining such a request.

### **Conduct of the Hearing**

- I. The panel will introduce those present and outline the procedure to be followed. An employee who is not accompanied will be reminded of their right to representation by a work colleague or Trade Union representative.
- II. The manager presenting the case (i.e. the Presenting Officer) will outline their statement of case. They should refer to documents circulated beforehand to evidence their views.
- III. If applicable, the Presenting Officer will invite management's witnesses (one by one) to the hearing. The witness will be questioned initially by the Presenting Officer, then the employee and/or their representative may question the witness followed by questions from the panel.
- IV. The Presenting Officer will conclude their statement of case.
- V. The employee and/or their representative may question the Presenting Officer on their case presentation.

- VI. The panel may question the Presenting Officer on their case presentation.
- VII. The employee and/or their representative will outline their case. They may refer to documents circulated beforehand.
- VIII. If applicable, the employee or their representative will invite the employee's witnesses (one by one) to the hearing. The witness will be questioned initially by the employee and/or their representative, then the Presenting Officer may question the witness followed by questions from the panel.
- IX. The employee and/or their representative will conclude their case.
- X. The Presenting Officer may question the employee and their representative on their case presentation (the employee's representative is not usually able to answer questions on their behalf).
- XI. The panel may question the employee and their representative on their case presentation (the employee's representative is not usually able to answer questions on their behalf).
- XII. The Presenting Officer will have the opportunity to sum up the case against the employee. No new evidence can be included at this point.
- XIII. The employee and/or their representative will have the opportunity to sum up their case. No new evidence can be included at this point.
- XIV. The Presenting Officer, the employee and their representative will leave the room so that the panel can deliberate.
- XV. Having deliberated on the matters placed before them, the panel will reach their decision. Depending on the complexity of the case, it may be appropriate to ask all parties to wait and be recalled to be advised of the outcome. In other cases, it may be more appropriate for the panel to deliberate and to advise the employee and subsequently the management side of the outcome, at a later date. If this is the case, the decision should be made within a reasonable timescale e.g. within a few days and the method of contacting the employee should also be agreed before the hearing is concluded.

## **Potential Outcomes**

Having carefully considered the case, the Chair may find that:

- A) The employee's performance is satisfactory. No further action will be taken at this stage; however, the employee's performance will continue to be monitored for a period of 12 months following the Formal Employee Performance Hearing to ensure it is sustainable.

- B) The employee's performance is not satisfactory but it is apparent that they could achieve an acceptable standard of performance within a reasonable period of time. The exact duration of the improvement period will be determined by the Chair, taking account of the evidence available, and will not normally exceed three months. The Formal Employee Performance Hearing may be reconvened at any time if the employee's performance does not improve during this period. If the employee achieves a satisfactory standard of performance during this period, their performance will continue to be monitored for a period of 12 months following the re convened Formal Employee Performance Hearing to ensure it is sustainable.
- C) They are satisfied that the employee has been given sufficient opportunity and support to improve their performance, and it is appropriate in the circumstances to dismiss with notice. It may or may not be appropriate for the employee to continue to work during this period of paid notice. By agreement of both parties, employees could be paid in lieu of notice and be released to seek further employment. However, this should not be agreed until the period of a right to appeal has been exceeded and the employee has confirmed that they do not wish to exercise their right of appeal or following an appeal hearing which does not re instate the employee

## Notification of the Outcome

4.16 Where possible, the outcome of the hearing should be confirmed verbally on the same day as the hearing has taken place. The outcome of the hearing should also be confirmed in writing as soon as possible and within 5 working days by the Chair of the panel. [A template letter can be found at Appendix 9.](#) The letter should state the reason for the decision, confirm the sanction awarded and advise the employee of their right of appeal. A copy of the notes from the hearing should also be provided.

## 5 Appeal

5.1 The employee has the right to appeal against all formal sanctions and must be advised of this right in the hearing outcome letter. The grounds for the appeal must be submitted in writing, by the employee, to the Chair of the panel to be received within 7 working days of receiving written confirmation of the Chair's decision.

5.2 The appeal panel will comprise of a Head of Service or above, if the appeal is against a decision to dismiss, who will act as Chair of the panel and they will be accompanied by a Senior Manager and an HR representative. Appeal panels which related to actions short of dismissal, can be chaired by an experienced Senior Manager. Members of the panel will have no prior knowledge of the case.

Having carefully considered the case, the panel will decide on one of the following:

- A) To uphold the decision of the first panel; or
- B) Find that the employee's performance is satisfactory. In this case, the employee's performance will continue to be monitored for a period of 12 months following the Formal Employee Performance Hearing to ensure it is sustainable.

## **6 Hearings relating to JNC employees**

- 6.1 The Policy relating to JNC level employees clearly sets out the composition of the hearing panel and also allows for an alternative sanction to dismissal. Alternative sanctions suggested include secondment or redeployment to a lower graded post. A panel who would wish to explore this sanction would need to carefully consider the practicalities of this option e.g. does such a vacant post exist and if so does the employee meet the essential requirements of the job. The panel must also consider whether the performance which warranted dismissal, within their current post, could be deemed to be acceptable in a lower level post.
- 6.2 If the panel explore whether a realistic alternative to dismissal can be accommodated, but conclude that the employee will be dismissed, they should then ensure that brief notes of that deliberation are recorded.
- 6.3 Notice of dismissal, in all circumstances for JNC staff, cannot be issued until the Chief Executive is provided with the name and relevant details relating to the proposal to dismiss. This should be done without delay as the Chief Executive needs to provide these details to every member of the Cabinet, along with relevant details and timeframe within which any objections can be raised. Panel members should work closely with the Chief Executive to ensure that this opportunity for an objection is provided to the employee within 5 working days.
- 6.4 If an objection is raised by a Cabinet member then the basis of their objection needs to be explored with the Chief Executive. The employee should be notified of the situation and given a realistic timescale for the issue to be resolved as quickly as possible.

### **Hearings Relating to Head of Paid Service, Monitoring Officer and Chief Financial Officer**

- 6.5 This policy allows for an informal stage, a meeting with a panel appointed by the Personnel Committee, a hearing by the Personnel Committee a referral to an Independent Panel and consideration by the Full Council. Guidance on managing those stages is set out below:

- The Chief Executive or appropriate person will investigate and discuss the conduct in order to assess whether to deal with it informally. If they conclude that the matter is of a serious nature and there is a reasonable level of evidence that the employee's conduct is unacceptable, then a meeting should be arranged with a panel appointed by the Personnel Committee. That panel is able to decide that no further action should be taken, issue sanctions short of dismissal or appoint an independent investigator. They can also consider secondments or redeployment at this stage, and would also need to carefully consider the practicalities of this option e.g. does such a vacant post exist and if so does the employee meet the essential requirements of the job. The panel must also consider whether the behaviour which warranted dismissal, within the employee's current post, could be deemed to be acceptable in a lower level post. The employee has right of appeal at this stage, in relation to sanctions short of dismissal, through the Councils Appeal Policy and Procedure:
- Following an independent investigation, the case will be considered by a panel appointed by the Personnel Committee in the case. This panel can decide that there is no case to answer, to issue a penalty short of dismissal or to dismiss the employee. The employee can appeal against penalties short of dismissal through the Council's Appeal Policy and Procedure. If the employee is dismissed, then an Independent Panel will be convened to review the case and prepare a report for Full Council:
- Full Council will consider the report and listen to any challenges that the employee or their representative makes. There is no further process of appeal for the employee following this meeting:
- If full Council uphold the dismissal, then the Chief Executive or appropriate officer should provide every member of the Cabinet with the opportunity to object to the dismissal before it is confirmed in writing within 5 days of the meeting. If an objection is raised by a Cabinet member then the basis of their objection needs to be explored with the Chief Executive. The employee should be notified of the situation and given a realistic timescale for the issue to be resolved as quickly as possible.

## 7 Other Factors

### Escalation of Cases

- 7.1 In a small number of serious cases, the circumstances may indicate that escalation directly to a Formal Employee Performance Meeting or Formal Employee Performance Hearing is appropriate. Escalation can take place as required, at any time. Managers must be able to justify their decision to escalate a case. This may occur for example because there is a clear and significant risk to service users or colleagues. Line managers who wish to

escalate a case to a Formal Performance Meeting or Formal Performance Hearing should seek the approval of their Head of Service and clearly articulate the reason for this escalation.

- 7.2 Managers should also consult with and enlist the support of HR before taking steps to escalate directly to a Formal Employee Performance Meeting or Hearing.
- 7.3 The employee must be forewarned that escalation to a Formal Employee Performance Meeting or Formal Employee Performance Hearing is being considered prior to taking this decision.

### **Formal Action against a Trade Union Official**

- 7.4 Although normal employee performance standards will apply to their work as an employee, no formal action should be taken against a Trade Union representative until the circumstances of the case have been discussed with a senior Trade Union representative or full-time officer of the Trade Union concerned.

### **Grievance raised during the Managing Employee Performance Process**

- 7.5 The Council's Grievance Policy should not be used for appeals against employee decisions, as this is the purpose of the Appeal Policy. If, however, the employee has a complaint against the employee performance process during the course of a case, they may raise a grievance using the Council's Grievance Policy. If necessary, the procedure may be suspended for a short period until the grievance can be considered. There may be a number of possible outcomes from this including:
  - Application of other formal action such as disciplinary against another employee / manager;
  - Instigation of other separate investigations which should not prevent the current issue being progressed wherever possible;
  - That another manager is brought in to deal with the employee performance case.

