

Public Document Pack



Peter Sloman
CHIEF EXECUTIVE

Civic Offices, Bridge Street,
Reading RG1 2LU
☎ 0118 937 3787

To: Councillor Brock (Chair)
Councillors Lovelock, Maskell, Page and
Skeats

Our Ref:
Your Ref:

Direct: ☎ 0118 937 2303
e-mail:
richard.woodford@reading.gov.uk

Date Not Specified

Your contact is: **Richard Woodford**

NOTICE OF MEETING - PERSONNEL COMMITTEE 8 NOVEMBER 2018

A meeting of the Personnel Committee will be held on Thursday, 8 November 2018 at 6.30 pm in the Civic Offices, Bridge Street, Reading. The Agenda for the meeting is set out below.

Please Note - the Committee will first consider items in closed session. Members of the press and public will be asked to leave the Chamber for a few minutes.

ITEMS FOR CONSIDERATION IN CLOSED SESSION

The following motion will be moved by the Chair:

“That, pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of the following items on the agenda, as it is likely that there would be disclosure of exempt information as defined in the relevant Paragraphs of Part 1 of Schedule 12A (as amended) of that Act”

<u>ACTION</u>	<u>WARDS AFFECTED</u>	<u>Page No</u>
1. DECLARATIONS OF INTEREST		
2. MINUTES OF PREVIOUS MEETING		1 - 2
3. SENIOR MANAGEMENT STRUCTURE PROPOSAL	ALL WARDS	3 - 32
4. NEW NJC PAY SPINE - PROPOSAL FOR IMPLEMENTATION	ALL WARDS	33 - 40
5. SALARY SACRIFICE SCHEMES	ALL WARDS	41 - 52

CIVIC OFFICES EMERGENCY EVACUATION: If an alarm sounds, leave by the nearest fire exit quickly and calmly and assemble on the corner of Bridge Street and Fobney Street. You will be advised when it is safe to re-enter the building.

6. REVIEW OF THE COUNCIL'S EMPLOYMENT POLICIES **ALL** **53 - 136**
WARDS

At this point, the following motion will be moved by the Chair:

“That, pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of the following item on the agenda, as it is likely that there would be disclosure of exempt information as defined in the relevant Paragraphs of Part 1 of Schedule 12A (as amended) of that Act”

7. EARLY RETIREMENTS AND REDUNDANCIES **ALL** **137 -**
WARDS **150**

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Members of the public who participate in the meeting will be able to speak at an on-camera or off-camera microphone, according to their preference.

Please speak to a member of staff if you have any queries or concerns.

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Present: Councillor Brock (Chair);
Councillors Ayub (in place of Councillor Lovelock), Maskell
and Page.

Also Present: Alison McNamara (for items 1 to 3) and Shella Smith.

Apologies: Councillors Lovelock and Skeats.

1. MINUTES

The Minutes of the meetings held on 15 March and 10 May 2018 were confirmed as a correct record and signed by the Chair.

2. PROCEEDINGS OF THE LOCAL JOINT FORUM

The Chief Executive submitted the proceedings of the Local Joint Forum meeting held on 15 March 2018.

Resolved - That the proceedings of the Local Joint Forum meeting be received.

3. CHRISTMAS PERIOD CLOSURE OF NON ESSENTIAL SERVICES

The Director of Resources submitted a report presenting the Committee with the results of the staff consultation on the proposed move to compulsory annual four day closure over the Christmas and New Year period. A copy of the Consultation Report was attached to the report at Appendix 1, a copy of the Equality Impact Assessment was attached at Appendix 2 and a copy of the Management Response was attached to the report at Appendix 3.

The report explained that the consultation had followed a pilot closure over the Christmas period in December 2017 which had introduced the offer of up to two days of concessionary annual leave to match purchase of up to two days of annual leave. 421 staff had taken up the purchase of annual leave which had achieved a salary saving of £97,000. Following the pilot it had been proposed and agreed, as part of the budget setting process in February 2018, that subject to a formal staff consultation the Council would close over the Christmas period in future years. The consultation had run for 30 days from 18 April to 17 May 2018; there had been 330 responses with 64% in favour of the proposal and 34% not in favour. 360 responses had been made on the potential impacts of the proposals and considerations for implementation.

Shella Smith, Head of HR and Organisational Development, reported that a steering group would be set up to take the proposal forward and representatives from the trade unions would be invited to be members.

Resolved -

- (1) That taking into account the results of the staff consultation the Council be closed over the Christmas and New Year period in future years, whilst ensuring that essential services continued to be provided during this period;

PERSONNEL COMMITTEE MINUTES - 12 JULY 2018

- (2) That the staff offer to award up to two days paid additional leave over the Christmas and New Year period to match the purchase of annual leave which was available through the existing policy be approved.

4. EXCLUSION OF THE PRESS AND PUBLIC

Resolved -

That pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of the following item, as it was likely that there would be disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A (as amended) to that Act.

5. EARLY RETIREMENTS AND REDUNDANCIES

The Head of HR and Organisational Development, the Monitoring Officer and the Head of Finance submitted a joint report, which set out eight requests for dismissal on the grounds of redundancy. The proposals, together with the financial implications, were set out in a schedule appended to the report.

Resolved -

- (1) That the dismissal of employment on the grounds of redundancy of employees A, B, C, D, E, F, G and H be approved on the terms set out in the schedules appended to the report subject to the conclusion of all outstanding matters in each case, including ongoing consultation with the employees and their representatives and efforts to secure alternative employment, where appropriate;
- (2) That the proposal set out in (1) above be approved on the basis of the financial implications set out in paragraphs 4.1.1 and 4.1.2 of the report, and that authority to conclude the proposal be delegated to the Head of Finance, the Monitoring Officer and the Head of HR and Organisational Development (acting jointly) within that framework, and subject to the maximum ceiling identified for each individual proposal.

(Exempt information as defined in Paragraph 1).

(The meeting commenced at 6.30pm and closed at 6.55pm).

READING BOROUGH COUNCIL
REPORT BY CHIEF EXECUTIVE

TO:	PERSONNEL COMMITTEE		
DATE:	8 NOVEMBER 2018	AGENDA ITEM:	3
TITLE:	SENIOR MANAGEMENT STRUCTURE PROPOSAL		
LEAD COUNCILLOR:	COUNCILLOR LOVELOCK	PORTFOLIO:	LEADER OF THE COUNCIL
SERVICE:	CHIEF EXECUTIVE	WARDS:	BOROUGHWIDE
LEAD OFFICER:	PETER SLOMAN	TEL:	0118 9372067
JOB TITLE:	CHIEF EXECUTIVE	E-MAIL:	Peter.sloman@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To agree next steps in developing senior management capacity in light of two upcoming retirements and the changing needs of the Council.

Appendix 1: Current senior management structure
Appendix 2: Proposed senior management structure
Appendix 3: Draft role profiles

2. RECOMMENDED ACTION

- 2.1 That the senior management structure set out at Appendix 2 be approved in principle, subject to the outcome of consultation with the staff affected by the proposals and the Trade Unions.
- 2.2 That pending the outcome of the consultation exercise, the Chief Executive, in consultation with the Leader of the Council and Leader of the Opposition, be delegated authority to oversee its implementation.

3. BACKGROUND

- 3.1 This report details a senior management restructure proposal which seeks to continue to support the Council's good track record of delivery of front line customer facing services, but also increase capacity to deliver a range of projects to support the continued growth and development of Reading, alongside balancing the Council's budget. The proposed new structure will enable delivery of the Council's ambitious agenda through additional investment in a number of key areas, together with enhanced accountability

arrangements through executive line management through Executive Directors to the Chief Executive.

- 3.2 In order to deliver the Corporate Plan and Medium Term Financial Plan there is a need to strengthen capacity, ensuring that there is an appropriate balance of skilled in-house resources to deliver directly and effectively and intelligently client external partner organisations. There has been an over-reliance on interim and agency staff in key management posts and the aim is to end this.
- 3.3 The Council's current top team structure is outlined in Appendix 1. It includes a Chief Executive Officer, 3 Directors and 12 Heads of Service.
- 3.4 In the last year we have successfully recruited strong and experienced Directors for Adult Social Care, Resources and Children's Services after a period of depending on short term interim solutions. We have also recruited Heads of Finance, Procurement and Contracts, and HR and Organisational Development, strengthening the corporate capacity of the authority.
- 3.5 The Council asked the Local Government Association (LGA) 18 months ago to undertake a study on current management arrangements and their key findings were:
 - The Council has approximately 2253 posts;
 - The review identified between 6 and 8 layers of hierarchy in some areas which is excessive in an organisation of this size;
 - Spans of control are high at senior management level and are often low below Head of Service level. In specialist areas this may be appropriate but it may also be a sign of poor role design and role overlap;
 - There is a keen appetite for change from the bottom of the organisation upwards; and
 - There appears to have been a lack of prioritisation and performance management which may be due to the current structure which is unbalanced.
- 3.6 The Council instructed the Chief Executive in February 2018, as part of its budget report to undertake a root and branch review of structures to reduce costs through de-tiering and wider spans of control.
- 3.7 The first step in this process is to agree a refreshed Director and Service Head structure. Factors in designing the proposed structure include:
 - Two long standing members of the Senior Management Team are retiring in the next 9 months - the Director of Environment and Neighbourhood Services and the Head of Customer Care and Transformation;

- Children’s Services is moving to an arm’s length company;
- The number of arm’s length wholly Council owned companies which need proper governance and policy oversight is growing and may grow further;
- The need to have more specialist leadership of ICT at Service Head level, in light of growing dependence on technology and the ending of the Northgate ICT service contract; coupled with the increasing importance of technology as an enabler of change;
- The opportunity to increase future income from New Homes Bonus, Council Tax and Business Rates by investing more senior level input into driving housing and economic development; enabling the Council to be more financially sustainable in the longer run;
- The recent investment property purchases, meaning that the Asset Management function is growing in importance at a time of an existing post holder’s retirement;
- The need to bring strategic planning and transport together as part of building capacity around regeneration;
- Increased focus on and importance of regulating the private rented sector and promoting health and wellbeing in Reading more widely;
- The desire to have a dedicated Public Health function;
- Ensuring that there is Corporate capacity at the heart of the organisation; and
- The need to continue to drive and embed a Team Reading approach.

3.8 All of these changes respond to the plan set out in the Council’s Medium Term Financial Strategy:

- Forming the Children’s Company;
- Driving down costs, whilst improving outcomes;
- Adult Social Care modernising its policies, strategies and operation to reduce costs radically, whilst protecting the vulnerable;
- Moving towards greater trading through a group of arm’s length companies;
- Accelerating housing and business growth; increasing both the Council’s Tax and Business Rates base;
- Significant market testing of services;
- More internal resources to drive change and projects and less reliance on contract staff and consultants; and
- The need to drive Council wide transformation to ensure we are fit for the future and financially sustainable.

3.9 The proposals in this report change the roles of senior managers with Directors designated Executive Directors, responsible to the Council for the

financial performance and service outcomes of their Directorate, with Directorate delivery units driving change across the services and ensuring major projects are monitored and delivered.

- 3.10 The Executive Directors will be the “Chief Officers” of the Council. The Executive Directors will be, along with the Chief Executive Officer, accountable to Members directly for performance and financial outcomes. Heads of Service, who report to the Executive Directors, will be designated Assistant Directors. The external recruitment specialist advice is that this designation helps with attracting high calibre candidates.
- 3.11 In Adult Social Care, advice from recruitment specialists is that to successfully attract senior leaders it will help to identify a Deputy Director role to attract an experienced manager who sees their next role as a Director.
- 3.12 In the key role of driving regeneration projects in Reading it is felt a dedicated Deputy Director would have the status and seniority to work across the department to co-ordinate the professional staff needed to make major projects happen. The designation as Deputy will also help attract a manager who is looking to step up to Director in their next role.
- 3.13 The role of Assistant Directors will be to deliver to a service specification and within an annual budget. There will be service level agreements between services, and between them and the arm’s length companies. Assistant Directors will be the lead professional in their field. With that lead professional designation comes responsibilities for policy development and accountability for the lawful and safe conduct of a service.
- 3.14 Support services, for example, will have similar service level agreements in place with direct service areas as with the Children’s Company. Assistant Directors will have more freedom over staff structures, budgets and working arrangements delegated to them within the corporate HR, Finance and Procurement Policy Frameworks.
- 3.15 Assistant and Deputy Directors will be accountable to Executive Directors for their budget and service area performance. This greater level of delegation is designed to create a more accountable framework, more appropriate oversight and less bureaucracy of operation.
- 3.16 As part of the structure review a refresh of job descriptions and management competencies will be undertaken.
- 3.17 Pay for Assistant Directors and the Corporate Management Team (CMT) will need to be independently reviewed to ensure Equal Pay and eliminate the use of market supplements. To attract and retain the best possible senior staff salaries should compete with West London unitaries.
- 3.18 All postholders, apart from those recently recruited and assessed by Solace as part of that exercise, or matched to the role where there is little change to

the job, will complete an expression of interest for the role and be assessed appropriately against the requirements of the role.

- 3.19 Once Executive Directors and Assistant Directors are in post a review of the Council's overall structure will be undertaken, aimed at ensuring service areas have no more than three further tiers of management and in general spans of control are between 5 and 8.
- 3.20 An extensive programme of leadership and management training will be commissioned following confirmed structures being implemented.

4. THE PROPOSALS

- 4.1 A proposed structure chart is attached at Appendix 2. It is proposed to move from 4 Directorates to 3, as a result of Children's Services moving to an arm's length company.
- 4.2 The Chief Executive to be responsible for clienting the Children's Company with the support of:
- The Director of Social Care and Health - who will be the Council's nominee on the Children's Company;
 - An independent Chair of the Children's Services Improvement Board;
 - The Social Care and Health Directorate Quality Assurance Team; and
 - The Council's corporate Procurement and Contract Management Team.
- 4.3 The current post of Director of Environment and Neighbourhood Services will be replaced by an Executive Director for Economic Growth and Neighbourhood Services, with a focus on the development and regeneration of Reading; speeding up the pace for investment in the transport, housing, employment and community infrastructure of the town and improving services and embracing commercialisation.
- 4.4 The current Director of Resources post will be re-designated as an Executive Director post.
- 4.5 The Director of Children's Services will report to the Chief Executive one day a week and the Chair of the Children's Company for four days a week on a secondment basis. The Director of Children's Services will attend CMT in an advisory capacity.
- 4.6 The Director for Adult Care and Health Services will be re-designated an Executive Director for Social Care and Health and will have a wider involvement with ensuring strategies to support vulnerable children and Education Policy are integrated with our approach to supporting vulnerable adults, so the Council has an integrated approach to supporting people in Reading.

4.7 These changes at Director level do not change the number of post holders but the pay review could potentially add a minimum of £30,000 to costs of which around half will be capital HRA spending.

4.8 Changes at a Directorate level

Resources

4.8.1 The Executive Director for Resources will have responsibility to oversee and report on the financial sustainability and general performance of the Council's arm's length companies. The day to day service relationships will be with service areas but this role will oversee and is to manage the Council's responsibilities and risks associated with being a parent in a group structure.

4.8.2 The post of Head of Customer Care and Transformation will be deleted from the date the current postholder retires at Christmas 2018.

4.8.3 An Assistant Director post for Digital Transformation and an Assistant Director for Customer Service and Corporate Improvement will be created.

4.8.4 The Communications function will report to the Chief Executive.

4.8.5 Dependant on the outcome of market testing, transfer the management of Revenues and Benefits to the Assistant Director for Finance.

4.8.6 The Head of the Corporate Delivery Unit would report directly to the Assistant Director for Customer Service and Corporate Improvement.

4.8.7 Overall the number of senior management posts in the Resources directorate is increased by one with a likely cost of over £100,000 a year.

Environment and Neighbourhood Services

4.8.8 The current Director has indicated they will retire in the Spring of 2019. This will enable the recruitment of a new Executive Director in advance and for there to be a smooth handover.

4.8.9 Create a Deputy Director for Regeneration and Assets to drive the Council's approach to developing Reading and increasing income to the Council.

4.8.10 Depending on the outcome of the market testing exercise, bring all Direct Services together to prepare for greater commercialisation.

4.8.11 Create a dedicated Housing and Communities service area reporting to an Assistant Director.

4.8.12 Bring all cultural services together in one service area reporting to an Assistant Director for Cultural Services.

4.8.13 Bring Transport and Planning together under one Assistant Director.

4.8.14 Overall there is an increase in establishment of one post and a likely cost of over £100,000 a year which should be self-financing in the medium term from business rates, new homes bonus and increased property income.

Adults

4.8.15 The current vacant Head of Service post for Adult Social Care be re-designated and advertised as a Deputy Director of Adult Social Care (recruitment for this post is already underway)

4.8.16 The Head of Transformation be designated as Assistant Director of Transformation and Performance.

4.8.17 The current Commissioning and Public Health post be split into a dedicated lead for Public Health who will be a Public Health consultant.

4.8.18 Create an Assistant Director for Strategic Commissioning, Wellbeing and Quality Assurance responsible for commissioning and managing contracted services (recruitment for this post is already underway).

4.8.19 The overall impact is one additional post. The Consultant in Public Health is wholly funded by grant and the additional post will cost over £100,000 which should be fundable from the improved focus on effective commissioning and contract management.

4.9 Summary of staffing implications

4.9.1 Three existing Directors are refocused as Executive Directors. The number of Directors remains the same.

4.9.2 Two new Deputy Director posts are created for the Directorate of Social Care and Health and the Directorate of Economic Growth and Neighbourhood Services.

4.9.3 Heads of Service are refocused as Assistant Directors and the number of posts stays the same (i.e. 12 posts).

4.9.5 New posts:

- Deputy Director of Regeneration and Assets
- Assistant Director of Digital Transformation
- Assistant Director of Customer Service and Corporate Improvement
- Assistant Director of Housing and Communities
- Assistant Director of Cultural Services
- Assistant Director of Planning and Transport
- Assistant Director of Transformation and Performance

Deleted posts:

- Head of Customer Care and Transformation
- Head of Transportation and Streetcare
- Head of Housing and Neighbourhood Services
- Head of Economic and Cultural Development
- Head of Planning, Development and Regulatory Services
- Head of Transformation

A draft role profile showing the generic responsibilities and competencies required for Executive Directors and Assistant Directors is attached at Appendix 3.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 These proposals are important to the achievement of all of the Council's Strategic Aims as set out in the Corporate Plan 2018-21, but in particular to the aim of remaining financially sustainable to deliver the service priorities set out in the plan.

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 The proposals concern the internal senior management of the authority. It is neither appropriate nor required for them to be the subject of external consultation.
- 6.2 Informal consultation has already taken place with the Corporate Management Team and Heads of Service about the proposals. Following agreement of Personnel Committee in principle to proposed structure, formal consultation will commence with the staff directly affected by the proposals, the trades unions and with the next tier of managers who report directly to Heads of Service and Executive Directors.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 At this stage it is not considered that an Equality Impact Assessment (EIA) is required.

8. LEGAL IMPLICATIONS

- 8.1 The authority's power to appoint staff and to determine their terms and conditions of employment is under Section 112 of the Local Government Act 1972. This power has been delegated by full Council to the Personnel Committee to exercise.
- 8.2 There are mandatory Standing Orders governing the recruitment, appointment and dismissal of senior management staff in a local authority, as set out in the Council's Officer Employment Procedure Rules in Part 4 of the Council Constitution. These derive from the Local Authorities (Standing Orders) (England) Regulations 2001, as amended by the Local Authorities

(Standing Orders) (England) (Amendment) Regulations 2015. They were and were adopted by full Council on 26 March 2002, and revised by full Council on 7 July 2015. They cover Director and Head of Service posts in the authority, where any external recruitment process is the responsibility of the Personnel Committee.

8.3 The Personnel Committee has delegated powers to appoint Corporate Directors, the Monitoring Officer, the Section 151 Officer, and posts covered by the Mandatory Standing Orders, which are posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act 1989. This includes the heads of service posts mentioned in this report.

9. FINANCIAL IMPLICATIONS

9.1 As illustrated in the following table the proposed senior management restructure will increase the number of posts from 15 to 19 and resultant Full Time Equivalent posts from 14.4 to 18.2. The full year effect, based on 2019/20 pay scales, would equate to £524,000. It is anticipated that savings will be made by a reduction in the use of agency/interim management and consultancy arrangements, as well as an increased capacity to drive efficiency programmes and increase income generation, which will help to offset this cost.

	Current Senior Management Structure		Proposed Senior Management Structure		Variance
FTE		14.4		18.2	
Annual Salary Estimate	£	1,419,000	£	1,808,000	£ 389,000
Annual On costs Estimate	£	494,000	£	629,000	£ 135,000
Total Salary	£	1,913,000	£	2,437,000	£ 524,000

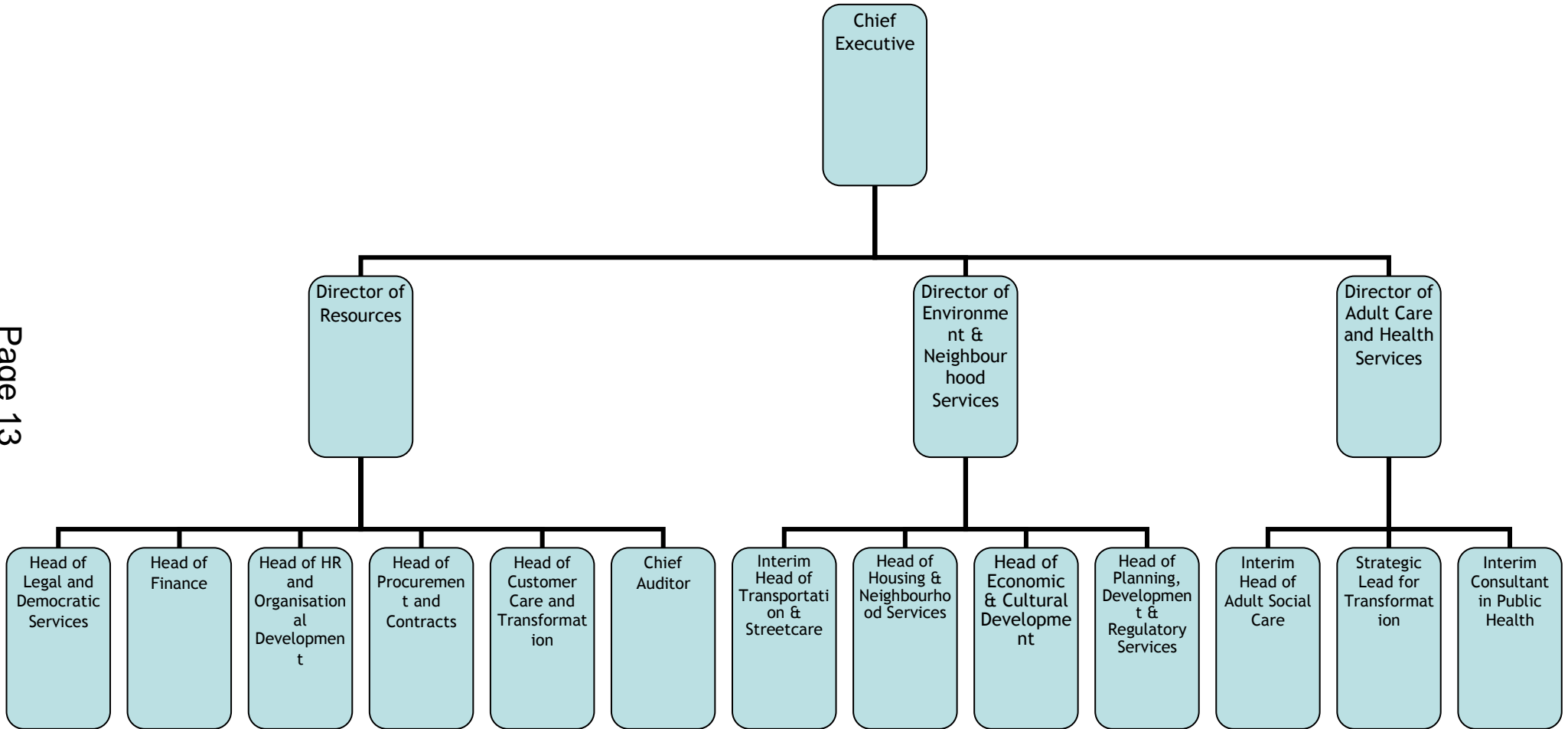
9.2 Currently, 30% of the salary for Director of Environment and Neighbourhood Services and 80% of the salary for Head of Housing and Neighbourhood Services are recharged to the HRA and so these costs are not included in the above figures. This arrangement will continue in the new management structure.

