



Committee: PERSONNEL COMMITTEE

Date: TUESDAY, 2ND OCTOBER 2018

Venue: LANCASTER TOWN HALL

Time: 9.00 A.M.

A G E N D A

1. Apologies for absence

2. Declarations of Interest

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

3. Items of urgent business authorised by the Chairman

4. Exclusion of the Press and Public

The Committee is recommended to pass the following recommendation in relation to the following item(s): -

"That, in accordance with Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information as defined in paragraph 2 of Schedule 12A of that Act."

Members are reminded that, whilst the following item has been marked as exempt, it is for the Committee itself to decide whether or not to consider this in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

The Committee will adjourn at this point and convene as an informal Recruitment Panel to facilitate interviews. After interviews have been conducted the Committee will re-convene to consider and make an appointment.

5. **Appointment of Director of Corporate Services**

Note: At this point the press and public will be re-admitted to the meeting.

6. **HR Policy Development and Review** (Pages 1 - 58)

Report of the HR Service Manager.

7. **Appointment to the Joint Consultative Committee on Health and Safety**

To appoint a Member of the Personnel Committee to the Joint Consultative Committee on Health and Safety.

ADMINISTRATIVE ARRANGEMENTS

(i) **Membership**

Councillors Ronnie Kershaw (Chairman), Margaret Pattison (Vice-Chairman), Eileen Blamire, Claire Cozler, Caroline Jackson, Susan Sykes and Phillippa Williamson

(ii) **Substitute Membership**

Councillors Amara Betts-Patel (Substitute), Rebecca Novell (Substitute), Jane Parkinson (Substitute), Sylvia Rogerson (Substitute) and David Whitaker (Substitute)

(iii) **Queries regarding this Agenda**

Please contact Stephen Metcalfe, Democratic Services - telephone 01524 582073, or e-mail sjmetcalfe@lancaster.gov.uk.

(iv) **Changes to Membership, substitutions or apologies**

Please contact Democratic Support, telephone 582170, or alternatively email democraticsupport@lancaster.gov.uk.

SUSAN PARSONAGE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Monday, 24th September 2018.

PERSONNEL COMMITTEE

HR POLICY DEVELOPMENT AND REVIEW**2 October 2018****Report of the HR Service Manager**

PURPOSE OF REPORT

To enable the Committee to consider and approve a number of Human Resources Policies and Procedures.
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This report is public.

RECOMMENDATIONS

- (1) That following the presentation of the following documents for consultation at the Joint Consultative Committee, on 20 September 2018, the Committee is requested to approve the policies below, following consideration of the comments by the Trade Unions that were tabled at the meeting:

1. Probation and Appointment Review Policy and Procedure
2. Early Termination of Employment Policy
3. Disciplinary Policy and Procedure

1.0 Introduction

- 1.1 From time to time the Council will develop procedures to support the management of workforce related matters.
- 1.2 The appended draft policies were considered at the Joint Consultative Committee (JCC) meeting on 20 September 2018. JCC proposed that the policies as presented should be referred to Personnel Committee for approval.
- 1.3 In proposing that the policies should be referred to Personnel Committee, the trade union representatives requested that a number of additional points be noted and where appropriate reported back to JCC in the future. These proposals are set out below in the body of the report.

2.0 Probation and Appointment Review Policy and Procedure

- 2.1 The Probation and Appointment Review Policy and Procedure has been in place for three years and generally works well. However, it is proposed to make some minor changes to improve efficacy.

Summary of main points

- 2.2 Sections 9 & 11 – Inclusion of provisions to withhold incremental progression from appointees where the Probation/Appointment Review Period has not been confirmed as

completed. It is essential that this process is properly concluded to ensure that all appointees have met the required standards for their role. The award of an increment prior to completion of Probation/Appointment Review is inconsistent with this aim. Increments will be reinstated and any arrears due will be paid once the Probation/Appointment Review Period is successfully completed.

- 2.3 Section 14 – Confirmation that where an individual on Appointment Review is failing to meet the necessary standards the manager can move them into the Capability and Performance Improvement Policy prior to the Six Month Review Meeting.

2.4 Trade Union comments

The Trade Union members in attendance at JCC requested that the revised approach to Probation and Appointment Review was not implemented until 1 November 2018. This recommendation was accepted by JCC and the Policy was referred for consideration by Personnel Committee.

3.0 Early Termination of Employment Policy

- 3.1 Following consideration of the Pay Policy Statement by Personnel Committee on 3 April 2018, it was requested that the section concerning re-employment with the Council be amended.

Summary of main points

- 3.2 Section 10 – Updated to reflect the maximum amount of enhanced voluntary redundancy payable to Lancaster City Council employees, following increases to statutory redundancy pay.
- 3.3 Section 16 – Inclusion of confirmation of the three year pay back arrangements.
- 3.3 Section 17 – Confirmation that all employees, including Chief Officers, who receive any payment in relation to the termination of their employment will not be re-employed by Lancaster City Council until a period of one calendar year has elapsed.

3.4 Trade Union comments

The Trade Union members in attendance at JCC requested the inclusion of some clarifying wording relating to annual leave to be included within the section of the Early Termination Policy dealing with Ill Health Retirement. It was proposed and accepted by JCC that a more appropriate place for the relevant wording would be within the Sickness Absence Management Policy. It was therefore proposed by JCC that the Early Termination of Employment Policy be referred to Personnel Committee for consideration.

4.0 Disciplinary Policy and Procedure

- 4.1 The current version of the Disciplinary Policy and Procedure has been in place for five years and therefore it is proposed to make changes to improve efficacy.

Summary of main points

- 4.2 Section 15 – Preliminary Management Action Meeting has been replaced by a Disciplinary Discussion to streamline the formal process. It is confirmed that the manager that carries out the disciplinary discussion can also chair the disciplinary hearing, should the matter proceed to a formal hearing.

- 4.3 Section 18 – Inclusion of an increase in the time within which an investigation should be completed from 10 days to 20 days. This better reflects the normal period of time it takes to complete a thorough disciplinary investigation.
- 4.4 Section 22 – Confirmation that both sides are able to cross examine witnesses during a disciplinary hearing.
- 4.5 Section 25 – Revision to the time limit for disciplinary sanctions with all sanctions being of a minimum of 12 months in duration, with the ability to extend up to 24 months where appropriate, and at the manager’s discretion.
- 4.6 **Trade Union comments**

The Trade Union members in attendance at JCC requested, in light of the option for managers to extend disciplinary sanctions where appropriate, that a review of the sanctions issued over the next 12 months is considered at a JCC in approximately 12 months’ time. This proposal was accepted by JCC and the Policy was referred to Personnel Committee for consideration.

5.0 Options

- 5.1 The options available to the Committee in respect of each Policy are to approve the appended document as drafted, to approve the document with amendments, or not to approve the document. However, if substantial changes in respect of any Policy are proposed at the Personnel Committee meeting, it may be appropriate for consideration of that Policy to be deferred to a future meeting to enable Officers to consider the proposed amendment in more detail and to consult further with the trade unions.

6.0 Conclusions

- 6.1 Members are asked to consider and accept the Officer recommendations set out above in respect of the draft policies appended to this report.

RELATIONSHIP TO POLICY FRAMEWORK

The Council is committed to good standards of employment practice, and it is considered that the amended and new policies will augment our existing Human Resource Management arrangements.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Please see associated Equality Impact Assessment in respect of each of the above policies.

FINANCIAL IMPLICATIONS

Financial Services have been consulted and confirm there are no direct financial implications as a result of this report.

SECTION 151 OFFICER'S COMMENTS

The Deputy Section 151 Officer has been consulted and has the following comments regarding the Early Termination of Employment Policy:

The reintroduction of the 3 year payback requirement will help Services to demonstrate the Value for Money of early termination proposals, which is essential in the use of tax payers' money. Whilst the onus is still on services to meet the costs of early termination and achieve this payback, there can be timing differences which result in costs in the initial year. Where this occurs other corporate savings can be used or funding from the Restructuring Reserve provided.

In respect of the Probation and Appointment Policy and Procedure and the Disciplinary Policy and Procedure, the Deputy s151 Officer has no additional comments to make.

LEGAL IMPLICATIONS

The appended policies are compliant with employment legislation and there are no further legal implications directly arising from this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

Contact Officer: Angela Jackson

Telephone: 01524 582179

E-mail: ajackson@lancaster.gov.uk



Probation and Appointment Review Policy and Procedure

1.0 Scope

- 1.1 The Council's Probation and Appointment Review Policy and Procedure applies to all newly appointed employees and to existing employees, excluding Chief Officers, who have taken on a new role within the Council. These employees will be referred to throughout this document as the 'appointee'. The Probation and Appointment Review Policy and Procedure forms part of the contract of employment.
- 1.2 The Probation and Appointment Review Policy and Procedure does not apply to casual workers.

2.0 Objectives and Principles

- 2.1 Lancaster City Council recognises the need to support and develop new appointees to achieve their full potential. The Probation/Appointment Review Period allows the Council to assess the capabilities and conduct of each appointee and allows the appointee to decide whether or not the job is suitable for them.
- 2.2 All appointees must be clear about the standard of work expected during the course of their employment. An up to date job description and person specification provides a knowledge and skills framework for each post, and will be used in conjunction with regular interaction during the Probation/Appointment Review Period between the manager and appointee.
- 2.3 The Council recognises the link that can develop between a poor induction and Probation/Appointment Review Period and poor performance in the role. The Council is committed to ensuring an effective induction and Probation/Appointment Review Period to avoid performance management issues arising later in employment.
- 2.4 Whilst some appointees may be recruited or promoted from within the organisation, it is still necessary to monitor the effectiveness of internally appointed employees and assist them in achieving the required standards of performance in a new post. The Council is therefore committed to the provision of an Appointment Review Period for internal recruits, which shadows the Probation Procedure to assist the appointee in achieving the required standards in their new role.
- 2.5 The objectives of this Policy are:
 - ❑ To ensure that new appointees are supported in a structured way during their Probation/Appointment Review Period.
 - ❑ To provide line managers with a framework and guidance to assess the skills, conduct, performance and attendance of appointees, before deciding whether or not to confirm their appointment.

- ❑ To ensure that before the appointee is confirmed as successfully completing their Probation/Appointment Review Period they have reached the required standard of performance expected for that role.
- ❑ To ensure there is a consistent, supportive and fair approach to dealing with issues that arise during the Probation/Appointment Review Periods, in line with legislative guidelines and best practice.
- ❑ Where appointees under Probation/Appointment Review are unable to reach a good standard of performance, to deal with any concerns in an appropriate and timely manner.

2.6 The following principles apply to the Council's procedures for dealing with matters of concern that arise during the Probation/Appointment Review Period:

- ❑ Application of the procedure will be fair, prompt, impartial and consistent, and will be applied without discrimination.
- ❑ Action will be taken as soon as problems are identified. Where appropriate and if timescales allow, the appointee may be given more time to meet the requirements of the role and provided with further support.
- ❑ Appointees are encouraged to raise, at an early point, any concerns they might have during their Probation/Appointment Review Period. The Council will in return take all reasonable and practicable steps to assist the employee.
- ❑ Where it is apparent that the appointee is unable to reach the required standards of performance the matter will be handled appropriately and without unnecessary delay.

3.0 Responsibilities

3.1 Appointees' responsibilities:

All appointees have a contractual responsibility to work to the required standard and to achieve a level of performance which is prescribed by and acceptable to the Council. Appointees therefore have a responsibility to:

- ❑ demonstrate their suitability for the post which they are appointed to;
- ❑ bring to the attention of their line manager, at the earliest opportunity, any difficulties they are experiencing, or concerns they may have;
- ❑ raise any issues outside of work which may affect their performance with their line manager, as soon as possible;
- ❑ raise with their line manager any need for training, development or support, which they believe to be necessary in order for them to fulfil the requirements of the role;
- ❑ individuals newly appointed to Lancaster City Council must attend the Council's Corporate Induction and undertake any mandatory training required for the post;
- ❑ co-operate fully with the Council's Probation and Appointment Review Policy and Procedure where performance falls short of the required standards.

3.2 Management responsibilities:

Managers are responsible for actively managing and monitoring Probation/Appointment

Review, and will be supported by Human Resources (HR). It is essential that managers proactively assess and support employees during these key first months of a new role.

Probation should not be viewed by line managers as a form filling exercise that only needs to be considered at specific intervals during the Probation/Appointment Review Period. Rather the Probation/Appointment Review Period should be viewed as a clear opportunity for line managers to shape and develop the post holder.