**Appendix 1**

**Performance Support Plan – [Informal / Formal]**

Employee Name: \_\_\_\_\_ Dates of Plan: \_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_  
 (Weeks)

Manager Name: \_\_\_\_\_

Area of Concern	What needs to be achieved	Actions to be taken and by whom	Support Required	Timescale
Quantity of work produced is significantly less than other members of the team with less or similar service history	Output of work will need to increase in line with peers. (Adjustment on output to be considered as part of reasonable adjustment).  This is approximately XXX number of transactions per hour / per day / per week / per month.	XXX to channel their attention to completing transactional work rather than assisting in other mini tasks / projects	Manager to facilitate weekly 1-2-1's the first four weeks to enable feedback about quantity of work being produced to assist in keeping XXX on target.  Manager to facilitate meetings every other week for the remainder of the duration of the support plan to provide feedback on output.	1-4 weeks  5-8 weeks
XXX feels that their condition of Dyslexia makes it difficult for them to read emails as quickly as	Workstation assessment needs to be conducted and reasonable adjustments to be considered.  Occupational	Manager to meet with employee and health & safety to carry out workstation.  Manager to complete the	Management to implement reasonable adjustments as necessary.  Once referral report is	ASAP  ASAP

others.	Health Referral to be made to assess impact of disability on performance and what adjustments they can recommend.  Self-referral to access to work	referral form with the assistance of the employee and forward to HR.  Employee to call: 0800 121 7479	received to sit with employee to discuss content of the report and implement any reasonable adjustments.  Work with access to work to ensure they are able to carry out a work place assessment and provide further feedback regarding reasonable adjustments that are required to enable our employee to carry out their duties.	ASAP
Employee has raised concerns about the training received when they first started employment with CBC.	Further training to be provided to enable employee to have the required knowledge about the different systems to carry out their work efficiently.	Manager to organise the required training: <ul style="list-style-type: none"> <li>• i-Trent training on XXX</li> <li>• Visual Files training on XXX</li> <li>• Oracle training on XXX</li> </ul> Employee to ensure they fully engage in training and ask any questions or seek further clarification on material being delivered if required.	Manager will meet with employee following training to seek feedback on how the training went.	Within 4 weeks.
Backlog of	Outstanding	Employee to focus	Management to	2 weeks



work	work needs to be completed as the deadlines for these are within the next couple of weeks	on the work that needs to be completed in the next couple of weeks and pass new work that comes in onto the manager	review workload and ensure XXX is given sufficient time to clear backlog of work.	
Employee is feeling overwhelmed by the process and therefore is finding it more difficult than usual to concentrate.	Employee needs to understand that this is a process which the employer has to follow.  To support the employee they can be buddied up with another work colleague.  Employee can seek further support from Amica if they are feeling stressed or anxious.	Management to explain the process and provide copy of policy.  If employee feels buddying up with someone would help then management to support with this.  Employee to contact Amica on 0116 254 4388 if required.	Management to have open door policy so employees concern can be address accordingly.  To be actioned if required  Employee to ensure they make themselves available at the agreed times for counselling sessions.	On-going  When requested  As and when required

This Performance Support Plan will *[Date]* be reviewed on: \_\_\_\_\_

I understand that this plan will commence with effect from *[Date]* and that if the agreed actions are not achieved and the required level of improvement is not made, then this will result in me progressing to *[formal employee performance meeting / formal employee performance hearing]* of the Managing Employee Performance Policy and Procedure.

I also understand that should I achieve the required level of performance, then *[informal / formal]* procedures will end. However, it is important to note that should improvement not be *[maintained / sustained for the duration of a year]*, then this may result in formal procedures recommencing at *[formal employee performance meeting / formal employee performance hearing]*.

**Include agreed wording about maintaining period and sickness**

---

---

If you do not return a signed copy of this plan within 5 days it will be assumed that you are in agreement with its contents.

Employee's  
Signature:

---

Date:

---

Manager's  
Signature:

---

Date:

---



## Performance Support Plan – [Informal / Formal]

Employee Name: \_\_\_\_\_ Dates of Plan: \_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_  
 (Weeks)

Manager Name: \_\_\_\_\_

Area of Concern	What needs to be achieved	Actions to be taken and by whom	Support Required	Timescale

This Performance Support Plan will *[Date]* be reviewed on: \_\_\_\_\_

I understand that this plan will commence with effect from *[Date]* and that if the agreed actions are not achieved and the required level of improvement is not made, then this will result in me progressing to *[formal employee performance meeting / formal employee performance hearing]* of the Managing Employee Performance Policy and Procedure.

I also understand that should I achieve the required level of performance, then *[informal / formal]* procedures will end. However, it is important to note that should improvement not be *[maintained / sustained for the duration of a year]*, then this may result in formal procedures recommencing at *[formal employee performance meeting / formal employee performance hearing]*.

Include agreed wording about maintaining period and sickness

---

---

If you do not return a signed copy of this plan within 5 days it will be assumed that you are in agreement with its contents.

Employee's  
Signature:

---

Date:

---

Manager's  
Signature:

---

Date:

---



Appendix 3  
PRIVATE & CONFIDENTIAL

Southfield Road, Loughborough,  
Leicestershire. LE11 2TT

Department: xxxxxxxxxxxxxxxx  
Ask for: xxxxxxxx

Direct Line: 01509-63xxxx  
Email: xxxxxxxxxxxxxxxxxxxxxxxx

DATE: xxxxxxxx

Dear xxxxxxx

Informal Review - Performance Acceptable

Following our meeting held on *[date]* to review progress against the *[informal improvement plan / targets]* put in place to address concerns regarding the level of your performance at work, I am pleased to confirm that you have now achieved the expected level of performance and you are no longer being monitored under the Managing Employee Performance Policy and Procedure.

Thank you for the commitment you have shown in achieving the required level of improvement in performance. I would like to reiterate that you must continue to perform at this acceptable level consistently. Please talk to me if there are aspects of your work that you are finding difficult and I will do my best to help you. You should, however, be aware that your performance will continue to be monitored using the Council's Performance Review Process and 1-2-1's, and should your performance fall short of the required standard then this may be dealt with under the Formal Stage of the Managing Employee Performance Policy and Procedure.

Please do not hesitate to contact me if you have any queries about the contents of this letter.

Yours sincerely

*[Insert name]*  
*[Insert Job Title]*

Enc: *[Improvement Plan / Notes of Meetings]*



Appendix 4  
PRIVATE & CONFIDENTIAL

Southfield Road, Loughborough,  
Leicestershire. LE11 2TT

Department: xxxxxxxxxxxxxxxx  
Ask for: xxxxxxxx

Direct Line: 01509-63xxxx  
Email: xxxxxxxxxxxxxxxxxxxxxxxx

DATE: xxxxxxxxx

Dear xxxxxxxx

Invitation to Formal Employee Performance Meeting

Following our review meeting under the informal stage of the Managing Employee Performance Policy and Procedure on *[date]* when I advised you that I had continuing concerns about your standard of performance, I am writing to confirm that it will now be necessary to invite you to a Formal Employee Performance Meeting.

The Formal Meeting will take place on *[date]* at *[time]* in *[location]* and will be chaired by *[Senior Manager – Line manager’s manager or appropriate Senior Manager, PO Grade or above]*. Also present will be *[HR rep]*. *[Name]* will be in attendance to take notes. On arrival you should report to *[location]* and ask for *[name]*.

I have the following concerns which I wish to raise at the meeting:

*[List areas of concern]*

The purpose of the meeting is not only to discuss areas of your workplace performance which I feel that you need to improve but also to give you the opportunity to provide explanation as to any reasons why your performance is not meeting expectations.

As this is a formal meeting you may, if you wish, be accompanied by a work colleague or Trade Union Representative.

Please be aware that if, having carefully considered the evidence available, the Senior Manager and the HR Adviser are satisfied that you have been given sufficient opportunity and support to improve your performance, but your performance remains

unacceptable, they may take the decision to request management to instigate a Formal Employee Performance Support Plan.

However, if the Senior Manager and the HR adviser feel that the circumstances indicate that an escalation to a Formal Employee Performance Hearing is appropriate then they may make this recommendation. For the case to escalate to a hearing, the case details must be forwarded to an independent Senior Manager to make the final decision on case progression.

Should you or your representative require any special arrangements in order to attend the meeting, please contact me on the above number at least 2 days prior to the meeting so that I can facilitate these for you.

I appreciate that this may be a concerning time for you and would like to remind you that the services of Amica (staff counselling and psychological support services) are available to you on 0116-2544388. Trade union members can also contact their union for advice and support.

Would you please acknowledge receipt of this letter and confirm whether you will be able to attend this meeting.

Please do not hesitate to contact me if you have any queries about the content of this letter.

Yours Sincerely

*[Insert name]*  
*[Insert Job Title]*

Enc: [Managing Employee Performance Policy and Procedure / Improvement Plan / notes of meetings / Health Related Documents](#)

---

I acknowledge receipt of the letter dated *[date]*

I will / will not be attending the Formal Employee Performance meeting arranged for *[date]*.



SIGNED: \_\_\_\_\_  
*[Insert Employees Name]*

Date: \_\_\_\_\_



Appendix 5  
PRIVATE & CONFIDENTIAL

Southfield Road, Loughborough,  
Leicestershire. LE11 2TT

Department: xxxxxxxxxxxxxxxx  
Ask for: xxxxxxxx

Direct Line: 01509-63xxxx  
Email: xxxxxxxxxxxxxxxxxxxxxxxx

DATE: xxxxxxxx

Dear xxxxxxx

Outcome of Formal Employee Performance Meeting

In accordance with the Managing Employee Performance Policy and Procedure, I am writing further to the Formal Employee Performance Meeting held on *[Date]* at *[Location]*.

**Option 1:** You were accompanied by *[Name of companion and role i.e. work colleague or Trade Union representative]*.

OR

**Option 2:** You elected not to be accompanied at the hearing OR you were not in attendance at the meeting.

Also present at the Formal Employee Performance Meeting were *[Name, Job Title]* in the capacity of HR representative, and *[Name]* as note-taker.

Management case was presented by *[Name, Job Title]*, and indicated that *[Enter a summary of the main points of the management presentation including reference to documentary evidence and witness statements, and any points of concern or inaccuracy. It is particularly important to reference the available medical information and any reasonable adjustments or supportive measures considered]*.

Your case indicated that *[Enter a summary of the main points of the employee's case including reference to documentary evidence and witness statements, and any points of concern or inaccuracy]*.

#### WHERE DECISION IS MADE THAT PERFORMANCE IS AT A SATISFACTORY LEVEL:

Having carefully considered the evidence presented at the Formal Meeting, I am of the view that your performance is at a satisfactory level. Therefore no further action will be taken at this stage; however, your level of performance must be maintained.

#### WHERE DECISION IS MADE THAT PERFORMANCE ISN'T AT A SATISFACTORY LEVEL BUT COULD BE WITH A LITTLE MORE SUPPORT:

Having carefully considered the evidence presented at the Formal Meeting, I am of the view that your performance is short of being satisfactory. Therefore an extension will be give of [4-6] weeks for you to be able to evidence satisfactory performance. The Formal Employee Performance Meeting will be reconvened to review your progress.

#### WHERE DECISION IS MADE THAT PERFORMANCE ISN'T AT A SATISFACTORY LEVEL:

I am satisfied that you have been given sufficient opportunity and support to improve your performance, but your performance still remains below the required standard. Therefore I will be requesting your manager looks to meet with you to put you onto a Formal Performance Improvement Support Plan as soon as possible.

I will be making the following recommendations regarding supportive measures and reasonable adjustments that might assist you in achieving the required level of performance:

- *[Provide details]*

#### WHERE DECISION IS MADE TO RECOMMEND CASE PROGRESSION TO FORMAL EMPLOYEE PERFORMANCE HEARING:

I am satisfied that you have been given sufficient opportunity and support to improve your performance, but your performance still remains unacceptable. It is my view that circumstances such as the potential risk you pose to *[i.e. clear and significant*

risk to service users or colleagues etc] means that I will be recommending your case be considered by an independent Senior Manager for escalation to a Formal Employee Performance Hearing.

Should you have any questions regarding the content of this letter, please do not hesitate to contact me on *[Enter telephone number]*.