10. BACKGROUND PAPERS

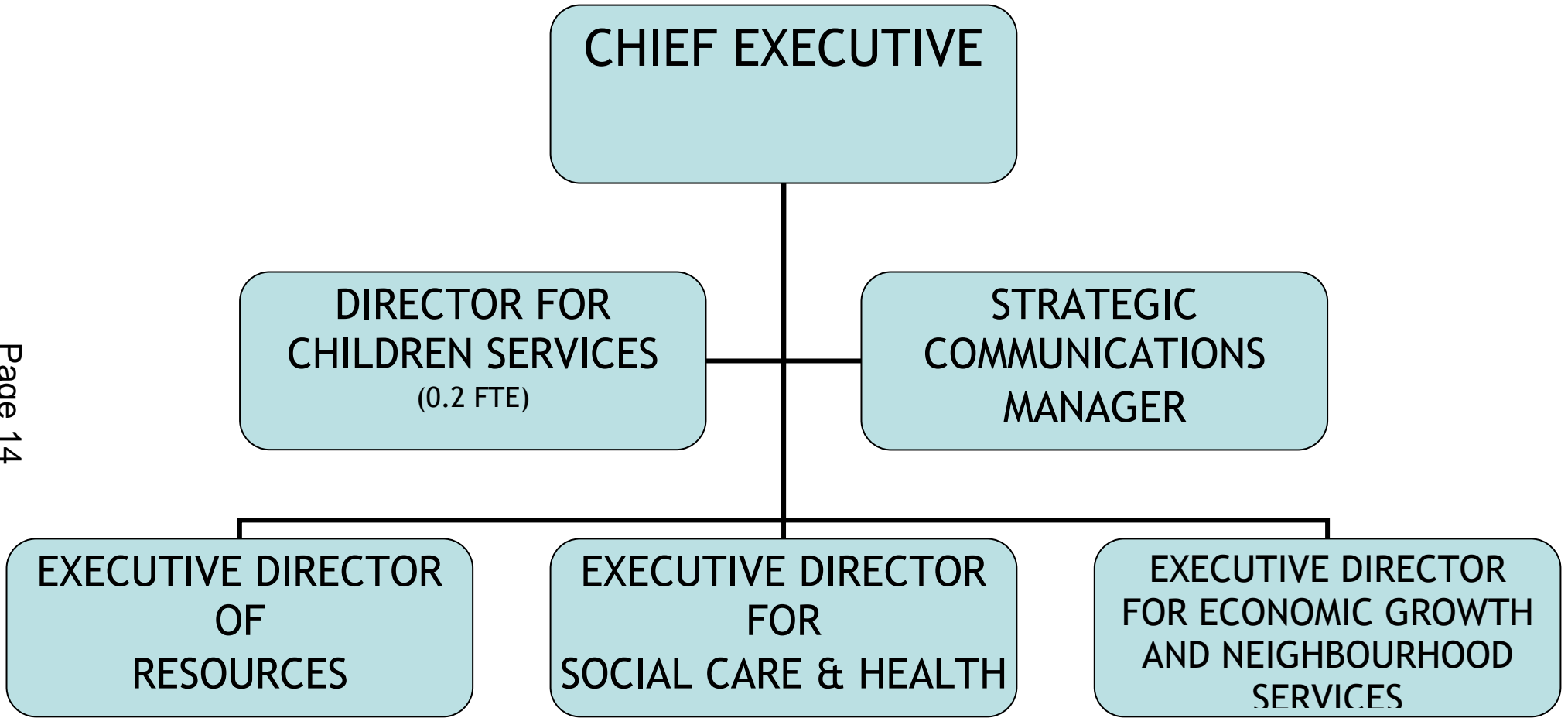
- 10.1 Local Government Association draft final report: Decision making accountability in Reading Borough Council - December 2016

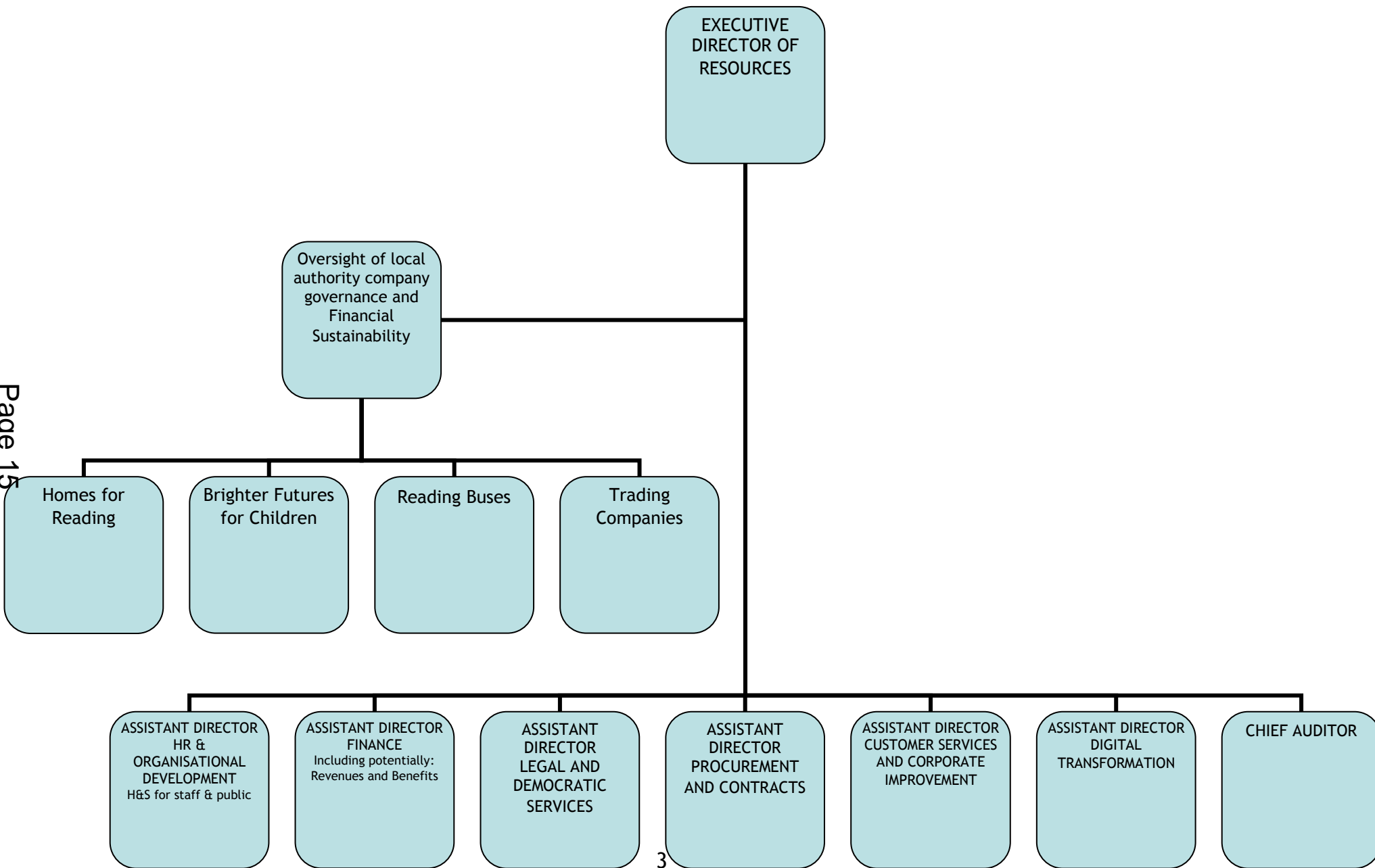
APPENDIX 1 - CURRENT SENIOR MANAGEMENT STRUCTURE

Page 13



APPENDIX 2 - PROPOSED SENIOR MANAGEMENT STRUCTURE





**EXECUTIVE DIRECTOR
FOR ECONOMIC
GROWTH AND
NEIGHBOURHOOD
SERVICES**

**DIRECTORATE
MANAGEMENT SUPPORT
TEAM**

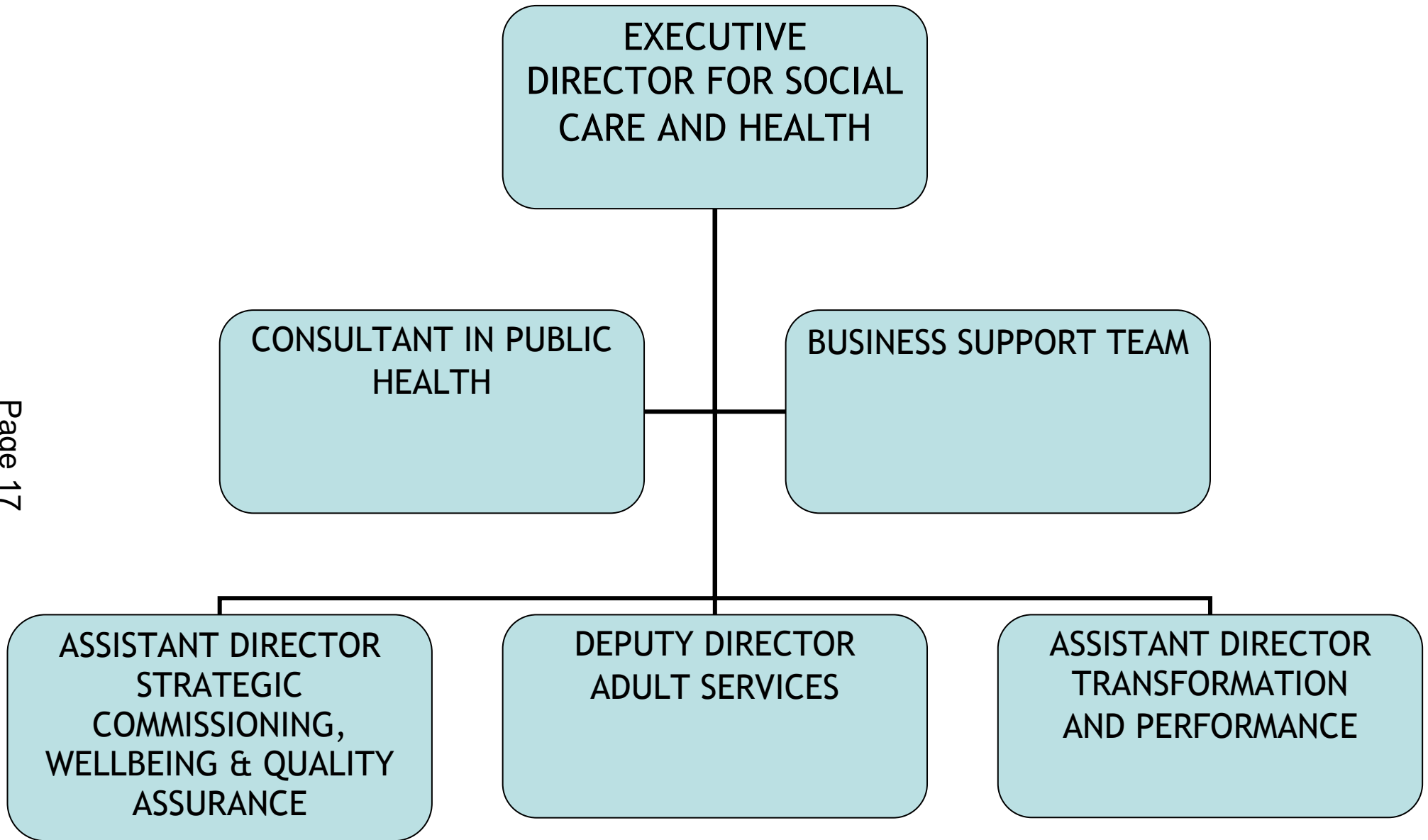
**ASSISTANT DIRECTOR
DIRECT SERVICES**
Business Development
Street Scene Services
Waste & Recycling Services
Parks & Ground Maintenance
Highways & Civic Engineering
Car Parks
Fleet Management
Housing, Repairs and
Maintenance Delivery

**DEPUTY DIRECTOR
REGENERATION & ASSETS**
Corporate Landlord & Asset
Manager
Strategic Regeneration
Projects
Promoting Regeneration and
Housing Developments
Valuation
Capital Projects
Corporate Property & Repairs
& Maintenance Client
Economic Development:
- work with LEP
Facilities Management Client

**ASSISTANT DIRECTOR
HOUSING & COMMUNITIES**
Housing Strategy & Policy
Housing Landlord Services
Housing Needs &
Homelessness
Commissioning repairs &
maintenance in HRA
properties
Community Safety and
Prevent
Neighbourhood Hubs
Emergency Planning

**ASSISTANT DIRECTOR
CULTURE**
Arts and Theatres
Museum and Town Hall
Sport, Leisure and Play
Libraries
Archives and Modern Records
New Directions
BDM
Work with Reading UK CIC

**ASSISTANT DIRECTOR
PLANNING & TRANSPORT**
Planning
Building Control
Regulatory Services
Transport Strategy &
infrastructure
Network Management &
Enforcement
Transport Programmes &
Projects
Sustainability
Parking Policy



APPENDIX 3 - DRAFT ROLE PROFILES

EXECUTIVE DIRECTOR

JOB PURPOSE

- To be the lead policy advisor to the Council for the areas within the Directorate, developing and implementing leading edge strategies to meet the Corporate Plan ambitions.
 - To shape the Corporate Management Team, driving the Council's Organisational Development Strategy which aims to achieve a high performing, motivated and highly skilled workforce.
 - Accountable for the delivery, improvement, management and performance of a portfolio of Council services, leading and inspiring managers and employees across the Council.
 - To ensure the Council and the Directorate delivers its Corporate Plan objectives; to ensure a system of continuous review is embedded within the Directorate so that 'traditional thinking' is challenged and that best practice and innovation pursued.
- To initiate new strategies and practices.
 To shape strategic plans for the Council in close consultation with lead members and partner organisations in a cost effective and time efficient manner and ensure delivery of the key targets within, specifically:
 To sponsor corporate programme boards developing strategy and policy; implement programmes and projects to improve service delivery
 To ensure Members of the Council are supported in their leadership and community roles
- To develop and support senior managers across the Council
 - To be accountable for budget overview for the Directorate, ensuring compliance with the Council's Constitution and Standing Orders and that the Council receives value for money from its expenditure.

QUALIFICATIONS AND EXPERIENCE

ESSENTIAL

- Significant contribution to corporate / organisation senior leadership
- A track record of delivering improved outcomes in the service areas covered by the directorate
- Experience of leading and delivering significant change and business improvement initiatives, including people and cultural change
- Experience of developing and delivering area wide outcomes through partnership working including

TECHNICAL KNOWLEDGE/EXPERIENCE

ESSENTIAL

- Broad overview of legislative and financial frameworks operating in the directorate area
- Effective financial planning and budget management skills
- Excellent knowledge of risk and reputation management
- Managing high performance through people
- Workforce planning
- Sound knowledge of business process

BEHAVIOURAL SKILLS

ESSENTIAL

- Strong leadership, including:
 - Inspirational and highly motivated - and can motivate others
 - Able to mentor and coach senior managers
 - Demonstrable partnership & collaboration skills
 - Accomplished analytical & decision making skills

<p>major stakeholders, which impact the long term economic, environmental and social future of the area</p> <ul style="list-style-type: none"> • Significant experience in strategy and policy development in the directorate area • Substantial experience of working effectively with Elected Members on major service issues • Experience of leading and managing effective service delivery in a variety of activities • Professional experience in leading a diverse workforce and responding to diverse communities • Experience of programme and project management • Evidence of extensive continual professional development • Experience of effective budget management and delivering cost reductions whilst improving services <p>Professional qualification in an area covered by the directorate's portfolio of services</p> <p>DESIRABLE Management qualification</p>	<p>reengineering, project, programme and change management methodologies and their application</p> <ul style="list-style-type: none"> • Understanding of appropriate professional standards and what best practice looks like • Coaching and mentoring experience 	<ul style="list-style-type: none"> • Effective communication skills • Promotes equality & diversity • Sets ambitious targets, drives change and inspires people to deliver on both • Promotes innovation • Ability to translate national policy direction with strategic objectives. • Ability to think strategically and be proactive in developing and implementing continuous improvement in service delivery • Has a high level of personal integrity & credibility • Well-developed interpersonal and facilitation skills, demonstrates political sensitivity, able to build effective relationships and manage conflict resolution • Ability to manage conflicting and competing priorities effectively, and with the resilience, energy and organisational abilities to keep management performance on track during periods of uncertainty and change • Ability to develop and promote customer focused solutions • Champions employees and customer engagement, knows how and when to engage with communities
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ASSISTANT DIRECTOR

JOB PURPOSE

- To be the lead advisor to the Council for a specific service area, developing and implementing leading edge strategies to meet the Corporate Plan ambitions
- To drive the Council's Organisational Development Strategy within the service area which aims to achieve a high performing, motivated and highly skilled workforce.
- Accountable for the delivery, improvement, management and performance of a service area, leading and inspiring managers and employees across the Council.
- To ensure the service area delivers its Corporate Plan objectives; to ensure a system of continuous review is embedded within the service so that 'traditional thinking' is challenged and that best practice and innovation pursued.
- To initiate new strategies and practices.
- To shape strategic plans for the directorate and the Council in close consultation with lead members and partner organisations in a cost effective and time efficient manner and ensure delivery of the key targets within, specifically:
 - To participate in corporate programme boards developing strategy and policy; implement programmes and projects to improve service delivery
 - To ensure Members of the Council are supported in their leadership and community roles
 - To develop and support senior managers across the Council
 - To be accountable for budget overview for the service, ensuring compliance with the Council's Constitution and Standing Orders and that the Council receives value for money from its expenditure.

Page 20

QUALIFICATIONS AND EXPERIENCE

ESSENTIAL

- Significant contribution to corporate / organisation senior leadership
- A track record of delivering improved outcomes in the service area
- Experience of leading and delivering significant change and business improvement initiatives, including people and cultural change
- Experience of developing and delivering service outcomes through partnership working including major stakeholders, which impact the long term economic, environmental and social future of the area
- Significant experience in strategy and policy

TECHNICAL KNOWLEDGE/EXPERIENCE

ESSENTIAL

- Broad overview of legislative and financial frameworks operating in the service area
- Effective financial planning and budget management skills
- Excellent knowledge of risk and reputation management
- Managing high performance through people
- Workforce planning
- Sound knowledge of business process reengineering, project, programme and change management methodologies and their application
- Understanding of appropriate professional

BEHAVIOURAL SKILLS

ESSENTIAL

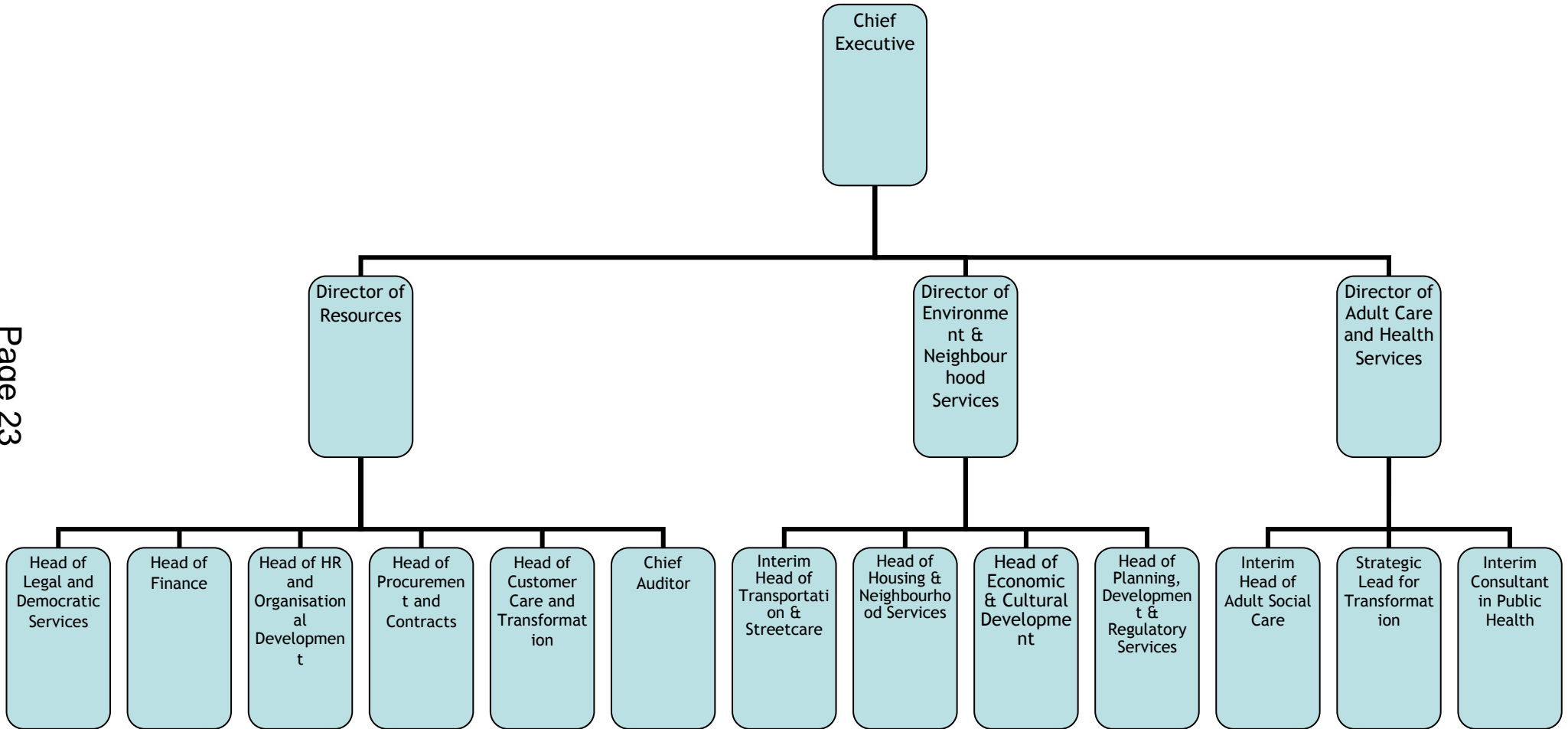
- Strong leadership, including:
 - Inspirational and highly motivated - and can motivate others
 - Able to mentor & coach senior managers
 - Demonstrable partnership & collaboration skills
 - Accomplished analytical & decision making skills
 - Effective communication skills
- Promotes equality & diversity
- Sets ambitious targets, drives change & inspires people to deliver on both
- Promotes innovation