Managers should therefore ensure they communicate what is expected of their appointee on a regular basis during the Probation/Appointment Review Period. This may be through regular one to one meetings, team meetings or briefings, training sessions, etc., which will form the basis of support offered to the appointee.

Managers have a responsibility to:

- ❑ establish standards of performance, responsibilities and objectives that are consistent with the position and in line with the job description;
- ❑ communicate the required standards, responsibilities and objectives of the post to the appointee;
- ❑ communicate the Values and Behaviours expected of all employees of the Council and ensure that these are demonstrated in the Probation/Appointment Review Period.
- ❑ be available for advice and supervision with the appointee, when required;
- ❑ keep written notes of 1:1 meetings and supervision sessions;
- ❑ ensure that the appointee is effectively inducted locally within the service area and their immediate team;
- ❑ ensure that the appointee attends Corporate Induction and all mandatory relevant courses, including any online e-learning that is assigned;
- ❑ promptly hold formal Probation/Appointment Review meetings by the end of the second week, third and sixth month anniversary of their appointment;
- ❑ fully complete all required paperwork and send to HR in a timely fashion;
- ❑ take action, where necessary, to resolve any issues at an early stage.

3.3 HR responsibilities:

The HR Team are responsible for providing advice and support to managers and employees during the Probation/Appointment Review Period, as required.

HR will:

- ❑ ensure that the line managers are sent the dates of the Probation/Appointment Review Meetings, plus associated guidance, following selection of the appointee;
- ❑ provide advice and guidance to managers, appointees and trade union representatives on the correct implementation of the policy and procedure;
- ❑ ensure that managers treat all new appointees in a fair and equitable manner through the consistent application of this policy and procedure;

- ❑ attend formal meetings as outlined in the procedure;
- ❑ confirm in writing to the appointee the outcome of the Probationary/Appointment Review Period.

4.0 The distinction between a Probation Review and an Appointment Review

- 4.1 All appointees who are new to Lancaster City Council are subject to a six month Probation Period.
- 4.2 Appointees who are new to Lancaster City Council, but who have worked previously in Local Government or within a body covered by the Local Government Modification Order are also subject to the six month Probation Period, as they are new to Lancaster City Council. Whilst suitability for the role must be established, this does not affect any other rights to continuous service e.g. for redundancy purposes.
- 4.3 Where an appointee with previous Local Government service fails to establish their suitability for the role their employment will be terminated with the appropriate notice.
- 4.4 Existing Lancaster City Council appointees who have transferred internally from another role within the Council are subject to a six month Appointment Review Period. When issues arise during the Appointment Review Period managers should handle these in line with this procedure. Should the required improvements not be made, the matter should be progressed to Stage 2 of the Capability and Performance Improvement Policy and Procedure.

5.0 Temporary Staff

- 5.1 Appointees on contracts of six months or longer will be required to complete a full Probation Review period.
- 5.2 The successful completion of a Probation Review Period by a temporary appointee will not confer permanent employment on that individual.
- 5.3 Where an individual is on a temporary contract of less than six months, the Probation Review Period will span the whole period of employment. If the temporary contract was to be extended, the Probation Review Period would continue in line with the procedure until such time as they have met the probation requirements. As a minimum, the line manager should undertake the Two Week and Three Month Review Meetings to ensure the required level of performance is reached.
- 5.4 In the case of 5.2 and 5.3 above, there will not usually be a requirement to undertake the Six Month Review Meeting, as in most cases, there will be no permanent post for the individual to be confirmed into. If, however, it is likely that the temporary contract will be extended beyond six months duration, or there is chance of the contract becoming permanent, then it will be necessary to undertake the Six Month Review Meeting.
- 5.5 It is recommended, however, that even where a Six Month Review Meeting is not required, line managers should meet with individuals to feedback on their level of performance regularly throughout the Probation Review Period until the end of the temporary contract.
- 5.6 At all times, the employee should be clear that the contract is one of a temporary nature.
- 5.7 All reviews should be completed in a timely fashion, in line with the dates outlined in this

Policy and Procedure, until the employee leaves the organisation.

6.0 Staff on Secondment

- 6.1 Any individual on secondment for more than six months, into another role within the Council, will be subject to a full Appointment Review Period.
- 6.2 There is no requirement for an individual on secondment for less than six months to have an Appointment Review Period. However, if the line manager has concerns regarding the employee's performance, capability, attendance or conduct during the term of the secondment, they should speak with them, in the first instance, to discuss if any further support can be identified. The manager may decide that the most appropriate option is to terminate the secondment early, following advice from HR. Where this is considered to be the most appropriate course of action the manager will explain their reasons for this decision to the secondee, and will give them reasonable notice of their return to their substantive role.
- 6.3 On successful completion of the Appointment Review Period, the appointee will be confirmed into the role for the agreed period of the secondment only. This will not be confirmation into the role on a permanent basis.

7.0 Probation and Appointment Review Procedure

- 7.1 In order to support the Probation and Appointment Review process the Council has developed a procedure to assist in the fair and consistent treatment of all new appointees.
- 7.2 The Probation/Appointment Review Period normally lasts for a period of six months. Throughout the six month Probation/Appointment Review Period an appointee's performance and competence should be subject to assessment by their line manager.
- 7.3 Regular informal one to one meetings or discussions should be held to review performance and to ensure that new appointees are kept informed of their progress against the required standards. Whilst one to one meetings are informal, these still form part of the process of assessing or measuring an appointee's performance, and ensuring that they are receiving appropriate support.
- 7.4 Managers must ensure that any concerns are raised as soon as possible to allow the appointee opportunity to improve. Where concerns only develop towards the end of the Probation/Appointment Review Period, this will not prevent matters being considered in line with the relevant sections of this Policy and Procedure.
- 7.5 Formal review meetings should take place within the appointee's first two weeks of employment, then at the three month, mid-way point, and six months after they started in the role, in line with Section 9.
- 7.6 It is good practice for the line manager to book the review meetings into the diary of the employee soon after the start of employment, to ensure that the review meetings take place in a timely manner.

8.0 Commencing Employment and Induction

- 8.1 Line managers have responsibility for ensuring that their employees are appropriate inducted into their roles. It is known that where an effective induction takes place and the appointee feels welcomed into a new organisation or team, they are more likely to feel a

stronger positive connection with their employer and therefore more likely to perform and attend work well.

- 8.2 It is good practice for line managers to contact the appointee prior to them starting work in their new role and ensure they know when and where to arrive on their first day in the role and who they should ask for upon arrival. This is also an opportunity for the appointee to ask any further questions they may have before their first day in the role.
- 8.3 The line manager should ensure that they (or another nominated individual) are available to welcome the appointee on their first day in the role. In the first few days in the role the line manager should give a local induction to provide the appointee with essential information regarding the role, team and wider Council, including time to complete any appropriate online e-learning and to ensure that the employee understands their responsibilities with regard to relevant health and safety matters.
- 8.4 Line managers are responsible for ensuring that work locations or work stations are prepared and any equipment the appointee may require is ordered in preparation for their first day. This will help ensure that the appointee feels welcome on arrival.
- 8.5 Where appointees need to undertake specified training before they are able to undertake some or all aspects of their role, such as manual handling, the line manager should ensure that this is arranged promptly.
- 8.6 A new starter pack will be provided by HR to the line managers of any appointees who are new to Lancaster City Council. The documents within the starter pack should be completed with the appointee and used in conjunction with any service based induction arrangements.

9.0 Undertaking Probation and Appointment Review Assessments

9.1 Initial Meeting

- 9.1.1 An initial Probationary/Appointment Review meeting should then be held within the first two weeks of the appointee commencing their new role. This is separate to any general induction meetings. This is an opportunity for the line manager to outline their expectations during the Probation/Appointment Review Period and to set initial objectives for the appointee. The main objectives should be listed on the **Probation/Appointment Review Form 1**.
- 9.1.2 The Probationary/Appointment Review Period must be properly planned to be effective. The standards required and objectives to be achieved need to be explained to the appointee and they should be clear of what is expected of them. By signing the Probation/Appointment Review Form 1, the appointee is confirming they understand the standards required and objectives they must achieve.
- 9.1.3 Appointees should be set between three and six objectives, depending on the nature of the job role, which should follow the S.M.A.R.T. principle (Specific, Measurable, Achievable, Relevant, Time limited). These should be linked to the relevant Job Description/ Person Specification for the post. Further support on setting objectives is available from HR or via the HR Learning and Development pages of the intranet.
- 9.1.4 It is recognised that in some areas of the Council, in addition to the main objectives listed on the form, the service unit may have a fuller list of objectives/targets that they consider must be achieved in order for a specific role to be effectively carried out. Where this is the case the line manager must ensure that the appointee is aware of this and it may be useful to append any such document to the **Probation/Appointment Review Form 1**.

- 9.1.5 The health and safety risk assessment(s) for the post, will have been revisited by the line manager at the time the post was advertised, and therefore the health and safety information discussed between the manager and appointee will be current. During the initial meeting the line manager will make the appointee aware of any key health and safety responsibilities and requirements, which are attached to the post.
- 9.1.6 A record of the meeting must be kept on the **Probation/Appointment Review Form 1**, which must be signed by both the line manager and the appointee. The form should be sent to HR within five working days of the meeting and this will be retained on the appointee's central personnel record. Copies should be retained by the manager and appointee for their reference.
- 9.2 Initial Learning and Development Needs
- 9.2.1 The manager and appointee should also discuss any initial learning and development needs, which will assist the appointee in becoming effective in their role. It is important that any development needs should be clearly linked to the role. The line manager should make the appointee aware of corporate training opportunities and ensure that any mandatory training is completed as soon as possible. In the case of e-learning this should be within the first week of appointment.
- 9.2.4 All new appointees will automatically be invited to Corporate Induction within their probation period. It is a mandatory requirement that all individuals who are new to the Council attend this Corporate Induction to ensure that they are orientated to the wider Council. This may take place some weeks after the employee starts in their new role, therefore managers must ensure that they have appropriately inducted the appointee into the Service and team.
- 9.3 Three Month Review Meeting
- 9.3.1 The formal Three Month Review Meeting, which is at the mid-way point of the Probation/Appointment Review Period, should happen on or as near to the three month anniversary of the appointee starting the role as possible.
- 9.3.2 At the Three Month Review Meeting the appointee and manager must formally document the standards of work performance, conduct and attendance of the appointee, as well as their progress against the objectives that were set at the initial meeting. The manager and appointee should recognise areas where they have met or exceeded objectives as well as areas where they have not yet met objectives. Any areas of concern should be discussed and noted on the Review Form.
- 9.3.3 The meeting should also consider what, if any, further support, training or guidance is required. A review of any courses, including e-learning, which were identified as required on the Probation/Appointment Review Form 1 should take place. Consideration should also be given to any further learning and development needs.
- 9.3.4 A record of the meeting, including appointee comments, should be made on **Probation/Appointment Review Form 2 – 3 Month Review**, which must be signed by both the line manager and the appointee. The form must be sent to HR within five working days of the review taking place. Copies should be retained by the manager and appointee for their reference.
- 9.3.5 It is not expected that managers should wait until this meeting to discuss any issues relating to the appointee's performance, conduct or attendance. Managers should raise any concerns as soon as they come to light, so that the appointee has opportunity to make any required improvements. The manager should ensure that the issues raised have been recorded. Equally the appointee should not wait until this meeting before raising any issues that are impacting upon their ability to achieve their objectives and the standards of

performance required. However, where issues have been previously identified it will be appropriate for those to be reviewed during the discussion.

9.3.6 The manager should:

- ❑ discuss the appointee's performance against objectives and targets set at the initial meeting;
- ❑ discuss the Council's Values and Behaviours and how these are being demonstrated by the new appointee;
- ❑ review customer service skills (internal and external) in line with corporate standards;
- ❑ review interpersonal and communication skills;
- ❑ review attendance and punctuality, noting any absences that have occurred and the reasons for these;
- ❑ identify any areas of performance, conduct and attendance that need improving, specifying the standards required and how these can be achieved;
- ❑ review training requirements and agree any further development needs;
- ❑ recognise and record good performance and achievements made so far;
- ❑ note what support and guidance has been provided to date and what future support and guidance is available;
- ❑ set a date for the Six Month Review Meeting.

9.3.6 The appointee should:

- ❑ actively participate in the review, including identifying any successes or difficulties they have experienced;
- ❑ further discuss any problems or issues which they believe are preventing them from demonstrating their suitability for the role;
- ❑ confirm any training and development needs identified since the initial meeting.

9.4 Six Month Review Meeting

9.4.1 The formal Six Month Review Meeting should happen on or as near to the six month anniversary of the appointee's start date in the role as possible.