Yours sincerely

*[Insert Name]*  
*[Insert Job Title]*



## **FORMAT OF EMPLOYEE PERFORMANCE REVIEW REPORT**

The following guidelines may be useful for the manager to consider when preparing the case to submit to the decision making officer for taking case to formal employee performance hearing:

### **1. Background of Work Employment**

Details of the employee's job role, how long they have been employed, etc. A copy of the employee's job description and person specification should be attached as an appendix.

### **2. Concerns and how they came to light**

Provide details of when and how you became aware of performance issues.

### **3. Timeline of management support**

Did you try and address the matter informally through supervision?  
What was discussed in the meeting, what support was agreed, did you put them on support plan?  
What was the outcome?  
When did you write to the employee to invite them to the formal employee performance meeting?  
What was the outcome?  
When did you meet to discuss the formal support plan?  
What support if any was agreed, how long was the support plan for?  
What was the final outcome?

### **4. Mitigating circumstances**

What mitigating circumstances are there if any?  
What support have management provided to try and support employee with those difficulties.

### **5. Conclusion**

The Manager should state clearly if all the support required has been offered and if the employee has given their all to meet the targets set and what they deem to be the underlying reason for the employee not achieving the outcomes required.

Manager should try and make references of work carried out and be able to evidence the shortfall in the performance, further information around impact on service delivery and or work colleagues should also be included.

## **6. Recommendation**

Based on the information available to the manager, they need to complete their report by providing a recommendation as to how they feel the case should proceed.

When formulating their recommendation and considering whether or not a Formal Employee Performance Hearing is appropriate the Manager should:

- View the matter objectively;
- Identify any associated risks with underperformance. e.g. service quality, safeguarding concerns etc.
- Take into account all of the information available, including the employee's view on the support offered and the circumstances they find themselves within (i.e. outside work situations, health problems etc.)
- Take a reasoned decision on whether or not to recommend proceeding to a hearing

**As part of the report it is necessary to include appendices of any evidence that has been collated which back up the main report.**



Appendix 7  
PRIVATE & CONFIDENTIAL

Southfield Road, Loughborough,  
Leicestershire. LE11 2TT

Department: xxxxxxxxxxxxxxxx  
Ask for: xxxxxxxx

Direct Line: 01509-63xxxx  
Email: xxxxxxxxxxxxxxxxxxxxxxxx

DATE: xxxxxxxx

Dear xxxxxxx

Invitation to Formal Employee Performance Hearing

Following our review meeting under the formal stage of the Managing Employee Performance Policy and Procedure on *[date]* and the subsequent submission of the Employee Performance Review Report, I am writing to confirm that it will now be necessary to invite you to a Formal Employee Performance Hearing.

The hearing will take place at *[time]* on *[date]* in *[location]* and will be chaired by *[Senior Manager – PO Grade or above]*. Also present will be *[name, job title]* and *[name, job title]*. Also present will be *[name]* to take notes. On arrival you should report to *[location]* and ask for *[name]*.

*[Name]* will be in attendance at the hearing to present the management case. Also present will be *[name, job title]* to support management. Enclosed is a copy of the documents that will be referred to at the hearing.

The specific concerns are:

- *List concerns with specific examples of where this falls short*

The purpose of this hearing is to consider the steps taken to improve your performance and your progress against the Formal Improvement Plan put in place following for the Formal Employee Performance Meeting.

As this is a formal employee performance hearing, you may, if you wish, be accompanied by a work colleague or your Trade Union Representative.

Would you please acknowledge that you are able to attend the hearing and whether you will be calling any witnesses to support your case so that necessary arrangements can be made. *[If applicable; for your information, management will be calling (names) as witnesses]*. If you are unable to provide names at this point in time, these must be submitted to *[name]* no later than 5 working days before the hearing. Any documentation you wish to provide should also be submitted to *[name]* no later than 5 working days before the hearing.

The Formal Employee Performance Hearing may result in one of the following outcomes:

- No further action
- Extension of review period
- Dismissed with contractual notice

Should you or your representative require any special arrangements in order to attend the hearing, please contact me on the above number at least a week before the hearing so that I can facilitate these for you.

Please do not hesitate to contact me if you have any queries about the contents of this letter.

Yours sincerely

*[Insert name]*  
*[Insert Job Title]*

---

I acknowledge receipt of the letter dated *[date]*

I will / will not be attending the Formal Employee Performance Hearing arranged for *[date]*, (if not attending please provide a reason and note that if this is not an acceptable reason the hearing may go ahead in your absence).

I will be calling witnesses (please provide names of any witnesses you intend to call).



Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
*[Insert Employee Name]*



## HEARING FOLDER CONTENTS LIST TEMPLATE

This template is to provide a framework on how to structure an Employee Performance hearing folder. It is not intended to be prescriptive and can be adapted to suit individual requirements.

### **Employee Performance Hearing Folder Contents Page**

Name of Employee:

Date of Hearing:

Venue of Hearing:

Name of Chair and Job Title:

Name of 1<sup>st</sup> Panel Member and Job Title:

Name of 2<sup>nd</sup> Panel Member and Job Title:

Presenting Officer:

**Section 1**     Invite letter to Formal Employee Performance Hearing

1.1 Invite letter to Formal Employee Performance Hearing

**Section 2**     Employee Performance Review Report

2.1 Employee Performance Review Report

**Section 3**     Managing Employee Performance Policy and Procedure

3.1 Managing Employee Performance Policy and Procedure

3.2 Hearing Format

**Section 4**     Employment Details

4.1 Employee Summary (Job Title, Grade, Hours, Start Date, etc.)

4.2 Contract of Employment

4.3 Job Description and Person Specification

**Section 5**     Correspondence

- 5.1 Invite to Formal Employee Performance Hearing
- 5.2 Formal Performance Review Acceptable Confirmation Letter
- 5.3 Outcome of Formal Employee Performance Meeting
- 5.4 Invitation to Formal Employee Performance Meeting
- 5.5 Informal Performance Review Acceptable Confirmation Letter

**Section 6**      Evidence of underperformance / Notes of Meeting / Evidence

- 6.1 Example of work which doesn't meet the required standard
- 6.2 Examples of deadlines missed
- 6.3 Copy of informal support plan and or meeting notes
- 6.4 Notes of formal employee performance meeting
- 6.5 Copy of formal employee performance support plan
- 6.6 Notes from formal support plan meeting
- 6.7 Notes from final review meeting.
- 6.8 Copies of evidence (e.g. complaint letters, PDR's, etc)

**Section 7**      Supplementary Information

- 7.1 Medical information if applicable

Department: xxxxxxxxxxxxxxxx  
Ask for: xxxxxxxx

Direct Line: 01509-63xxxx  
Email: xxxxxxxxxxxxxxxxxxxxxxxx

DATE: xxxxxxxxx

Dear xxxxxxxx

Outcome of Formal Employee Performance Hearing

In accordance with the Managing Employee Performance Policy and Procedure, I am writing further to the Formal Employee Performance Hearing held on *[Date]* *[in/at]* *[Location]*.

**Option 1:** You were accompanied by *[Name of companion and role i.e. work colleague or Trade Union representative]*.

OR

**Option 2:** You elected not to be accompanied at the hearing OR you were not in attendance at the meeting.

Also present at the formal employee performance hearing were *[Name, Job Title]* in the capacity of HR representative, *[Name, Job Title]* in the capacity of independent senior manager and *[Name]* as note-taker.

Management case was presented by *[Name, Job Title]*, and indicated that *[Enter a summary of the main points of the management presentation including reference to documentary evidence and witness statements, and any points of concern or inaccuracy. It is particularly important to reference the available medical information and any reasonable adjustments or supportive measures considered]*.

Your case indicated that *[Enter a summary of the main points of the employee's case including reference to documentary evidence and witness statements, and any points of concern or inaccuracy]*.

### WHERE DECISION IS MADE THAT PERFORMANCE IS AT A SATISFACTORY LEVEL:

Having carefully considered the evidence presented at the hearing, the panel's view is that your performance is at a satisfactory level. Therefore no further action will be taken at this stage; however, your level of performance must now be maintained for 12 months.

### WHERE DECISION IS MADE THAT PERFORMANCE ISN'T AT A SATISFACTORY LEVEL BUT COULD BE WITH A LITTLE MORE SUPPORT:

Having carefully considered the evidence presented at the hearing, the panel are of the view that your performance is short of being at a satisfactory level. Therefore an extension will be given of [4-6] weeks for you to be able to evidence satisfactory performance. This hearing will then be convened to review your progress.

### WHERE DECISION IS MADE THAT PERFORMANCE ISN'T AT A SATISFACTORY LEVEL AND THEREFORE TO DISMISS:

Having carefully considered the evidence presented at the hearing, the panel is satisfied that it is reasonable in the circumstances to dismiss you from your employment with the Council on the grounds of unsatisfactory performance. This is because *[Enter a brief statement outlining how the decision was reached, referring to the evidence].*

I confirmed this decision to you verbally on [Date], in person following a short adjournment from the hearing OR by telephone, and it will take effect from that date.

You are entitled to *[Enter duration of notice as detailed in the contract of employment]* notice from the date on which you received *[verbal OR written]* confirmation of the decision to dismiss you. Your employment will terminate on [Date], and you are OR are not required to work during your notice period. Your P45 will be forwarded to you following your termination date.

Please return any property which is still in your possession, and [Name] will be in contact with you to arrange this.

You have the right to appeal against your dismissal, and I have enclosed a copy of the Appeal Policy and Procedure along with an appeal registration form. Should you wish to appeal, you must return the completed appeal registration form to me within 7 working days of receiving this letter. The effect of the dismissal will stand, i.e. you will remain dismissed pending the appeal.