<p>development in the service area</p> <ul style="list-style-type: none"> • Substantial experience of working effectively with Elected Members on major service issues • Experience of leading and managing effective service delivery in a variety of activities • Professional experience in leading a diverse workforce and responding to diverse communities • Experience of programme and project management • Evidence of extensive continual professional development • Experience of effective budget management and delivering cost reductions whilst improving services • Professional qualification in a portfolio area <p>DESIRABLE management qualification</p>	<p>standards and what best practice looks like</p> <ul style="list-style-type: none"> • Coaching and mentoring experience 	<ul style="list-style-type: none"> • Ability to translate national policy direction with strategic objectives. • Ability to think strategically and be proactive in developing and implementing continuous improvement in service delivery • Has a high level of personal integrity & credibility • Well-developed interpersonal and facilitation skills, demonstrates political sensitivity, able to build effective relationships and manage conflict resolution • Ability to manage conflicting and competing priorities effectively, and with the resilience, energy and organisational abilities to keep management performance on track during periods of uncertainty and change • Ability to develop and promote customer focused solutions • Champions employees and customer engagement, knows how and when to engage with communities
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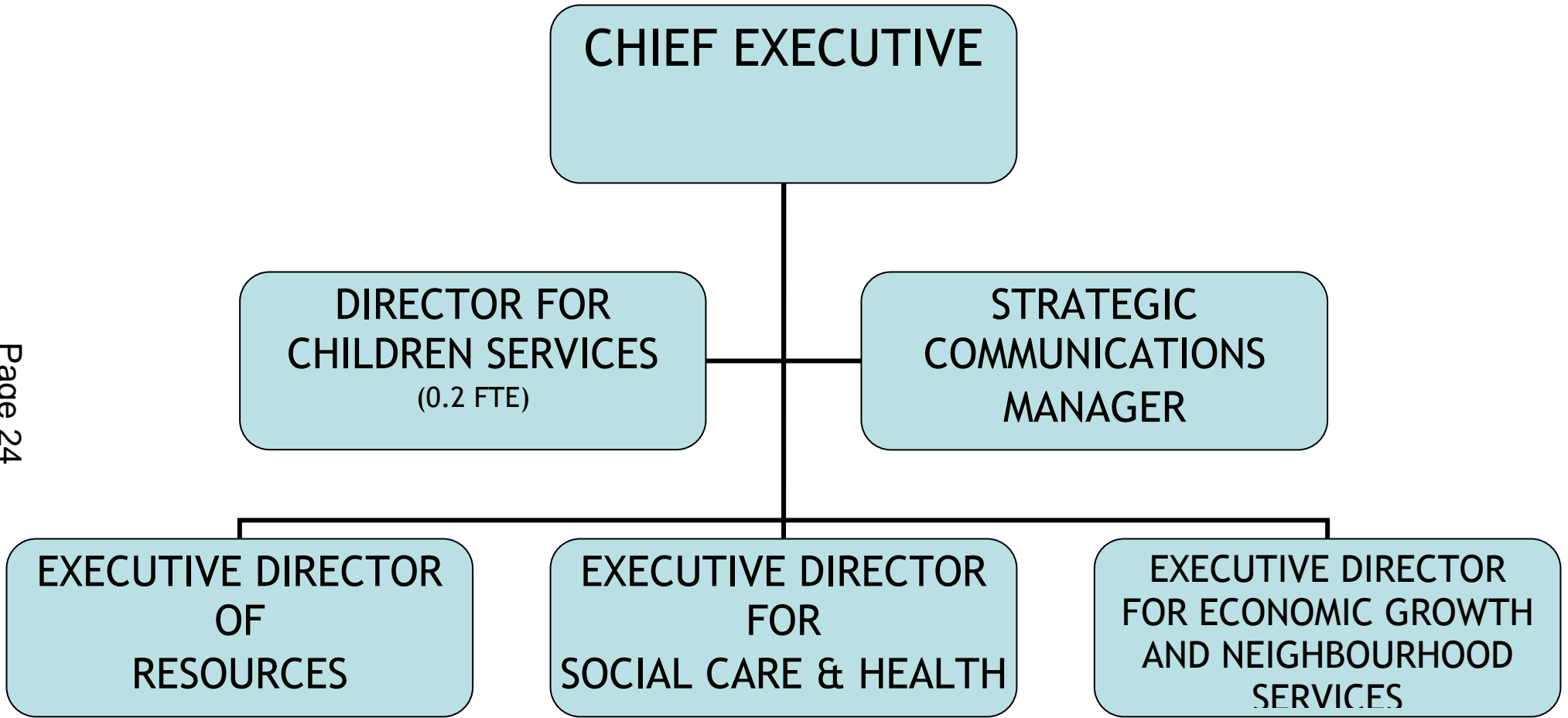
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APPENDIX 1 - CURRENT SENIOR MANAGEMENT STRUCTURE

Page 23



APPENDIX 2 - PROPOSED SENIOR MANAGEMENT STRUCTURE



EXECUTIVE DIRECTOR OF RESOURCES

Oversight of local authority company governance and Financial Sustainability

Homes for Reading

Brighter Futures for Children

Reading Buses

Trading Companies

ASSISTANT DIRECTOR HR & ORGANISATIONAL DEVELOPMENT
H&S for staff & public

ASSISTANT DIRECTOR FINANCE
Including potentially: Revenues and Benefits

ASSISTANT DIRECTOR LEGAL AND DEMOCRATIC SERVICES

3

ASSISTANT DIRECTOR PROCUREMENT AND CONTRACTS

ASSISTANT DIRECTOR CUSTOMER SERVICES AND CORPORATE IMPROVEMENT

ASSISTANT DIRECTOR DIGITAL TRANSFORMATION

CHIEF AUDITOR

**EXECUTIVE DIRECTOR
FOR ECONOMIC
GROWTH AND
NEIGHBOURHOOD
SERVICES**

**DIRECTORATE
MANAGEMENT SUPPORT
TEAM**

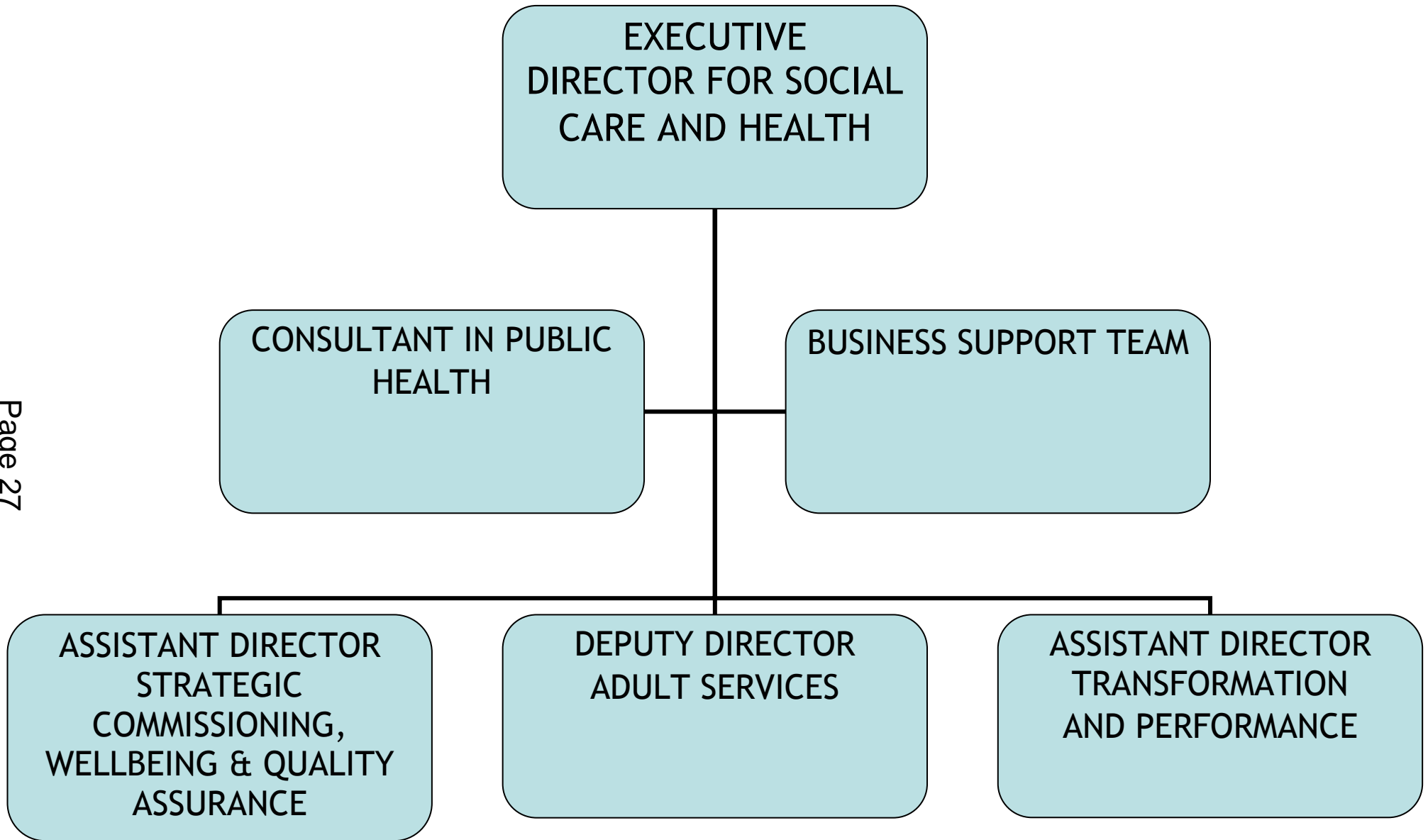
**ASSISTANT DIRECTOR
DIRECT SERVICES**
Business Development
Street Scene Services
Waste & Recycling Services
Parks & Ground Maintenance
Highways & Civic Engineering
Car Parks
Fleet Management
Housing, Repairs and
Maintenance Delivery

**DEPUTY DIRECTOR
REGENERATION & ASSETS**
Corporate Landlord & Asset
Manager
Strategic Regeneration
Projects
Promoting Regeneration and
Housing Developments
Valuation
Capital Projects
Corporate Property & Repairs
& Maintenance Client
Economic Development:
- work with LEP
Facilities Management Client

**ASSISTANT DIRECTOR
HOUSING & COMMUNITIES**
Housing Strategy & Policy
Housing Landlord Services
Housing Needs &
Homelessness
Commissioning repairs &
maintenance in HRA
properties
Community Safety and
Prevent
Neighbourhood Hubs
Emergency Planning

**ASSISTANT DIRECTOR
CULTURE**
Arts and Theatres
Museum and Town Hall
Sport, Leisure and Play
Libraries
Archives and Modern Records
New Directions
Work with Reading UK CIC

**ASSISTANT DIRECTOR
PLANNING & TRANSPORT**
Planning
Building Control
Regulatory Services
Transport Strategy &
infrastructure
Network Management &
Enforcement
Transport Programmes &
Projects
Sustainability
Parking Policy



APPENDIX 3 - DRAFT ROLE PROFILES

EXECUTIVE DIRECTOR

JOB PURPOSE

- To be the lead policy advisor to the Council for the areas within the Directorate, developing and implementing leading edge strategies to meet the Corporate Plan ambitions.
 - To shape the Corporate Management Team, driving the Council's Organisational Development Strategy which aims to achieve a high performing, motivated and highly skilled workforce.
 - Accountable for the delivery, improvement, management and performance of a portfolio of Council services, leading and inspiring managers and employees across the Council.
 - To ensure the Council and the Directorate delivers its Corporate Plan objectives; to ensure a system of continuous review is embedded within the Directorate so that 'traditional thinking' is challenged and that best practice and innovation pursued.
- To initiate new strategies and practices.
 To shape strategic plans for the Council in close consultation with lead members and partner organisations in a cost effective and time efficient manner and ensure delivery of the key targets within, specifically:
 To sponsor corporate programme boards developing strategy and policy; implement programmes and projects to improve service delivery
 To ensure Members of the Council are supported in their leadership and community roles
- To develop and support senior managers across the Council
 - To be accountable for budget overview for the Directorate, ensuring compliance with the Council's Constitution and Standing Orders and that the Council receives value for money from its expenditure.

QUALIFICATIONS AND EXPERIENCE

ESSENTIAL

- Significant contribution to corporate / organisation senior leadership
- A track record of delivering improved outcomes in the service areas covered by the directorate
- Experience of leading and delivering significant change and business improvement initiatives, including people and cultural change
- Experience of developing and delivering area wide outcomes through partnership working including

TECHNICAL KNOWLEDGE/EXPERIENCE

ESSENTIAL

- Broad overview of legislative and financial frameworks operating in the directorate area
- Effective financial planning and budget management skills
- Excellent knowledge of risk and reputation management
- Managing high performance through people
- Workforce planning
- Sound knowledge of business process

BEHAVIOURAL SKILLS

ESSENTIAL

- Strong leadership, including:
 - Inspirational and highly motivated - and can motivate others
 - Able to mentor and coach senior managers
 - Demonstrable partnership & collaboration skills
 - Accomplished analytical & decision making skills

<p>major stakeholders, which impact the long term economic, environmental and social future of the area</p> <ul style="list-style-type: none"> • Significant experience in strategy and policy development in the directorate area • Substantial experience of working effectively with Elected Members on major service issues • Experience of leading and managing effective service delivery in a variety of activities • Professional experience in leading a diverse workforce and responding to diverse communities • Experience of programme and project management • Evidence of extensive continual professional development • Experience of effective budget management and delivering cost reductions whilst improving services <p>Professional qualification in an area covered by the directorate's portfolio of services</p> <p>DESIRABLE Management qualification</p>	<p>reengineering, project, programme and change management methodologies and their application</p> <ul style="list-style-type: none"> • Understanding of appropriate professional standards and what best practice looks like • Coaching and mentoring experience 	<ul style="list-style-type: none"> • Effective communication skills • Promotes equality & diversity • Sets ambitious targets, drives change and inspires people to deliver on both • Promotes innovation • Ability to translate national policy direction with strategic objectives. • Ability to think strategically and be proactive in developing and implementing continuous improvement in service delivery • Has a high level of personal integrity & credibility • Well-developed interpersonal and facilitation skills, demonstrates political sensitivity, able to build effective relationships and manage conflict resolution • Ability to manage conflicting and competing priorities effectively, and with the resilience, energy and organisational abilities to keep management performance on track during periods of uncertainty and change • Ability to develop and promote customer focused solutions • Champions employees and customer engagement, knows how and when to engage with communities
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ASSISTANT DIRECTOR

JOB PURPOSE

- To be the lead advisor to the Council for a specific service area, developing and implementing leading edge strategies to meet the Corporate Plan ambitions
- To drive the Council's Organisational Development Strategy within the service area which aims to achieve a high performing, motivated and highly skilled workforce.
- Accountable for the delivery, improvement, management and performance of a service area, leading and inspiring managers and employees across the Council.
- To ensure the service area delivers its Corporate Plan objectives; to ensure a system of continuous review is embedded within the service so that 'traditional thinking' is challenged and that best practice and innovation pursued.
- To initiate new strategies and practices.
- To shape strategic plans for the directorate and the Council in close consultation with lead members and partner organisations in a cost effective and time efficient manner and ensure delivery of the key targets within, specifically:
 - To participate in corporate programme boards developing strategy and policy; implement programmes and projects to improve service delivery
 - To ensure Members of the Council are supported in their leadership and community roles
 - To develop and support senior managers across the Council
 - To be accountable for budget overview for the service, ensuring compliance with the Council's Constitution and Standing Orders and that the Council receives value for money from its expenditure.

Page 30

QUALIFICATIONS AND EXPERIENCE	TECHNICAL KNOWLEDGE/EXPERIENCE	BEHAVIOURAL SKILLS
<p>ESSENTIAL</p> <ul style="list-style-type: none"> • Significant contribution to corporate / organisation senior leadership • A track record of delivering improved outcomes in the service area • Experience of leading and delivering significant change and business improvement initiatives, including people and cultural change • Experience of developing and delivering service outcomes through partnership working including major stakeholders, which impact the long term economic, environmental and social future of the area • Significant experience in strategy and policy 	<p>ESSENTIAL</p> <ul style="list-style-type: none"> • Broad overview of legislative and financial frameworks operating in the service area • Effective financial planning and budget management skills • Excellent knowledge of risk and reputation management • Managing high performance through people • Workforce planning • Sound knowledge of business process reengineering, project, programme and change management methodologies and their application • Understanding of appropriate professional 	<p>ESSENTIAL</p> <ul style="list-style-type: none"> • Strong leadership, including: <ul style="list-style-type: none"> • Inspirational and highly motivated - and can motivate others • Able to mentor & coach senior managers • Demonstrable partnership & collaboration skills • Accomplished analytical & decision making skills • Effective communication skills • Promotes equality & diversity • Sets ambitious targets, drives change & inspires people to deliver on both • Promotes innovation

<p>development in the service area</p> <ul style="list-style-type: none"> • Substantial experience of working effectively with Elected Members on major service issues • Experience of leading and managing effective service delivery in a variety of activities • Professional experience in leading a diverse workforce and responding to diverse communities • Experience of programme and project management • Evidence of extensive continual professional development • Experience of effective budget management and delivering cost reductions whilst improving services • Professional qualification in a portfolio area <p>DESIRABLE management qualification</p>	<p>standards and what best practice looks like</p> <ul style="list-style-type: none"> • Coaching and mentoring experience 	<ul style="list-style-type: none"> • Ability to translate national policy direction with strategic objectives. • Ability to think strategically and be proactive in developing and implementing continuous improvement in service delivery • Has a high level of personal integrity & credibility • Well-developed interpersonal and facilitation skills, demonstrates political sensitivity, able to build effective relationships and manage conflict resolution • Ability to manage conflicting and competing priorities effectively, and with the resilience, energy and organisational abilities to keep management performance on track during periods of uncertainty and change • Ability to develop and promote customer focused solutions • Champions employees and customer engagement, knows how and when to engage with communities
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READING BOROUGH COUNCIL

REPORT BY HEAD OF HR AND ORGANISATIONAL DEVELOPMENT

TO:	PERSONNEL COMMITTEE		
DATE:	8 NOVEMBER 2018	AGENDA ITEM:	4
TITLE:	NEW NJC PAY SPINE - PROPOSAL FOR IMPLEMENTATION		
LEAD COUNCILLOR:	CLLR JASON BROCK	PORTFOLIO:	CORPORATE AND CONSUMER SERVICES
LEAD OFFICER:	SHELLA SMITH	TEL:	74697 / 0118 937 4697
JOB TITLE:	HEAD OF HR AND ORGANISATIONAL DEVELOPMENT	E-MAIL:	shella.smith@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The National Joint Council (NJC) reached agreement on a two year pay agreement for 2018-20 which includes the introduction of a new pay spine on 1 April 2019. This report outlines the background to the new pay spine and makes a recommendation for implementing the new pay spine at the Council.
- 1.2 The new NJC pay spine is attached as appendix 1. An Equality Impact Assessment is attached as appendix 2 showing the impact of the introduction of the new pay spine to employees covered by NJC terms and conditions of employment.

2. RECOMMENDED ACTION

- 2.1 That Personnel Committee agree the proposal to implement the new pay spine using Option 2 (i.e. to consider awarding an increment first and then assimilate employees to the new pay spine, and to introduce the new pay spine without the new spinal column points) with effect from 1 April 2019.

3. POLICY CONTEXT

- 3.1 There was overwhelming support among councils for restructuring the national pay spine during the regional pay consultations which took place throughout 2017. Other key messages were that councils wanted a clear longer-term plan, rather than a series of single year deals; that a revised pay spine should be 'future proofed' in order to absorb annual changes to the National Living Wage (NLW); have equal differentials between each spinal column pay point; should not cause equal pay problems for employers; and should require the minimum amount of time and effort for employers to implement and assimilate. The NJC set up a pay spine review group to look at what could be done from a technical point of view.

- 3.2 At the time of the Chancellor's statement in 2015 the minimum hourly rate on the 'Green Book' pay spine was £7.00. That meant that it would have to increase by approximately £2.00 in five years if the initial 'target' for the NLW in 2020 of £9.00 was to be reached. By way of context, the increase in the bottom rate from £5.00 to £7.00 had taken thirteen years to achieve (2002-2015).
- 3.3 The two-year pay agreement covering 1 April 2016 to 31 March 2018, made some headway in bridging that gap and introduced minimum hourly rates of £7.52 (1 April 2016) and £7.78 (1 April 2017). This agreement included some further bottom-loading in each of the two years to assist in maintaining differentials and then annual pay awards of 1.0% further up the pay spine. This two-year deal added 2.40% to the national pay bill. The two-year increase for the lowest pay point was 10.28%. These rates provided some headroom in relation to the NLW which was £7.20 (1 April 2016) and £7.50 (1 April 2017). The 1 April 2018 rate was £7.83.
- 3.4 The NJC pay agreement for 2018-20, following the work of the review group and following consultation with the trade unions nationally, is as follows:
- A bottom rate of £9.00 per hour (£17,364 per annum) on new Spinal Column Point (scp) 1 (equivalent to old scps 6 and 7)
 - 'Pairing off' old scps 6-17 inclusive to create new scps 1-6 inclusive
 - Equal steps of 2.0% between each new scps 1 to 22 inclusive (equivalent to old scps 6-28 inclusive, covering grades RG1 to RG5 inclusive on the Council's pay structure)
 - By creating equal steps between these pay points, new scps 10, 13, 16, 18 and 21 are generated to which no old scps will assimilate. This means that in some organisations the current number of pay points in a grade might change
 - On new scps 23 and above (equivalent to old scps 29 and above), 2.0% increase on 2018 rate

4. THE PROPOSAL

- 4.1 The Council's current NJC pay spine has ten RG grades; RG1 through to RG10. RG1 has scp 11 as its highest point and RG2 has it as its lowest point. The Council uses scp 11 as the lowest entry point for roles within the NJC spine.
- 4.2 The introduction of an additional five scps to the new pay spine would have the effect of extending RG4 from its current position of eight scps (the most scps in any of the RG grades) to a total of 12.
- 4.3 There is no requirement to use all of the scps in the new pay spine; it is for councils to determine their inclusion or not but to consider the impact this has.
- 4.4 The NJC agreement is silent on the approach to be taken by councils with regards to the chronology of assimilation and increments (i.e. whether to assimilate to the new pay spine first and then apply an increment or vice versa). The two approaches produce different outcomes but either approach is acceptable and whatever option taken should be implemented consistently across all employees covered by the agreement.

- 4.5 In anticipation of the new national pay spine being introduced, a provision of £515k has been made in the 2019/20 budget to accommodate the increased cost of implementing the new pay spine.
- 4.6 Finance colleagues have carried out a pay modelling exercise using three options, as shown in Table 1 below:

Table 1:

Option	Description	Total Cost Council (£m)	Total Cost Schools (£m)	Total Cost (£)
Baseline	NEW Salary as at 1 April 2019	25.517	15.846	41.363
Option 1	Assimilate first and then increment	25.951	16.065	42.016
Option 2	Increment first and then assimilate	25.932	16.034	41.966
Option 3	Assimilate first and then increment & introduce new scps	25.843	16.026	41.868

- 4.7 The saving on selecting Option 2 over Option 1 is a reduction of £0.049m (including schools based staff) on total cost. If Option 3 is chosen and the new scale points are introduced into the existing grading structure, this would be the lowest cost option but would also have the impact of extending RG4 from its current position of eight scps to a total of 12. This would mean it would take employees 11 years to reach the top of the grade, rather than eight years as now, which could potentially create equal pay implications. The alternative is for a new grading structure to be designed to accommodate the new scale points. However, this is more complex to achieve and is not recommended at the current time.
- 4.8 The recommendation is to introduce the new pay spine using Option 2, i.e. to consider awarding an increment first and then assimilate employees to the new pay spine, and to introduce the new pay spine without the new scps. This option is £100k less than the budget provision, as shown in Table 2 below.

Table 2:

	2018/19 £m	2019/20 £m	2020/21 £m
Cost of Option 2	0.000	25.932	TBC
Baseline Cost (already funded)	0.000	25.517	TBC
Net Additional Cost	0.000	0.415	TBC
Less Provision for cost of new pay spine	0.000	-0.515	-0.910
Other running costs			
Capital financings costs			
Total Expenditure	0.000	-0.100	TBC

- 4.9 It will be imperative that appraisals are completed by the due date of end of February 2019 as this is the mechanism for determining if an increment is due so that an employee can then be transferred to the new pay spine and receive the 'cost of living' pay award. This has been discussed with the Corporate

Management Team who have confirmed that they will endeavor to ensure that these timescales are met for all employees within their directorate.

4.10 The following assumptions have been made in the figures in Table 2:

- Only 50% of staff will progress through the gateway in their grade.
- The expenditure above excludes school based staff.
- 2018/19 is based on the forecast pay-bill based using September 2018 salaries.
- 2020/21 is derived by adding 2% to 2019/20 pay-bill

5. CONTRIBUTION TO STRATEGIC AIMS

5.1 Terms and conditions negotiated by the NJC will be incorporated into employees' contracts of employment. The introduction of a new pay spine will have this affect. The process for implementing the new pay spine can be determined by Reading Borough Council and options for doing this are outlined in the proposal above. The proposals have been considered on the basis of the cost and efficiency of their implementation, thereby contributing to securing the economic success of Reading and the provision of affordable job opportunities. The proposals allow for the continuing application of the grading structure and future proof the Council against the National Living Wage increases and so provide stability.