9.4.2 The manager should review the appointee's performance in the final three months of the Probation/Appointment Review Period, as well as reviewing progress against any issues identified at the Three Month Review Meeting. During the meeting the manager and appointee will discuss their performance against objectives/targets and discuss whether there are any further development needs or objectives still to be met.

9.4.3 At the Six Month Review Meeting the manager should confirm verbally with the appointee whether they have successfully completed their Probation/Appointment Review Period.

9.4.4 If the manager considers that the appointee has not met the objectives and/or standards to be confirmed in post, the manager should verbally advise the employee of this and whether or not it is the intention to extend the Probation/Appointment Review Period.

- 9.4.5 A record of the meeting should be kept on the **Probation/Appointment Review Form 3 – 6 Month Review**, which must be signed by both the line manager and the appointee. The form must be sent to HR within five working days of the review taking place. Copies should be retained by the manager and appointee for their reference.
- 9.4.6 It is not expected that managers should wait until this meeting to discuss any issues relating to the employee's performance, conduct or attendance. Where these have been a matter of concern it is appropriate for these to be formally discussed and noted, whether the issues have been resolved or are ongoing. Subject to the issues involved, it may be appropriate for matters to be dealt with in line with Sections 10 – 14.
- 9.4.7 The manager should:
- ❑ discuss the appointee's performance against objectives and targets set at the initial meeting;
 - ❑ review whether the appointee has met the requirements discussed at the Three Month Review Meeting, including quality and accuracy of work, customer services skills, interpersonal/communication skills and attendance/timekeeping in line with service and corporate standards;
 - ❑ review whether the appointee has demonstrated that they are able to meet the Values and Behaviours expected of all Council employees;
 - ❑ review training requirements and agree any future learning and development needs.
- 9.4.8 In the case of a Probationary Period the manager should then decide whether to:
1. confirm the appointee has successfully completed their Probationary Period.
 2. extend the Probationary Period for a period of up to three months, (see Section 11).
 3. take action in line with Section 12 below to consider terminating the appointee's contract during their probationary period due to the appointee's inability to demonstrate their suitability for the post.
- 9.4.9 In the case of an Appointment Review Period the manager should then decide whether to:
1. confirm that the employee has successfully completed their Appointment Review Period.
 2. in the event that there are unresolved issues that have occurred during the Appointment Review Period and it is not possible for the manager to confirm the successful completion of the Appointment Review Period, the appointee will be referred to Stage 2 of the Council's Capability and Performance Improvement Procedure.
 3. only where the manager is confident that a short extension to the Appointment Review Period will result in the appointee meeting the standard, should consideration be given to a temporary extension, as an alternative to moving directly to Stage 2 of the Council's Capability and Performance Improvement Procedure.
- 9.4.10 Where the employee has met the required standard, HR will, upon receipt of the completed **Probation/Appointment Review Form 3 – Six Month Review**, write to the appointee to confirm the successful completion of their Probation/Appointment Review Period.

- 9.4.11 Incremental progression will be withheld until such time that the appointee has successfully completed their Probation/Appointment Review Period and the completed form has been returned to HR. Incremental progression will then be reinstated and back dated, as appropriate.

10.0 Managing Performance, Attendance and Conduct

A formal meeting to discuss an appointee's performance, attendance or conduct can be called at any time during the Probation/Appointment Review Period, if the manager considers that there is appropriate reason to do so. It is not in either the appointee's or the Council's interest to delay or ignore issues that are giving cause for concern.

10.1 Issues Regarding Performance Capability

- 10.1.1 Issues that arise in respect of an appointee's performance capability during the Probation/Appointment Review Period should be discussed with the appointee at the time that they occur, rather than leaving them until the formal review meetings. It may be beneficial for managers to seek advice from their Service HR Partner at an early point when concerns begin to develop.

- 10.1.2 Where performance capability issues arise the manager should meet with the appointee informally in the first instance to:

- ❑ clarify what the difficulties are in detail, specifying where and how their performance is falling below what is acceptable;
- ❑ provide (as appropriate) evidence and examples of the problems and issues to be discussed;
- ❑ allow the appointee an opportunity to raise and respond to any concerns;
- ❑ discuss the action required by the member of staff to address the problem, e.g., set targets specifying in detail what standards of performance are required to reach an acceptable level;
- ❑ identify any training needs that may need to be met in order for the appointee to achieve the targets;
- ❑ set dates by when the targets should be met;
- ❑ explain what the consequences may be if the standards / targets are not met, i.e., it may be necessary to discuss the matter further at a formal meeting, the outcome of which may mean that the appointee is not confirmed in post or in certain circumstances that the Probation/Appointment Review Period is terminated early.

- 10.1.3 The manager should provide a written summary of what was discussed during the meeting to the appointee within five working days of the meeting. A copy of the letter should be sent to the Service HR Partner for the employee's record.

- 10.1.4 If performance does not improve within a reasonable timescale following any informal meetings, appointees in the Probation Review Period should be invited to attend a Formal Review Meeting with their line manager and a member of the HR Team, in line with Section 12.

- 10.1.5 A Formal Review Meeting can be called at any time during the Probation/Appointment Review Period.

10.1.6 The outcome of the Formal Review Meeting may lead to the termination of their employment within their Probationary Review Period. Appointees who are under Appointment Review can either be referred to Stage 2 of the Council's Capability and Performance Improvement Procedure or, if a secondment arrangement is in place, it may be appropriate to bring the secondment to an end, in line with Section 6.

10.2 Issues Regarding Poor Attendance

10.2.1 A Probation/Appointment Review Period enables the appointee to demonstrate their suitability for the role, it is therefore expected that attendance is excellent to ensure that the appointee fully utilises the time available to demonstrate their suitability.

10.2.2 Evidence suggests that individuals who have poor attendance in the first few months of in a new role are likely to continue with that pattern if they are confirmed in post. The Council requires excellent levels of attendance to ensure efficient and effective services are provided to the public and the Probationary/Appointment Review Period is an appointee's opportunity to demonstrate their commitment to this.

10.2.3 Where a manager has concern over attendance they should seek further advice from their Service HR Partner and arrange a formal meeting in line with Section 12. Appointees subject to an Appointment Review Period will be managed, as appropriate, under the Council's Sickness Absence Management Policy and Procedure.

10.2.4 Poor attendance during the Probation Review Period is likely to lead to termination of employment.

10.3 Issues of Misconduct

10.3.1 The Council's full disciplinary policy and procedure does not apply where any misconduct issues arise within the Probation Review Period. Managers should contact their Service HR Partner and arrange a formal meeting in line with Section 12.

10.3.2 Misconduct during the Probation Review Period is likely to lead to termination of employment. For those staff in an Appointment Review Period, the Council's normal Disciplinary Policy and Procedure should be invoked.

11.0 Extending the Probation/Appointment Review Period

11.1 The Probation Review Period runs for a period of six months. During this time managers must ensure that constructive feedback is given to appointees on a regular basis and that any performance, attendance or conduct issues are resolved as soon as possible within this period. It is important that managers make all reasonable efforts to support appointees in meeting the agreed objectives during this time. Managers should keep a record of issues discussed at informal meetings, to enable the manager and the appointee to keep track of their performance against overall objectives each time they meet.

11.2 In the majority of cases, where the appointee has not met the standard within the normal six month Probation/Appointment Review Period, it will be appropriate to discuss this at the Six Month Review Meeting.

11.3 In exceptional circumstances the Probation Review Period may be extended for up to three months. This may apply to a situation where an employee has not yet demonstrated their suitability, but they are likely to do so given more time.

- 11.4 Where the Probation/Appointment Review Period is extended, incremental progression will remain suspended until the employee has satisfactorily demonstrated their suitability for the post.
- 11.5 Appointees who have not demonstrated their suitability during their Appointment Review Period should be transferred to Stage 2 of the Council's Capability and Performance Improvement Policy, if they have not met the required standard by the Six Month Review Meeting. In certain circumstances (see Section 9), the manager may consider it appropriate to agree an extension of up to three months to the Appointment Review Period. However, if the appointee fails to achieve the necessary standard by the end of the extension period, they would automatically be moved to Stage 2 of the Council's Capability and Performance Improvement Policy.
- 11.6 Where a manager believes that the appointee may not be able to achieve the required standard by the Six Month Review Meeting, they should discuss this with their Service HR Partner in good time, prior to arranging the Six Month Review Meeting. Where it is considered appropriate to offer a short extension to the Probation/Appointment Review Period, this should be discussed with the appointee at the Six Month Review Meeting and subsequently confirmed on the relevant form.
- 11.7 If the decision is taken to extend the Probation/Appointment Review Period the line manager should complete the **Probation/Appointment Review Form 4 - Extension of Probation/ Appointment Review**, which must be signed by both the line manager and the appointee. The form must be sent to HR within five working days of the review taking place. Copies should be retained by the manager and appointee for their reference.
- 11.8 The manager should confirm with the appointee:
- ☐ the reasons for the extension;
 - ☐ the length of the extension period;
 - ☐ any assistance, guidance or training to be given during the extension;
 - ☐ any areas of improvement that are required and how these will be monitored;
 - ☐ the consequences should they not reach the required standard by the Extension Review Meeting. In the case of appointees in a Probation Review Period, this will mean that the appointee will not be confirmed in post and that their employment is likely to be terminated in line with Section 12 below.
- 11.9 Where it is appropriate to extend Probation/Appointment review, the manager and appointee should have discussed and recorded the performance to date, and also discussed and recorded the future objectives, standards and improvements that must be met during the extension period.
- 11.10 The manager must convene an Extension Review Meeting, towards the end of the extension period, to discuss the appointee's performance during the extension period. After discussion during the meeting, the manager will confirm whether or not the appointee has met the necessary standard or not. A record of the meeting should be made on the **Probation/Appointment Review Form 5 – Extension Review Meeting**, which must be signed by both the line manager and the appointee. The form must be sent to HR within five working days of the review taking place. Copies should be retained by the manager and appointee for their reference.
- 11.11 In the case of a Probationary Period the manager should then decide whether to:

1. confirm the appointee has successfully completed their Probationary Period.
2. take action in line with Section 12 to consider terminating the appointee's contract during their probationary period, due to their inability to demonstrate their suitability for the post.

11.12 In the case of an Appointment Review Period the manager should then decide whether to:

1. confirm that the appointee has successfully completed their Appointment Review Period.
2. transfer the appointee to Stage 2 of the Council's Capability and Performance Improvement Procedure.

11.13 Where the appointee has met the required standard, HR will, upon receipt of the completed **Probation/Appointment Review Form 5 – Extension Review Meeting**, write to the appointee to confirm them in post.

12.0 Termination of Employment in the Probation Period

- 12.1 Where the appointee has failed to achieve the required standard of performance, conduct or attendance during their Probation Review Period, they should be invited to a formal meeting to discuss this by their manager.
- 12.2 On occasion it may be apparent early in the Probation Period that the appointee is not suitable for the role. On such occasions it will not be necessary to wait until the end of the normal six month review period to take action against the appointee. Advice should be obtained from the Service HR Partner in all cases.
- 12.3 The manager should write to the appointee giving five working days' notice that they are required to attend a Formal Review Meeting to discuss their performance during Probation Review Period.
- 12.4 The purpose of the meeting will be to consider the appointee's performance, conduct and attendance to date and take a decision on whether employment should be terminated due to the failure to achieve the required standards.
- 12.4 The appointee is entitled to be accompanied at the meeting by a trade union representative or work colleague. Managers should be accompanied by their Service HR Partner.
- 12.5 Only senior Service Managers who report directly into a Chief Officer, may hold Formal Review Meetings to consider whether or not the appointee's employment should be terminated. In the majority of cases it is likely that the senior Service Manager will not be the appointee's line manager. On occasion the Formal Review Meeting may be conducted by the appointee's line manager, who has conducted the probation review meetings. The senior Service Manager may ask the line manager to attend the discussion to explain why they consider the employee has failed to meet the required standard.
- 12.6 Where the manager considers that the appointee's performance, conduct or attendance is below the required standard and that this is unlikely to improve within a reasonable period of time the appointee may be dismissed with one weeks' notice or offered pay in lieu of notice, where normal deductions would apply.
- 12.7 A letter confirming the outcome of the meeting should be sent to the appointee in the 5 working days following the meeting.

- 12.8 If at any point the appointee wishes to end their employment within the Probation Review Period they must give a minimum of one months' notice in writing to their line manager. However, in exceptional circumstances, the line manager in consultation with their Service HR Partner, may agree to a request from the appointee to serve a shorter notice period.