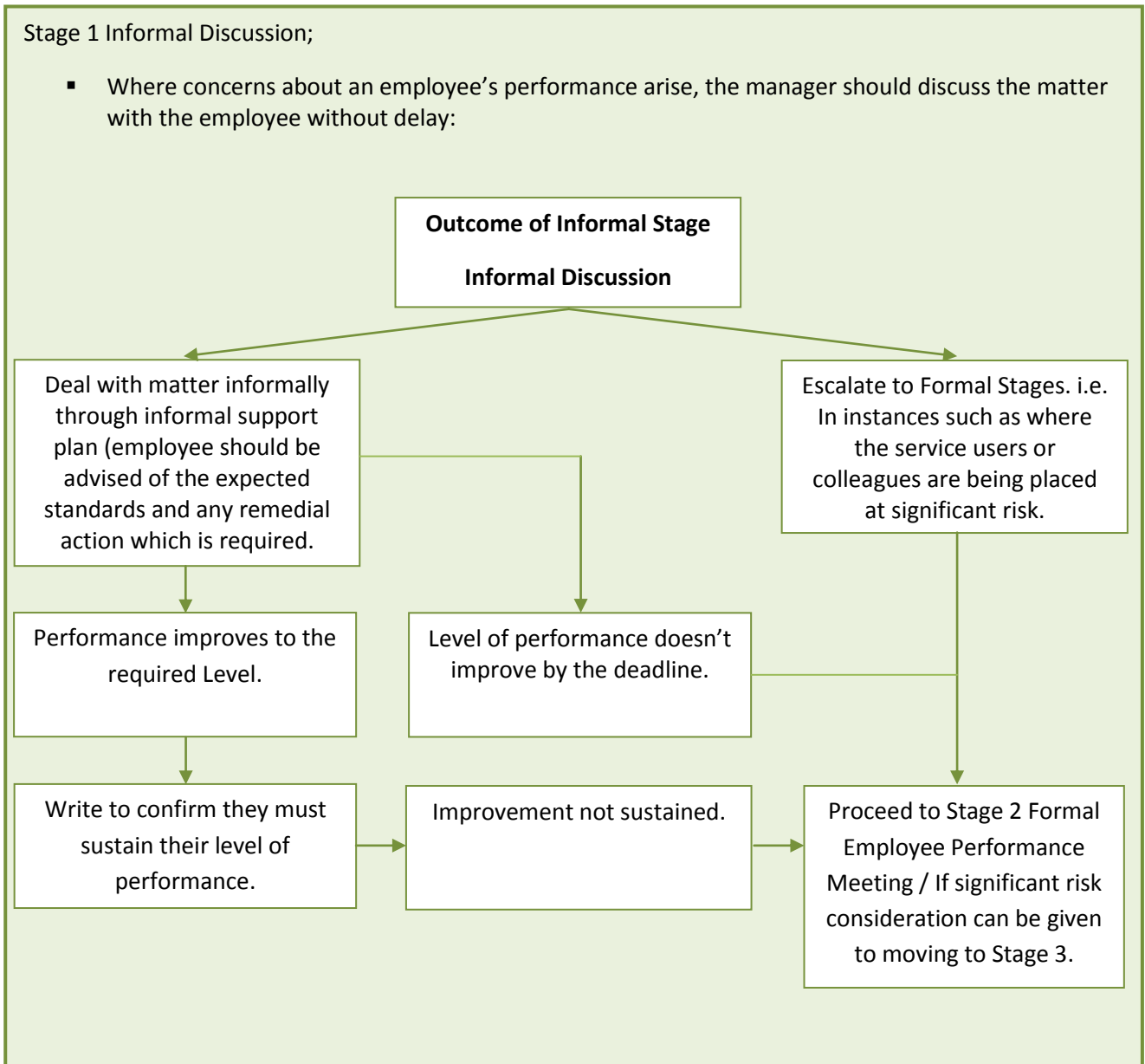
Should you have any questions regarding the content of this letter, please do not hesitate to contact me on *[Enter telephone number]*.

Yours sincerely

*[Insert Name]*  
*[Insert Job Title]*

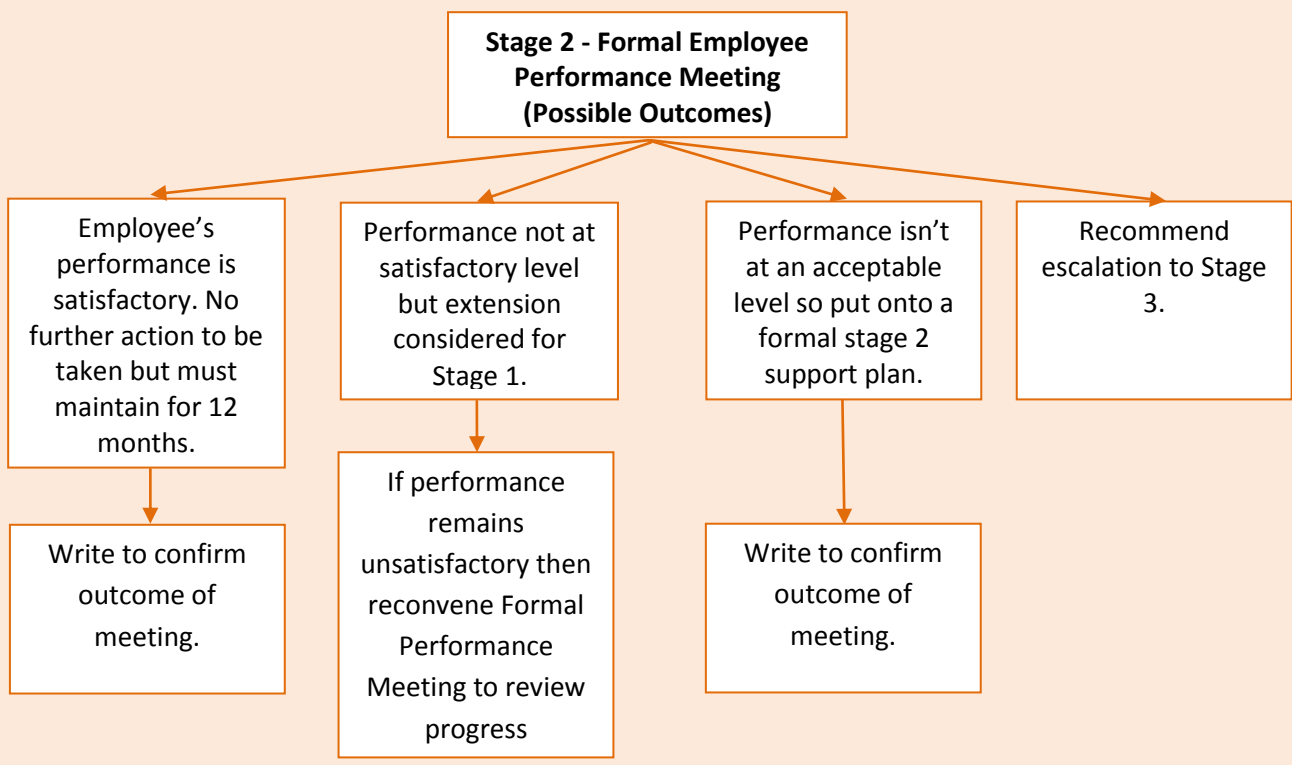
## Managing Employee Performance

Concerns related to performance



Stage 2 Formal Stage;

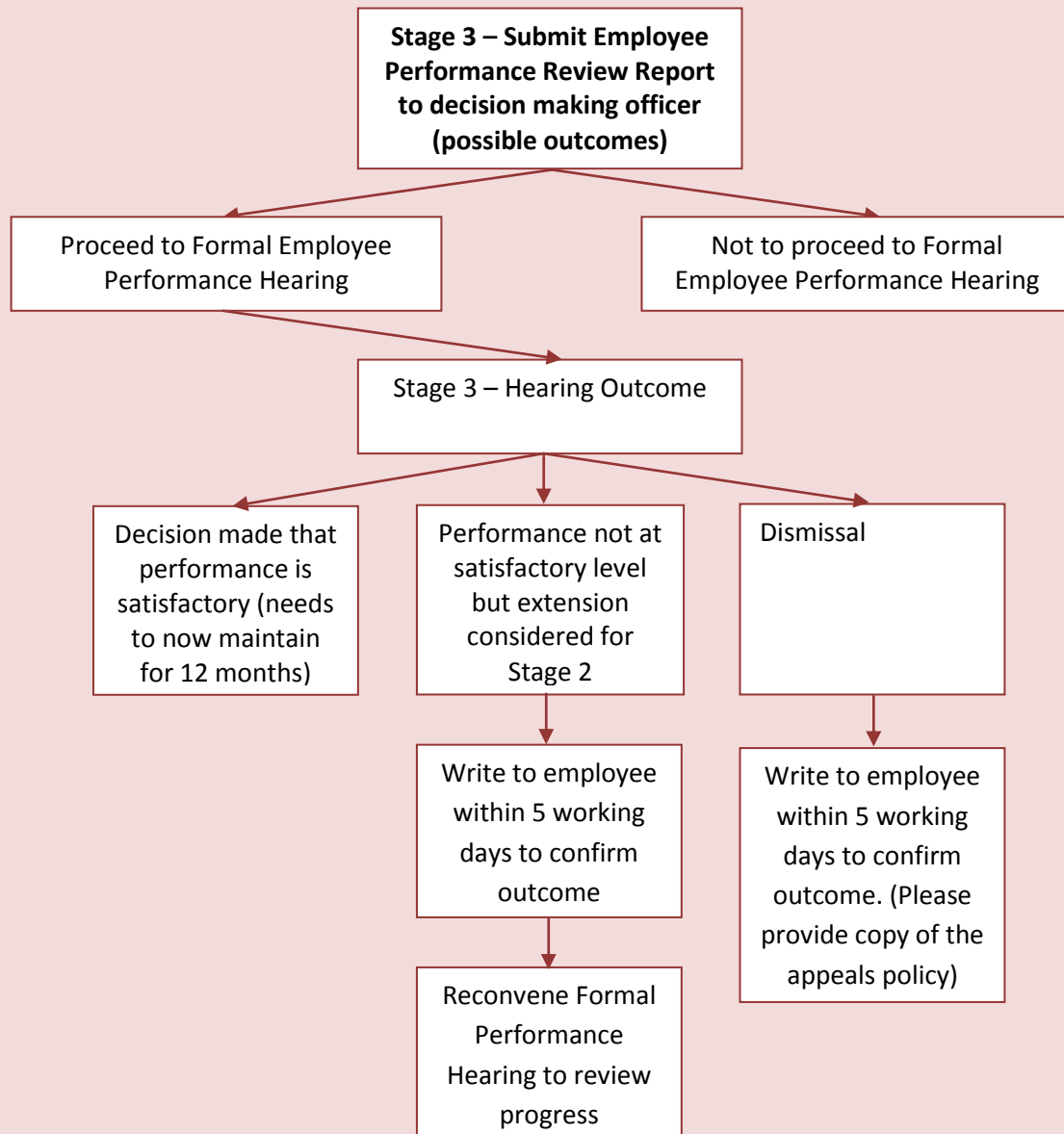
- Stage 2 to be initiated for the following reasons:
  - Has not been able to evidence necessary improvements
  - Has not sustained performance to an acceptable level
  - Apparent that the employee's performance issues are sufficiently serious to justify escalation





Stage 3 Formal Employee Performance Hearing;

- Where the employee's performance continues to be unsatisfactory, and as a result dismissal is being considered, the manager will seek the agreement of a decision maker for the case to be considered at a Formal Employee Performance Hearing.