6. EQUALITY IMPACT ASSESSMENT

6.1 An Equality Impact Assessment (EIA) has been completed to assess the options for implementing the new pay spine and their impact in terms of gender. The EIA is attached at Appendix 2. The grade of an employee has already been determined by job evaluation taking account of job content. The impact of all three options is neutral in terms of gender as shown in the Equality Impact Assessment in Appendix 2.

7. LEGAL IMPLICATIONS

7.1 The implementation of the new pay spine is a collective agreement and forms part of an employee's contract of employment. There are options available to the Council as part of the proposal which need to be consulted on with the trade unions.

8. FINANCIAL IMPLICATIONS

8.1 Financial implications are detailed within the report.

Appendix 1

SCP	01-Apr-17		1 April 2018		01-Apr-19			Old SCP[s]
	£ per annum	£ per hour*	£ per annum	£ per hour*	New SCP	£ per annum	£ per hour*	
6	£15,014	£7.78	£16,394	£8.50	1	£17,364	£9.00	06-Jul
7	£15,115	£7.83	£16,495	£8.55				
8	£15,246	£7.90	£16,626	£8.62	2	£17,711	£9.18	08-Sep
9	£15,375	£7.97	£16,755	£8.68				
10	£15,613	£8.09	£16,863	£8.74	3	£18,065	£9.36	10-Nov
11	£15,807	£8.19	£17,007	£8.82				
12	£16,123	£8.36	£17,173	£8.90	4	£18,426	£9.55	Dec-13
13	£16,491	£8.55	£17,391	£9.01				
14	£16,781	£8.70	£17,681	£9.16	5	£18,795	£9.74	14/15
15	£17,072	£8.85	£17,972	£9.32				
16	£17,419	£9.03	£18,319	£9.50	6	£19,171	£9.94	16/17
17	£17,772	£9.21	£18,672	£9.68				
18	£18,070	£9.37	£18,870	£9.78	7	£19,554	£10.14	18
19	£18,746	£9.72	£19,446	£10.08	8	£19,945	£10.34	19
20	£19,430	£10.07	£19,819	£10.27	9	£20,344	£10.54	20
					10	£20,751	£10.76	
21	£20,138	£10.44	£20,541	£10.65	11	£21,166	£10.97	21
22	£20,661	£10.71	£21,074	£10.92	12	£21,589	£11.19	22
					13	£22,021	£11.41	
23	£21,268	£11.02	£21,693	£11.24	14	£22,462	£11.64	23
24	£21,962	£11.38	£22,401	£11.61	15	£22,911	£11.88	24
					16	£23,369	£12.11	
25	£22,658	£11.74	£23,111	£11.98	17	£23,836	£12.35	25
					18	£24,313	£12.60	
26	£23,398	£12.13	£23,866	£12.37	19	£24,799	£12.85	26
27	£24,174	£12.53	£24,657	£12.78	20	£25,295	£13.11	27
					21	£25,801	£13.37	
28	£24,964	£12.94	£25,463	£13.20	22	£26,317	£13.64	28
29	£25,951	£13.45	£26,470	£13.72	23	£26,999	£13.99	29
30	£26,822	£13.90	£27,358	£14.18	24	£27,905	£14.46	30
31	£27,668	£14.34	£28,221	£14.63	25	£28,785	£14.92	31
32	£28,485	£14.76	£29,055	£15.06	26	£29,636	£15.36	32
33	£29,323	£15.20	£29,909	£15.50	27	£30,507	£15.81	33
34	£30,153	£15.63	£30,756	£15.94	28	£31,371	£16.26	34
35	£30,785	£15.96	£31,401	£16.28	29	£32,029	£16.60	35
36	£31,601	£16.38	£32,233	£16.71	30	£32,878	£17.04	36
37	£32,486	£16.84	£33,136	£17.18	31	£33,799	£17.52	37
38	£33,437	£17.33	£34,106	£17.68	32	£34,788	£18.03	38

SCP	01-Apr-17		1 April 2018		01-Apr-19			Old SCP[s]
	£ per annum	£ per hour*	£ per annum	£ per hour*	New SCP	£ per annum	£ per hour*	
39	£34,538	£17.90	£35,229	£18.26	33	£35,934	£18.63	39
40	£35,444	£18.37	£36,153	£18.74	34	£36,876	£19.11	40
41	£36,379	£18.86	£37,107	£19.23	35	£37,849	£19.62	41
42	£37,306	£19.34	£38,052	£19.72	36	£38,813	£20.12	42
43	£38,237	£19.82	£39,002	£20.22	37	£39,782	£20.62	43
44	£39,177	£20.31	£39,961	£20.71	38	£40,760	£21.13	44
45	£40,057	£20.76	£40,858	£21.18	39	£41,675	£21.60	45
46	£41,025	£21.26	£41,846	£21.69	40	£42,683	£22.12	46
47	£41,967	£21.75	£42,806	£22.19	41	£43,662	£22.63	47
48	£42,899	£22.24	£43,757	£22.68	42	£44,632	£23.13	48
49	£43,821	£22.71	£44,697	£23.17	43	£45,591	£23.63	49

*hourly rate calculated by dividing annual salary by 52.143 weeks (which is 365 days divided by 7) and then divided by 37 hours (the standard working week in the National Agreement 'Green Book')

Appendix 2

EQUALITY IMPACT ASSESSMENT - Implementation of New Pay Spine

This is an equality impact assessment for the implementation of the new NJC pay spine.

Objectives of the Proposal

To implement the new nationally agreed pay spine with effect from 1 April 2019.

There are options available to the Council as part of this implementation in two areas:

1. assimilation onto the new pay spine followed by an increment where appropriate; or awarding an increment where appropriate followed by assimilation onto the new pay spine and
2. whether to introduce 5 new spinal column points into the Council's existing grading structure in RG3 and RG4.

The recommendation is to implement the new pay spine using option 2 from the pay modelling exercise which is to award an increment where appropriate and then assimilate.

Collection of data

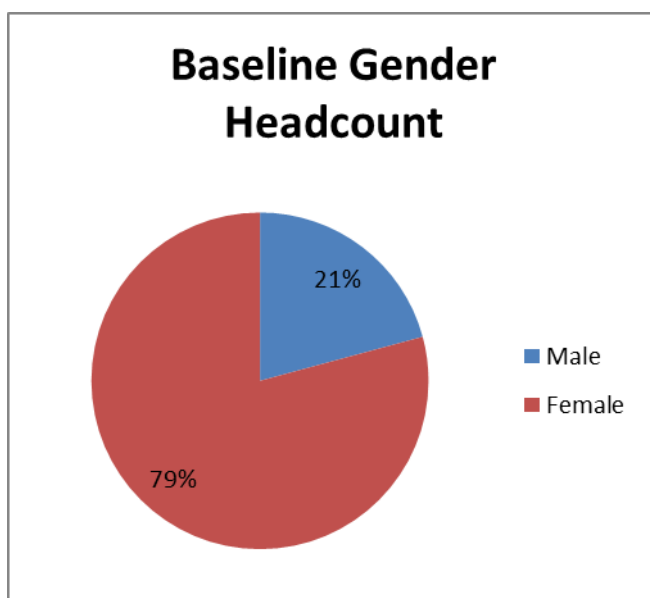
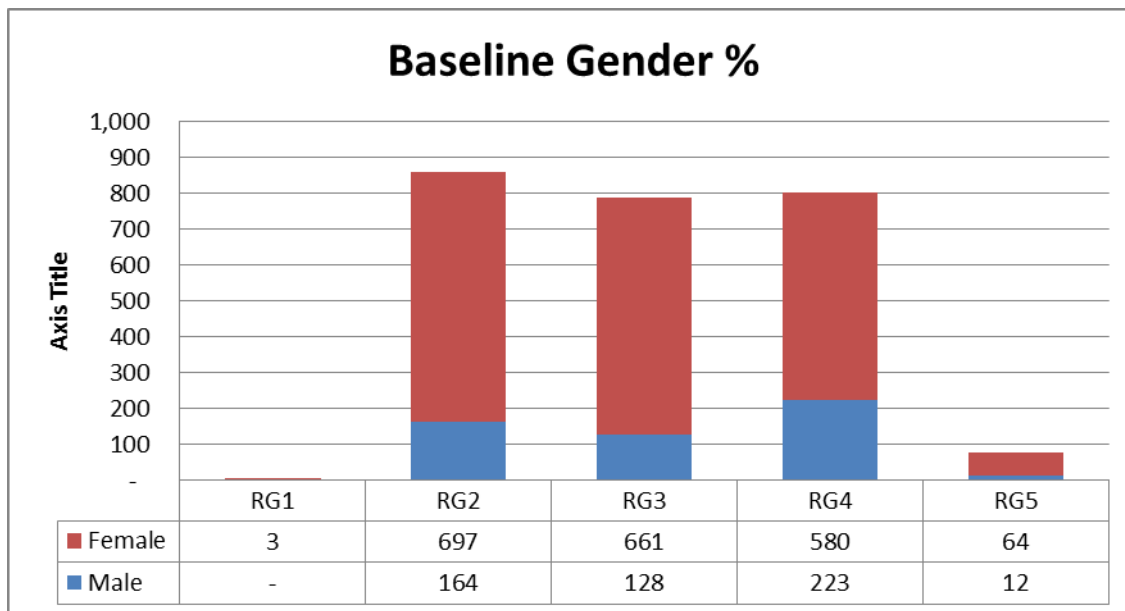
The Council reported in the 2017 Equality Audit that:

- Women made up 78.4% of the workforce. Initial data for the 2018 audit is showing that this figure has marginally increased to 78.5%.

Summary

Following some extensive pay modelling the following shows the impact that implementing the new pay spine will have using option 2 - to award an increment where appropriate and then assimilate.

Gender	Roles	FTE	% Roles	% FTE
Female	2,611	1,104	79%	76%
Male	701	350	21%	24%
Total	3,312	1,454	100%	100%



The split of male and female show that there would not be an adverse impact using option 2, the figures show the percentage of men and women is very close to those that will be reported in the 2018 Equality Audit and therefore no group is adversely disadvantaged.

READING BOROUGH COUNCIL

REPORT BY HEAD OF HR AND ORGANISATIONAL DEVELOPMENT

TO:	PERSONNEL COMMITTEE		
DATE:	8 NOVEMBER 2018	AGENDA ITEM:	5
TITLE:	SALARY SACRIFICE SCHEMES		
LEAD COUNCILLOR:	CLLR JASON BROCK	PORTFOLIO:	CORPORATE AND CONSUMER SERVICES
LEAD OFFICER:	SHELLA SMITH	TEL:	74697 / 0118 937 4697
JOB TITLE:	HEAD OF HR AND ORGANISATIONAL DEVELOPMENT	E-MAIL:	shella.smith@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 From January 2019, Reading Borough Council is proposing to implement three new salary sacrifice schemes, for a workplace nursery, Additional Voluntary Contributions (AVCs) and lease cars, which allow employees to save on tax and National Insurance. The schemes will provide a valuable recruitment and retention incentive to employees and will also enable the Council to make savings on Employer's National Insurance contributions.
- 1.2 Salary sacrifice schemes allow employees to exchange a part of their salary for a non-cash benefit from their employer. Employees pay for the benefit from gross salary, which means that the employee does not pay tax and National Insurance on the part of the salary that has been sacrificed. This also means that the Council does not pay Employer's National Insurance contributions on the part of the salary that has been sacrificed by employees.
- 1.3 The schemes proposed in this report support the Council's aim to provide valued recruitment and retention incentives to employees.
- 1.4 The implementation of the Additional Voluntary Contributions (AVCs) salary sacrifice scheme is dependent on the Council changing its Statement of Policy about Exercise of Discretionary Functions under the Local Government Pension Scheme. It will need to be amended to allow it to pay a contribution where an employee has elected to pay an AVC by salary sacrifice. The Statement is included in the Pay Policy Statement as Annex E. A revised Statement is attached as Appendix 1.

2. RECOMMENDED ACTION

- 2.1 To seek agreement on the introduction of salary sacrifice schemes for a workplace nursery, Additional Voluntary Contributions (AVCs) and lease cars.
- 2.2 To seek approval to amend the Council's Discretions Policy to allow the Council to pay shared cost Additional Voluntary Contributions where an employee has elected to pay AVCs by salary sacrifice.

3. POLICY CONTEXT

3.1 The Council has implemented a number of salary sacrifice schemes in the past:

- (a) Childcare Vouchers
- (b) Cycle to work
- (c) Bus to work scheme

3.2 These have proved popular as an employee benefit and produced National Insurance savings for the Council. The bus to work scheme is no longer running due to changes made by HMRC. The childcare voucher scheme has been closed to new applicants from 4 October 2018, also due to changes made by HMRC.

4. THE PROPOSAL

4.1 Current Position:

a) Workplace Nursery

Reading Borough Council runs its own workplace nursery - Kennet Day Nursery. The Nursery currently has 64 places and over the summer had 90% occupancy (which is higher than normal). The occupancy rate changes throughout the year but generally stays above 85%.

The Council runs a childcare voucher scheme. All childcare voucher schemes across the country closed for new applicants on 4 October 2018, but will continue for anyone already in the scheme. Parents are only able to sacrifice a maximum of £243 per month using the childcare voucher scheme, but will be able to sacrifice the entire cost of childcare under the workplace nursery scheme. The average monthly cost at the Kennet Day Nursery is around £695.

b) Additional Voluntary Contributions (AVCs)

AVCs are a means of allowing Local Government Pension Scheme (LGPS) members to contribute more money to their pension. It is a tax free deduction from their salary. Currently, around 4% of LGPS members at the Council do so.

c) Lease Cars

The Council does not currently run any form of lease car scheme.

4.2 Options Proposed

a) Workplace Nursery

From experience, the provider has estimated that 90% of Kennet Day Nursery users who are employees of the Council will use the salary sacrifice scheme. The management fee for the Council will be 2% of the annual childcare fee paid by all users of the nursery. The fee will be paid for two years, the cost of which will be taken from the Employer's National Insurance contributions savings made by the Council. At the end of two years, the Council will retain all savings made. As an indicative figure, this means that the fee will be around £19,000 for two years. The saving to the Council will be around £130,000 for two years based on current usage, from which the management fee will be taken.

b) Additional Voluntary Contributions (AVCs)

Paying AVCs through salary sacrifice will allow employees to add more money to their pensions by not paying National Insurance contributions on the amount sacrificed. The saving of tax and National Insurance can be used to make additional contributions to an employee's individual pension pot. The introduction of other salary sacrifice schemes means that pension contributions may be reduced; this option allows employees to offset the reduction by taking up the AVC opportunity.

From experience, the provider expects an average take up rate of 5% of existing LGPS members.

The management fee will be 4% per year for three years, the cost of which will be taken from the Employer's National Insurance savings made by the Council. At the end of three years, the Council will retain all the National Insurance savings. As an indicative figure, this means that the total management fee for three years will be around £45,000; the saving to the Council will be around £189,000 for three years from which the management fee will be taken.

Under the terms of the Local Government Pension Scheme, where an employee opts to pay AVCs, an employer can also contribute to the employee's AVC fund. This is known as a shared cost AVC (SCAVC). The employee agrees to a reduction in salary equivalent to the amount of salary that will be sacrificed. In practice, the Council pays this amount from the employee, on the employee's behalf, and does not have to make its own contribution. Both parties must contribute to the scheme, and to ensure compliance under Local Government Pension Scheme regulations, the employee must pay a nominal £1. For example, if an employee sacrifices £100 to be paid into the AVC fund, the Council will pay £99 (via salary sacrifice from the employee's salary) and the employee will pay £1.

The employee benefits by not paying tax and National Insurance. The Council benefits by not paying National Insurance (13.8%) or the apprenticeship levy (0.5%) on the amount sacrificed.

The Council's Statement of Policy about Exercise of Discretionary Functions under the Local Government Pension Scheme will be need to be amended to allow it to pay a contribution where an employee has elected to pay an AVC by salary sacrifice. The Statement is included in the Pay Policy Statement as Annex E. A revised Statement is attached as Appendix 1.

c) Lease Cars

Under this scheme, the employer leases the car from the provider. The employee enters into a three year agreement to lease the car from the Council. The monthly cost will depend on the value of the car.

Cars are available for the employee without the need to provide a deposit and no credit check is made. However, employees will be provided with a full breakdown of the monthly cost by the provider so that they can check affordability. In addition, salary cannot be sacrificed to a level below the national minimum wage.

For the employee, there are tax and National Insurance savings made through salary sacrifice and the monthly cost of the car includes:

- Fully comprehensive insurance

- Maintenance and servicing
- A new, more fuel efficient car
- European breakdown and recovery (and courtesy car)
- Annual road fund licence

For Reading Borough Council, there are savings made through salary sacrifice and some of the other benefits of the scheme are:

- Encouraging employees to drive more modern, fuel efficient cars (the Council will have the option of only allowing 'greener' cars to be leased through the scheme by limiting CO2 emissions, e.g. to 120g/km)
- Little administration with the costs easily covered by the savings on Employer's National Insurance contributions
- No management fee is payable as the employee will deal directly with the provider
- Supports sustainability as electric cars and more fuel efficient cars are available
- The employee is responsible for all early termination costs which will be covered by an insurance built into the monthly cost paid by the employee

The provider estimates that around 2% of employees will use the scheme. The saving on employer's NI contributions will depend on the employee's choice of car, but an 'average' car can result in £688.29 National Insurance saving each year (£51,622 per annum, if 2% of employees use the scheme).

National conditions of service for teachers do not currently allow them to enter a lease car salary sacrifice scheme.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The implementation of the lease car scheme can work alongside Reading Borough Council's initiative to contribute to a green and healthy planet. The scheme allows employees to choose electric and low emission cars at an affordable cost. The Council can set the emission level with the scheme provider.
- 5.2 All the schemes allow participants to make financial savings, which can contribute to employee recruitment and retention.

6. COMMUNICATION AND CONSULTATION

- 6.1 The schemes will need to be communicated carefully to employees as salary sacrifice is not suitable for everyone. For example, the payments that are sacrificed from an employee's gross salary to fund a lease car have the potential to reduce their pension contributions and to affect any tax credits.
- 6.2 A communications plan for the three schemes will be drawn up, in consultation with Joint Trade Unions, if approval is given by this Committee. The provider for each scheme will also provide template communications and assist in promoting them, e.g. by running road shows and drop in sessions for employees to attend at Council work places.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 All employees are able to participate in the proposed salary sacrifice schemes. No particular group will be impacted more than any other.

8. LEGAL IMPLICATIONS

- 8.1 Contract Procedure Rule 4.2 (c) will apply. This states that an exemption can apply where the number of suppliers or contractors for any particular type of works, services or supplies is limited or may be available from only specialist suppliers and the available market is such that genuine competition is impossible.

9. FINANCIAL IMPLICATIONS

- 9.1 All salary sacrifice schemes should be cost neutral, as any management fees will come out of the savings that are made by not paying Employer's National Insurance contributions on the amounts sacrificed. The actual savings will depend on the number of employees who join the salary sacrifice scheme.

The estimated savings in Employer's National Insurance contributions for the next four years are shown below, less any management fee payable by the Council. These are based on current costs.

Scheme	Estimated Employers NI savings, less management fee 2019/20	Estimated Employers NI savings, less management fee 2020/21	Estimated Employers NI savings, less management fee 2021/22	Estimated Employers NI savings 2022/23
Nursery	£55,500	£55,500	£65,000	£65,000
AVCs	£48,000	£48,000	£48,000	£62,962
Lease cars	£51,622	£51,622	£51,622	£51,622
Total	£155,122	£155,122	£164,622	£179,584

NB: The management fee for the nursery is 2% for two years. For AVCs it is 4% for three years. There is no management fee for the lease car scheme. The employer's NI savings are based on the cost of an 'average' car; for this example, a Peugeot 208 1.5 litre. It is not possible to fully quantify the employer's NI savings for this scheme as it depends on the type of car leased by the employee.

10. BACKGROUND PAPERS

None.

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**LOCAL GOVERNMENT PENSION SCHEME REGULATIONS 2013
STATEMENT OF POLICY ABOUT EXERCISE OF DISCRETIONARY FUNCTIONS
SCHEME EMPLOYER DECLARATION**

The Scheme employer known as **Reading Borough Council** ('the Council') has prepared this written statement of policy in relation to its exercise of certain discretionary functions available under the Local Pension Scheme Regulations 2013. The Scheme employer declares that it will keep this statement under review and publish the statement (and any amendments made thereto) in a place that is easily accessible to all of its eligible Scheme employees and that it will provide to the administering authority the most up to date version of the statement at all times.

**PART A - Formulation of COMPULSORY policy in accordance with Regulation 60 of the
Local Government Pension Scheme Regulations 2013**

Regulation 16 – Additional Pension Contributions

The Scheme employer may resolve to fund in whole or in part any arrangement entered into by an active scheme member to pay additional pension contributions by way of regular contributions in accordance with **Regulation 16(2)(e)**, or by way of a lump sum in accordance with **Regulation 16(4)(d)**.

The Scheme employer may enter into an APC contract with a Scheme member who is contributing to the MAIN section of the Scheme in order to purchase additional pension of not more than the additional pension limit (£6,500 from 1st April 2014 subject to annual increase in line with the Pensions (Increase) Act 1971).

The amount of additional contribution to be paid is determined by reference to actuarial guidance issued by the Secretary of State.

Consideration needs to be given to the circumstances under which the Scheme employer may wish to use their discretion to fund in whole or in part an employee's Additional Pension Contributions.

Scheme Employer's policy concerning the whole or part funding of an active member's additional pension contributions

The Council has resolved not to adopt this discretion at this time.

Regulation 30(6) – Flexible Retirement

An active member who has attained the age of 55 or over and who with the agreement of their employer reduces their working hours or grade of employment may, with the further consent of their employer, elect to receive immediate payment of all or part of the retirement pension to which they would be entitled in respect of that employment as if that member were no longer an employee in local government service on the date of the reduction in hours or grade (*adjusted by the amount shown as appropriate in*

actuarial guidance issued by the Secretary of State - separate policy required under Regulation 30(8)).

As part of the policy making decision the Scheme employer must consider whether, in addition to the benefits the member may have accrued prior to 1 April 2008 (which the member must draw), to permit the member to choose to draw all, part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014 and all, part or none of the pension benefits they built up after 1 April 2014.

Due consideration must be given to the financial implications of allowing an employee to draw all or part of their pension benefits earlier than their normal retirement age.

Scheme Employer's policy concerning flexible retirement

The Council has resolved that it will give such an opportunity to its employees. Flexible Retirement under this discretion will be subject to an agreed policy framework. The Council has resolved that waiving actuarial reduction in full or in part will only be considered where there will be a sufficient financial or other benefit to the authority. An exception to this requirement is the employee's exceptionally difficult personal or domestic circumstances

Regulation 30(8) – Waiving of Actuarial Reduction

Where a Scheme employer's policy under regulation 30(6) (flexible retirement) is to consent to the immediate release of benefits in respect of an active member who is aged 55 or over, those benefits must be adjusted by an amount shown as appropriate in actuarial guidance issued by the Secretary of State (commonly referred to as actuarial reduction or early payment reduction).

A Scheme employer (or former employer as the case may be) may agree to waive in whole or in part and at their own cost, any actuarial reduction that may be required by the Scheme Regulations.

Due consideration must be given to the financial implications of agreeing to waive in whole or in part any actuarial reduction.

Scheme Employer's policy concerning the waiving of actuarial reduction

That the Council does not consent to waive any actuarial reduction for staff electing to retire at age 55 or over, unless there is a sufficient financial or other benefit to the Council. An exception to this requirement is the employee's exceptionally difficult personal or domestic circumstances.

Regulation 31 – Award of Additional Pension

A Scheme employer may resolve to award

- (a) an active member, or
- (b) a member who was an active member but dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency,

additional annual pension of, in total (including any additional pension purchased by the Scheme employer under Regulation 16), not more than the additional pension limit (£6,500 from 1st April 2014 subject to annual increase in line with the Pensions (Increase) Act 1971).