13.0 Right of Appeal

- 13.1 Where a decision is made to terminate employment the appointee has the right of appeal against this decision.
- 13.2 In order to exercise this right, the appointee must write to the HR Manager within 10 working days of receipt of the written notice of termination of employment, clearly stating their grounds of appeal.
- 13.3 The Chief Officer will normally hear the appeal within 20 days of receipt of the letter of appeal. If it is not possible to hear the appeal within the above timescale, the HR Partner will write to the appointee setting out the reason for delay and the intended date of the hearing.
- 13.4 At the appeal hearing the appointee has the right to be accompanied by a Trade Union representative or work colleague. The Hearing Officer will be accompanied by a member of the HR Team.
- 13.5 The Service Manager who took the decision to dismiss the employee will present the management case outlining why the decision to dismiss was taken.
- 13.6 The Chief Officer will allow both sides opportunity to present their case. After adjourning to consider the available information, the Chief Officer will reconvene the hearing and will normally verbally communicate their decision. This will be followed by confirmation of the decision in writing, within 5 working days of the hearing.

The Chief Officer will either:

- ☐ extend the Probation Review Period for a further defined period of time of no more than three months, clearly outlining the standards/objectives to be achieved by a set date, or;
- ☐ uphold the decision to terminate employment.

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

14.0 Transfer to Stage 2 of the Capability and Performance Improvement Policy

- 14.1 Where an appointee within the Appointment Review Period has failed to meet the necessary standards, they will be transferred to Stage 2 of the Capability and Performance Improvement Policy.
- 14.2 Managers may elect to move them to Stage 2 of the Capability and Performance Improvement Policy at any point during the Appointment Review Period, though in the majority of cases it is likely to be at the Six Month Review Meeting or the Extension Review Meeting.
- 14.3 After discussion with the appointee, the manager will verbally confirm their decision to the appointee. Where the discussion takes place prior to one of the formal Review Meetings, the manager should discuss their concerns with HR and must formally document their

decision to move the appointee to Stage 2 of the Capability and Performance Improvement Policy.

- 14.4 There is no right of appeal against the decision to move an appointee to Stage 2 of the Capability and Performance Improvement Policy. The manager will complete the necessary paperwork and provide a copy to HR within five working days to confirm that the appointee has been unable to complete the Appointment Review Period.
- 14.5 The manager, with advice from the Service HR Partner, should write to the appointee to confirm this decision. Any arrangements after this point will be made in line with the Capability and Performance Improvement Policy.

15.0 Review

This policy and procedure will be reviewed two years after implementation or earlier in the event of changes in legislation.

Document Control:

Version No.	Effective date	Reason	Review due
1.0	03.02.2015	New policy agreed by Personnel Committee	03.02.2017
2.0	02.02.2016	Revisions agreed by JCC and Personnel Committee	02.02.2018
3.0	20.09.2018	Revisions to be considered by JCC and Personnel Committee	



Early Termination of Employment Policy and Arrangements

1. Introduction

- 1.1 This Policy sets out the Council's approach to the early termination of an employee's contract of employment. For the purposes of this Policy, termination occurs where an employee's employment ceases as a result of actions taken by the Council or in response to a request made by an individual employee.
- 1.2 This policy has been developed with due consideration given to the requirements of:
 - Local Government (Early Termination of Employment Discretionary Compensation) (England and Wales) Regulations 2006.
 - Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007
 - Local Government Pension Scheme (Admin) Regulations 2008 (regulation 66).
 - The Local Government Pension Scheme Regulations 2013
- 1.3 In formulating this Policy, the Council has given consideration to the extent to which it may exercise its discretionary powers, with appropriate safeguards to prevent a serious loss of confidence in the public service, and has satisfied itself that the policy is workable, affordable and reasonable having regard to the foreseeable costs.
- 1.4 The Council's view is that in relation to the early termination of employment this action should be seen as an exception rather than a norm, although it recognises that there may be circumstances where early termination of employment is unavoidable, and circumstances where early termination may benefit the Council and be acceptable to the employee.

2 Resignation

- 2.1 An employee of the Council may exercise their contractual right to resign at any time by giving proper notice under the contract of employment. Once a lawful resignation has been given it cannot be withdrawn other than with the Council's express permission or where the resignation came in the heat of the moment and was retracted quickly.

3 Retirement (Local Government Pension Scheme Membership)

- 3.1 The normal retirement age for Local Government Pension Scheme members is now aligned to the employee's individual State Pension Age (normal retirement age). If an employee intends to leave the Council's employment at normal retirement age, they are required to notify the Council of their intention to retire in line with their required contractual notice period. When a member reaches normal retirement age, an immediate pension becomes payable once the employee has left employment.
- 3.2 A member of the LGPS may retire before normal retirement age, but may be subject to reduction to their pension benefits (see early retirement section).
- 3.3 Employees will continue to accrue service-related benefits after their normal retirement age as long as they remain in employment with an organisation that is a member of the LGPS.

However, regulation 17(4) of the LGPS Benefit Regulations requires that a scheme member's pension must come into payment no later than the day before the member's 75th birthday.

4 Early Retirement with Reduced Pension Summary

- 4.1 Under LGPS Regulations, on leaving employment, employees can elect to receive their pension benefits from age 55, provided that they have at least 3 months membership of the pension scheme.
- 4.2 From age 55 employees can access their pension benefits without the Council's consent.
- 4.3 If the employee elects to receive their benefits before their normal retirement date the benefits will be reduced, to reflect the costs of the pension coming into payment early, subject to any transitional protection arrangements that may be applicable.
- 4.4 An employee considering early retirement can obtain detailed advice from "Your Pension Service";
 - by telephone on 0300 323 0260, or
 - by email to Askpensions@localpensionspartnership.org.uk

5 Ill-Health Retirement

- 5.1 If, due to an employee's ongoing ill health, the Council has no alternative but to terminate an employee's contract of employment, he / she may request Ill Health Retirement, under the provisions of the Local Government Pension Scheme. In all cases the Council will follow the procedures defined by the LGPS regulations.

6 Redundancy

- 6.1 Under s.139 of the Employment Rights Act 1996, an employee is dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to:
 - The fact that the employer has ceased or intends to cease to carry on the business for the purposes for which the employee was employed, or to carry on that business in the place where the employee was so employed, or
 - The fact that the requirements of the business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind, in the place where the employee was employed by the employer, have ceased or diminished or are expected to cease or diminish.
- 6.2 The Council recognises that, on occasion, policy decisions will necessitate a reduction in the number of its employees below a level that can be achieved through natural turnover. In such circumstances, the Council will take all reasonable steps to avoid compulsory redundancy. The Council's Redeployment Policy is particularly relevant in this respect and should be read together with this Policy.

7 Redundancy Pay

- 7.1 Regardless of whether an employee is entitled to receive their pension or not, they are entitled to receive a compensatory lump sum payment in cases of redundancy, where they meet the statutory arrangements for a redundancy payment.
- 7.2 Under the Employment Rights Act 1996, an employee dismissed due to redundancy after having completed at least two years' continuous service with an employer is entitled to a

redundancy payment.

8 Statutory Redundancy Pay Calculations

8.1 The Employment Rights Act 1996, section 162 sets out how a redundancy payment is calculated. In summary this is:

- half a week's pay for each year of employment up to the age of 21
- one week's pay for each year of employment in which the employee was aged between 22 and 40; and
- one and a half weeks' pay for each year of employment in which the employee was aged 41 or over.

The maximum number of years of employment that can be taken into account is 20. The maximum weeks' pay is a statutory calculation, that is increased annually in line with the Retail Prices Index (RPI), under the automatic indexation provisions of the Employment Relations Act 1999.

8.2 The Council will calculate the redundancy pay for an employee, subject to compulsory redundancy, by using the national statutory formula. Any compulsory redundancy payment will be capped at the statutory maximum applicable at the time of dismissal.

9 Calculation of Continuous Service

9.1 For the purpose of the calculation, continuous employment will be the aggregation of all continuous local government and related employment defined within the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 (as amended).

10 Voluntary Redundancy (VR)

10.1 Under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) (Miscellaneous) Regulations 2006 the Council may:

- calculate redundancy pay on actual weekly pay rather than the statutory amount
- enhance the compensation payment (Redundancy Pay) up to a maximum of 66 weeks

The Council will therefore exercise its discretion in relation to voluntary redundancy (VR) by:

- using the employee's normal weekly pay to calculate a VR compensation payment
- using the statutory formula for the calculation of applicable weeks (as detailed in para 8.1 above)
- capping the maximum VR compensation payment at the statutory maximum redundancy compensation payment multiplied by 2.2.

10.2 The Council will always seek to mitigate the impact of any redundancy situation by endeavouring to redeploy displaced employees to other suitable employment within the Council or by seeking volunteers, before any compulsory redundancies are considered.

10.3 Consultation documentation and communications will identify the posts, which it is proposed will be disestablished as part of any restructure.

- 10.4 The arrangements which relate to a request for volunteers will be set out in the consultation arrangements relating to the relevant change/restructure taking place.
- 10.5 The management and administration of redundancies will be carried out in such a way to ensure there is an objective, fair and non-discriminatory approach in place that is applied consistently to workforce reduction. This includes circumstances where there is a fair selection for voluntary redundancy in an effort to limit compulsory redundancies.
- 10.6 The arrangements below outline the main criteria for VR selection. Managers will define the specific criteria required for the service area in order to release individuals under VR, whilst ensuring limited disruption for the service area and to deliver future Council priorities.

Service Managers and HR must ensure that any volunteer is aware that:

- there is no guarantee that a Voluntary Redundancy will be granted
 - business needs of the Council take priority
 - volunteers will continue to work until a release date is agreed by their manager.
- 10.7 Consideration will only be given to volunteers for redundancy if this is not detrimental to the Council. The decision to accept applications for voluntary redundancy will be based on the need to ensure that there is a balanced workforce with the requisite skills to meet future business needs.
- 10.8 The terms of the Redeployment Policy will not apply to any employee who applies for VR. Further, an employee who has unsuccessfully sought redeployment in a redundancy situation will not subsequently be eligible to apply for voluntary redundancy.
- 10.9 If an application for voluntary redundancy is granted, the employee will receive an enhanced redundancy payment. This will be calculated using the national statutory redundancy formula, with the statutory maximum figure for weekly pay replaced by the employee's actual weekly pay. The total of this calculations will be multiplied by 2.2 to produce a voluntary redundancy payment.
- 10.10 Any enhanced redundancy pay **will not** exceed the sum of the maximum statutory redundancy pay multiplied by 2.2.
- (For example: as at 6 April 2018 this was £15,240 x 2.2 = £33,528).*
- 10.11 If an employee accepts voluntary redundancy and therefore benefits from an enhanced redundancy payment, they will not be eligible to appeal against the selection process for voluntary redundancy.

11 Redundancy or Efficiency Terminations - Employees aged 55 and over (Pension Issues)

- 11.1 In addition to the compensation payments specified above, for termination of employment on the grounds of redundancy (or efficiency), employees aged 55 or over, who have at least three months' membership of the Local Government Pension Scheme, will receive immediate payment of an unreduced pension and lump sum based on their accrued contributory service at the date their employment is terminated.

12 Consultation

- 12.1 Before any decisions are taken which may affect the ongoing employment of any employee appropriate consultation will take place with both the affected employee(s) and the relevant trade union(s). The communication during the consultation process is designed to ensure

the Council fully explains how any individual employee and/or groups may be affected and the timescale of any proposed actions.

- 12.2 The Service Manager must be able to demonstrate that the selection for redundancy is made on the basis of objective criteria that is reasonable, fair and consistently applied. Once provisional selections for redundancy have been made, individual consultation with each employee will be arranged. At these meetings each employee has the right to be accompanied by a trade union representative or work colleague.

13 Right of Appeal against selection for Redundancy

- 13.1 As a means of maintaining an open dialogue during a consultation period, there is no provision for an employee who has been provisionally identified as displaced by a restructure to raise a grievance or appeal at this stage, based on the employee's view that they disagree with:
- the proposals which have been developed; or
 - the provisional selection arrangements; or
 - the pool of potentially at risk employees.

For the process of consultation to be meaningful, it is expected that if there are issues to be raised then these would form part of the dialogue between management, affected employees and, where appropriate, their trade union representatives.

- 13.2 However once an employee has been selected for redundancy and has been formally issued with notice of their selection for redundancy, and is therefore facing redeployment or dismissal, they do have the right to appeal the decision. Such appeals will be to the Council's Personnel Committee. The grounds for appeal are either that:
- the employee is dissatisfied with the way in which the Council has applied its redundancy selection criteria;
- Or
- the employee believes that he/she has been unfairly disadvantaged by the selection criteria or not given a fair opportunity to put forward representations.