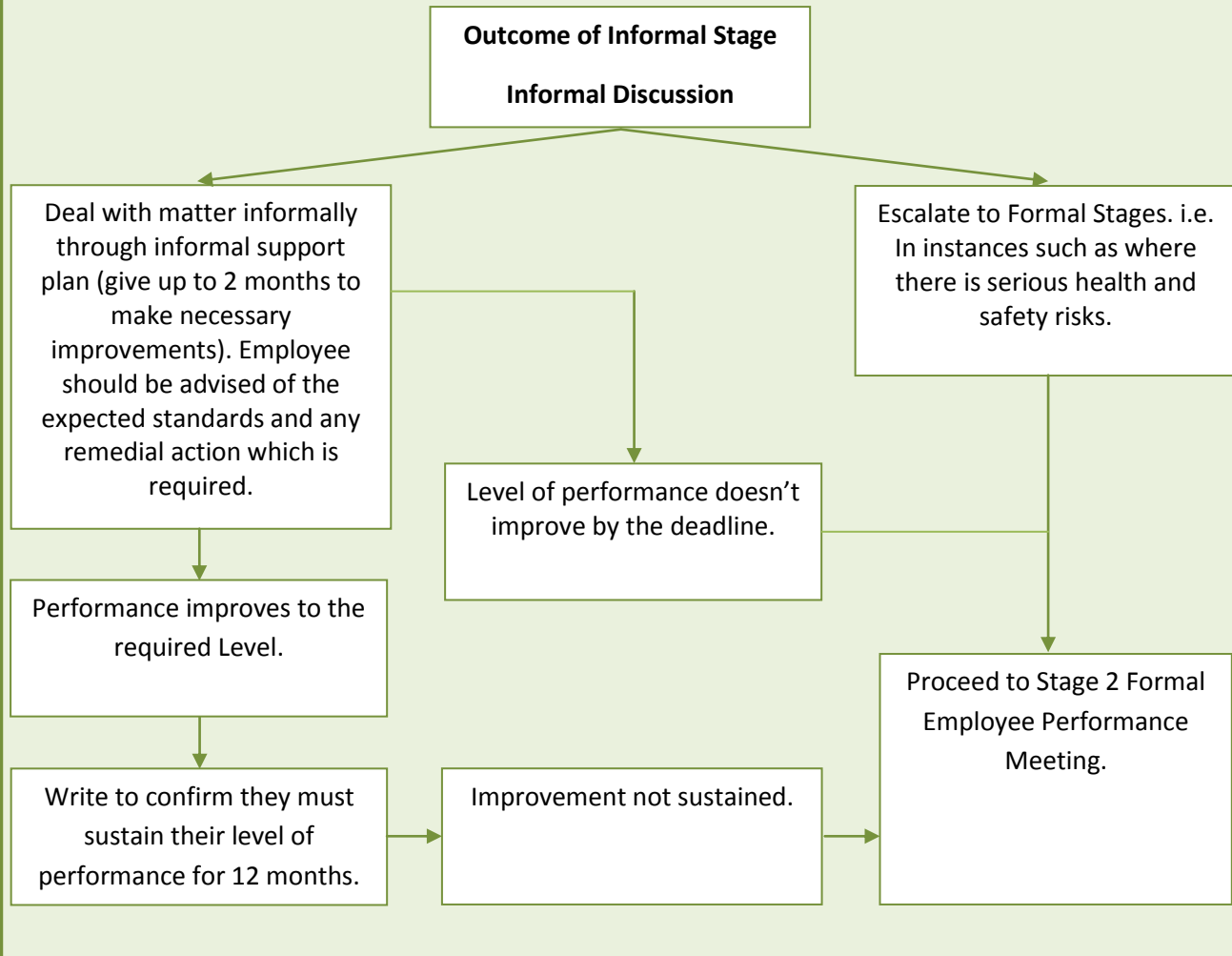


## Managing Employee Performance for Chief Officers

Concerns related to performance

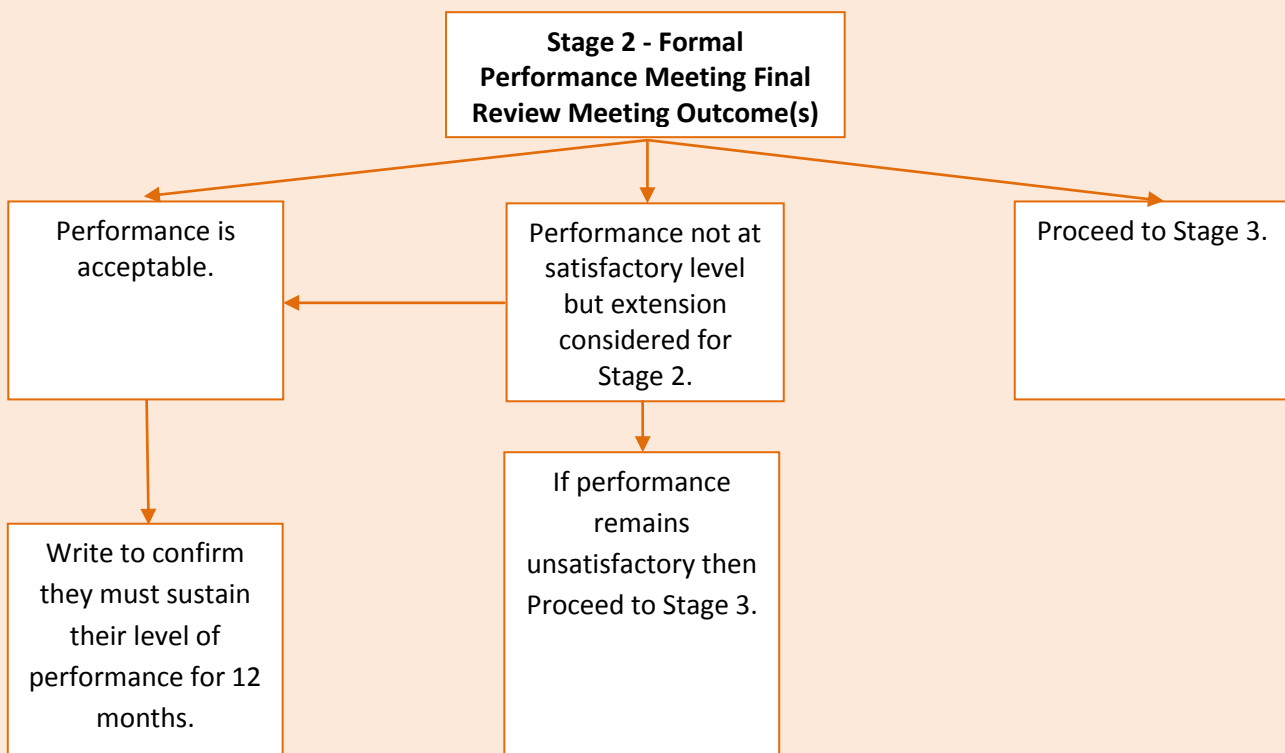
Stage 1 Informal Discussion;

- Where concerns about an employee's performance arise, the manager should discuss the matter with the employee without delay:



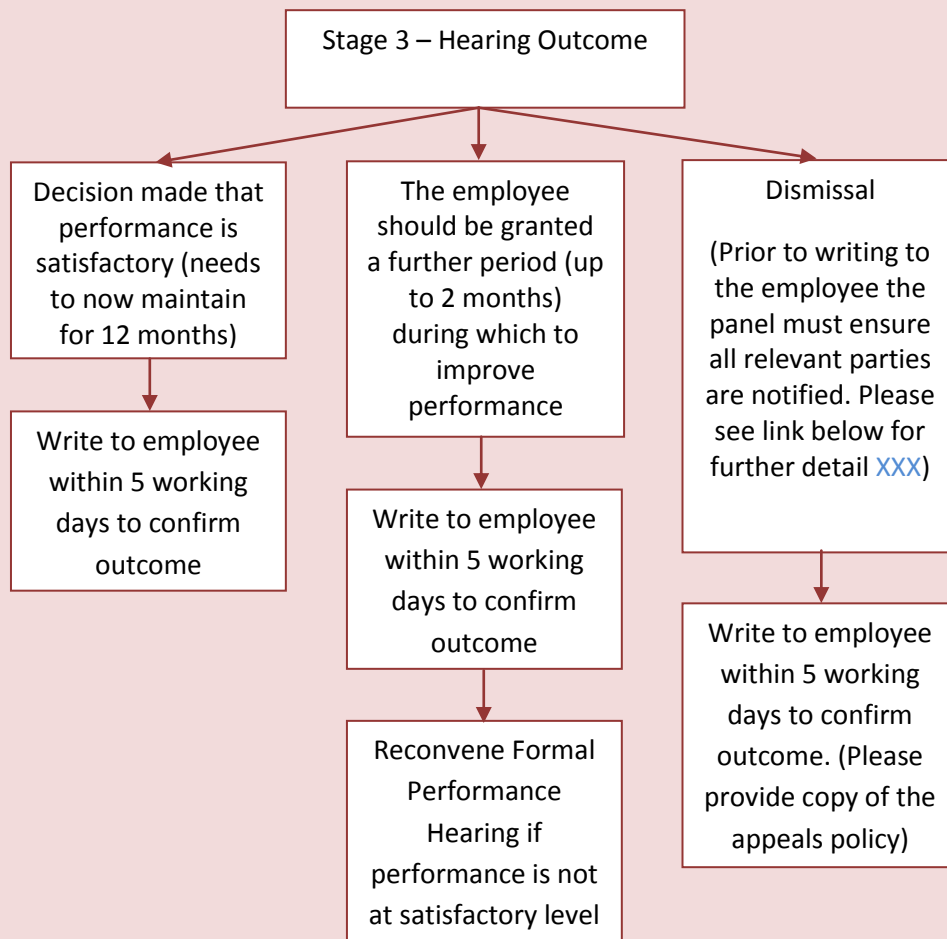
Stage 2 Formal Stage;

- Stage 2 to be initiated where:
  - Stage 1 does not lead to a satisfactory improvement in the employee's performance or there is a serious health and safety risk or where it is otherwise considered appropriate, the employee will be invited to a formal performance meeting. In this meeting a formal performance support plan will be drafted.



Stage 3 Formal Employee Performance Hearing;

- A Managing Employee Performance hearing will be arranged to consider the employee's performance. The panel for JNC staff up to and including Heads of Service will include a Head of Service and a Strategic Director or 2 Strategic Directors, with no prior involvement in the case, plus a HR Manager. For cases relating to a Strategic Director who is not a Statutory Officer, the panel, appointed by the Personnel Committee, will consist of five elected members (with a quorum of three) with no prior involvement in the case.