Any additional pension awarded is payable from the same date as any pension payable under other provisions of the Scheme Regulations from the account to which the additional pension is attached.

In the case of a member falling within sub-paragraph (b) above, the resolution to award additional pension must be made within 6 months of the date that the member's employment ended.

Scheme Employer's policy concerning the award of additional pension

The Council has resolved not to adopt this discretion at this time

Schedule 2 - paragraphs 2 and 3

Where a scheme member retires or leaves employment and elects to draw their benefits at or after the age of 55 and before the age of 60 those benefits will be actuarially reduced unless their Scheme employer agrees to meet the full or part cost of those reductions as a result of the member otherwise being protected under the 85 year rule as set out in previous Regulations.

So as to avoid the member suffering the full reduction to their benefits the Scheme employer can 'switch on' the 85 year rule protections thereby allowing the member to receive fully or partly unreduced benefits but subject to the Scheme employer paying a strain (capital) cost to the Pension Fund

Scheme Employer's policy concerning the 'switching on of the 85 year rule

That the Council does not consent to switch on the 85 year rule for staff electing to retire at age 55, unless there is a sufficient financial or other benefit to the Council. An exception to this requirement may be the employee's exceptionally difficult personal or domestic circumstances.

PART B - Formulation of RECOMMENDED policy in accordance with the

Local Government Pension Scheme Regulations 2013

Regulation 9(1) & (3) - Contributions

Where an active member changes employment or there is a material change which affects the member's pensionable pay during the course of a financial year, the Scheme employer may determine that a contribution rate from a different band (as set out in Regulation 9(2)) should be applied.

Where the Scheme employer makes such a determination it shall inform the member of the revised contribution rate and the date from which it is to be applied.

Scheme Employer's policy concerning the re-determination of active members' contribution bandings at any date other than 1st April

The Council shall re-determine contribution rates on 1st April each year only. Staff joining the scheme shall be placed in a contribution band consistent with their contracted, actual pay in the first instance except for casual staff who shall initially be placed on the lowest contribution band. The banding placement for individual staff shall be re-determined wef from the 1st April only in subsequent years following initial placement and adjusted as necessary in the light of the pensionable pay actually earned in the previous year (using a '12 month equivalent' calculation for staff who have not worked a full year).

Regulation 17(1) - Additional Voluntary Contributions

An active member may enter into arrangements to pay additional voluntary contributions (AVCs) or to contribute to a shared cost additional voluntary contribution arrangement (SCAVCs) in respect of an employment. The arrangement must be a scheme established between the appropriate administering authority and a body approved for the purposes of the Finance Act 2004, registered in accordance with that Act and administered in accordance with the Pensions Act 2004.

The Scheme employer needs to determine whether or not it will make contributions to such an arrangement on behalf of its active members

Scheme Employer's policy concerning payment of Shared Cost Additional Voluntary Contributions

The Council will pay SCAVC contributions where an employee has elected to pay AVCs by salary sacrifice. The amount of these employer SCAVC contributions will not exceed the amount of salary sacrificed by the employee. This is a Council discretion which is subject to the employee meeting the Council's conditions for acceptance into the salary sacrifice shared cost AVC scheme and may be withdrawn or changed at any time.

Regulation 22 - Merging of Deferred Member Pension Accounts with Active Member Pension Accounts

A deferred member's pension account is automatically aggregated with their active member's pension account unless the member elects within the first 12 months of the new active member's pension account being opened to retain their deferred member's pension account.

A Scheme employer can, at their discretion, extend the 12 month election period.

Scheme Employer's policy concerning merging of Deferred Member Pension Accounts with Active Member Pension Accounts

The Council has resolved not to extend the time limit for election beyond 12 months.

Regulation 100(6) - Inward Transfers of Pension Rights

A request from an active member to transfer former pension rights from a previous arrangement into the Local Government Pension Scheme as a result of their employment with a Scheme employer must be made in writing to the administering authority and the Scheme employer before the expiry of the period of 12 months beginning with the date on which the employee first became an active member in an employment (or such longer period as the Scheme employer and administering authority may allow).

Scheme Employer’s policy concerning the extension of the 12 month transfer application period

The Council has resolved not to extend the time limit for election beyond 12 months.

Regulation 21(5) - Assumed Pensionable Pay

A Scheme employer needs to determine whether or not to include in the calculation of assumed pensionable pay, any ‘regular lump sum payment’ received by a Scheme member in the 12 months preceding the date that gave rise to the need for an assumed pensionable pay figure to be calculated.

Scheme Employer’s policy concerning inclusion of ‘regular lump sum payments’ in assumed pensionable pay calculations

That the Council does include in such calculations an element for ‘regular lump sum payment’ where it is fair, equitable and justifiable to do so.

Regulation 74 - Applications for Adjudication of Disagreements

Each Scheme employer must appoint a person (“the adjudicator”) to consider applications from any person whose rights or liabilities under the Scheme are affected by:

- (a) a decision under regulation 72 (first instance decisions); or
- (b) any other act or omission by a Scheme employer or administering authority,

and to make a decision on such applications.

Responsibility for determinations under this first stage of the Internal Disputes Resolution Procedure (IDRP) rests with “the adjudicator” as named below by the Scheme employer:

Name: Christopher Brooks

Job Title: Head of Legal and Democratic Services

Address: Civic Centre, Reading, Tel No: _____ 0118
9372602

Email: chris.brooks@reading.gov.uk

Adjudicator's Signature: _____

Date: _____

SCHEME EMPLOYER CONFIRMATION

It is understood that the discretions contained within this statement of policy are applicable to all eligible members of the Scheme. The Scheme rules allow for a revised statement to be issued at least one month in advance of the date that any new policy takes effect. The revised statement must be sent to the administering authority and the employer must publish its statement as revised in a place that is accessible to all of its eligible scheme members.

The policies made above:

Have regard to the extent to which the exercise of the discretions could lead to a serious loss of confidence in the public service;

Will not be used for any ulterior motive;

Will be exercised reasonably;

Will only be used when there is a real and substantial future benefit to the employer for incurring the extra costs that may arise;

Will be duly recorded when applied.

Signed on behalf of the Scheme Employer: _____

Name in Block Capitals:

Position: HEAD OF FINANCE

Scheme Employer's Name: READING BOROUGH COUNCIL

Date:

READING BOROUGH COUNCIL

REPORT BY HEAD OF HR AND ORGANISATIONAL DEVELOPMENT

TO:	PERSONNEL COMMITTEE		
DATE:	8 NOVEMBER 2018	AGENDA ITEM:	6
TITLE:	REVIEW OF THE COUNCIL'S EMPLOYMENT POLICIES		
LEAD COUNCILLOR:	CLLR JASON BROCK	PORTFOLIO:	CORPORATE AND CONSUMER SERVICES
LEAD OFFICER:	SHELLA SMITH	TEL:	74697 / 0118 937 4697
JOB TITLE:	HEAD OF HR AND ORGANISATIONAL DEVELOPMENT	E-MAIL:	shella.smith@reading.gov.uk

1. PURPOSE OF THE REPORT AND EXECUTIVE SUMMARY

- 1.1 This report presents a review of the Council's employment policy framework. The review aims to ensure that all employment policies are clear, easy to understand, up to date and reviewed regularly.
- 1.2 The review has commenced with seven policies which have been prioritised because they do not reflect current employment legislation and hence put the Council at risk. A Social Media Policy is missing from the current policy framework and therefore has been also been prioritised. The revised policies are being presented to Personnel Committee for approval, following consultation and negotiation with trade unions.
- 1.3 The report includes the following appendices:

- Appendix A: List of all existing employment policies
- Appendix B: Proposed Disciplinary Policy
- Appendix C: Proposed Grievance Policy
- Appendix D: Proposed Managing Sickness Absence Policy
- Appendix E: Proposed Managing Poor Performance Policy
- Appendix F: Proposed Bullying and Harassment Policy
- Appendix G: Proposed Flexible Working Policy
- Appendix H: Proposed Social Media Policy
- Appendix I: Equality Impact Assessment

2. RECOMMENDED ACTION

2.1 That Personnel Committee approve the following employment revised/new policies:

- **Discipline**
- **Grievance (including collective grievance)**
- **Managing sickness absence**
- **Managing poor performance**
- **Bullying and harassment**
- **Flexible working**
- **Social media**

2.2 That Personnel Committee give delegated authority to the Head of HR and Organisational Development to make minor revisions to HR policies to ensure they are kept up to date, in consultation with the Lead Councillor for Corporate and Consumer Affairs, for example to reflect changes in job titles or departments names. Also to make changes relating to administration of systems once iTrent self-service has been rolled out (for example to incorporate online sickness reporting when this replaces the paper-based system referred to in the Sickness Absence Management Policy).

3. POLICY CONTEXT

3.1 Good employment policies should support a culture based on trust, fairness and inclusion. They can also speed the decision-making process by ensuring that clear guidance is readily available to cover a range of employment issues. Further, they can assist in avoiding involvement with employment tribunal claims by providing guidance for managers that reflects accurately current employment law and good practice. It is therefore important that employment policies are clear, easy to understand, up to date and reviewed regularly.

3.2 Appendix A includes a list of all existing employment policies with a link to where each one can be found on the Council's intranet (IRIS) and the date it was implemented from or last reviewed.

3.3 In the majority of cases the policies have extended beyond their normal review date and have been updated to reflect changes in employment law and in the Codes of Practice and guidance issued by the Advisory, Conciliation and Arbitration Service (ACAS) which are not currently reflected in the relevant policies.

- 3.4 ACAS Codes of Practice give authoritative advice in key areas of employment practice. A failure to follow the Code does not, in itself, make a person or organisation liable to proceedings. However, employment tribunals will take the Code into account when considering relevant cases. Tribunals will also be able to adjust any awards made in relevant cases by up to 25% for unreasonable failure to comply with any provision of the Code (by an employer or an employee).
- 3.5 Many of the current policies are also very long - in many cases over 20 pages. This is unhelpful for both managers and employees who may struggle to comprehend the key elements of the policy if they are unnecessarily lengthy.
- 3.6 There are also some significant gaps, for example a policy covering the use of social media by employees.

4. POLICIES COVERED UNDER THIS REVIEW

4.1 All employment policies will be reviewed by HR before the end of March 2019 and presented to Personnel Committee for approval, following consultation and negotiation with trade unions. The policies listed below have been prioritised because they do not reflect current employment legislation and hence put the Council at risk. A Social Media Policy is missing from the current policy framework so is included below.

- Discipline
- Grievance (including collective grievances)
- Managing Sickness Absence
- Managing Poor Performance
- Bullying and Harassment
- Flexible Working
- Social Media

4.2 The remaining existing policies and any new policies (where required) will be brought forward to Personnel Committee in March 2019.

4.3 Principles used for conducting this review

4.3.1 The policies have been re-written with the following principles in mind:

1. They must reflect current employment law and the ACAS Codes of Practice and/or guidance where relevant.
2. They must be easy to understand and written in plain English
3. They should be concise. Any information which is not germane to the operation of the policy has been removed. For example, management guidance notes are not included in the policies.

- 4. There should be a consistency of approach across related policies (e.g. same period of notice given to employees to attend formal meetings)
- 4.3.2 The redrafted policies broadly reflect the template policies available on the Unison website where available. (Template policies for other unions are not openly available on their websites).
- 4.3.3 In future, all employment policies will be reviewed every two years or sooner if legislation requires it.

4.4 Right of appeal

- 4.4.1 The appeal process is an essential mechanism for ensuring that natural justice is applied by giving employees the right to challenge action taken through a review of the decision by an independent manager who has had no previous involvement in the case. The appeal stage also helps to protect the Council from potential legal action and reputational damage by ensuring that all decisions taken are sound, reasonable and lawful.
- 4.4.2 Under the Council's current policies, appeals against dismissal for capability, sickness absence or discipline, or against a grievance outcome or flexible working request, are heard by Personnel Committee. This is currently the final of at least two rights of appeal in all cases.
- 4.4.3 However, the ACAS Code of Practice on Disciplinary and Grievance Procedures states that an appeal should be dealt with "*impartially and wherever possible, by a **manager** who has not previously been involved in the case*" (Paragraph 27). It accords with the statutory role of the Head of Paid Service who is ultimately responsible for all operational management matters.
- 4.4.4 In addition, it is recognised that preparing for and hearing appeals places a significant burden on members' time as would any additional time required in preparing for and attending an employment tribunal should that ever prove necessary.
- 4.4.5 Consequently, it is recommended that appeals against dismissal are no longer heard by Personnel Committee, but by a panel comprising a senior manager of at least Head of Service level, the Chair of Personnel Committee and one other member of Personnel Committee or their substitute(s). Therefore, the only appeals heard by Personnel Committee under the new policies will be those submitted by a Head of Service or Director. There will be only one right of appeal in each case, in accordance with the ACAS Codes of Practice. However, by the time a case reaches appeal stage, a significant amount of officer time will have been spent in reviewing the case and ensuring it has been dealt with appropriately and in compliance with employment law and

the Council’s policies. This is essential to safeguard the Council’s reputation as an employer of choice and to protect against potential legal challenge. In all cases the manager hearing the case/appeal will also have received expert advice from a qualified HR professional.

4.4.6 It should be noted that the Disciplinary and Capability Policies do not apply to the Head of Paid Service, Section 151 Officer, and the Monitoring Officer, who are excluded as per the Local Authorities (Standing Orders) (England) Regulations 2001.

5. THE PROPOSED POLICIES - KEY ISSUES AND CHANGES REQUIRED

5.1 For each of the existing policies which need to be revised, the table below highlights issues which need to be addressed, and additional key changes being proposed. In all cases, any issues highlighted have been addressed in the revised policy. Once the policy review is complete, hyperlinks will be added to the policies where these are cross-referenced.

Issues to be addressed	Additional key changes
Disciplinary Policy - Appendix B	
<ul style="list-style-type: none"> • States that Directors are not covered as they are covered by the provisions of the JNC Conditions of Service for Chief Officers (i.e. same provisions as the Head of Paid Service, Section 151 Officer and Monitoring Officer). This does reflect the contracts of employment for Directors who are not statutory officers, which confirm that the Council’s Disciplinary Policy will apply. The contracts reflect the correct position; it is not necessary for the statutory procedure to apply. • Includes provision for a verbal warning or verbal reprimand to which there is no right of appeal. Employees must have a right of appeal against a warning. • There is no clarity on the nature of the employee’s representative - so potentially an employee could be represented by a solicitor. This is not appropriate for internal proceedings and not in accordance with the ACAS Code of Practice. • There is provision for a second formal warning. This is not in line with the ACAS Code of Practice which provides for a first formal warning, final warning and then dismissal. 	<ul style="list-style-type: none"> • The level of manager who can make decisions to dismiss/hear appeals has been devolved downwards. An officer authorised by the Head of Service will make dismissal decisions where needed for most employees, with appeals heard by a Head of Service (instead of the Chief Executive). This has also been reflected in the Sickness Absence Management and Managing Poor Performance policies. • An HR professional will support the manager chairing the meeting/appeal in all formal meetings. This has also been reflected in the Sickness Absence Management, Managing Poor Performance and Flexible Working policies.

Issues to be addressed	Additional key changes
Grievance Policy - Appendix C	
<ul style="list-style-type: none"> • Refers to the ‘Statutory Grievance Procedure’ which was repealed in 2009 and replaced with the ACAS Code of Practice. • States that ex-employees may use the Grievance Procedure to raise concerns. There used to be a legal requirement for this through a modified version of the Statutory Grievance Procedure but it has also been repealed. • No reference to mediation as an alternative to the formal process • Contains three rights of appeal. ACAS Code emphasises the need to seek to resolve grievances quickly and fairly for all (including the individual who the aggrieved person is complaining about). The current process is not conducive to this 	
Managing Sickness Absence Policy - Appendix D	
<ul style="list-style-type: none"> • Refers to the Disability Discrimination Act which has now been replaced with the Equality Act 2010 • The trigger points used to monitor absence are not clear 	<ul style="list-style-type: none"> • The need for managers to carry out effective return to work interviews following every period of absence has been made more prominent • Addition of a section on sick pay and reference to special considerations for pregnancy and disability related absences
Managing Poor Performance Policy - Appendix E	
<ul style="list-style-type: none"> • States that the policy does not apply to Directors who are not statutory officers - this does not reflect their contracts of employment • Includes provision for a verbal warning or verbal reprimand to which there is no right of appeal. Employees must have a right of appeal against a warning 	
Bullying and Harassment Policy - Appendix F	
<ul style="list-style-type: none"> • Only refers to harassment in the current policy title • The definitions section needs updating and expanding 	<ul style="list-style-type: none"> • In 2017, ACAS released new guidance on sexual harassment, including how to report any incidents of unwanted conduct of a sexual nature. This has been incorporated.

Flexible Working Policy - Appendix G	
<ul style="list-style-type: none"> • Does not reflect current legislation which gives <u>all</u> employees with at least 26 weeks service the right to request flexible working • Includes a second right of appeal to Personnel Committee. Appeals should be heard by managers in line with the prescribed business reasons and with full consideration of the impact of any changes on the particular service area. 	

5.2 Social Media Policy

5.2.1 The prolific use of social media in both a business and personal context means that this is a significant gap in the Council’s current policy framework. Employees need clear guidance on its appropriate use in both cases. The policy is based on the assumption that the current restrictions on accessing social media from Council equipment should be lifted. The policy clarifies what is regarded as unacceptable use of social media at work. It also clarifies that any inappropriate use of social media, either in or outside the workplace, could result in disciplinary action if it brings the Council’s reputation into disrepute or exposes it to potential liabilities. The proposed policy is attached in Appendix H.

6. **PROCESS FOR AGREEING THE REVISED POLICIES**

6.1 The policies must be approved by Personnel Committee in accordance with their terms of reference. With the exception of the Social Media Policy, they are also contractual and must therefore be agreed with the trade unions.

6.2 The process for seeking to agree the policies with trade unions has been as follows:

30 August	Policies emailed to trade union representatives with a covering report explaining the key changes and timescales for reaching agreement
3 September	First meeting with trade unions and Head of HR and Organisational Development to commence negotiation/consultation
12 September	Second meeting with trade unions and Head of HR and Organisational Development to discuss the policies and seek views
3 October	Personnel Committee scheduled to consider the revised policies but subsequently cancelled as trade

	union representatives requested more time to consider them
24 October	Meeting with trade unions, Head of HR and Organisational Development and Chair of Personnel Committee to discuss the policies and seek views
30 October	Meeting with trade unions, Head of HR and Organisational Development, Director of Resources and Chair of Personnel Committee to discuss the policies and seek views
8 November	Personnel Committee meeting

6.3 Trade union representatives have been unable to agree the policies with their members within the timetable set out above. However, at the meeting on 30 October, individual views of the full-time trade union officials from Unite, Unison and NEU were discussed and the policies have been amended to take account of their views.

6.4 A communication plan is being drawn up to communicate the revised policies, once agreed, to managers and employees. This will include:

- Daily news items to highlight the revised policies and who to speak to about any queries (i.e. their line manager or HR)
- Production of printed information for employees who do not have regular access to Council emails
- HR Partner/HR Officers will highlight the revised policies and their implications (for staff and managers) when they attend department management team meetings and 1-1 meetings with managers.
- Employees will be asked to confirm that they have read and understood the policies through NetConsent, the Council's policy management software which records compliance and can be used to flag up anyone who has not read the policies.

7. EQUALITY IMPACT ASSESSMENT

7.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 The policies reviewed in this report have been subject to an Equality Impact Assessment. No negative impacts on any employees with protected

characteristics have been identified. The Equality Impact Assessment is attached as Appendix I.

8. CONTRIBUTION TO STRATEGIC AIMS

- 8.1 The proposed policies support the achievement of a Council that is fit for the future.

9. LEGAL IMPLICATIONS

- 9.1 Certain employment policies and procedures are specifically needed to comply with legal requirements, for example, a written health and safety policy. Even where a policy or procedure is not specifically required by law, employers often find it helpful to have a policy in place to provide clear guidance that reflects the legal framework for handling the issue in question and it also helps employees to be clear about the organisation's stance on a particular subject. The proposed policies presented in this review reflect current employment law and ACAS Codes of Practice and/or guidance where relevant.
- 9.2 The Council's Constitution confirms that Personnel Committee is responsible for determining the terms and conditions on which staff hold office. The proposed policies will therefore be presented to Personnel Committee for approval, following consultation and negotiation with the trade unions.
- 9.3 It is also requested that Personnel Committee give delegated authority to the Head of HR and Organisational Development to make minor revisions to policies to ensure they are kept up to date, in consultation with the Lead Councillor for Corporate and Consumer Affairs, for example to reflect changes in job titles or departments names. Also to make changes relating to administration of systems once iTrent self-service is rolled out (e.g. to incorporate online sickness reporting when this replaces the paper-based system referred to in the Sickness Absence Management Policy).

10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications arising from this report.