14 Termination in the Interests of efficiency

- 14.1 Early termination of employment in the interests of the efficient exercise of the Council's functions does not require a redundancy situation to exist, and does not require that a post be deleted from the Council's Establishment. It is impossible to define conclusively "the interests of efficiency". However, this might include circumstances where changes beyond the individual employee's control have led to inefficient discharge of a function, or where the retention of an employee is preventing the introduction of changes in structure or practices that would improve efficiency.
- 14.2 **Early termination on the grounds of efficiency will not be granted as a substitute for disciplinary action, or for action on the grounds of capability where such action would be justified.**
- 14.3 The Council believes that termination in the interests of efficiency will be rare. Generally the Council will not exercise its discretion to pay compensation where employment is terminated early on efficiency grounds. However, individual cases will be considered on their merits.
- 14.4 If compensation is being considered or if there are other capital pension costs arising from the termination, Chief Officers must be able to demonstrate how they intend to make the

required efficiency savings and fund the early termination.

15 Process for applying for Early Termination (Redundancy or Efficiency)

- 15.1 Redundancy (or potential redundancy) situations will be identified initially by Chief Officers and linked to the Council's corporate and business planning arrangements, or other emerging changes in business needs. In doing so, Chief Officers will consult with Human Resources and Financial Services. Potential situations for terminating employment in the interest of efficiency will also be identified in this way.
- 15.2 Subject to Human Resources' confirmation of the situation, and Financial Services' confirmation of the financial implications, Chief Officers will then notify staff affected (or staff potentially affected) as part of a structured consultation process, and where appropriate, seek applications for voluntary termination on the relevant grounds. Wherever possible, volunteers will be sought, rather than resorting to compulsory redundancy.
- 15.3 An employee who is considering the possibility of applying for early termination on either redundancy or efficiency grounds should first speak to the appropriate senior Service Officer, who will speak with the Chief Officer on a confidential basis. The Chief Officer will consult Human Resources and Financial Services as appropriate and a decision will be made as to whether or not the application would be supported in principle.
- 15.4 Employees who are members of a recognised trade union are strongly advised to discuss an application for voluntary redundancy with their trade union representative at an early stage in the procedure.
- 15.5 Employees may also wish to contact Human Resources for information about redundancy/compensatory pay and pension benefits (if appropriate).
- 15.6 Human Resources staff are not able to advise on pension matters and further information regarding pension benefits may be obtained from "Your Pension Service" (at Lancashire County Council), as the administering body. Seeking such information will not commit the employee, and the request or application may be withdrawn by the employee at any stage.
- 15.7 In the event that an employee decides to formalise an application for early termination, whether on grounds of redundancy or efficiency, the request should in the first instance be made in writing to the Chief Officer stating the date on which it is requested that the employment should terminate. A copy of the letter should also be sent to the HR Manager.
- 15.8 All such formal applications, whether they include early payment of pension benefits or not, will be referred to the Chief Executive for consideration.

16 Decision Making

- 16.1 Applications which relate to minor changes to the Council's establishment will be determined under the scheme of delegation by the Chief Executive. Minor changes are considered to be those which affect less than 20 employees. However, the Chief Executive may refer any case, to the Personnel Committee and/or Cabinet for consideration, irrespective of the number of employees affected by the change. Factors affecting this decision may be the type of posts that are disestablished or the potential impact on the way services are delivered following any changes.
- 16.2 All changes that impact on more than 20 employees will be referred to members for consideration.
- 16.3 In reaching a decision to allow an employee to leave the Council on redundancy or efficiency grounds, due consideration must be given to whether the costs can be paid back

within the three year period following termination of employment. Only in exceptional circumstances and where the termination supports the needs of the organisation will approval be given to termination of employment where the pay back period exceeds three years.

17 Re-employment with Lancaster City Council

17.1 Any employee, up to and including Chief Officer, who:

- was dismissed on redundancy grounds, and has received a voluntary (enhanced) redundancy payment, or
- has received any payment in relation to the termination of their employment

may be considered for re-employment by the Council after a period of one calendar year has elapsed since the date of termination of employment.

17.2 If an employee is dismissed on compulsory redundancy grounds he/she may be considered for re-employment to any post within the Council after the minimum statutory period of four weeks has elapsed.

18 State Benefits

18.1 The Council recommends that any employee whose employment with the Council is terminated should request information from the local office of the Department for Work and Pensions about state benefits. Entitlement to any benefits or support may be affected by a number of factors. Individuals are advised to check their own personal position in relation to the claiming of benefit.

19 Other Policies

19.1 This Policy should be read in conjunction with the Council's Redeployment Policy and Flexible Retirement Policy, which are available from Human Resources or accessible via the intranet.

20 Discretionary benefits

20.1 Under the regulations that govern the Local Government Pension Scheme (LGPS) the Council is able to exercise a number of discretions. Full details of how the Council has determined it will exercise any discretions is detailed in the "Statement of Lancaster City Council – Employer Discretions". Further advice and guidance on this matter is available from Human Resources.

21 Review of Policy

21.1 This Policy will be regularly kept under review in the light of operating experience, changes in legislation, and the financial position of the Council. If changes are made to the Policy in so far as it relates to discretionary compensation for the early termination of employment, a statement of the amended policy will be published, which will take effect one month after the date of publication.

21.2 Changes which are required to apply any applicable legislation or regulation will be incorporated into the policy documents at the appropriate time and reported for information to the recognised trade unions and Personnel Committee.

Document Control:

Version No.	Effective date	Reason	Review due
1.0	01.05.2007	New policy agreed by Personnel Committee - 27.03.07	
2.0	30.07.2009	Revisions agreed by Personnel Committee - 30.07.09	
3.0	05.04.2013	Revisions agreed by Personnel Committee - 05.02.13	05.04.2015
4.0	03.03.2015	Revisions agreed by Personnel Committee - 03.02.15	03.03.2017
5.0	20.09.2018	Revisions to be agreed by JCC & Personnel Committee	



Disciplinary Policy and Procedure

Part 1 - Disciplinary Policy

1. Scope

1.1 The Council's Disciplinary Policy and Procedure applies to all Council employees and forms part of the contract of employment.

1.2 Exceptions to this are:

- The Chief Executive, who is subject to the JNC Conditions of Service for Chief Executives and the Chief Officers who are subject to the Conditions of Service of the JNC for Chief Officers.
- Casual workers, agency workers and self-employed contractors.
- Employees who are still subject to a probationary period. For these employees, the provisions contained within the Probation and Appointment Review Policy will apply.

2. Objectives and Principles

2.1 The objectives of this policy are:

- To provide a consistent and fair framework for addressing unacceptable behaviour;
- To encourage improvement amongst employees whose conduct or standard of work is unsatisfactory;
- To ensure that, where improvement is not possible, dismissal is fair and within the law;
- To ensure that all relevant parties are aware of their respective roles and responsibilities.

2.2 The following principles apply to the Council's procedures for dealing with disciplinary issues:

- Application of the procedure will be fair, prompt (unless there are unavoidable delays), impartial, consistent and applied without discrimination;
- Where possible, issues of minor misconduct will be dealt with informally, to promote the objective of encouraging improvements amongst employees.
- The Council will at all times ensure compliance with legislative requirements and will conduct the management of disciplinary issues sensitively.

3. Roles and Responsibilities

3.1 Management Responsibilities

Managing and monitoring conduct is a responsibility that rests with line managers who will be supported by Human Resources (HR). Managers, therefore, have a responsibility to:

- Effectively communicate the standards of conduct expected from their employees;
- Ensure that all employees understand the Council's Values and Behaviours, and are able to demonstrate how they meet the expected standards;
- Ensure that any required action is taken with reference to the appropriate procedure;
- Ensure that where misconduct issues arise, these are acted upon without undue delay;
- Implement the Disciplinary Policy and Procedure consistently and in line with current legislation and best practice as advised by HR;
- Ensure that the relevant line managers and employees are released to undertake investigations and participate in hearings as required;
- Adhere to the principles of fairness and impartiality when making decisions on the basis of the available facts.

3.2 Employee Responsibilities

Employees are responsible for ensuring that they uphold the standards of conduct required as employees of Lancaster City Council. Employees will therefore:

- Comply with **all** Council wide, Service specific and professional standards of conduct, including the Council's Values and Behaviours;
- Cooperate with the procedure and provisions contained within this policy including, but not limited to, attending formal meetings, investigation interviews and hearings or acting as a witness when required.

3.3 HR Responsibilities

The HR Team are responsible for supporting managers and employees to maintain the correct standards of conduct. To this end, HR will:

- Communicate the Disciplinary Policy and Procedure, and ensure that appropriate training programmes are implemented across the organisation;
- Advise managers and employees on all aspects of the Disciplinary Policy and Procedure to ensure that it is applied in a fair and effective manner;
- Provide support and guidance to managers at disciplinary hearings and other formal disciplinary meetings when required;
- Provide support and strategies to help improve workplace relations;

- Monitor disciplinary cases to: identify any trends, ensure consistency of approach and ensure that any disproportionate impact on any particular group is highlighted and addressed.
- Promote and support the Council's Values and Behaviours

4. **Related Legislation and Council Policies**

- [Code of Conduct](#)
- [Social Media Policy](#),
- [Information Management and Security Policy](#)
- Anti Fraud, Bribery and Corruption Policy
- [Sickness Absence Management Policy and Procedure](#)
- Health and Safety at Work 1974
- Employment Rights Act 1996
- Raising Concerns

5. **The Distinction between Misconduct and Gross Misconduct**

5.1 It is unlikely that any set of definitions can cover all circumstances, but examples of what will normally be considered **misconduct** leading to formal disciplinary action include (this list is not exhaustive):

- Minor breaches of the Code of Conduct for Employees or the Member/Officer Protocol;
- Failure to follow the requirements of Council policies and minor breaches of the financial regulations;
- Unauthorised absences including the abuse of the Council's Sickness Absence Management Policy and Procedure and annual leave provisions;
- Sub-standard performance including poor treatment of Council customers;
- Poor timekeeping;
- Health and safety breaches;
- Equality and diversity breaches;
- Insubordination, e.g. failure to follow reasonable management instructions;
- Misuse of Council facilities or property including computer facilities and inappropriate use of the internet;
- Failure to treat colleagues with an appropriate level of dignity and respect.
- Breach of the contract of employment

- Breach of trust and confidence

5.2 **Acts of gross misconduct are likely to lead to dismissal.** Again, it is unlikely that any set of definitions can cover all circumstances, but a list of examples of **gross misconduct**, which are serious and are normally considered so unacceptable that they may lead to dismissal include (this list is not exhaustive):

- Theft, fraud and deliberate falsification of records, including timesheets;
- Physical violence or making threats of physical violence;
- Deliberate damage to property or belongings;
- Serious infringement of health and safety rules and principles;
- Serious infringement of equal opportunity rules and principles;
- Serious acts of insubordination, i.e. where the employment relationship has been seriously undermined;
- Serious breaches of the Code of Conduct for Employees or other published policies of the Council;
- Serious abuse of the Council's Sickness Absence Management Policy and Procedure;
- Fraudulent misuse of the Council's property or name;
- Serious abuse of the Council's facilities or equipment, including computer facilities and use of the internet;
- Serious negligence whether or not loss, damage or injury is caused;
- Serious breach of trust and confidence
- Bringing the authority into disrepute;
- Harassment or bullying, of other employees or members of the public;
- Failing to manage effectively by knowingly permitting harassment or bullying to take place.
- Serious breach of the contract of employment.

Repeated misconduct which only comes to light upon further investigation and there is clear of a pattern of consistent misbehaviour.

5.3 Dismissal may also occur following **repeated warnings or sanctions** being issued, and the Council may take a cumulative approach due to the repetition or accumulation of less serious offences if they are still LIVE on the employee's file.

6. Conduct Outside Working Hours

6.1 The Council's Code of Conduct for Employees paragraph 3.3(c) advises that;

“Personal conduct outside office hours which could conceivably be regarded as undermining your ability to carry out your duties may lead to the Authority seriously considering your suitability as an employee.”

- 6.2 Conduct regarded in this way, or conduct which undermines the confidence the employer needs in its employees, or which it would not be reasonable for an employer to ignore, even though it takes place out of working hours, will be dealt with by way of this policy and procedure.