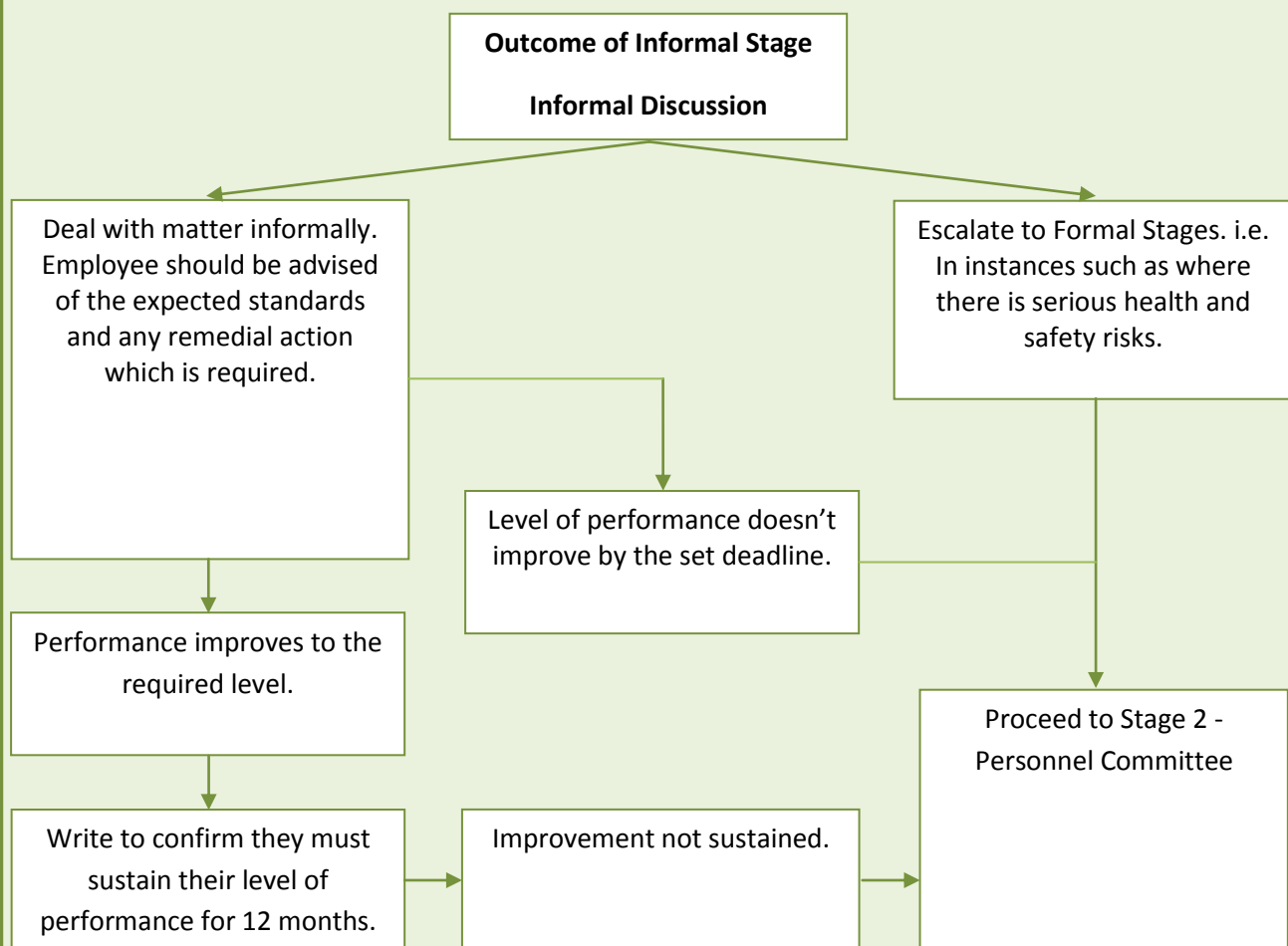


## Managing Employee Performance for Head of Paid Service, Monitoring Officer and Chief Finance Officer

The following variations to the Employee Performance Procedure for Chief Officers will apply where the subject of the underperformance is the Head of Paid Service (i.e. the Chief Executive), the Monitoring Officer (i.e. the Head of Strategic Support) or the Chief Finance Officer (i.e. the Strategic Director for Corporate Resources).

### Stage 1 Informal Discussion;

- If the employee concerned is the Chief Executive, an appropriate person will be appointed by the Leader (or Deputy Leader in their absence) to undertake this stage of the procedure. For the other two posts, the Chief Executive will undertake this stage as the manager of the post holders:

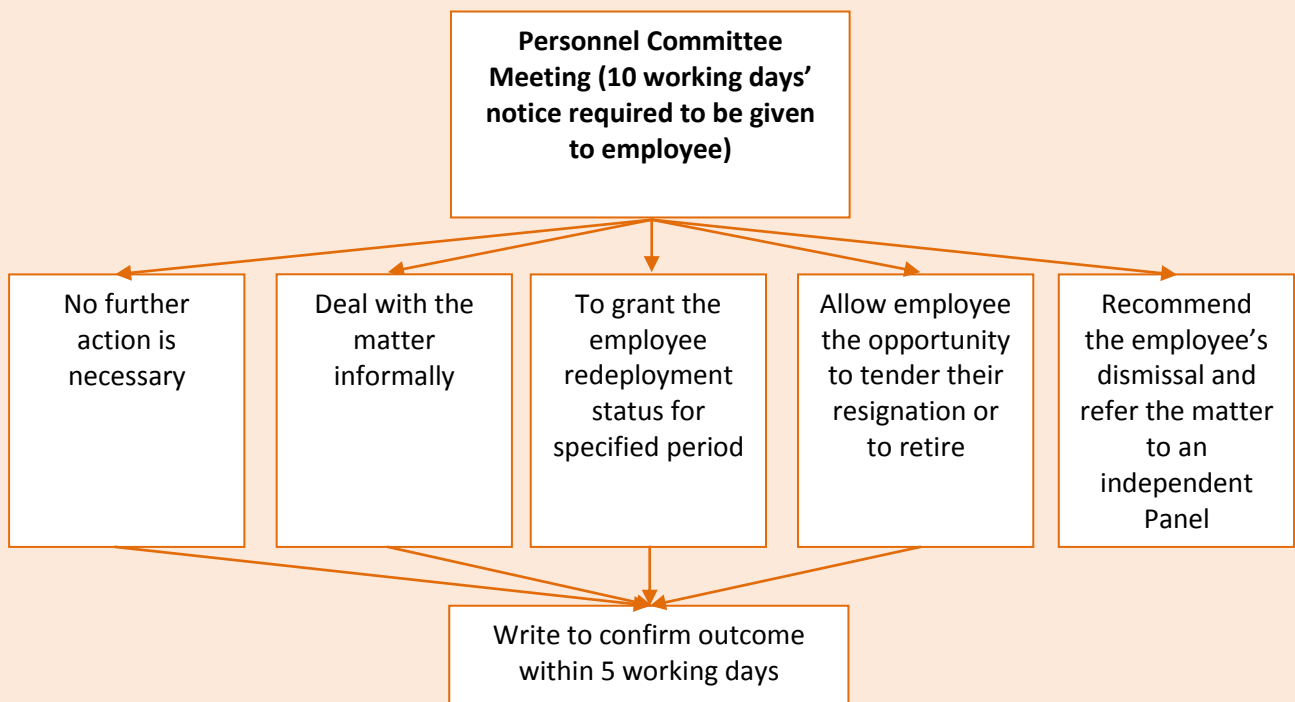


Stage 2 Personnel Committee;

- Stage 2 to be initiated where:

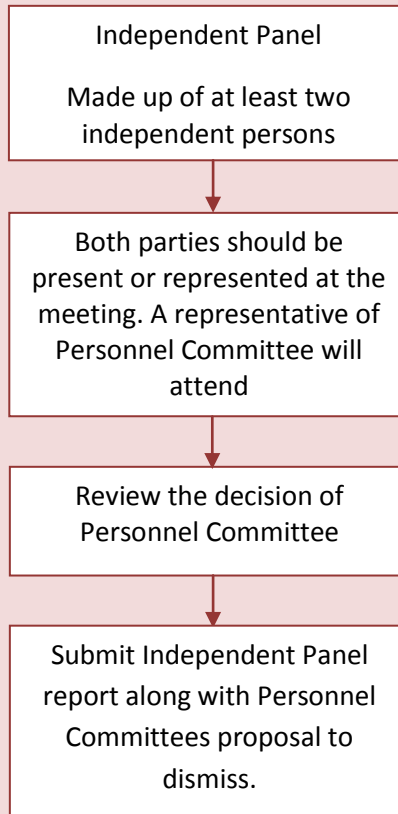
Stage 1 does not lead to a satisfactory improvement in the employee's performance and therefore dismissal is a possibility.

- A meeting of the Personnel Committee will be arranged to consider what action, if any, is appropriate. The Committee must include at least one member of the Cabinet.



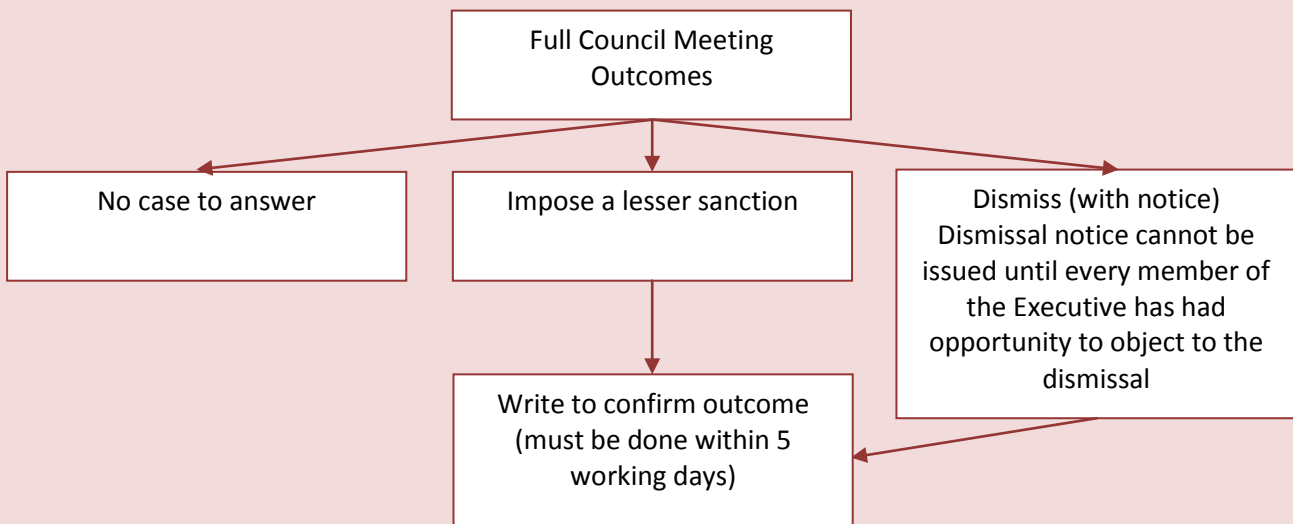
Stage 3 The Independent Panel;

- Stage 3 to be initiated where the Personnel Committee recommends the dismissal of the employee.



Stage 4 Full Council;

- Full Council will meet to consider the proposal to dismiss the employee.



## PERSONNEL COMMITTEE – 3RD OCTOBER 2018

### Report of the Head of Strategic Support

#### Part A

#### ITEM 7 CHIEF EXECUTIVE'S PERFORMANCE AND DEVELOPMENT REVIEW

##### Purpose of Report

To clarify the process by which the Chief Executive's Performance and Development Reviews are undertaken.

##### Recommendation

That the Democratic Services Manager be asked to arrange Panel meetings to undertake the Chief Executive's PDR covering the appraisal for the 2017/18 municipal year and the target setting for the 2018/19 municipal year as soon as convenient.