11. BACKGROUND PAPERS

- ACAS Code of Practice on Disciplinary and Grievance Procedures - March 2015
- ACAS Code of Practice on handling in a reasonable manner requests to work flexibly - June 2014

APPENDIX A	Document Titles	Dates created/last reviewed
	Accommodation Allowance Scheme	Nov-15
	Acting up Arrangement Framework	Apr-07
	Additional Payment Policy	Jul-11
	Adoption Leave Scheme	Aug-15
	Annual Appraisal Framework	Nov-17
	Annual Leave - Buying	Mar-18
	Annual Leave Memo	Jun-12
	Annual Leave Scheme	Aug-02
	Anti-Fraud and Corruption Policy Statement	Aug-02
	Capability: Managing Poor Performance Procedure	Dec-07
	Capability: Managing Sickness Absence Procedure	Oct-06
	Car Allowance Scheme	Dec-11
	Code of Conduct - Employees	Nov-17
	Compassionate Leave Policy	Oct-03
	Compressed Hours Guidance	Nov-08
	Disciplinary Procedure and Rules	Oct-06
	Early retirement policy framework	Aug-15
	Employee Handbook	Jan-18
	Employee Wellbeing in the Workplace Policy	Jan-05
	Employment Stability Agreement	Mar-04
	Equal Opportunity in Employment Policy and Strategy	Aug-03
	Facilities Agreement	Aug-08
	Fixed Term Contracts Guidance and Policy Statement	Jan-16
	Flexible Retirement Policy	Nov-13
	Flexible Working - Right to Apply	Dec-10
	Flexible Workstyles Guidance	Nov-13
	Foster Carer Policy	Aug-15
	Grievance and Disputes Procedure	Oct-06
	Guidelines on Secondment and Joint Team Arrangements	Jul-08
	Harassment Policy and Procedure	Mar-02
	Incremental Progression Policy and Guidance	Apr-12

<u>Long Service Award Guidance</u>	Aug-02
<u>Managers' Guide to Employment References</u>	Dec-00
<u>Market Supplement Policy</u>	Apr-08
<u>Maternity Scheme</u>	Aug-15
<u>Maternity Support Leave Scheme</u>	Apr-03
<u>Organisational Change - Guidance and Support for Employees</u>	Sep-15
<u>Organisational Change - Managers Guide</u>	Nov-14
<u>Overtime Payment Policy</u>	May-11
<u>Parental Leave Scheme</u>	Sep-03
<u>Paternity Policy</u>	Aug-15
<u>Payment for working on a Bank/Statutory Holiday</u>	Apr-11
<u>Performance Related Progression Scheme</u>	May-10
<u>Policy and Guidance on the employment of reserve forces staff</u>	Jul-14
<u>Policy for the Safeguardng of Employee HR/Payroll Data & Records</u>	Aug-12
<u>Policy in the event of disruption to staff</u>	Dec-10
<u>Policy Procedure for Appointment of Casual Staff</u>	Jan-13
<u>Probation Scheme</u>	Jan-17
<u>Recruitment and retention of disabled people</u>	Jul-13
<u>Recruitment and Selection Policy</u>	Dec-14
<u>Reimbursement of Expenses Agreement</u>	Apr-15
<u>Relocation Scheme</u>	Nov-15
<u>Relocation Scheme for Overseas Social Workers</u>	Nov-15
<u>Shared Parental Leave Scheme</u>	Feb-15
<u>Shift/ Unsocial hours allowance model</u>	Jun-11
<u>Social Media Policy (written by Communications re. use of social media f</u>	Jul-10
<u>Standby and Call Out Scheme</u>	Jun-11
<u>Study Leave</u>	May-09
<u>Time off for treatment</u>	Jul-14
<u>Training and Development Policy</u>	Nov-98
<u>Transgender Policy</u>	Proposed
<u>Volunteers - Corporate Policy</u>	Jan-16
<u>Whistleblowing Policy</u>	Jul-14
<u>Work Life Balance Guidance</u>	Nov-07

[Working Time Regulations Policy Statement](#)

Feb-99

[Worklife Balance Policy](#)

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Disciplinary Policy

July 2018
(Draft for Discussion)



Document History	
Version	1.2 (see below)
Status	Draft for discussion
Date	July 2018
Target audience	All employees of Reading Borough Council with the exception of Schools-based staff, the Head of Paid Service, Section 151 Officer and the Monitoring Officer for whom alternative procedures apply
Ratification	None
Author	HR Employment Services Team

Version control	Reviewers
Version 1.1	Initial draft - January 2018
Version 1.2	Draft incorporating HR professionals feedback - March 2018
Version 1.3	Second draft incorporating comments of the Head of HR and Organisational Development - July 2018

Table of Contents

1. Objectives and scope	4
2. Responsibilities.....	4
3. Disciplinary offences... ..	5
4. The authority to take disciplinary action.....	5
5. Allegations against Trade Union representatives.....	6
6. Relationship with the Grievance Procedure.....	6
7. Informal management of disciplinary issues.....	7
8. Formal management of disciplinary issues	7
8.1 Investigating the facts	7
8.2 Suspension.....	8
8.3 Disciplinary meeting	8
8.4 Right to be accompanied.....	9
8.5 Disciplinary sanctions - misconduct and serious misconduct.....	9
8.6 Disciplinary sanctions - gross misconduct	10
8.7 Appeal.....	11
8.8 Referral to external bodies.....	12
Appendix A - Managing formal disciplinary action flow diagram.....	13

1. Objectives and scope

- 1.1 This policy applies to all employees of Reading Borough Council, including those on permanent, temporary or part-time contracts, job sharers, and individuals on non-standard terms of employment, with the exception of the Head of Paid Service, Section 151 Officer and the Monitoring Officer for whom separate procedures apply.
- 1.2 It does not apply to agency staff and interims and staff employed by schools who may be covered by separate terms and conditions relating to their employment.
- 1.3 The following policy will be applied fairly in all instances where disciplinary action is regarded as necessary by the Council's management.
- 1.4 The Council reserves the right to implement the policy at any stage as set out below, taking into account the alleged misconduct of an employee. Employees will not ordinarily be dismissed for a first disciplinary offence, except in cases of gross misconduct.
- 1.5 Where time limits are referred to in the course of this policy they may be varied by agreement between the employee and the Council.
- 1.6 The Council's **Code of Conduct** sets out clear advice on the standards expected of everyone who works for the Council, including casual workers, agency workers and self-employed consultants i.e. everyone who carries out work for or on behalf of the Council. The standards it sets out are consistent with the Councillors' Code of Conduct and the Values and Standards in Public Life included within the Nolan Committee Report 1996. All staff are expected to ensure that they have read and understand the Code of Conduct and if they have any questions, they should speak to their manager.

2. Responsibilities

2.1 Employees should:

- in addition to the Code of Conduct and other Council rules, make themselves aware of and understand any rules, procedures and standards applicable to their role and function
- maintain high standards of behaviour, attitude and conduct in keeping with the interests and standing of the Council at all times
- act with responsibility, judgement and good faith when doing their job
- carry out any reasonable instruction given by the Council's managers
- not bring the Council into disrepute

2.2 Additionally, managers should ensure that:

- all staff are aware of and understand any rules, procedures and standards applicable to their role and function
- induction, probation and supervision processes are applied appropriately and consistently in order to communicate the standards of conduct and behaviour expected

- employees are aware of the consequences of not complying with these rules, procedures and standards
- where necessary, ensure that guidance and training is given to employees to enable them to meet these standards
- they address any concerns with staff conduct promptly, explaining what the employee should do to improve, while keeping a record of what has been discussed
- if they consider it inappropriate to use informal methods, or if that approach has been unsuccessful, they should follow the formal stages of this policy

3. Disciplinary offences

3.1 Matters that the Council views as amounting to disciplinary offences include (but are not limited to) those listed below. In all cases an investigation will be conducted before further action is considered to establish the facts.

- Failure to comply with the Council's Code of Conduct
- persistent bad timekeeping;
- unauthorised absence;
- damage to the Council's property;
- failure to observe the Council's procedures;
- abusive behaviour;
- unreasonable refusal to follow an instruction issued by a manager or supervisor;
- poor attendance;
- data protection breaches and misuse of the Council's information;
- smoking or use of an e-cigarette in non-designated areas of the Council's premises;
- bribery offences under the Bribery Act 2010;
- bringing the Council into disrepute

4. The authority to take disciplinary action

4.1 The table in 4.2 details the 'designated officers' who are authorised to chair disciplinary meetings, suspend, issue disciplinary sanctions and hear appeals depending on their seniority.

Line manager

4.2 The immediate line manager or supervisor will be responsible for informal action and may be responsible for the investigation under the formal stages of this policy.

Table showing the 'designated officers' who are authorised to chair disciplinary meetings, suspend, issue disciplinary sanctions and hear appeals depending on their seniority

Disciplinary action in respect of:	A Director (other than Section 151 Officer and Monitoring Officer)	A Head of Service	All other employees
Investigate allegations	Head of HR and Organisational Development/ Chief Executive	Head of Service	An officer authorised by the Head of Service
Chair disciplinary hearing where dismissal is not a possible outcome	Sub Committee of Personnel Committee	Director	An officer authorised by the Head of Service
Chair disciplinary hearing where dismissal is a possible outcome	Sub Committee of Personnel Committee	Director	Head of Service
Chair appeal hearing	Sub Committee of Personnel Committee (with members not involved in the original hearing)	Chief Executive or a Director not previously involved in the case, Chair of Personnel Committee and one other member of Personnel Committee, or a substitute member(s)	Head of Service not previously involved in the case, Chair of Personnel Committee and one other member of Personnel Committee, or a substitute member(s)

5. Allegations against Trade Union representative

- 5.1 Where the Disciplinary Policy is to be applied to accredited trade union representatives, no formal action should be taken until the case has been discussed with a full-time trade union representative of the recognised trade union who is employed by the Council, or an official employed by the recognised trade union.
- 5.2 Removal from the workplace and/or suspension if necessary may occur without this prior discussion (as is the case for all other employees - see 8.2 below). The Head of HR and Organisational Development must be informed of these cases and the appropriate Designated Officer (see 4.2 above) must ensure the trade union official is informed as quickly as possible.

6. Relationship with the Grievance Procedure

- 6.1 A grievance raised by an individual in response to an investigation and/or management action into his or her alleged misconduct may be addressed in a number of ways, depending on the nature and timing of the grievance.
- 6.2 This could include:
- commissioning an independent investigation
 - considering both issues at the same time in a single disciplinary/grievance meeting
 - pausing the investigation/formal management action, while the grievance is heard

7. Informal management of disciplinary issues

- 7.1 Many potential disciplinary issues can be resolved by the line manager intervening at an early stage as part of their normal day-to-day responsibilities: 'A quiet word is often all that is required to resolve an issue' (ACAS Code of Practice).
- 7.2 In cases of minor breaches of discipline (e.g. lateness for work, careless mistakes, lack of attention to detail/instructions/procedures), the immediate line manager should discuss these concerns with the employee to ensure that the employee is:
- aware of the concerns
 - knows what is required to meet expected standards of conduct
 - made aware of the timescale over which an improvement is required
 - made aware of the consequences of not achieving the required standard
- 7.3 This is not a stage in the formal Disciplinary Policy. It is part of the standard day-to-day relationship between managers and the people they manage.
- 7.4 However, in certain circumstances it will be necessary for the discussion and improvement required to be confirmed in an 'improvement plan' letter, as it may become necessary to pursue the issue through the formal Disciplinary Policy if there is a re-occurrence or a failure to improve to the required standard.
- 7.5 The objective of the informal approach is to address minor misconduct, seeking improvement to the required standard. Where it becomes clear that the misconduct is more serious managers should consider taking formal disciplinary action under this policy.

8. Formal management of disciplinary issues

8.1 Investigating the facts

- 8.1.1 An employee's line manager will promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of the Council's policies or rules or may otherwise be a disciplinary matter. The employee will be informed in writing as soon as possible as to the fact of an investigation, the allegations being investigated and when it has been concluded.

- 8.1.2 Depending on the circumstances of the case, the employee may be invited to attend an investigation interview. If such an interview is held prior to a disciplinary hearing, the employee will be informed at the outset that the interview is an investigation interview. The Council allows employees to be accompanied to investigation meetings by a fellow employee or trade union representative.
- 8.1.3 If the allegations involve criminal behaviour and/or harm to vulnerable adults or children then HR advice must be sought before any action is taken.

8.2 Suspension

- 8.2.1 There may be instances where suspension with full pay is necessary while investigations are carried out. The Council has the right to suspend with pay where there are reasonable grounds for concern that evidence may be tampered with, destroyed or witnesses pressurised before the disciplinary hearing, or if there is a potential risk to the business or other employees or third parties in allowing the employee to remain at work. Such a suspension is precautionary; it is not disciplinary action in itself and does not imply any prejudgement of the outcome of the investigation.
- 8.2.2 Suspension will be confirmed in writing to the employee by their manager within five working days. The letter will confirm who the employee's point of contact will be for support during their period of suspension, including if they need assistance preparing their response to the allegations, and any restrictions on them attending their usual place of work.
- 8.2.3 The suspended employee must remain available to assist with, or participate in, the disciplinary process unless they have booked and agreed annual leave.

8.3 Disciplinary meeting

- 8.3.1 Where, upon completion of an investigation, there are reasonable grounds to believe that an employee has committed an act of misconduct, the employee will be invited to attend a disciplinary hearing. The hearing will be chaired by an appropriate 'designated officer' with the authority to take disciplinary action, as detailed in paragraph 4.2 of this procedure. The hearing manager will be advised by an HR professional and a note taker will also be present.
- 8.3.2 The Council will give the employee a minimum of five working days' advance notice of the hearing in writing. The letter will include the following details:
- the purpose of the hearing and that it will be held under the Council's Disciplinary Policy;
 - the employee's right to be accompanied at the hearing by a fellow worker or trade union official;
 - details of the nature of his/her alleged misconduct; and
 - provide to the employee all relevant information which will be relied upon during the hearing which should include statements taken from any fellow employees and/or the names of any witnesses that will be asked to attend.
- 8.3.3 The employee and their companion should make every effort to attend the hearing. Where the employee is unable to attend and provides a good reason for this, the

hearing will be adjourned to another day. Unless there are special circumstances mitigating against it, if the employee is unable to attend the rearranged hearing, it will take place in the employee's absence. The employee's fellow worker or trade union official may attend in such circumstances and will be allowed the opportunity to present the employee's case. The employee will also be allowed to make written submissions in such a situation.

- 8.3.4 Where the chosen companion is unavailable on the day scheduled for the hearing, it will be rescheduled, provided that the employee proposes an alternative time within five working days of the scheduled date. If an alternative date is proposed by the employee, it will not be unreasonably refused.
- 8.3.5 If the employee wishes to call witnesses to the hearing then he/she or their chosen companion must provide the names of any witnesses to the hearing manager at least three working days before the hearing. The employee or their chosen companion will be responsible for arranging the attendance of his/her witnesses. If the employee wishes to submit any documentary evidence to be considered at the hearing then he/she or their chosen companion must provide copies of this to the hearing manager at least three working days before the hearing.
- 8.3.6 At the hearing, the employee will be given a full explanation of the case against him/her. He/she will be permitted to set out his/her case and answer any allegations. The employee will also be given the opportunity to raise points about any information provided and to call his/her own witnesses.
- 8.3.7 The Council may adjourn the disciplinary proceedings if it appears necessary or desirable to do so (including for the purpose of gathering further information). The employee will be informed of the period of any adjournment. If further information is gathered, the employee will be allowed a reasonable period of time, together with his/her fellow worker or trade union official, to consider the new information prior to the reconvening of the disciplinary proceedings.
- 8.3.8 Following the meeting the Chair will decide whether or not disciplinary or any other action is justified. In all cases the outcome will be confirmed in writing to the employee within three working days of the meeting.

8.4 Right to be accompanied

- 8.4.1 Individuals have a statutory right to be accompanied at formal disciplinary hearings. The chosen companion may be a fellow worker, a trade union representative, or an official employed by a trade union. Reasonable adjustments may be needed for a worker with a disability (and possibly for their companion if they are disabled). For example the provision of a support worker or advocate with knowledge of the disability and its effect. The employee must tell the hearing manager who they have chosen as their companion at least three working days before the hearing.
- 8.4.2 The Council considers it is good practice to allow the chosen companion to participate as fully as possible in the meeting, including putting questions to witnesses if appropriate. However the companion will not answer questions on the individual's behalf, or to address the meeting if the individual does not wish it. The companion should also not have any conflicts of interest.

8.5 Disciplinary sanctions - misconduct and serious misconduct

- 8.5.1 Broadly, where misconduct is confirmed, it is usual to give the employee a **first written warning**. The letter confirming the first written warning will set out the nature of the offence(s) committed and inform the employee that further misconduct is liable to result in further disciplinary action under this policy. A first written warning will usually remain live for six months from the date it is issued. The letter will also confirm the employee's right to appeal (see below).
- 8.5.2 Where an employee commits a further disciplinary offence(s) after a first written warning has been issued and remains live, then a **final written warning** will be issued. As an alternative, consideration may also be given to extending the first written warning. A final written warning may also be appropriate for more serious cases of misconduct where the Council would consider dismissal if the misconduct was repeated, without having given a first written warning beforehand. A final written warning will usually be live for 12 months from the date it is issued. A longer period may be given in certain circumstances (e.g. misconduct verging on gross misconduct, where there has been a history of warnings or where there are health and safety implications). The letter confirming the final written warning will set out the nature of the offence(s) committed and inform the employee that further misconduct is likely to result in dismissal. The letter will also confirm the employee's right to appeal (see 8.7 below).
- 8.5.3 Where the employee has committed further acts of misconduct (these being acts of misconduct other than gross misconduct) following a final written warning which remains live, the employee may be **dismissed with notice or with pay in lieu of notice**. The letter confirming dismissal will set out the nature of the offence(s) committed and will also confirm the employee's right to appeal (see 8.7 below).

8.6 Disciplinary sanctions - gross misconduct

- 8.6.1 Gross misconduct is misconduct of such a serious and fundamental nature that it breaches the contractual relationship between the employee and the Council. In the event that an employee commits an act of gross misconduct, the Council will be entitled to terminate summarily the employee's contract of employment without notice or pay in lieu of notice.
- 8.6.2 The Council will treat seriously any employee who is charged with a criminal offence, although being charged with, or convicted of, a criminal offence away from work does not automatically lead to dismissal. It would depend on the offence, its seriousness and the effect on the employee's ability to continue in the job, or on the Council's credibility with the public.
- 8.6.3 Matters that the Council views as amounting to gross misconduct include (but are not limited to):
- Persistent and wilful refusal to carry out a reasonable management instruction
 - Serious or deliberate failure to comply with:
 - the Council's Code of Conduct for employees
 - Financial regulations and standing orders
 - Corporate or Directorate Safety Policies and Practices

- Physical violence, threats or assault of, or towards, a member of the public, service users, Council Members or staff
- Theft or attempted theft of cash or property belonging to the Council's service users, an employee of the Council or the Council itself
- Cash shortage by reason of negligence in relation to money within the employee's responsibility
- Serious or persistent acts of discrimination or harassment against employees, clients of members of the public on any grounds
- Conduct of a fraudulent nature, including falsification of time sheets, claim forms and persistent misuse of the flexitime scheme, time sheets and fraudulently recording arrival on behalf of other employees, or inappropriate application of the Council's services
- Wilful and irresponsible actions or omissions which would endanger people or property
- Conduct liable to cause serious loss of confidence in the Council or considered contrary to the interests of the Council, in addition to those mentioned in the Code of Conduct, this includes criminal offences outside of work, which may affect the continued performance of the employee's contract of employment
- Interference with, or misuse of, Council computer systems, hardware, software or data, in such a way as to threaten the continued operation, integrity or security of the Council's systems
- Unauthorised removal and use of Council property
- Sexual offences / misconduct at work
- Improper use of an official position for private gain, including seeking and accepting bribes
- Unauthorised use and/or disclosure of information relating to the Council's business, its members, staff or service users (contrary to the Code of Conduct)
- Serious failure to discharge obligations in accordance with statute or contract of employment
- Sleeping on duty unless expressly permitted
- Serious incapability through the result of the influence of alcohol or other drug misuse
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Serious insubordination
- Bringing the Council into serious disrepute
- Serious breach of health and safety rules
- A serious breach of confidence

8.7 Appeal

- 8.7.1 An employee may appeal against any disciplinary sanction imposed against him/her under the formal stage of this policy. The appeal will be heard by a senior manager who has not been involved in the decision to impose a warning on the employee, in line with the authority to take disciplinary action, as detailed in paragraph 4.2 of the Disciplinary Policy. If the appeal is against dismissal, the appeal will be heard by a panel comprising a senior manager who has not been involved in the decision to impose dismissal on the employee, the Chair of Personnel Committee and one other member of Personnel Committee or their substitute(s). The hearing

manager/panel will be advised by an HR professional and a note taker will also be present.

8.7.2 The employee must provide written notice of an appeal within five working days of receiving the written confirmation of the disciplinary sanction being imposed against him/her. The appeal should be sent to the manager who made the original decision. When lodging an appeal, the employee should state:

- the grounds of appeal; and
- whether he/she is appealing against the finding that he/she has committed the alleged act or acts of misconduct, or against the level of disciplinary sanction imposed, or both, or against the procedure not being followed correctly.

8.7.3 Appeal hearings will normally take place within 14 days of receipt of the employee's written notice of appeal. A guidance note for the process to be followed at the appeal hearing is available on the intranet. If the employee wishes to submit any documentary evidence to be considered at the appeal then he/she or their chosen companion must provide copies of this to the appeal panel at least three working days before the hearing.

8.7.4 The appeal manager/panel is obliged to consider any representations made by the employee and the employee's fellow employee or trade union official. They must also consider representations made by the manager who conducted the investigation and the manager who conducted the disciplinary hearing and imposed the disciplinary sanction. The appeal manager/panel must decide on the basis of both sets of representations, together with any subsequent facts that may have come to light, whether or not to uphold the disciplinary sanction. In the event that they find for the employee, all records of the disciplinary sanction shall be removed from the employee's record. In the event that the appeal manager/panel does not accept the representations made by or on behalf of the employee, they must uphold the disciplinary sanction.

8.7.5 Upon completion of the appeal, the appeal manager/panel will convey their decision to the employee. The decision will be confirmed in writing within three working days.

8.7.6 The outcome of the appeal is final. There is no further right of appeal.

8.8 Referrals to external bodies

8.8.1 The Council will comply with regulations that require it to refer formal disciplinary action taken under this policy to other relevant bodies as appropriate.

8.8.2 There is a statutory requirement for the Council to comply with the provisions of the Safeguarding of Vulnerable Groups Act 2006 when dismissing a member of staff working with children or vulnerable adults, where the dismissal has occurred on grounds of misconduct which harmed, or placed at risk of harm, a child or vulnerable adult.

8.8.3 Where an individual is dismissed in these circumstances (or would have been dismissed had they not resigned, retired, been made redundant or transferred to a post not involving regulated activity) and where the circumstances of the case

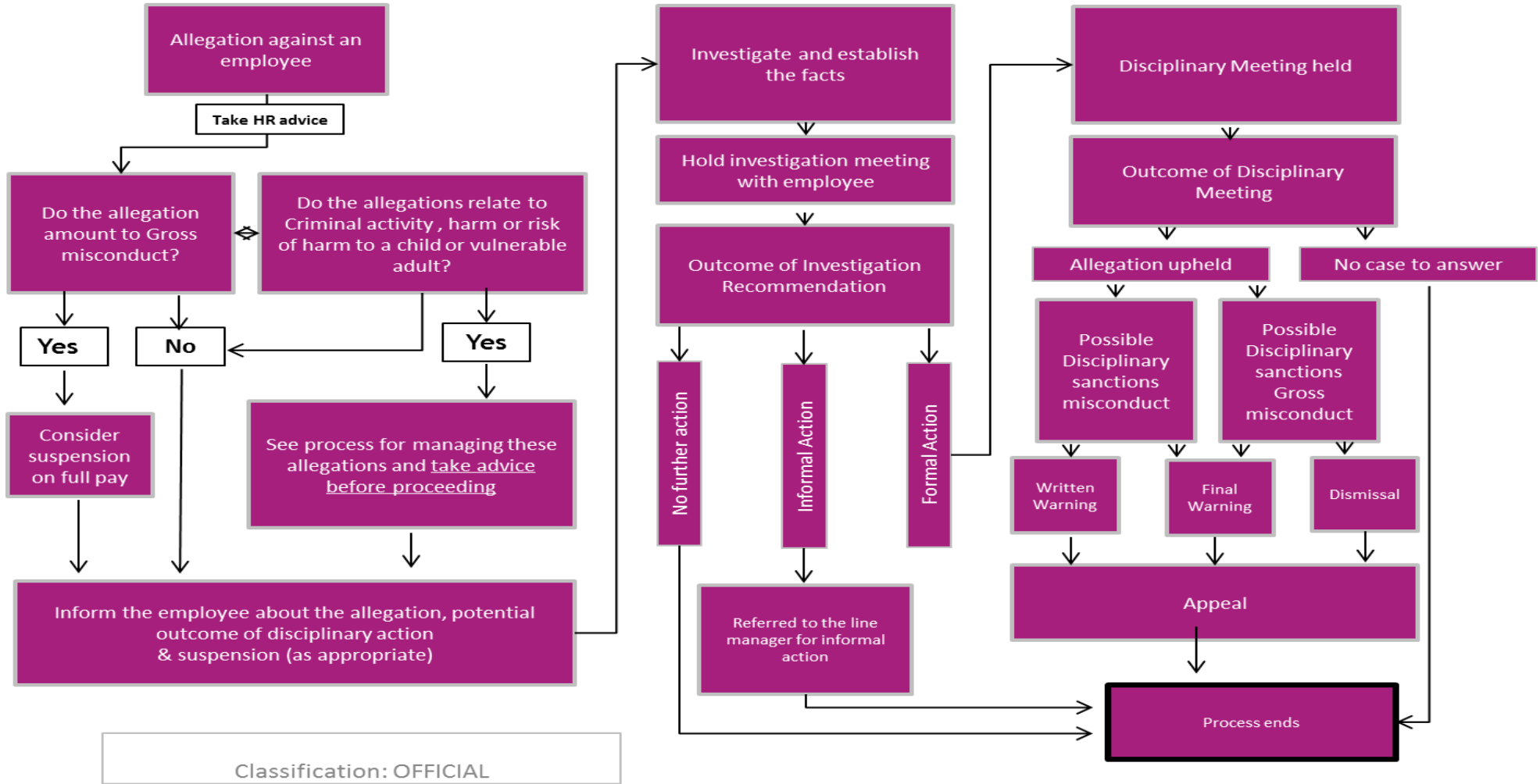
meet the relevant thresholds, the details of the case must be referred to the Disclosure and Barring Service (DBS). In certain circumstances it may be appropriate to refer the individual to the DBS before the disciplinary hearing has taken place.

- 8.8.4 Where a registered manager, social worker or occupational therapist is suspended or dismissed on grounds of misconduct or professional capability, his/her Head of Service must ensure that the Health Care Professions Council (HCPC) is notified.
- 8.8.5 Where adopted by schools and a teacher is dismissed (or would have been dismissed had they not resigned) on the grounds of misconduct which could be considered 'unacceptable professional conduct', the case should be referred to the National College of Teaching and Leadership (NCTL).