7. Criminal Charges

- 7.1 Where an employee's conduct is the subject of a criminal investigation, charge or conviction, the Council will investigate the facts before deciding whether to take formal disciplinary action.
- 7.2 The Council will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where the employee is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the Council may have to take a decision based on the available evidence.
- 7.3 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if the Council considers that it is relevant to the employee's employment.
- 7.4 Where an employee is unable to fulfil their contract of employment, due to the terms of the criminal charges, consideration will be given to whether the employee is able to carry out their work in accordance with their contract of employment.

8. Job Performance

- 8.1 Managers and employees must ensure that they are clear about the standard of work expected during the course of their employment.
- 8.2 Problems with under performance or a failure to meet the required performance standards will normally be dealt with by referring to the Council's Capability and Performance Improvement Policy and Procedure.
- 8.3 Any issues of sub-standard performance that result from deliberate misconduct, however, will be dealt with using the Disciplinary Policy and Procedure.

9. Raising Concerns Whilst at Work

- 9.1 Employees who suspect fraud, corruption or other malpractice at work should report their suspicions to their line manager or Chief Officer. Alternatively, employees can consider the options outlined in the Council's Raising Concerns Policy.
- 9.2 Complaints will be taken seriously. Decisions on how to proceed will depend on a number of factors, e.g. quality of evidence, type of complaint, whether the complaint was anonymous, whether the complainant is willing to be a witness etc.
- 9.3 If it is clear that there may be irregularities, action will be taken in accordance with the disciplinary procedure. If an investigation concludes that the Raising Concerns Policy has been misused and the allegation was unfounded, or may have been made maliciously, this will be a disciplinary matter in itself. This should not deter anyone

with a genuine concern, and will only apply where allegations are considered to have been made maliciously.

10. Representation

- 10.1 Employees have a right to be accompanied by a trade union representative or work colleague (a companion) on occasions when they are required or invited to attend a disciplinary investigation interview or a formal disciplinary hearing.
- 10.2 The Council will inform the employee of the right to be accompanied by a companion at such hearings.
- 10.3 The Council will accommodate all reasonable requests to be accompanied, but such requests should not unduly delay the process. A companion is allowed reasonable time off from duties without loss of pay, but no-one is obliged to act as a companion if they do not wish to do so.
- 10.4 If the employee's choice of companion is considered unreasonable the employee will be asked to choose someone else, for example:
- If the companion is not a work colleague or a trade union representative;
 - If the employee's companion works at another site and someone reasonably suitable is available at the site at which they work;
 - If the employee's companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards;
 - If in the Council's opinion the employee's companion may have a conflict of interest or may prejudice the meeting.
- 10.6 The right to be accompanied by a companion does not extend to attendance at informal meetings or discussions. So long as the informal discussion will not result in any formal action, it is not considered good practice for an employee to be accompanied, as matters at an informal stage are often best resolved directly between manager and employee.
- 10.7 Formal disciplinary proceedings will not take place in respect of a trade union representative or official until the Regional Officer has been informed. However, a trade union representative or local official may be suspended from work without first contacting the Regional Officer.

Part 2 – Disciplinary Procedure

The following guidance provides general procedural advice, but does not exclude the possibility of dealing with unusual cases in slightly different ways, whilst still working within employment legislation and remaining mindful of best practice.

11. The Informal Procedure

- 11.1 There will be occasions when behaviour falls short of what is expected, but is not serious enough to warrant formal disciplinary action. Where there are minor faults in the employee's conduct, the matter should be dealt with promptly through informal discussion between the employee and line manager.
- 11.2 The purpose of an informal discussion will be to:
- Ask for an explanation of what has happened;
 - Explain to the employee why the behaviour was unacceptable;
 - Discuss the required improvements.
- 11.3 Following the informal discussion the manager will write to the employee to:
- Detail the nature of the problem, why the behaviour was unacceptable and the required improvements;
 - Notify them that future incidents or issues may lead to formal action and that the notes of this incident or issue will be retained.
- 11.4 The following formal procedure will be used if conduct does not improve, if there is a repeated pattern of behaviour through the informal procedure or if the disciplinary matter is more serious than a minor fault.

12. The Formal Procedure

- 12.1 Prior to taking any formal disciplinary action managers should discuss all cases with their Service HR Partner. This will ensure consistency in application of the procedure across the Council and ensure that any action taken is in line with legislative guidelines and best practice.

13. Suspension and Alternative Duties

- 13.1 In some cases suspension from duty may be necessary, for example, due to the seriousness of the allegations, the breakdown in working relationships, the risk to the Council's property or the Council's responsibilities to other parties.
- 13.2 Suspension is not a disciplinary sanction, but is intended to protect either or both the employee's and the Council's interests. It is not possible to prejudge cases without them being investigated and, therefore, suspension should never be seen as a presumption that someone is guilty.
- 13.3 The Chief Executive, Chief Officers, and Senior Service Managers, i.e., those with operational responsibility for their own service units, have the authority to suspend employees.

- 13.4 As soon as the relevant Officer determines that there is a case to suspend an employee, they should speak to a member of the HR Team, after which they should speak with the employee.
- 13.5 Prior to suspension, the employee will be informed of the following:
- (a) The details of the allegation made against them;
 - (b) The conditions attached to suspension, which include:
 - contact will be through a named officer only;
 - the employee must not contact colleagues or external work contacts, media etc. without the Council's permission;
 - the employee must not visit Council premises without the Council's permission;
 - the employee should not normally undertake work for other organisation whilst suspended.
 - (c) How the investigation will continue to be conducted;
 - (d) How suspension affects pay. Employees will usually receive 'normal' contractual pay during a period of suspension. Payment will only be withheld in exceptional circumstances, e.g., where an employee has breached their contract of employment;
 - (e) The requirement to pass on information about outstanding work;
 - (f) The handing over of keys, identity card and other council property, as appropriate.
- 13.6 The employee will be given an opportunity to be accompanied to remove personal possessions from the workplace, if they wish. This may need to be outside normal working hours if the employee prefers or other employees are involved.
- 13.7 The reason for suspension and the conditions attached to it will be confirmed in writing to the employee within 2 working days.
- 13.8 Although this will clearly be a trying time for employees, they are expected to act with discretion and comply with the conditions attached to the suspension. A failure to comply with the terms of suspension may result in disciplinary sanction.
- 13.9 If, for example during an investigation, an employee feels that additional witnesses should be approached, they must notify the named contact or Investigating Officer rather than approach that person and obtain evidence directly.
- 13.10 If, during the course of the investigation that there is no longer a need for the employee to be suspended, the suspension should be reviewed (normally by the Officer who carried out the suspension) and, if appropriate, discontinue the suspension.

14. Different Duties as an Alternative to Suspension

- 14.1 In some circumstances it may be appropriate for an employee under investigation to work in a different area. This may, for example, follow a complaint by a customer or work contact.

- 14.2 Any decision to move an employee is subject to agreement by the Chief Officer or Senior Service Manager and does not imply that allegations are accurate, rather it is intended as an interim measure to protect both employee and complainant.

15. Disciplinary Discussion

- 15.1 Following receipt of an allegation the line manager may meet with the employee concerned to discuss the allegations informally.
- 15.2 It is not a requirement that a discussion will be required in all cases. If managers are satisfied that allegations are sufficiently serious then a formal investigation should be carried out straight away.
- 15.3 The employee is not required to be given written notice of their attendance of the discussion, but will be verbally informed that they are required to attend.
- 15.4 If it becomes clear during the discussion that there is a formal case to answer the manager will inform the employee that enough facts have been established and, if appropriate, will appoint an investigating officer.
- 15.5 The line manager may also carry out further enquiries which may involve speaking with other employees or reviewing records or information available to help them determine whether there is a case to answer.
- 15.6 The line manager that carries out the informal discussion can also act as the hearing officer if, following an investigation, there is a formal disciplinary case to answer.

16. Disciplinary Investigations

- 16.1 If on receipt of an allegation, a line manager/Chief Officer is satisfied that the allegations could potentially be considered misconduct or gross misconduct a reasonable investigation into the allegations must be carried out.
- 16.2 In the majority of cases, where the matter to be investigated appears to be clear and the facts are not in dispute, the role of the Investigating Officer may be carried out by any appropriate line manager.
- 16.3 An investigation should not take place if the manager's judgement is that there is no case to answer or if the matter can be resolved by informal arrangements.
- 16.4 The purpose of any investigation is to establish a fair and balanced view of the facts relating to any disciplinary allegations against an employee. Although the manager may carry out the investigation, if the evidence to be investigated is more serious or complex, then where, possible another appropriate Officer should be appointed as the Investigating Officer.
- 16.5 The fact that an investigation is required will not necessarily mean that disciplinary action will be taken at the end of the process.
- 16.6 An employee who is the subject of a detailed investigation shall be advised in writing, as soon as practicable, of the allegation(s) made against them and the nature of the investigation that will take place.
- 16.7 An employee, against whom an allegation is made, will be expected to co-operate with the investigation process and should ensure that they are available to be interviewed by the Investigating Officer, within a reasonable timescale.

17. Appointment of an Investigating Officer

- 17.1 Where it is necessary to appoint an Investigating Officer, in most cases the manager will, as soon as possible, appoint an officer of the Council or, in exceptional circumstances, an independent person to carry out an investigation into the allegations or other issues raised, to help him/her determine whether or not there is a case to answer under the formal disciplinary procedure.
- 17.2 In complex cases a member of the HR Team will be appointed to act as the Liaison Officer to the Investigating Officer. The role of the Liaison Officer is to act as the advisor to the Investigating Officer and aid access to resources and information, so that the investigation can be completed in a timely manner.
- 17.3 The Investigating Officer will conduct the disciplinary investigation. They will normally be an Officer, who is trained or experienced in this type of work. There may be occasions when it will be necessary to appoint an Investigating Officer with a particular specialism relevant to the investigation, e.g. a financial background where financial irregularities have come to light.
- 17.4 To complete his/her investigation, the Investigating Officer may also need access to other officers who have such specialist/technical knowledge, e.g. health and safety or specific knowledge relating to a service process. In such instances, the Investigating Officer shall request the additional support via their Service HR Partner.
- 17.5 The manager shall be responsible for briefing the Investigating Officer, and ensuring he/she has access to the necessary resources/facilities to undertake his/her role.
- 17.6 The manager, shall provide all available information about the allegations or other issues under investigation, as shall be necessary to enable the Investigating Officer to fulfil their role.
- 17.8 Should the manager on receipt of the investigation report, consider that the outcome of the investigation warrants a formal disciplinary hearing, the designated co-opted officer may be asked to attend the hearing to answer any specific questions. If this is the case, then subsequent attendance at a disciplinary hearing will be in the same context as any other witnesses that are called.

18. The Investigation Arrangements

- 18.1 Once the decision has been made to undertake an investigation into allegations against an employee, the manager, when appropriate shall advise the employee in writing of the name of the Investigating Officer and details of the allegations or the matter under investigation. However, there may be exceptional circumstances where it is not advisable to inform the employee straight away, e.g., where the allegations are particularly sensitive or unclear.
- 18.2 The disciplinary investigation will cover the initial complaint, plus any other issues or breaches of policies that may arise as a result of the investigation that fall within the scope of the Disciplinary Policy and Procedure.
- 18.3 The Investigating Officer shall be entitled to interview such witnesses and carry out such enquiries as they deem necessary. This may include examining the Council's email, internet and other IT systems (including the user accounts of any employee under investigation).
- 18.4 The employee shall fully co-operate with the Investigating Officer and shall make themselves available for such interviews and meetings as the Investigating Officer

reasonably deems necessary. It is expected that once the employee has received the initial letter advising them that an investigation is to be undertaken, that the Investigating Officer will contact the employee to arrange a suitable time for the interview to take place. A member of the HR Team, appointed as the Liaison Officer may be present at the interview with the employee to take his/her statement.

- 18.5 Whilst investigations need to be sufficiently thorough, it is important that they are carried out within a reasonable timeframe. Although it is accepted that more complex cases may take some time to complete, the aim is to complete any investigation within 20 working days. If it is known that the investigation will take longer than 20 working days or if during the course of the investigation, the Investigating Officer believes that more time will be required, he/she must inform the manager/Chief Officer immediately and also provide a revised date by which the investigation will be concluded. The employee will also be advised of any revised arrangements for the investigation.
- 18.6 The employee and other interviewees shall be issued with a draft copy of their statements and will have the right to comment on the factual accuracy of the draft statement. Should the interviewee wish to add additional information that was not provided during the investigation interview, this should be presented to the Investigating Officer in a separate document. Employees will be offered the opportunity to sign their statement, but there is no requirement to do so if they decline.
- 18.7 Where the employee under investigation has been issued with their draft statement, it is not expected that, it would take more than 3 working days to review their statement and provide any additional comments to the Investigating Officer.
- 18.8 The Investigating Officer shall prepare a report following his/her investigation using the facts of the case as they have been presented, noting any policies or standards, etc., that have been breached and submit this to the manager along with copies of all documentation, records, interview statements and evidence. The Investigating Officer will not advise whether or not they believe there is a disciplinary case to answer or whether a sanction should be applied.
- 18.9 Having reviewed the report of the Investigating Officer, the manager may determine that additional information is required, in which case additional lines of enquiry may be pursued as part of the investigation. Alternatively, the manager may decide that there is sufficient information available either for the matter to be concluded at this stage or for the issues to be considered at a disciplinary hearing.