##### Reason

To ensure that the process relating to the Chief Executive's PDR is followed in respect of these municipal years.

##### Policy Justification and Previous Decisions

The responsibilities of the Personnel Committee include the appointment of a Panel for undertaking the Chief Executive's Performance and Development Review.

##### Report Implications

The following implications have been identified for this report:

##### *Financial Implications*

None identified.

##### *Risk Management*

There are no specific risks associated with this decision.

Background Papers: Personnel Committee Report dated 3 August 2009: Chief Executive's Personal Development Review (PDR) - Panel And Process

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## Part B

### Background

1. The process by which the Performance Development Review (PDR) of the Chief Executive is carried out was originally set out in a report to the Personnel Committee of 3rd August 2009 (link below).

[http://info.charnwood.local/sites/Personnel\\_Committee/20090803/Published%20Items/PC%20Urgent%20Item%203rd%20August%202009%20\(CX%20PDR\)%20\(Final\).pdf](http://info.charnwood.local/sites/Personnel_Committee/20090803/Published%20Items/PC%20Urgent%20Item%203rd%20August%202009%20(CX%20PDR)%20(Final).pdf)

2. The process set out in that report is as follows:

**Step 1:** Chief Executive supplies a statement of performance against targets to Panel members using the standard PDR form<sup>1</sup> used by all Charnwood employees.

**Step 2:** Panel members supply the Leader with comments for inclusion in feedback to the Chief Executive.

**Step 3:** Leader provides feedback to Chief Executive.

Chief Executive sends suggestions for inclusion in Action Plan objectives/targets to the Leader.

**Step 4:**

*Part 1* – Appraisal interview with Panel

*Part 2* – Target setting interview with the Leader or another Panel member selected by the Panel – to be arranged as soon as convenient after any post interview Panel discussion.

3. The Panel referred to in the process above were five members appointed by the Personnel Committee (as originally agreed by that Committee on 12th May 2009). This procedure has been codified and the terms of reference for the Personnel Committee within the Constitution include responsibility for undertaking the Chief Executive's Performance and Development Review. This is one of the functions which are sub-delegated to a politically balanced Panel of five members of the Committee who are appointed annually.
4. The Chief Executive's PDR covering the appraisal for the 2017/18 municipal year and the target setting for the 2018/19 municipal year has not yet been completed. This may be attributed to the change in Leader in 2017 which was not subsequently reflected in changes to the composition of the Panel that would undertake the PDR.
5. Responsibility for organising the Panel meeting to undertake the Chief Executive's PDR originally fell to the Acting Director of Programmes and Resources (a role now deleted from the establishment). It is therefore recommended that the Democratic Services Manager be asked to arrange

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<sup>1</sup> This form is no longer extant

Panel meetings to undertake the Chief Executive's PDR covering the appraisal for the 2017/18 municipal year and the target setting for the 2018/19 municipal year as soon as convenient.

6. Arrangements will be put into place to regularise this situation in the next municipal year.

## PERSONNEL COMMITTEE – 3RD OCTOBER 2018

### Report of the Head of Strategic Support

#### Part A

#### ITEM 8 NEW NATIONAL JOINT COUNCIL PAY SPINE – 1st APRIL 2019

##### Purpose of the Report

To gain Personnel Committee approval to implement the proposal relating to how the new National Joint Council (NJC) pay spine, which is effective from 1st April 2019, will be implemented within the Council.

##### Recommendation

That the Personnel Committee agree to the implementation of a revised NJC pay spine effective from 1st April 2019, set out as Option 1 in this report.

##### Reason

The national 2018 pay scales and allowances were agreed in April 2018 between the National Employers and the NJC Trade Union side. In order to comply with the principles of the pay agreement the Council needs to review and alter its local pay structure.

##### Policy Justification and Previous Decisions

With the exception of annual percentage increases applied to the pay scales, the pay structure was last revised in 2013, to take account of the Living Wage rate at that time. In order to ensure compliance with the NJC pay agreement from 1st April 2019, it is necessary to revise the current pay scale.

##### Implementation Timetable including Future Decisions

The revised pay structure needs to be implemented prior to 1st April 2019. Following agreement at Personnel Committee amendments will need to be made to the relevant processes and systems to ensure the 1st April 2019 deadline is met.

##### Report Implications

The following implications have been identified for this report.

##### *Financial Implications*

Estimated costs excluding on costs, casuals and skills groups.

##### Costings

Current Cost (pre-implementation): £4,817,764

Estimated Cost (post-implementation): £4,845,373

The additional payroll costs, which are estimated to be £27,609, arising from this implementation will be included within the base staff budgets from the 2019/20 financial year.

*Risk Management*

There are no specific risks associated with this decision.

Background Papers:

Appendices: Appendix A - Spreadsheet showing how the scale points will be assimilated onto the new pay spines.

Appendix B - Proposed payscales from April 2019 plus the current pay scales with a column added to show how the pay spines equate to the proposed pay spines.

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## Part B

### Background

#### **1. 2018 Pay Scales and Allowances**

- 1.1 The 2018 pay scales and allowances were agreed in April 2018 between the National Employers and the NJC Trade Union side.
- 1.2 At that time, if the Council had increased all the pay points in line with the NJC percentage increase, this would have meant that staff on spinal column point (SCP) 10 and 11 would be paid more than those on SCP 12.
- 1.3 It was therefore decided to increase SCP 11 and 12 at a higher percentage to, ensure that SCPs 10, 11 and 12 increased in the correct order and that a differential was maintained.

#### **2. 2019 Pay Scales and Allowances**

- 2.1 Further implications for implementing the new national pay SCPs from 1st April 2019 have been identified. This is primarily because the Council previously agreed to pay a 'living wage' and SCP 10 became the lowest adult rate. The problem is shared by many local authorities throughout the country and is particularly complex for those who have chosen to move away from the national pay scales. Following a regional meeting on this issue, the NJC for Local Government Services has released a frequently asked questions document to assist local authorities in determining their pay scale. It is apparent that nationally, the Trade Unions support council's adopting the National Pay Scales.
- 2.2 The NJC pay agreement for 2018 – 20 includes the introduction of a new pay spine on 1st April 2019 that features the following:
  - A bottom rate of £9.00 per hour
  - "pairing off" old SCPs 6 – 17 inclusive to create new SCPs 1 – 6 inclusive
  - Equal steps of 2% between each new SCP's 1 to 22 inclusive (equivalent to old SCPs 6 – 28 inclusive)
  - By creating equal steps between these pay points, new SCPs 10, 13, 16, 18 and 21 are generated to which no old SCPs will assimilate. This means that in some organisations the current number of pay points in a grade might change.
  - New SCPs 23 and above (equivalent to old SCPs 29 and above), 2% increase on 2018 rate.
- 2.3 In 2013 the old SCPs 6 – 9 were deleted from Charnwood's pay scales meaning that the current pay scale commences at SCP 10.
- 2.4 A pay scale working party has been established within the Council to formulate proposals for implementing the new pay spine prior to processing the 2019 pay award (from April 2019).

- 2.5 The LGA describes two core options for implementation of the new pay spine:
- ‘Assimilate’ and then apply increments
  - Apply increments, then assimilate
- 2.6 The working party considered these core options. Based on detailed calculations it was demonstrated that assimilating prior to incremental progression caused a number of avoidable problems, particularly in respect of employees who would be adversely affected (i.e. In theory they could lose pay). Therefore the working party concluded that the core option, of applying increments then assimilation, should be adopted.
- 2.7 Four sub-options were identified by the working party for the implementation of the new pay spine using the method of applying increments first. Two of these options were immediately discounted on grounds of:
- Excessive cost
  - Number of staff adversely affected
  - Width of pay bands (which could give rise to a risk of age discrimination)

This left two viable alternative options for SMT to consider at its meeting on 1st August 2018.

### 3. Senior Management Team (SMT) Decision

3.1 SMT agreed Option 1 at its meeting on 1st August 2018. The advantages and disadvantages of this option are outlined below. Based on the findings it is anticipated that the implementation of Option 1 would not lead to any employee being adversely affected, whereas Option 2 would have adversely impacted 55 employees.

#### 3.2 Option 1

This option would effectively reintroduce SCPs 6 – 9 which were deleted in 2013. Reintroducing the lower SCPs, as part of the broader assimilation process, helps to retain differentials between the grades.

Advantages	Disadvantages
<p>This alternative is considered the cleanest option in respect of maintaining differentials within the grades.</p> <p>Incremental progression, particularly where progression is automatic, is limited to 5 years to avoid any potential claims of age discrimination.</p> <p>This alternative can impact some employees, particularly on SCP 18 and 22; however, this can be mitigated in a way that leads to no employees being adversely affected, as demonstrated below</p>	<p>It will be necessary to change the Hay Job Evaluation scoring, particularly for jobs around SCP 18 and 22.</p> <p>This is likely to be a substantial piece of work. While the majority of this work could be carried out by the HR Strategy/Advisory team, it is envisaged that some consultancy time from Hay, to verify the outcome of that work, will be appropriate. This will also incur a cost to the Council.</p> <p>Potential consultancy cost to re-write</p>

<p>in our overall analysis:</p> <ul style="list-style-type: none"> <li>• Favourable impact = 133</li> <li>• Adversely impacted = 0</li> <li>• Not affected = 153</li> </ul> <p>(Favourable means that staff gain more incremental steps within the pay scale. For example, current scales 2 (SCPs 12 and 13) will now move up to cover the comparable points that would fall within the current scale 3).</p> <p>(There is no intention to reduce an employees' spinal column point within grade with the reintroduction of SCPs 6 – 9.)</p> <p>The reintroduction of these SCPs 6 - 9 will also give greater scope for employing casuals.</p>	<p>the payroll system on i-Trent.</p>
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#### 4. Union Consultation

- 4.1 UNISON, GMB and UNITE were sent the proposals via email on 14th August 2018 and a special JMTUM was held on the 18th September 2018 to discuss the proposals. UNISON raised some queries prior to the meeting which were discussed, and a written response was sent from the Council to all of the Unions on 12th September 2018 with further clarification sent on 14th September 2018.
- 4.2 On the 15th September UNISON confirmed that their National Office had advised that the pay offer could be signed off by their Head of Local Government as they did not believe that it raised any issues of legal complexity. As part of their agreement they confirmed that the offer would need to be signed off as a new collective agreement between the Council and the recognised Trade Unions.
- 4.3 GMB have also agreed the proposal and welcome the opportunity to enter into a Collective Agreement. At the time of submitting the report to Personnel Committee no formal response had been received from UNITE who have a very small membership within the Council.

#### 5. Additional Information

- 5.1 In order to implement Option 1, it will be necessary to restrict the percentage increase for SCP 10-11 to 4.5% and for SCP 12-13 to 5.8%. This is lower than the national headline figure but reflects the greater than national increase these employees have had in respect of 2018 (and prior) reflecting the previous Charnwood decision to match the bottom of our pay spine with the (then) living wage.