Appendix A

Managing Formal Disciplinary Action

Page 80



Classification: OFFICIAL

Grievance Policy

July 2018
(Draft for Discussion)



Document History	
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Author	Employment Services Team

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Version 1.1	Initial draft - January 2018
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Table of Contents

1. Objectives and scope	3
2. Relationship to other Council procedures	3
3. Informal resolution and mediation.....	4
4. Formal Action	4
4.1 The right to be accompanied	5
4.2 The grievance meeting	5
4.3 Grievance appeal.....	6
5. Collectives grievances.....	7
References.....	8

1. Objectives and scope

- 1.1 Reading Borough Council (the 'Council') is committed to providing a working environment where everyone is treated with fairness, dignity and respect. This policy provides a framework for assisting employees and managers in seeking to resolve disputes and/or differences arising from employment within the Council. These matters will be resolved fairly and without undue delay, either informally or formally.
- 1.2 Grievances may be concerned with a wide range of issues, including the allocation of work, working environment or conditions, the opportunities that have been given for career development or the way in which an employee has been managed. Line managers must respond to issues raised in a timely way. In most cases grievances can be resolved informally by the manager and individual concerned. The Council encourages all the parties to a grievance to look proactively for a positive resolution.
- 1.3 If two or more employees have identical grievances and wish them to be addressed in the same grievance process, they can raise a collective grievance. Collective grievances will be dealt with under this policy, with reference to the provisions in section 5 below.
- 1.4 The formal policy is for use in situations where it is not possible to resolve issues informally or through the use of mediation. The Council expects all such cases to be dealt with fairly, consistently and without undue delay.
- 1.5 This policy applies to all employees of Reading Borough Council, including those on permanent, temporary or part-time contracts, job sharers, and employees on non-standard terms of employment, with the exception of the Chief Executive, where the provisions of the JNC for Local Authority Chief Executives Conditions of Service Handbook would apply. Nor does it apply to agency workers or interims. There is no requirement to consider grievances raised by former employees. However, the Council may choose to investigate these on a case by case basis.
- 1.6 Issues that are the subject of collective negotiation or consultation with the recognised trade unions will not be considered under the Grievance Policy.

2. Relationship to other Council policies

- 2.1 This policy is not intended to add another layer to Council decision making or to challenge actions and/or decisions taken under other policies or procedures. The Grievance Policy will not apply where there is an alternative mechanism for concern(s) to be addressed. These include:
- Job Evaluation Appeals
 - Recruitment decisions
 - Disciplinary, Sickness and Capability Procedure outcomes
 - Application of pension scheme rules
 - Probation
 - Service restructures resulting in redundancy

- 2.2 The Council's Bullying and Harassment Policy provides for a complaint of bullying or harassment to be registered as a formal grievance under this policy. Allegations of bullying or harassment often need to be handled quite differently and further guidance is available within the Bullying and Harassment Procedure.
- 2.3 The Council has a Whistle-blowing Policy for raising concerns about any alleged wrongdoing in the workplace such as fraud or corruption, unlawful acts or dangers to health and safety. Matters raised under the Whistle-blowing Policy may more appropriately be dealt with as a grievance (and potentially vice versa). Whether allegations are more appropriately dealt with under the Whistle-blowing or Grievance Policy is a management decision. There is no right of appeal against that decision.
- 2.4 A grievance raised by an employee in response to an investigation and/or management action into his or her apparent misconduct, underperformance or absence may be addressed in a number of ways, depending on the nature and timing of the grievance. This could include:
- Commissioning an independent investigation
 - Hearing both issues at the same time in a single hearing
 - Pausing formal management action while the grievance is considered.

3. Informal resolution and mediation

- 3.1 The Council encourages informal resolution of grievances in the first instance and the use of mediation where appropriate as an alternative to formal grievance meetings.
- 3.2 Formal grievances by their nature, involve two parties presenting alternative and conflicting perceptions and potential resolutions. This can result in an unsatisfactory outcome(s) for one or both parties and leave unresolved relationship issues which can continue to be problematic, for not just the parties concerned but their teams and colleagues as well.
- 3.3 Mediation is a collaborative process which can help repair the relationship of the parties involved and in doing so restore a healthier work environment. It is an entirely voluntary and confidential process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator facilitates the process of seeking to resolve the problem but not the outcome.
- 3.4 Mediation may also be appropriate at any time during the Grievance Policy (by halting proceedings, by mutual consent) or at the end, if working relationships need to be repaired.

4. Formal action

- 4.1 The first stage is for the employee to put their complaint in writing to their line manager. If the grievance is about the employee's line manager the grievance should be submitted to the line manager's manager or to HR. Receipt of the grievance will be acknowledged within five working days.

- 4.2 Any grievance must be lodged within three calendar months of the date of the act complained of. Extension of this time limit will only be agreed where the manager designated to chair the grievance meeting accepts that it was not reasonably practicable for the employee to lodge the grievance in time.
- 4.3 The written grievance will form the basis of the subsequent hearing and any investigations, so it is important that it sets out clearly the nature of the grievance and the outcome being sought. If the grievance is unclear, it may be necessary to seek further clarification from the employee before any meeting takes place.
- 4.4 Before proceeding to a grievance meeting, it may be necessary to carry out investigations of any allegations made, although the confidentiality of the grievance process will be respected, wherever possible. If any evidence is gathered in the course of these investigations, the employee will be given a copy at least three working days before the meeting so that he/she can consider their response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to the employee and an appropriate summary of the evidence gathered will be provided to them.
- 4.5 Normally a manager from within the employee's service area will be designated to investigate the grievance and chair the grievance meeting.

The right to be accompanied

- 4.6 Employees have a statutory right to be accompanied to a formal grievance meeting. The chosen companion may be a fellow worker, a trade union representative, or an official employed by a trade union. The employee must tell the manager chairing the meeting who they have chosen as their companion at least three working days before the meeting. Reasonable adjustments will be made where needed if the employee has a disability. This could include, for example, the provision of a support worker or advocate with knowledge of the disability and its effect.
- 4.7 The meeting can be rearranged if the employee or their companion cannot attend the scheduled meeting for a reason not foreseeable at the time. The employee or their representative must propose an alternative date that is within five working days of the original date of the meeting. The Council is obliged to rearrange the meeting only once, however, if an alternative date is proposed by the employee, it will not be unreasonably refused.
- 4.8 The Council considers it is good practice to allow the chosen companion to participate as fully as possible in the meeting, including putting questions to any witnesses who may be asked to attend if appropriate. However the companion will not answer questions on the employee's behalf, or address the hearing if the employee does not wish it.
- 4.9 If the employee is not accompanied, the manager will check the employee understands that they have the right to be. If they decline to be accompanied, a note will be made to that effect.

The grievance meeting

- 4.10 The manager designated to chair the grievance meeting (“the Chair”) will investigate the matter promptly. The employee will be invited to attend a meeting to discuss the grievance, once the Chair has had a reasonable opportunity to consider how best to investigate the grievance. The Council will give the employee a minimum of five working days' advance notice of the hearing in writing, and the letter will include the date, time and location of the meeting. The manager chairing the meeting will be advised by an HR professional and a note taker will also be present.
- 4.11 The intention of the grievance meeting is that it should be an opportunity for discussion and dialogue, with the objective of seeking to fully understand the nature of the grievance and then to find a resolution.
- 4.12 There is no set format for this meeting. The Chair may choose to meet with the employee on more than one occasion and consider any supporting information provided. This may include the opportunity to meet together with the employee and the person the grievance is against, at the same time if the Chair considers it appropriate. They may need to adjourn the meeting if they need to investigate further, including interviewing potential witnesses and exploring alternative possibilities for resolution of the grievance.
- 4.13 While the employee will be given every opportunity to explain their case fully, they should confine their explanation to matters that are directly relevant to their complaint. Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of the complaint. The manager conducting the hearing will intervene if he/she thinks that the discussion is straying too far from the key issue. The manager may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.
- 4.14 After due consideration, the Chair may dismiss or uphold the grievance or elements of the grievance. They may also, if evidence indicates a breach of the Council’s Code of Conduct or other Council policies, decide that it may be more appropriate to deal with the issue(s) under the Council’s Disciplinary Policy.
- 4.15 Where possible, the Chair will meet the employee, and where appropriate the individual the grievance is against, either separately or together, to inform them of the decision and if applicable, outline any proposed action(s) that will be taken. Mediation may be appropriate at this stage (see above).
- 4.15 The Chair will confirm their decision in writing, within three working days. This letter will also confirm the employee’s right to appeal if they remain dissatisfied with the outcome.

Grievance appeal

- 4.16 If the employee remains dissatisfied with the outcome of the grievance meeting, they can appeal in writing to the manager who conducted the initial grievance meeting, within five working days of receiving the written outcome. They should clearly state the grounds of the appeal, i.e. the basis on which they say that the result of the grievance was wrong or that the action taken as a result was inappropriate.

- 4.17 The chair of the appeal meeting should be more senior to the manager who heard the grievance and will have had no prior involvement. Normally this would be a Service Head or Director. The chair will be advised by an HR professional and a note taker will also be present.
- 4.18 The chair will make arrangements for a meeting to be convened as soon as reasonably practical. They will write to the employee confirming arrangements for the hearing, giving a minimum of five working days' notice, including details of the date, time and location of the hearing and the employee's right to be accompanied by a trade union representative or work colleague.
- 4.19 The employee should ensure that they attend the meeting at the specified time. If the employee is unable to attend because of circumstances beyond their control, they should inform the manager hearing the appeal of this as soon as possible. If the employee fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.
- 4.20 The purpose of the appeal is to consider the grounds of appeal; this could for example be to determine if the previous decision was sound, to consider any new facts that have come to light since the meeting and/or to judge reasonableness of the process, such as the thoroughness of the investigation.
- 4.21 The decision at the appeal stage will be confirmed in writing to the employee within three working days of the hearing. It may also be appropriate to consider mediation at this stage (see above).
- 4.22 The outcome of the appeal is final. There is no further right of appeal.

5. Collective grievances

- 5.1 All colleagues raising a collective grievance must agree (without any pressure being exerted on staff members to join the collective process) to deal with the concern as a collective grievance. All participating colleagues will be entitled to only one grievance hearing and (if applicable) one appeal hearing. All participating colleagues will be notified individually of the outcome at each stage of the process. If all the colleagues do not entirely voluntarily agree to this arrangement, or if their grievances are not identical, the Council will arrange to hear their grievances on an individual basis.
- 5.2 If the participating colleagues are all members of the same trade union, the trade union representative can (if all colleagues wish him or her to do so) raise the grievance on their behalf. Alternatively, the participating colleagues can agree to nominate one of them to act on behalf of everyone. If there is no one nominated representative, the participating colleagues will be entitled to address concerns individually at the grievance hearing, but they will have no additional right to be accompanied beyond having their participating colleagues present. If the colleagues wish to be represented by their trade union representatives on an individual basis, the Council will arrange to hear their grievances individually.
- 5.3 When submitting a collective grievance, the written complaint should be headed "Formal collective grievance". The grievance can be submitted on one document, but it must:

- identify each colleague who wishes to raise the grievance;
- identify any nominated trade union representative or colleague who represents everyone;
- confirm that all employees have voluntarily consented to have the grievance considered collectively; and
- confirm that everyone understands that the grievance will give each colleague the right to only one collective grievance meeting, one identical outcome and (if applicable), one appeal meeting and one identical appeal outcome.

5.4 The grievance meeting and the grievance appeal meeting (if there is one) will be conducted in the same way as for an individual grievance meeting, with the exception of arrangements for representation (as detailed in paragraph 5.2).

References

ACAS - Code of Practice on Disciplinary and Grievance Procedures

<http://www.acas.org.uk/media/pdf/f/m/Acas-Code-of-Practice-1-on-disciplinary-and-grievance-procedures.pdf>

ACAS - Disciplinary and Grievance at work

<http://www.acas.org.uk/media/pdf/9/g/Discipline-and-grievances-Acas-guide.pdf>

ACAS and CIPD Joint Guide - **Mediation: an approach to resolving workplace issues**

https://www.cipd.co.uk/Images/mediation-an-approach-to-resolving-workplace-issues_2013_tcm18-10808.pdf

Managing Sickness Absence Policy

August 2018
(Draft for discussion)



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Author	HR Employment Services Team

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Table of Contents

1. Objectives and scope	4
2. Responsibilities.....	4
3. Health and wellbeing	6
4. Notification and evidence of sickness absence.....	7
5. Sick pay.....	7
6. Sickness absence and annual leave.....	8
7. Medical appointments.....	9
8. Return to work interview.....	9
9. Pregnancy related absence.....	10
10. Disability related absence.....	10
11. Occupational Health.....	11
12. Formal sickness absence	12
13. Triggers.....	12
14. Attendance review meetings.....	12
15. Attendance warnings.....	14
16. Attendance management hearing.....	14
17. Appeal.....	16
18. Managing long term sickness.....	16
19. Redeployment on medical grounds.....	17
20. Ill health retirement.....	17
Appendix A - Managing short term sickness absence flow diagram.....	20

1. Objectives and Scope

- 1.1 The Council recognises that there will be occasions when individuals will be prevented from attending work through ill health. By implementing this policy, the Council aims to strike a balance between the pursuit of its operational needs and the genuine need of employees to take time off work because of ill health.
- 1.2 The objective of this policy is to ensure that sickness absence is managed in a timely, effective, fair and consistent manner across the Council. It aims to encourage all employees to maintain good attendance at work, and for managers to provide a supportive work environment.
- 1.3 This policy applies to all those working for the Council, including those on permanent, temporary or part-time contracts, job sharers, and individuals on non-standard terms of employment.
- 1.4 It does not apply to employees in their probationary period of service (covered by the Probation Scheme) and staff employed by schools who may be covered by separate terms and conditions relating to their employment.
- 1.5 If the Council suspects there to be misconduct then the Council's Disciplinary Policy will apply. For example if:
 - the absence is not genuine or not for the reason provided;
 - the employee is undertaking inappropriate activities while off sick, such as carrying out work for another organisation; or
 - the correct sickness absence notification and evidence procedure has not been followed.
- 1.6 This policy does not form part of employees' terms and conditions of employment and may be subject to change.

2. Responsibilities

2.1 Employees should:

- if they are unable to attend work because of ill health, notify their manager by telephone as soon as reasonably practicable, preferably before they are due to start work and in any event no later than one hour after they are due to begin work;
- continue to notify and keep in touch with their manager while unable to attend work;
- be prepared to give their manager a clear reason (i.e. the nature of the illness or injury) why they cannot attend work, and estimate how long they think the absence will last;
- complete a sickness report form on their return to work and provide medical evidence for sickness of more than seven calendar days;
- attend a return to work interview with their manager each time the employee returns from a period of sickness absence;
- be open with their manager about the reasons for their absence, to give the manager the opportunity to provide support where possible;

- tell their manager of any extenuating circumstances, for example personal or family problems or an unmanageable workload;
- bear in mind that the Council may seek a medical report, for example from the employee's doctor or the Council's Occupational Health Adviser; and
- cooperate with the Council with regard to the possible implementation of any adjustments to job duties, hours or working conditions, particularly those suggested by a doctor or Occupational Health.

2.2 Line managers should:

- take responsibility for managing their employee's attendance and absence;
- maintain a proper record of each employee's sickness absences by completing the required reporting form and recording every period of absence for their employees;
- require the employee to complete a sickness report form on their return to work and require the employee to provide medical evidence for sickness of more than seven calendar days;
- conduct a return to work interview each time the employee returns from a period of sickness absence;
- speak to the employee about the absence and the reason for it in a fair and factual way;
- be supportive towards the employee and, where appropriate, seek to identify ways in which to assist the employee to improve his/her attendance in the future, making it clear that continuing frequent absences from work are unacceptable;
- be alert to patterns of absence, for example frequent absences on Fridays or Mondays, or immediately before or after public holidays;
- try to establish any underlying reasons for frequent absences and, where the underlying cause is identified, take steps to help the employee to manage the cause;
- seek medical advice, if appropriate, to determine whether or not there is any underlying medical cause for the employee's frequent absences;
- be sensitive when absences are caused by personal or family problems;
- check whether or not the employee's absences are in any way work related, for example as a result of workplace stress;
- bear in mind that the Council can seek a medical report on an employee, for example from the employee's doctor or the Council's Occupational Health Adviser to assist in managing the situation;
- ensure that confidential records of all absences, including discussions and medical certificates are sent to HR for the employee's personal record file;
- be aware of the potential for discrimination when managing absence, particularly where the employee's ill health is related to pregnancy or disability;
- keep in mind the Council's duty to make reasonable adjustments for disabled people when managing absence; and
- consult with the HR and Occupational Health if unsure about anything or special circumstances arise, for example if it appears that the employee may have a disability.

3. Health and Wellbeing

- 3.1 The Council recognises its responsibility for employee wellbeing as detailed in the Employee wellbeing in the workplace policy.
- 3.2 The Council seeks to support and encourage employees to take responsibility for their own health and wellbeing and provides a number of resources to support this.
- 3.3 The Council also recognises that mental wellbeing is a significant cause of absence and acknowledges the need for a clear corporate approach to supporting this. The Council has a number of resources on its Stress and Well-Being Resources for Individuals intranet pages. Employees should speak to their manager or HR if they do not have access to these pages at work.
- 3.4 Information on a number of health and wellbeing initiatives can be found on the Health and Wellbeing Pod intranet pages. These pages include a comprehensive list of external links to health organisations, links to fitness apps and health information web sites, information on the cycle to work scheme and a calendar of regular healthy events across the Council such as five-a-side football, fitness classes and running groups.
- 3.5 In addition to health and wellbeing initiatives, the Council encourages a healthy work-life balance and offers various options with regards to flexible working (where possible) to those who request it. Further information is available on the Work life balance Pod
- 3.6 The Council's Employee Assistance Programme (EAP) provides free, confidential telephone counselling and support and is available 24/7. Telephone 0800 282193 (minicom 0800 0854739) and quote username 'RBC' and password 'Readingx'. Support is also available online at www.ppconlineinfo.com.

4. Notification and evidence of sickness

- 4.1 On the first day of sickness absence, the employee must inform his/her manager as soon as reasonably practicable that he/she will not be working because of illness or injury. The employee should notify his/her manager of non-attendance by telephone before he/she is due to start work and in any event no later than one hour after he/she is due to begin work. If the employee's manager is unavailable, the employee should contact their line manager's manager or another manager within the department.
- 4.2 The employee should provide a clear reason (i.e. the nature of the illness or injury) why he/she cannot attend work, and estimate how long he/she thinks the absence will last. The employee should also be prepared to discuss briefly any consequences of his/her absence, for example if customer appointments need to be cancelled or any essential work needs to be covered.
- 4.3 Notification of sickness absence must be via telephone, rather than text message, email or social media. In exceptional circumstances where the employee is unable to telephone (for example, because of hospitalisation), another person such as a friend or relative can contact the Council on his/her behalf.

- 4.4 If an employee comes to work, but needs to leave during the day because of ill health, he/she should inform his/her manager before leaving work. If the manager is unavailable, the employee should inform the next most appropriate person within the department.
- 4.5 Sickness absence that begins part way through the day will count as one full day's sickness absence if the employee leaves before completing 50% of his/her working day. Where sickness absence begins after the employee has completed 50% of his/her working day, this should be recorded as half a day's absence.
- 4.6 For each subsequent sick day after the first day of absence, the employee should generally telephone his/her manager as soon as reasonably practicable in the morning. However, managers should use their discretion and can agree different arrangements with the employee, for example if the employee is hospitalised.
- 4.7 The first seven calendar days of sickness can be self-certificated. If the employee's sickness lasts for eight calendar days or more, the employee must provide a fit note from his/her doctor as soon as possible. A doctor's fit note may state that the employee:
- is "not fit for work", in which case the employee should remain off work; or
 - "may be fit for work", if the doctor's recommendations are followed (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations).
- 4.8 While there is no legal obligation on the Council to follow the recommendations, managers should take what the employee's doctor has written seriously and give fair consideration - in consultation with the employee, HR and Occupational Health - as to whether or not any of the changes recommended by the doctor can be accommodated.

5. Sick pay

- 5.1 The Council operates a contractual sick pay scheme that is more generous than statutory sick pay (SSP). The amount of sick pay that employees receive will be based on their length of continuous local government service as follows:

During 1 st year of service	1 month's full pay and (after completing 4 months' service) 2 months' half pay
During 2 nd year of service	2 months' full pay and 2 months' half pay
During 3 rd year of service	4 months' full pay and 4 months' half pay
During 4 th & 5 th years of service	5 months' full pay and 5 months' half pay
After 5 years' service	6 months' full pay and 6 months' half pay

- 5.2 The Council reserves the right to withhold or suspend sick pay under its contractual sick pay scheme at its discretion. Circumstances in which contractual sick pay may be withheld include where:

- the employee has failed to comply with the Council's sickness absence notification and evidence requirements;
- the employee refuses to attend a medical examination at the reasonable request of the Council;
- the employee's incapacity has been caused by any other occupation he/she has;
- the employee makes or produces any misleading or untrue statement or document concerning his/her fitness to work;

5.3 The employee will normally be entitled to receive SSP when contractual sick pay is withheld or suspended, although the Council can withhold or suspend SSP if it is not satisfied that the employee is ill, and no evidence of sickness is provided. Employees will be given written notice if their SSP or contractual sick pay is being withheld or suspended.

5.4 Sick pay under the Council's scheme is subject to the usual deductions for PAYE, national insurance, pension contributions, etc.

6. Sickness absence and annual leave

6.1 Where an employee falls sick or is injured while on holiday, the Council will allow the employee to transfer to sick leave and take replacement holiday at a later time. This policy is subject to the following strict conditions:

- The total period of ill health must be fully certificated by a qualified medical practitioner.
- The employee must contact their line manager (by telephone if possible) as soon as he/she knows that there will be a period of sickness during a holiday.
- The employee must submit a written request no later than ten days after returning to work setting out how much of the holiday period was affected by sickness and the amount of leave that the employee wishes to take at another time.
- Where the employee is overseas when he/she falls ill or is injured, evidence must still be produced that the employee was ill by way of a medical certificate.

6.2 Where the employee fulfils all of the above conditions, the Council will grant the employee the same number of days' replacement annual leave as the number of leave days lost due to sickness or injury.

6.3 An employee who is absent on sick leave will continue to accrue his/her contractual holiday entitlement and will be given the opportunity to take this at a later date, including in the subsequent leave year, if he/she does not take his/her contractual leave entitlement due to being on sick leave.

6.4 An employee on sick leave may apply to take his/her holiday entitlement while on sick leave. The holiday dates must be approved in accordance with the procedure set out in the Council's Annual Leave Policy.

7. Medical appointments

- 7.1 Employees should endeavour to arrange medical appointments in their own time (e.g. outside flexi time core hours of 10am to 12pm and 2pm to 4pm). If this is not possible, appointments should be made at times that will cause the minimum amount of absence from work or inconvenience to the Council.
- 7.2 Provided that the employee gives his/her line manager reasonable notice of the date and time of an appointment, time off with pay will normally be granted.
- 7.3 Where time off for medical appointments becomes frequent or regular, or starts to cause difficulties for the employee's department, the line manager has the discretion either to require the employee to make up for the time off by working extra time on another occasion, or to grant any further time off without pay.
- 7.4 Employees must obtain approval from their line manager in advance of any appointment. The line manager reserves the right to ask the employee to reschedule an appointment if its timing would cause disruption to the Council's business. The line manager may also, at his/her discretion, ask the employee to produce confirmation of the appointment.
- 7.5 Employees who are pregnant have the statutory right not to be unreasonably refused paid time off work for antenatal appointments where the employee's attendance has been recommended by a registered medical practitioner, midwife or nurse. Paid time off in such circumstances will automatically be granted, although employees should endeavour to arrange appointments outside working hours. Nevertheless, the employee should give reasonable notice of the date and time of the appointment to his/her line manager where possible and the line manager will still have the right to request to see the confirmation of the employee's second appointment and any subsequent appointments.
- 7.6 A prospective father, or partner of a pregnant woman, has the statutory right to take unpaid time off to attend up to two antenatal appointments.