19. Notification to Employees

- 19.1 Employees who are subject to a disciplinary investigation, as detailed above, will be provided with:
- A clear statement of the reason(s) for the disciplinary investigation being undertaken;
 - A timetable for completion of the investigation and updates on the revised timescales if the investigation is extended;
 - An opportunity to provide a statement, followed by the opportunity to review their draft statement;
 - The right to be accompanied by a companion.

- 19.2 Other employees may be interviewed as part of the investigation and may be asked to attend any subsequent hearing under the formal procedure. In certain cases a witness's identity may be kept confidential. In such cases the Hearing Officer will give the employee as much information as possible while maintaining confidentiality.

20. Investigation Documentation/Evidence/Hearing Records

- 20.1 All documentation and evidence relating to a disciplinary investigation shall be treated as strictly confidential. All documents and associated evidence, referred to as the Investigation Report, shall be passed by the Investigating Officer to the manager who will review the information and decide whether a formal disciplinary hearing should be convened.
- 20.2 Should it be determined that a formal disciplinary hearing is required, the manager will liaise with their Service HR Partner concerning the arrangements for a disciplinary hearing.
- 20.3 If a disciplinary hearing is to be called, the employee will be notified of this and will be provided with a copy of the investigation report, along with any other documents that may be considered at the disciplinary hearing.
- 20.4 All paperwork relating to the Disciplinary Hearing or Disciplinary Appeal Hearing will be retained in accordance with the General Data Protection Regulations.

21. Arranging the Formal Disciplinary Hearing

- 21.1 Following any investigation, if it is considered that there are grounds for disciplinary action, the employee will be required to attend a disciplinary hearing.
- 21.2 Formal disciplinary hearings will be conducted by the line manager, Chief Officer or other senior officer other than where:
- They have direct involvement with a case, e.g. as a witness;
 - They are absent or unavailable, which would prevent the hearing from taking place within a reasonable timescale.

In such cases, which are expected to be rare, a suitable senior officer from another service unit will be appropriate.

- 21.3 The hearing will be held as soon as reasonably practicable, but the employee will be given notice in writing at least 5 working days prior to the hearing of:
- The date, time and place of the hearing;
 - The allegations against them;
 - The basis for those allegations and what the likely range of consequences will be if the Hearing Officer decides that the allegations are proven;
 - Their right to be accompanied;
 - The details of any witnesses that are to be called to support the management case.

21.4 The hearing will be organised by HR who will:

- Notify (as above) the employee, setting out the arrangements for the hearing;
- Coordinate the attendance of any management witnesses to be called at the hearing;
- Distribute papers for the hearing to the employee, the employee's representative, the Hearing Officer and HR;
- Ensure rooms for the hearing, a waiting adjournment room for the employee and a representative, and a waiting room for witnesses are available.

21.5 Information will be made available to the employee 5 working days prior to the hearing. Information supplied may include:

- Any relevant information gathered during the investigation or a summary of that information;
- A copy of the investigation report, plus associated documents;
- A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case the Hearing Officer will give the employee as much information as possible while maintaining confidentiality.

21.6 HR will arrange for a record of the proceedings to be taken. It may be necessary for Services to provide administrative support during the hearing to allow a record of the meeting to be taken.

22. Witnesses

22.1 At the hearing, both the employee and management can call witnesses.

22.2 If an employee wishes to call any witnesses to attend the hearing, then he/she is responsible for ensuring that the witness is informed of the date and time of the hearing and that they are required to attend.

22.3 The Hearing Officer and HR should be notified by the employee of any witnesses, at least 2 working days before the hearing.

22.4 The employee will be informed of any management witnesses within the hearing invite letter.

22.5 The employee will be given the opportunity to respond to any information given by a witness. Both the management side and the employee and their companion will be permitted to cross examine witnesses.

23. Employee Absence and Non-attendance at Hearings

23.1 If the employee or their companion cannot attend the hearing the employee should inform the Council immediately and the Council will arrange an alternative time. The employee must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself.

- 23.2 If the employee fails to attend without good reason, or is unable to do so (for example for health reasons), the Council may have to proceed with the disciplinary hearing in their absence and take a decision based on the available evidence.
- 23.3 As outlined in the Sickness Absence Management Policy and Procedure, an employee will not automatically be entitled to Occupational Sick Pay if they submit a medical certificate, which leads to a delay in the disciplinary process or following their suspension in connection with a disciplinary matter.

24. **Procedure at the Disciplinary Hearing**

The hearing will be conducted in line with [Appendix A](#) – Conducting a Hearing.

25. **Disciplinary Sanctions**

- 25.1 The level of disciplinary sanction will depend on the facts of each case. The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. Each case will be assessed on its own merits. The Council may take a cumulative approach when dealing with repeated misconduct, where sanctions remain 'live' on the employee's record. Possible formal actions are:
- 25.2 **Formal Verbal warning.** The employee will be given the reason for the warning, the improvement or change in behaviour required and informed that it constitutes the first step of the disciplinary procedure and of the right of appeal. The formal verbal warning will be confirmed in writing, but will not be a written warning. A copy of the written notification of the formal verbal warning will be kept but will normally be disregarded for disciplinary purposes for a period of **12 months**. Where it is considered appropriate the warning can be extended up to 24 months.
- 25.3 **Written warning.** The employee will be given the reasons for issuing a written warning. The written notification will include details of the complaint, the improvement or change in behaviour required, and the employee's right of appeal. It will also state that further action may be considered if there is no appropriate improvement or change. A copy of the warning letter will be kept but will normally be disregarded for disciplinary purposes for a period of **12 months**. The Council reserves the right to extend the length of the warning to 24 months where this is considered appropriate at the managers discretion.
- 25.4 **Final written warning.** The employee will be given reasons for issuing a final written warning. The written notification will include details of the complaint, the improvement or change in behaviour required, the timescale allowed for this and the employee's right of appeal. It will also state that dismissal or some other action short of dismissal may be considered if there is no appropriate improvement or change. A copy of the warning letter will be kept, but will normally be disregarded for disciplinary purposes after **12 months**. The Council reserves the right to extend the length of the warning to 24 months where this is considered appropriate at the manager discretion.
- 25.5 **Demotion/Loss of seniority and Final Written Warning.** This may be appropriate only as an alternative to dismissal in certain limited circumstances and is likely to accompany the issuing of a final written warning. **There is no right to this for employees as an alternative to dismissal.** The offer of an alternative position is at the Council's discretion and need not be within close proximity to the original grade. Salary protection will not apply. Notification will give details of the complaint, the behaviour required in the revised role, any training that may be provided for this and the right of appeal. A copy of the warning letter will be kept, but will normally be disregarded for disciplinary purposes after **12 months**. The Council reserves the right

to extend the length of the warning to 24 months where this is considered appropriate at the manager's discretion.

- 25.6 **Dismissal.** Gross misconduct will usually result in immediate dismissal without notice (summary dismissal). Dismissals due to an accumulation of warnings and misconduct offences will be with contractual notice. Previous warnings that have expired will not be used as a principal reason for dismissal, but may be considered as a relevant factor in the fairness of the decision. The employee will be provided with written confirmation of the reasons for dismissal, the date on which the employment contract terminated, and information on how to appeal.
- 25.7 **Loss of increment.** This sanction is likely to be used rarely and generally in cases where it is considered that an employee's sub-standard performance is wilful, rather than due to a lack of capability. This sanction is available to managers in conjunction with disciplinary sanctions at any level. For reasons of consistency, advice should be sought from HR. Where sanctions result in changes to pay, HR will notify Payroll.

26. Disciplinary Appeals

- 26.1 Employees have the right to appeal against any formal disciplinary sanction.
- 26.2 Appeals against disciplinary sanctions must be made in writing to the HR Manager within 5 working days of written notification of the outcome of a disciplinary hearing being received. Appeal hearings will normally be held within 20 working days of being lodged. If an appeal hearing cannot be arranged within 20 working days the appellant will be advised of the delay and a date by when the hearing will take place.
- 26.3 Appeals in this category, which include those against verbal, first and final written warnings will normally be heard by an appropriate officer more senior than the original Hearing Officer. If a Chief Officer heard the original disciplinary hearing then a different Chief Officer can hear the appeal.
- 26.4 An appeal may be lodged for the following reasons only:
- To permit the employee to argue that the Hearing Officer of the original disciplinary hearing reached an unfair decision;
 - To appeal against the severity of a sanction, but not the fact that a sanction was due;
 - To prove an allegation that a dismissal was wrongful, i.e. procedurally unfair;
 - When new evidence has come to light since the original disciplinary hearing.
- 26.5 Employees must detail the reason for their appeal in their appeal letter.
- 26.6 The Appeal Hearing will normally be a review of the decision in light of the grounds for appeal and/or consideration of whether the procedure was followed and whether the sanction was appropriate. It will not be a full rehearing of the case. In this case an Appeal Officer can only substitute the decision for a lower sanction.
- 26.7 If significant new evidence has come to light that is relevant to the case and which the employee could not reasonably have known about and/or was genuinely unavailable at the time of the original decision, it may be appropriate for the Appeals Officer to consider a full re-hearing of the case. This will be at the Appeal Officer's discretion. If the case is re-heard the Appeal Officer can substitute a different higher or lower sanction.

27. Appeals against Dismissal

- 27.1 Appeals against dismissal must be made in writing to the HR Manager within 5 working days of written notification of the outcome of a disciplinary hearing being received. Appeals in this category will be heard by Personnel Committee. Appeal hearings will normally be held within 20 working days of being lodged, other than by mutual agreement.
- 27.2 The Appeal Hearing will normally be a review of the decision in light of the grounds for appeal and/or consideration of whether the procedure was followed and whether the sanction was appropriate. The Appeal Hearing will not be a full re-hearing of the matter. If a full re-hearing is required Personnel Committee will refer the case back and to a different Chief Officer to conduct the re-hearing.
- 27.3 The Chair of Personnel Committee may adjourn the appeal hearing if further investigations are needed in the light of any new points raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 27.4 The date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the employee's appeal is successful he or she will be reinstated with no loss of continuity of employment or pay.

28. Outcome of Appeal

- 28.1 Following the appeal hearing the Council may:
- (a) Confirm the original decision;
 - (b) Revoke the original decision; and
 - (c) Substitute a different sanction
- 28.2 The Chair of Personnel Committee, will inform the employee in writing of the final decision as soon as possible, usually within 5 working days of the appeal hearing.
- There will be no further right of appeal.

29. Action Plan

- 29.1 If during the hearing a case raises additional issues that need to be addressed, the Hearing Officer should make recommendations and require the appropriate officer(s) to devise an action plan. All parties who need to take action will be notified and the required measures should be in place as soon after the hearing as possible.

30. Relationship to Grievance

- 30.1 Where an employee subject to a disciplinary hearing has also submitted a grievance, the grievance will be considered separately. In most cases the disciplinary hearing will take place before the grievance is formally considered. However, the Council reserves the right to change the order of hearings depending upon the content of the grievance.

31. Review

This policy will be reviewed 2 years after implementation or earlier in the event of further changes in legislation.

Amendments which are required due to a change to any applicable legislation or regulation will be incorporated into the policy documents at the appropriate time and reported for information to the recognised trade unions and Personnel Committee.

Document Control:

Version No.	Effective date	Reason	Review due
1.0	31.05.2005	Revisions agreed by Personnel Committee	
2.0	25.06.2013	Revisions agreed by Personnel Committee	
3.0	20.09.2018	Revised Policy to be considered by JCC and Personnel Committee	

Disciplinary Policy and Procedure Procedural Guidance

Conducting a Hearing

1.0 Introduction

1.1 The Hearing Officer will:

- direct and control the conduct of the hearing with fairness and impartiality;
- consider the information provided by the employee and manager
- determine whether the allegations are well founded, and, if so:-
- determine the level of disciplinary action to be imposed.