- 5.2 Information provided nationally from the Trade Unions support councils adopting the National Pay Scales.
- 5.3 Alignment to the new national pay spine will 'future proof' the Council in respect of pay awards in future years.



Current Scales		2018/19Pay Value		Payrise	2019/20Pay Value		Option 1		CurrentCost		Test 2Cost
min							grade 2019	new scp	current	new	
not used	6			5.92%			1	1 17,364	0	0	
at present	7			5.27%							
	8			6.53%							
	9			5.71%							
scale1	10	17,252		7.13%	4.50%	18,482	1	3 18,065	2	37	12,488
	11	17,289		6.22%	4.50%	18,364			35		281,918
											289,528
											0
scale2	12	17,347		7.30%	5.80%	18,613	2	4 18,426	2	7	31,190
	13	17,391		5.95%		18,426			5		50,297
											81,174
											0
scale3	14	17,681		6.30%		18,795	2	5 18,795	0	0	0
	15	17,972		4.58%		18,795			4	0	57,401
	16	18,319		4.65%		19,171	2	6 19,171	4	13	57,772
	17	18,672		2.67%		19,171			5	0	80,050
											196,373
											0
scale4	18	18,870		3.63%		19,555	2	7 19,554	7	0	124,993
	19	19,446		2.57%		19,946			9	7	146,089
	20	19,819		2.65%		20,344	3	8 19,945	15	9	239,869
							3	9 20,344	0	0	0
							3	10 20,751	0	0	0
	21	20,541		3.04%		21,165	3	11 21,166	82	97	1,279,794
											1,529,387
scale5	22	21,074		2.44%		21,588	3	12 21,589	4	0	46,094
									0	0	0
	23	21,693		3.54%		22,461	4	13 22,021	20	4	405,359
	24	22,401		2.28%		22,912	4	14 22,462	2	20	45,823
							4	15 22,911	0	0	0
							4	16 23,369	0	0	0
	25	23,111		3.14%		23,837	4	17 23,836	32	34	619,354
											667,009
scale6							5	18 24,313	0	0	0
	26	23,866		3.91%		24,799	5	19 24,799	8	0	180,632
	27	24,657		2.59%		25,296	5	20 25,295	4	8	81,014
							5	21 25,801	0	0	0
	28	25,463		3.35%		26,316	5	22 26,317	46	50	1,077,625
											1,159,726
											0
											0

**Hourly Rates etc. from Annual Salaries**

**April 2018**

Grade	SCP	New Paypoints from 2019	Ann. Sal.	Hrly. Rate	Monthly	Wkly
1	10	3	17252	8.9422	1437.67	330.86
	11	3	17289	8.9613	1440.75	331.57
2	12	4	17347	8.9914	1445.58	332.68
	13	4	17391	9.0142	1449.25	333.53
3	14	5	17681	9.1645	1473.42	339.09
	15	5	17972	9.3154	1497.67	344.67
	16	6	18319	9.4952	1526.58	351.32
	17	6	18672	9.6782	1556.00	358.09
4	18	7	18870	9.7808	1572.50	361.89
	19	8	19446	10.0794	1620.50	372.94
	20	9	19819	10.2727	1651.58	380.09
	21	11	20541	10.6469	1711.75	393.94
5	22	12	21074	10.9232	1756.17	404.16
	23	14	21693	11.2441	1807.75	416.03
	24	15	22401	11.6110	1866.75	429.61
	25	17	23111	11.9790	1925.92	443.22
6	26	19	23866	12.3704	1988.83	457.70
	27	20	24657	12.7804	2054.75	472.87
	28	22	25463	13.1981	2121.92	488.33

JNC A	50	46675	24.1929	3889.58	895.14
	51	47877	24.8159	3989.75	918.19
	52	49065	25.4317	4088.75	940.97
	53	50267	26.0547	4188.92	964.02
JNC B	54	51467	26.6767	4288.92	987.04
	55	52657	27.2935	4388.08	1009.86
	56	53976	27.9772	4498.00	1035.16
	57	55286	28.6562	4607.17	1060.28
JNC C	58	57470	29.7882	4789.17	1102.16
	59	58768	30.4610	4897.33	1127.06
	60	60081	31.1416	5006.75	1152.24
	61	61381	31.8154	5115.08	1177.17
JNC D	62	66005	34.2121	5500.42	1265.85
	63	67651	35.0653	5637.58	1297.42
	64	69303	35.9216	5775.25	1329.10
	65	70953	36.7768	5912.75	1360.74
JNC E	66	72599	37.6300	6049.92	1392.31
	67	74270	38.4961	6189.17	1424.36
	68	75491	39.1290	6290.92	1447.77
	69	77614	40.2294	6467.83	1488.49

Grade	SCP	New Paypoints from 2019	Ann. Sal.	Hrly. Rate	Monthly	Wkly
S.O.1	29	23	26470	13.7201	2205.83	507.64
	30	24	27358	14.1804	2279.83	524.67
	31	25	28221	14.6277	2351.75	541.22
S.O.2	32	26	29055	15.0600	2421.25	557.22
	33	27	29909	15.5026	2492.42	573.60
	34	28	30756	15.9417	2563.00	589.84
PO1	35	29	31401	16.2760	2616.75	602.21
	36	30	32233	16.7072	2686.08	618.17
	37	31	33136	17.1753	2761.33	635.48
	38	32	34106	17.6780	2842.17	654.09
PO2	39	33	35229	18.2601	2935.75	675.62
	40	34	36153	18.7391	3012.75	693.35
	41	35	37107	19.2335	3092.25	711.64
	42	36	38052	19.7234	3171.00	729.76
PO3	43	37	39002	20.2158	3250.17	747.98
	44	38	39961	20.7128	3330.08	766.38
	45	39	40858	21.1778	3404.83	783.58
	46	40	41846	21.6899	3487.17	802.53
Grade	SCP		Ann.Sal	Hrly Rate	Monthly	Wkly
PO4	47	41	42806	22.1875	3567.17	820.94
	48	42	43757	22.6804	3646.42	839.18
	49	43	44697	23.1676	3724.75	857.20

		90	118958	61.6591	9913.17
					2281.39

Group 1	25	23111	11.9790	1925.92	443.22
	27	24657	12.7804	2054.75	472.87
	31	28221	14.6277	2351.75	541.22

Group 2	25	23111	11.9790	1925.92	443.22
	26	23866	12.3704	1988.83	457.70
	28	25463	13.1981	2121.92	488.33

Group 3	23	21693	11.2441	1807.75	416.03
	24	22401	11.6110	1866.75	429.61
	27	24657	12.7804	2054.75	472.87

Group 4	18	18870	9.7808	1572.50	361.89
	19	19446	10.0794	1620.50	372.94
	20	19819	10.2727	1651.58	380.09

**Hourly Rates etc. from Annual Salaries 1st April 2019**

Grade		Ann. Sal.	Hrly. Rate	Monthly	Wkly
1	1	17364	9.0002	1447.00	333.01
	2	17711	9.1801	1475.92	339.66
	3	18065	9.3636	1505.42	346.45
2	4	18426	9.5507	1535.50	353.38
	5	18795	9.7419	1566.25	360.45
	6	19171	9.9368	1597.58	367.66
	7	19554	10.1354	1629.50	375.01
3	8	19945	10.3380	1662.08	382.51
	9	20344	10.5448	1695.33	390.16
	10	20751	10.7558	1729.25	397.96
	11	21166	10.9709	1763.83	405.92
	12	21589	11.1902	1799.08	414.04
4	13	22021	11.4141	1835.08	422.32
	14	22462	11.6427	1871.83	430.78
	15	22911	11.8754	1909.25	439.39
	16	23369	12.1128	1947.42	448.17
	17	23836	12.3548	1986.33	457.13
5	18	24313	12.6021	2026.08	466.28
	19	24799	12.8540	2066.58	475.60
	20	25295	13.1111	2107.92	485.11
	21	25801	13.3733	2150.08	494.81
	22	26317	13.6408	2193.08	504.71
SO1	23	26999	13.9943	2249.92	517.79
	24	27905	14.4639	2325.42	535.16
	25	28785	14.9200	2398.75	552.04
SO2	26	29636	15.3611	2469.67	568.36
	27	30507	15.8126	2542.25	585.07
	28	31371	16.2604	2614.25	601.64
PO1	29	32029	16.6015	2669.08	614.25
	30	32878	17.0415	2739.83	630.54
	31	33799	17.5189	2816.58	648.20
	32	34788	18.0315	2899.00	667.17
PO2	33	35934	18.6255	2994.50	689.15
	34	36876	19.1138	3073.00	707.21
	35	37849	19.6181	3154.08	725.87
	36	38813	20.1178	3234.42	744.36
PO3	37	39782	20.6201	3315.17	762.94
	38	40760	21.1270	3396.67	781.70
	39	41675	21.6013	3472.92	799.25
	40	42683	22.1237	3556.92	818.58
PO4	41	43662	22.6312	3638.50	837.35
	42	44632	23.1340	3719.33	855.96
	43	45591	23.6310	3799.25	874.35

Grade		Ann. Sal.	Hrly. Rate	Monthly	Wkly
JNC A	50	47609	24.6770	3967.42	913.05
	51	48835	25.3125	4069.58	936.56
	52	50047	25.9407	4170.58	959.81
	53	51273	26.5762	4272.75	983.32
JNC B	54	52497	27.2106	4374.75	1006.79
	55	53711	27.8398	4475.92	1030.07
	56	55056	28.5370	4588.00	1055.87
	57	56392	29.2295	4699.33	1081.49
JNC C	58	58620	30.3843	4885.00	1124.22
	59	59944	31.0706	4995.33	1149.61
	60	61283	31.7646	5106.92	1175.29
	61	62609	32.4519	5217.42	1200.72
JNC D	62	67326	34.8969	5610.50	1291.18
	63	69005	35.7671	5750.42	1323.38
	64	70690	36.6405	5890.83	1355.70
	65	72373	37.5128	6031.08	1387.98
JNC E	66	74051	38.3826	6170.92	1420.16
	67	75756	39.2663	6313.00	1452.85
	68	77001	39.9117	6416.75	1476.73
	69	79167	41.0344	6597.25	1518.27
	74	91012	47.1739	7584.33	1745.44
	90	121338	62.8927	10111.50	2327.03
Group 1	17	23836	12.3548	1986.33	457.13
	20	25295	13.1111	2107.92	485.11
	25	28785	14.9200	2398.75	552.04
Group 2	17	23836	12.3548	1986.33	457.13
	19	24799	12.8540	2066.58	475.60
	22	26317	13.6408	2193.08	504.71
Group 3	14	22462	11.6427	1871.83	430.78
	15	22911	11.8754	1909.25	439.39
	20	25295	13.1111	2107.92	485.11
Group 4	7	19554	10.1354	1629.50	375.01
	8	19945	10.3380	1662.08	382.51
	9	20344	10.5448	1695.33	390.16