1.2 The Hearing Officer will seek confirmation that the employee understands:

- The nature of the hearing;
- The allegations against him/her;
- The right to be accompanied at the hearing;
- The process of the hearing.

2.0 Support/Representation

2.1 A member of the HR Team will attend the hearing to provide support and guidance to the Hearing Officer.

2.2 The employee has a statutory right to be accompanied at the hearing by either a trade union representative or work colleague.

2.3 The Investigating Officer may be accompanied by a member of the HR Team or another manager.

3.0 Format of the Hearing

3.1 The Hearing Officer will explain the format of the hearing, which will normally be as follows:

- The hearing officer and accompanying HR adviser may ask questions of either side throughout the hearing;

- The management case will be presented first by the investigating officer or by the management representative who may also be the hearing officer;
- Following presentation of the management case the employee and representative may question the management side;
- The employee and representative will present their case;
- Following presentation of the employee case the management side may question the employee;
- Both sides will be asked to summarise the main points of their case; management side first and the employee (and representative) second;
- The hearing will be adjourned and the hearing officer will make their decision.

4.0 Presentation by Management

- 4.1 In certain minor cases the Investigating Officer may be the Hearing Officer, in which case the Hearing Officer will present management's case setting out the allegations against the employee and call any witness to give evidence or refer to written evidence previously provided to those present at the hearing.
- 4.2 If the Investigating Officer is not the Hearing Officer, then following the presentation of the management case, the Hearing Officer may question the Investigating Officer and any witnesses that are called.
- 4.3 Material that has not been previously circulated will only be admitted at the hearing if both parties agree to it.
- 4.4 After each witness has given evidence, the witness may be questioned by the employee or his/her representative, following which the officer presenting management's case may re-examine the witness.
- 4.5 Following the complete presentation of the management's case, the employee or his/her representative will be allowed to question the officer presenting the management case.
- 4.6 The Hearing Officer and his/her adviser will be allowed to question the officer presenting the management case and his/her witnesses at any point during the presentation of the management's case.
- 4.7 Witnesses will only attend that part of the hearing when their evidence is given.

5.0 Presentation by the Employee

- 5.1 The employee or his/her representative will present the employee's case. As part of the case, he/she may call any witnesses to give evidence or refer to written evidence previously provided to those present at the hearing.
- 5.2 Material that has not been previously circulated will only be admitted at the hearing if both parties agree to it.
- 5.3 After each witness has given evidence, the witness may be questioned by the officer presenting the management case, following which the employee or his/her representative may re-examine the witness.
- 5.4 Following the complete presentation of the employee's case, the officer presenting the management case will be allowed to question the employer or his/her representative.
- 5.5 The Hearing Officer (if he/she is not presenting the management case) and his/her adviser will be allowed to question the employee and his/her witnesses at any point during the presentation.
- 5.6 Witnesses will only attend that part of the hearing when their evidence is given.

6.0 Summary of Case

- 6.1 Both the officer presenting the management case and the employee will then asked to summarise their case with the management side being heard first. If the Hearing Officer has presented the management case, then he/she will summarise the management case before hearing from the employee.

7.0 Consideration of Outcome

- 7.1 The Hearing Officer will ask all parties other than his/her adviser to withdraw.
- 7.2 The Hearing Officer will decide whether or not the allegations made against the employee are substantiated and
 - If they are, then decide on the disciplinary action that would be appropriate;
 - If they are not, dismiss the allegations and find the case against the employee not proven.
- 7.3 The Hearing Officer may decide that further evidence is required before he/she can come to a decision.
- 7.4 In arriving at his/her decision on the employee's culpability or otherwise, the Hearing Officer should ask himself/herself the following questions:
 - Has there been as much investigation as is reasonable in the circumstances?

- Have the requirements of the Council's Disciplinary Procedure been properly complied with up to this point, including advance notice to the employee of the matter(s) to be considered at this hearing?
- Have I paid sufficient regard to any explanation put forward by or on behalf of the employee?
- Do I genuinely believe that the employee has committed the misconduct as alleged?
- Have I reasonable grounds on which to sustain the belief that on the balance of probabilities (i.e. is it more likely than less likely that the employee did what is alleged)?

“Yes” to each of these questions will mean finding that the employee has committed the act of misconduct.

7.5 In arriving at his/her decision on the disciplinary action to be taken, the Hearing Officer should ask himself/herself the following questions:

- Is the misconduct sufficiently serious to justify the disciplinary decision I am contemplating?
- Have I had regard to any mitigating circumstances put forward by or on behalf of the employee (and any response to these by management's representative, if any)?
- Is the decision within the band of reasonable responses of a reasonable employer in the circumstances?

“Yes” to each of these questions should mean that the disciplinary sanction to be imposed is appropriate.

8.0 Communicating the Decision

8.1 The hearing will then be reconvened and the parties verbally informed of the decision.

8.2 If the Hearing Officer is not able to make a decision on the day of the hearing, they must inform the employee that they will be advised of the decision in writing within 5 working days. If further evidence is required, the hearing will be reconvened as soon as the evidence is available. The new evidence will be presented in accordance with Paragraphs 4 and 5 above.

8.3 The employee shall receive written confirmation of the decision within five working days of the decision being made.

8.4 Confirmation letters must include:-

- The date and place of the disciplinary hearing

- Details of any representation
 - Details of the decision.
 - The specific reason(s) for which the disciplinary action (if any) was taken.
 - Details of any improvement in conduct, attendance or performance required, the timescale within which such improvements must be made and of the managerial support that will be afforded.
 - Details of the effect of failing to meet any improvement targets set (that higher level disciplinary action may be taken as a result of failing to meet improvement targets).
 - Details of the effect of the decision.
- 8.5 If a warning is issued, the length of time it will remain on the employee's file and therefore the fact that it will be a factor in any disciplinary matter that raises itself within that time period. Final written warnings must state that further misconduct or failure to meet the improvement targets set may result in dismissal.
- 8.6 If a dismissal, whether it is with or without notice and when the employment will end (the effective date of termination).
- Details of the employee's rights to appeal against the decision of the Hearing Officer.
- 8.7 The employee has a right to appeal against the decision of the Hearing Officer and should do this in writing stating the grounds of the appeal to the HR Manager within ten working days of being notified of the decision.

Equality impact assessment form

An equality impact assessment should take place when considering doing something in a new way.

Please submit your completed form as an appendix to your committee reports for monitoring and publishing purposes to [‘report clearance’](#) (please refer to report writing guidance).

Please keep your answers brief and to the point. Consideration needs to be reasonable and proportionate.

Please also remember that this will be a public document – do not use jargon or abbreviations.

Section 1: Details

Service	Human Resources
Title and brief description (if required)	Probation and Appointment Review Policy and Procedure
New or existing	Existing
Author/officer lead	HR Service Manager
Date	25 May 2018

Does this affect staff, customers or other members of the public?

Yes Please complete the rest of the equality form.

Section 2: Summary

What is the purpose, aims and objectives?

The revised Probation and Appointment Review Policy and Procedure exists as a source of guidance for both line managers and staff who are under Probation or Appointment Review. A number of minor changes have been made to the document to ensure that it remains of benefit to all parties involved in the Probation or Appointment Review process.

Who is intended to benefit and how?

The revised Policy benefits all employees and managers of the Council by ensuring that the policy is up to date and therefore remains useful as a source of guidance in supporting staff through the Probation or Appointment Review period and setting out clearly how the process can be effectively and consistently managed.

Section 3: Assessing impact

Is there any potential or evidence that this will or could:		
• Affect people from any protected group differently to others?		No
• Discriminate unlawfully against any protected group?		No
• Affect the relations between protected groups and others?		No
• Encourage protected groups to participate in activities if participation is disproportionately low (won't always be applicable)?		No
• Prevent the council from achieving the aims of its' Equality and Diversity Policy?		No

If yes, please provide more detail of potential impact and evidence including:

- A brief description of what information you have and from where eg getting to know our communities data, service use monitoring, views of those affected i.e., discussions or consultation results?
- What does this tell you i.e., negative or positive affect?

Age including older and younger people and children	
Disability	
Faith, religion or belief	
Gender including marriage, pregnancy and maternity	
Gender reassignment	
Race	
Sexual orientation Including Civil Partnership	
Rural communities	
People on low incomes	

Section 4: Next steps

Do you need any more information/evidence eg statistics, consultation? If so, how do you plan to address this?

As part of the policy revision process Trade Unions are consulted.

How have you taken/will you take the potential impact and evidence into account?

Feedback is taken into account in agreeing the revised Probation and Appointment Review Policy and Procedure.

How do you plan to monitor the impact and effectiveness of this change or decision?

Employment policies are reviewed on an ongoing basis.

Thank you for completing this equality impact assessment form, please submit your completed form as an appendix to your committee reports for monitoring and publishing purposes to [‘report clearance’](#) (please refer to report writing guidance).

Equality impact assessment form

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Section 1: Details

Service	Human Resources
Title and brief description (if required)	Early Termination of Employment Policy
New or existing	Existing
Author/officer lead	HR Service Manager
Date	25 May 2018

Does this affect staff, customers or other members of the public?

Yes Please complete the rest of the equality form.

Section 2: Summary**What is the purpose, aims and objectives?**

The revised Early Termination of Employment Policy incorporates a number of minor changes to ensure that the document remains current and in line with practice.

Who is intended to benefit and how?

The revised Policy benefits all employees and managers of the Council by ensuring that the policy is up to date and therefore remains a source of useful guidance in handling matters in respect of early termination of employment and that these are consistently managed.

Section 3: Assessing impact

Is there any potential or evidence that this will or could:		
• Affect people from any protected group differently to others?		No
• Discriminate unlawfully against any protected group?		No
• Affect the relations between protected groups and others?		No
• Encourage protected groups to participate in activities if participation is disproportionately low (won't always be applicable)?		No
• Prevent the council from achieving the aims of its' Equality and Diversity Policy?		No

If yes, please provide more detail of potential impact and evidence including:

- A brief description of what information you have and from where eg getting to know our communities data, service use monitoring, views of those affected i.e. discussions or consultation results?
- What does this tell you i.e. negative or positive affect?

Age including older and younger people and children	
Disability	
Faith, religion or belief	
Gender including marriage, pregnancy and maternity	
Gender reassignment	
Race	
Sexual orientation Including Civil Partnership	
Rural communities	
People on low incomes	

Section 4: Next steps

Do you need any more information/evidence eg statistics, consultation? If so, how do you plan to address this?

As part of the policy revision process Trade Unions are consulted.

How have you taken/will you take the potential impact and evidence into account?

Feedback is taken into account in agreeing the revised Early Termination of Employment Policy.

How do you plan to monitor the impact and effectiveness of this change or decision?

Employment policies are reviewed on an ongoing basis.

Thank you for completing this equality impact assessment form, please submit your completed form as an appendix to your committee reports for monitoring and publishing purposes to [‘report clearance’](#) (please refer to report writing guidance).

Equality impact assessment form

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Please also remember that this will be a public document – do not use jargon or abbreviations.

Section 1: Details

Service	Human Resources
Title and brief description (if required)	Disciplinary Policy & Procedure
New or existing	Existing
Author/officer lead	HR Service Manager
Date	25 May 2018

Does this affect staff, customers or other members of the public?

Yes Please complete the rest of the equality form.

Section 2: Summary**What is the purpose, aims and objectives?**

The revised Disciplinary Policy and Procedure is to provide a consistent and fair framework to set and manage behavioural standards of employees.

Who is intended to benefit and how?

The revised scheme intends to benefit all employees and managers of the Council by ensuring that the policy is up to date, is in line with current employment law legislation and ensures that disciplinary matters are consistently managed.

Section 3: Assessing impact

Is there any potential or evidence that this will or could:		
• Affect people from any protected group differently to others?		No
• Discriminate unlawfully against any protected group?		No
• Affect the relations between protected groups and others?		No
• Encourage protected groups to participate in activities if participation is disproportionately low (won't always be applicable)?		No
• Prevent the council from achieving the aims of its' Equality and Diversity Policy?		No

If yes, please provide more detail of potential impact and evidence including:

- A brief description of what information you have and from where eg getting to know our communities data, service use monitoring, views of those affected i.e. discussions or consultation results?
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Section 4: Next steps

Do you need any more information/evidence eg statistics, consultation? If so, how do you plan to address this?

As part of the policy revision process Trade Unions are consulted.

How have you taken/will you take the potential impact and evidence into account?

Feedback is taken into account in agreeing the revised Disciplinary Policy and Procedure.

How do you plan to monitor the impact and effectiveness of this change or decision?

Employment policies are reviewed on an ongoing basis.

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