8. Return to Work Interview

- 8.1 On the first day back at work after any period of sickness absence, the employee's line manager will arrange to meet informally with the employee.
- 8.2 If this is not possible on the employee's first day back (for example, for operational reasons or because the manager is not available), the informal meeting should take place as soon as reasonably practicable.
- 8.3 The return to work interview should take place in a private place, and all discussions between the employee and the manager should be private and confidential.
- 8.4 The line manager should:
- welcome the employee back to work;

- explain to the employee that the purpose of return to work interview is to manage and monitor employees' absence and attendance to identify any problem areas and offer support where appropriate;
- ask the employee to complete the sickness report form;
- ask the employee about the reasons for his/her absence, ensuring that the question is asked in a supportive way without any suggestion that the employee is "to blame" for the absence;
- ask the employee whether or not he/she has consulted a doctor or attended hospital;
- if the employee's sickness lasts for eight calendar days or more, ensure that the employee has provided a fit note from his/her doctor, and this has been passed on to HR; and
- inform the employee if he/she has hit a trigger point, and the consequences of having done so (see section 13 below).

8.5 The line manager should complete the return to work interview section of the sickness report form and ask the employee to sign and date it also. The completed form should be sent to HR to file on the employee's personal record file. It is very important that the manager completes this form each time the employee returns to work so that the Council can keep track of the employee's pattern of absence.

8.6 There may be occasions when the underlying reasons for the employee's absence are not easily classifiable. For example, the employee may have more than one health condition, or the employee may have been feeling unwell because of a bereavement. If there is any doubt as to the reasons for the employee's absence, the manager should consult HR to determine the most appropriate reason for the absence record.

9. Pregnancy-related absences

9.1 Pregnant employees who are off work because of pregnancy-related ill health must abide by the Council's sickness absence reporting procedure. For example, a pregnant employee is subject to the usual notification and evidence requirements, and will be asked to attend a return to work interview when returning to work.

9.2 However, any sickness absence by a pregnant employee for a pregnancy-related reason should not be included when checking to see if the need for formal action under this policy has been triggered.

9.3 If the manager is in any doubt as to whether or not a pregnant employee's absence is related to her pregnancy, the manager should contact HR or Occupational Health for clarification.

10 Disability-related absence

10.1 Where an employee gives as the reason for absence an underlying health issue that could amount to a disability under the Equality Act 2010, the manager must seek advice from HR, who may advise that referral to Occupational Health is appropriate. This includes where the employee states that he/she is suffering from stress.

- 10.2 Managers should remember that the Council is under a duty to make reasonable adjustments for disabled employees. Where the absence is wholly or partly for a disability-related reason, the trigger points referred to in this policy may need to be modified to take proper account of the employee's disability, and other adjustments to the procedures set out in this policy may need to be made. If in doubt, the manager should contact HR for clarification.

11. Occupational Health

- 11.1 Occupational Health (OH) is a branch of medicine which specialises in the relationship between work and health. It is an advisory service, and provides advice to both employees and employer. Its main objectives are:

- To identify and help prevent illness caused by work
- To advise on the fitness of an employee to do their job
- To improve and maintain the health of the workforce to the mutual benefit of both employee and employer

- 11.2 The OH Adviser is an independent, objective specialist assessing and advising on what appears best for both employee and employer in relation to an individual's health and their work. They will sometimes seek a report from the employee's GP before offering advice.

- 11.3 It may be appropriate to seek OH advice in the following circumstances:

- Where an employee advises their manager that they have been diagnosed with a condition or disability that may impact on their attendance or performance at work
- If an individual has been or is likely to be unable to work for a period of four weeks or more and there is a need to understand from a medical perspective the likely duration and prognosis, and if any adjustment would facilitate a return to work.
- If an individual has had frequent short term periods off work and agrees at an Attendance Review Meeting with the manager to a referral to OH. The purpose of the referral would be to understand if there are any underlying medical conditions which could affect attendance.
- If an individual produces a Fit Note for a return to work with adjustments recommended by their GP and the manager needs advice and guidance on accommodating or making those adjustments.
- In cases of long term ill-health OH can advise on the appropriateness of medical retirement.

- 11.4 Ultimately it is a matter for the responsible manager to decide how the Council responds to OH advice and whether any advice is implemented, particularly in relation to determining job adjustments.

- 11.5 Where an individual refuses to attend a medical assessment, or refuses to give consent for the Council to receive a summarised report of the medical assessment, a decision will be made on the basis of the information available.

12. Formal sickness absence

- 12.1 Many of the mechanisms for managing sickness absence are common to both short and long term sickness. Some actions like ill-health retirement apply only to long term sickness absence, as outlined in section 20.
- 12.2 Almost all individuals will be absent at some point in their employment for short periods due to colds, seasonal flu, viruses, etc. These periods should be recorded in the normal way (see section 4 above) but will warrant no other action.
- 12.3 Managers are responsible for recognising however, when repeated short bouts of absence are impacting on service provision and they must address the potential underlying issues in a timely manner. This should be managed in a systematic and professional way escalating to each stage where appropriate. To facilitate this, managers will need to be pro-active and attentive to the reasons for absence and ensure adequate Return to Work Interviews are held each time the employee returns to work.

13. Triggers

- 13.1 The following triggers should prompt the manager to examine an employee's absence record and consider if an Attendance Review Meeting should be held:
- Ten or more days absence in the last 12 months
 - Three or more occasions of absence in the last three months
 - Other patterns e.g. on Fridays/Mondays or before or after bank holidays or regularly after rest days for those who work shifts.
- 13.2 Managers should give full consideration to each individual's circumstances and the nature of their absences. For example, managers may modify these triggers having reviewed an individual's personal circumstances related to their disability.

14. Attendance Review Meetings

- 14.1 Attendance Review Meetings are formal meetings with the line manager and the employee to discuss absence. They are common to both managing short and long term absences. During long-term sickness absence (including absence related to a disability) an Attendance Review Meeting should be arranged every four to six weeks, keeping particular medical/personal needs in mind.
- 14.2 An Attendance Review Meeting should be held where a pattern of short term absence has become a cause for concern or if there has been no improvement since the last such meeting. It is also the place to formally consider reasonable adjustments, medical reports or other matters which directly or indirectly impact the attendance of an employee.
- 14.3 An invite to an Attendance Review Meeting must be in writing giving a minimum of five working days' notice, with the letter setting out the date, time and location of the meeting and it must state that the employee has the right to be accompanied by a Trade Union representative or workplace colleague. It is the responsibility of individual employees to arrange representation and if this cannot be arranged within the timescales set out above, and there are no extraordinary or mitigating

circumstances, then the line manager should proceed with the scheduled meeting. Reasonable adjustments may be needed for a worker with a disability (and possibly for their companion if they are disabled). For example the provision of a support worker or advocate with knowledge of the disability and its effect. The employee must tell the manager chairing the meeting who they have chosen as their companion at least three working days before the meeting.

- 14.4 The employee and their companion should make every effort to attend the hearing. Where the employee is unable to attend and provides a good reason for this, the hearing will be rescheduled to a later date. Unless there are special circumstances mitigating against it, if the employee is unable to attend the rearranged hearing, it will take place in the employee's absence. The employee's fellow worker or trade union official may attend in such circumstances and will be allowed the opportunity to present the employee's case. The employee will also be allowed to make written submissions in such a situation.
- 14.5 Where the chosen companion is unavailable on the day scheduled for the hearing, it will be rescheduled, provided that the employee proposes an alternative time within five working days of the scheduled date. If an alternative date is proposed by the employee, it will not be unreasonably refused.
- 14.6 The Attendance Review Meeting will always be held somewhere private and enough time should be scheduled to discuss the issues at hand. The manager will be advised by an HR professional.
- 14.7 As appropriate during the Attendance Review Meeting the line manager will:
- explore reasons for absence or insufficient improvement in attendance
 - identify any work related or personal issues that the employee may have which are impacting on their attendance
 - explain the impact of absence on service delivery and emphasise the importance of good attendance
 - review issues discussed at previous Attendance Review Meetings, if appropriate
 - review the medical advice
 - establish if the reason for absence falls within the provisions of the Equality Act 2010 and consider recommendations for reasonable adjustments or support if relevant
 - review support/reasonable adjustments already provided
 - identify the improvement in attendance needed
 - Warn of possible consequences if improvement is not achieved (may not be appropriate if absences are pregnancy or disability related - see section 9 and 10)
- 14.8 The following are possible outcomes of an Attendance Review Meeting:
- set, extend or finalise a period of monitoring
 - identify the improvement needed
 - seek further medical advice in the light of the discussion
 - establish if the reasons for absence fall within the provisions of the Equality Act 2010 and make recommendations for adjustments or support if any

- referral to Occupational Health to investigate current medical condition further
- if attendance has not improved since monitoring or a previous Attendance Review Meeting, issue a first written warning or final written warning (see paragraph 15 below)
- take no further action

14.9 The manager will write to the employee within three working days of the meeting, confirming the points discussed and actions identified. The line manager must ensure that any actions identified are implemented as soon as possible and relevant persons/departments are notified of any resulting actions/modifications and adjustments i.e. to triggers, core working hours etc.

N.B: additional meetings (which must be documented) can be held at any stage with the employee, outside of the formal Attendance Review Meeting, to discuss support mechanisms etc.

15. Attendance Warnings

15.1 An attendance warning is a formal, written, cautionary notification given at an Attendance Review Meeting to an employee on the basis of a sustained period of unsatisfactory attendance. There are two levels of warnings; a first written warning and a final written warning. A final written warning is given where there has been no satisfactory improvement after a first written warning is issued.

15.2 Attendance warnings will not to be issued in the case of long term sickness or pregnancy related absence. In the case of disability, attendance warnings will only be issued where the level of absence cannot be sustained, after first carefully considering reasonable adjustments (including allowing a higher absence rate where absence is related to the disability).

15.3 A first written warning will usually remain live for six months. A final written warning will usually remain live for 12 months. It will be confirmed in writing within three working days of the Attendance Review Meeting and will confirm the employee's right to appeal (see section 17). The letter will also confirm that if satisfactory attendance is not achieved and sustained, then a further Attendance Monitoring Review may need to be held and the possible outcome of this (i.e. issue of a final written warning or dismissal).

16. Attendance Management Hearing

16.1 An Attendance Management Hearing can take place in response to both short term and long term sickness absence.

16.2 In short term sickness it takes place where there has been no improvement in an employee's attendance in the subsequent 12 month period after a final written warning has been issued.

16.3 An invite to an Attendance Review Hearing must be in writing giving a minimum of five working days' notice, setting out the date, time and location of the hearing and the reasons for holding it. It must also confirm that the employee has the right to be accompanied by a Trade Union representative or workplace colleague. The

employee must tell the manager chairing the meeting who they have chosen as their companion at least three working days before the meeting. Additionally, the written notification should advise the employee that the hearing may result in a decision to dismiss them with notice. The employee will also be sent copies of any documentation that will be relied upon at the hearing with the written notification.

- 16.4 The employee and their companion should make every effort to attend the hearing. Where the employee is unable to attend and provides a good reason for this, the hearing will be adjourned to a later date. Unless there are special circumstances mitigating against it, if the employee is unable to attend the rearranged hearing, it will take place in the employee's absence. The employee's fellow worker or trade union official may attend in such circumstances and will be allowed the opportunity to present the employee's case. The employee will also be allowed to make written submissions in such a situation.
- 16.5 Where the chosen companion is unavailable on the day scheduled for the hearing, it will be rescheduled, provided that the employee proposes an alternative time within five working days of the scheduled date. If an alternative date is proposed by the employee, it will not be unreasonably refused.
- 16.6 The Attendance Management Hearing will always be held somewhere private and enough time should be scheduled to discuss the issues at hand.
- 16.7 The hearing will be chaired by an appropriate manager from the employee's service who has the authority to dismiss (see paragraph 4.2 of the Disciplinary Policy for further details). The manager chairing the meeting will be advised by an HR professional and a note taker will also be present.
- 16.8 The management case will be presented to the manager chairing the hearing together with all documents relevant to the employee's health and attendance. Any representation made by the employee or the employee's representative, or any written submission made in the employee's absence will be given due consideration before any decision is taken.
- 16.9 The hearing manager will consider:
- the employee's overall absence record
 - the impact of the level of absence on the Council
 - representations from the employee
 - whether the reason for any of the absence(s) falls within the provisions of the Equality Act 2010
 - the support/reasonable adjustments provided
 - the management of the case
 - the medical advice received, ensuring that up to date medical advice is available
 - any further action that can be taken by the employee or the manager
 - options for redeployment on medical grounds as an alternative to dismissal (long term absences only)
 - whether ill health retirement has been considered (long term absences only)
- 16.10 Possible outcomes of an Attendance Management Hearing include:
- adjournment while further medical advice or evidence is sought

- consideration of further reasonable adjustments
- consideration of alternative employment
- dismissal with notice or pay in lieu of notice

16.11 The outcome of the Attendance Management Hearing will be confirmed in writing within three working days of the hearing. Where a decision to dismiss is made, the dismissal will be with appropriate contractual notice. The employee will have a right to appeal against a decision to dismiss them.

17. Appeal

- 17.1 An employee who is given a warning or is dismissed under this policy has the right of appeal. The appeal should be sent in writing to the manager who made the original decision and set out the grounds on which the employee believes that the decision was flawed or unfair. The appeal must be made within five working days of receiving written confirmation of the written warning or dismissal.
- 17.2 The appeal will be heard by a senior manager who has not been involved in the decision to impose a warning on the employee, in line with the authority to take disciplinary action, as detailed in paragraph 4.2 of the Disciplinary Policy. If the appeal is against dismissal, the appeal will be heard by a panel comprising a senior manager who has not been involved in the decision to impose dismissal on the employee, the Chair of Personnel Committee and one other member of Personnel Committee or their substitute(s). The hearing manager/panel will be advised by an HR professional and a note taker will also be present.
- 17.3 Appeal hearings will normally take place within 14 days of receipt of the employee's written notice of appeal. The employee will be entitled to be accompanied by a fellow employee or a trade union official.
- 17.4 The appeal manager/panel will consider any representations made by the employee and the employee's fellow employee or trade union official. They must also consider representations made by the manager who conducted the final Attendance Management Hearing and imposed the written warning/dismissal.
- 17.5 At the hearing, the decision made at the Attendance Management Hearing will be reviewed and the employee will be entitled to make representations about the appropriateness of that decision.
- 17.6 Upon completion of the appeal, the appeal manager/panel will convey their decision to the employee. The decision will be confirmed in writing within three working days.
- 17.7 The outcome of the appeal is final. There is no further right of appeal.

18. Managing long term sickness

- 18.1 Absence is considered long term where an employee is absent for 20 consecutive working days or more (or the equivalent for part-time staff). Where an employee indicates their absence will be long-term, Occupational Health advice should be obtained as soon as is practical to gain an indication of the type of illness/potential timeframes involved in recovery, the support required and adjustments needed.

- 18.2 Managers should be proactive in maintaining contact, providing support and assessing the needs of employees to facilitate a successful return to work. Managers are responsible for keeping in contact with an employee who is absent long term via regular Attendance Review Meetings (see section 14). Employees also have a responsibility to facilitate contact including participating in Attendance Review Meetings and keeping their manager informed of their condition.
- 18.3 Where an employee is returning from a period of long term sickness, Occupational Health can advise on any adjustments or working patterns that should be implemented. Phased return working patterns are not automatic and the hours/pattern of work of an employee returning from long term sickness absence will be dependent both on the advice given by Occupational Health and their GP if appropriate and the requirements of the service.
- 18.4 Where adjustments are identified to accommodate the needs of a disabled employee returning from long term sickness absence, a monitoring period should be established to ensure timely implementation and assessment of adjustments.
- 18.5 Where long term sickness is continuous, despite the implementation of support or adjustments, and medical reports indicate that it is unlikely the employee can return to their original role, consideration will be given to redeployment to an alternative role where possible (see section 19).
- 18.6 Where long term sickness absence continues and there is no prospect of a return to work within a reasonable timeframe, consideration will be given to escalation to an Attendance Management Hearing which may result in the employee's dismissal (see section 16). The hearing will need to review whether all reasonable adjustments have been considered and whether an alternative role has been found/cannot be found/is not considered suitable.

19. Redeployment on medical grounds

- 19.1 Finding alternative employment will only be considered where it is necessary for medical reasons, in instances of long term sickness and disability related absence, and recommended by Occupational Health. The initial search for an alternative role should be explored within the service and/or directorate prior to considering a move across the Council.
- 19.2 Individuals must be aware that there may be occasions where alternative roles cannot be sourced or would not be suitable. In those instances, where relevant, ill health retirement will be considered or ultimately dismissal with notice.

20. Ill Health Retirement

- 20.1 Retirement on the grounds of ill health can only be considered after all other options have been exhausted, and where an independent registered medical practitioner, qualified in Occupational Health medicine, has determined that an employee meets the criteria for ill health retirement, in accordance with the Local Government Pension Scheme (LGPS) Regulations*
- 20.2 LGPS Regulations require that for there to be an entitlement to an ill health retirement pension:

- the employer has to terminate the member's employment on the grounds of ill health or infirmity of mind or body before the member's Normal Pension Age: and;
- before deciding whether the member meets the conditions for an ill-health retirement pension and, if so, which tier of benefit to award, the employer must obtain a certificate from an Independent Registered Medical Practitioner (IRMP) who has been approved by the administering authority

*Other pension's schemes including the Teachers' Pension Scheme will have broadly similar requirements.

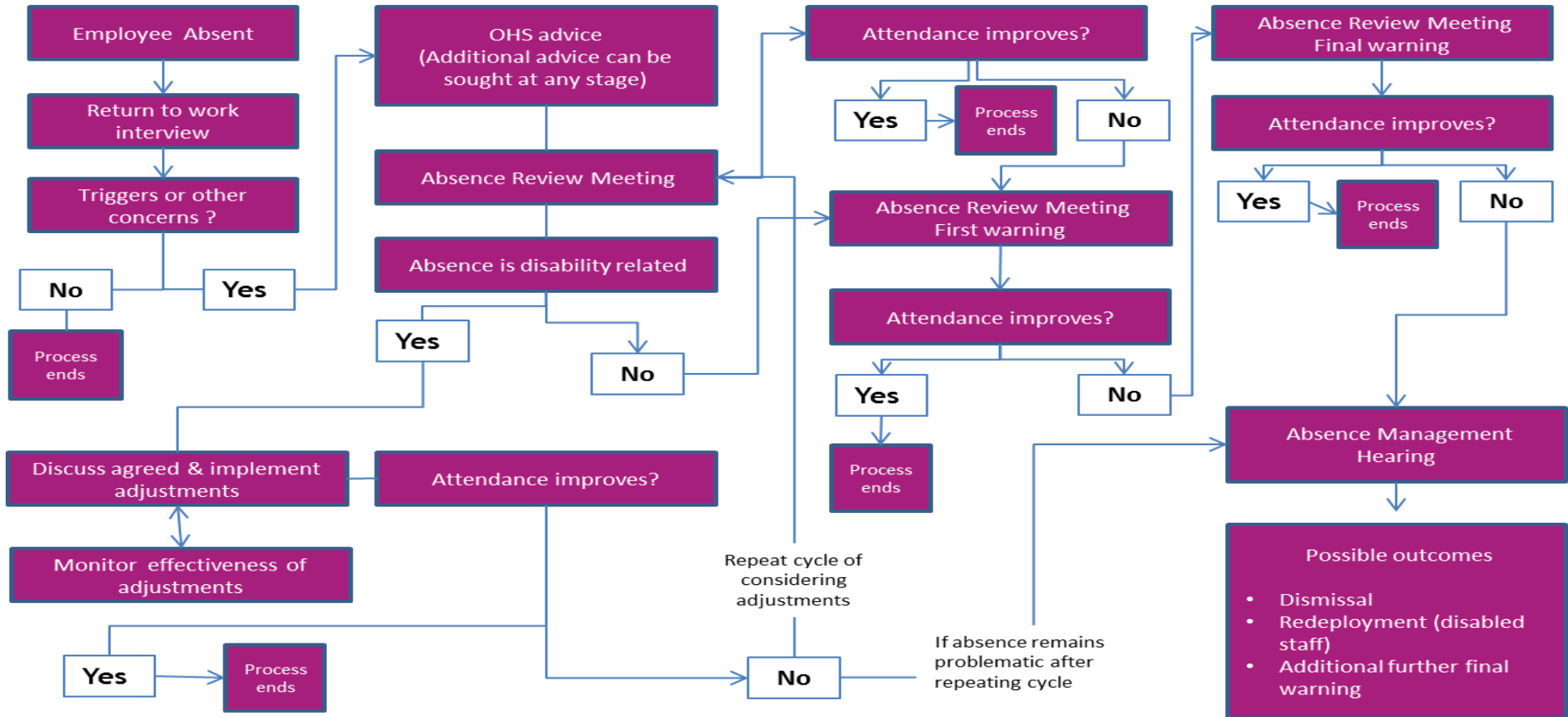
20.3 The following criteria have to be satisfied before an ill health retirement can take place:

- The member's employment must be terminated by the employer on the grounds of ill health or infirmity of mind or body.
- At the date of termination the member must be under their Normal Pension Age in the 2014 scheme.
- At the date of termination the member must have met two years' qualifying service in the LGPS.
- The member must, as a result of ill health or infirmity of mind or body, be permanently incapable of discharging efficiently the duties of the employment the member was engaged in and;
- The member, as a result of ill health or infirmity of mind or body, must not be immediately capable of undertaking any gainful employment. (Gainful employment is defined as paid employment for not less than 30 hours in each week for a period of not less than 12 months).

20.4 Where ill health retirement is an option because an employee is deemed to be permanently incapable of doing their job, one of three tiers of benefit can be awarded. Each tier looks at the employee's capacity to carry out gainful employment in the future.

20.5 An IRMP, who has had no previous dealings with the case, will be engaged by the Occupational Health provider to carry out an ill health retirement assessment. This will be organised through HR.

Managing Short term Sickness absence



Page 107

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Managing Poor Performance Policy

August 2018
(Draft for discussion)



Document History	
Version	1.3 (see below)
Status	Draft for discussion
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Table of Contents

- 1.Objectives and scope..... 4
- 2.Responsibilities 4
- 3.Informal management of poor performance 5
- 4. Formal management of poor performance6
 - 4.1 Initial meeting..... 6
 - 4.2 Review meeting 8
 - 4.3 Alternatives to dismissal..... 9
 - 4.4 Capability hearing 9
 - 4.5 Appeal 10
 - 4.6 Acts of Gross Incapability/Negligence 11
- Appendix A - Managing poor work performance flow diagram..... 12

1. Objectives and scope

- 1.1 Reading Borough Council (the 'Council') aims to encourage all of its employees to maintain high standards of performance at work, and managers to pro-actively manage the performance of staff.
- 1.2 The purpose of this policy is to ensure that poor work performance is managed in a timely, effective, fair, consistent and supportive way in order to help employees achieve the required standard. This policy provides a constructive and standardised framework to support managers in intervening where poor performance has been identified.
- 1.3 The Council will ensure that employees are given the opportunity to improve and are provided with support and training, where appropriate, to help them reach the required level of performance.
- 1.4 All members of staff need to be clear what is expected of them in their role and have clear objectives set at their appraisal meetings, as well as regular feedback on their performance at 1-1/supervision meetings throughout the year.
- 1.5 The Council defines poor performance as:

“The gap between the Council’s expectations of the job holder in respect of their job role, as defined by the job description, person specification and objectives, and the employee’s actual performance in their job.”
- 1.6 Where poor performance is due to a deliberate or wilful lack of care and attention, or negligence, the Council’s Disciplinary Policy should be followed.
- 1.7 This policy applies to all those working for the Council, including those on permanent, temporary or part-time contracts, job sharers, and individuals on non-standard terms of employment.
- 1.8 It does not apply to employees in their probation period (covered by the Probation Scheme) and staff employed by schools who are covered by separate terms and conditions relating to their employment. Nor does it apply to the Head of Paid Service, the Section 151 Officer or the Monitoring Officer.

2. Responsibilities

- 2.1 Employees will:
 - ensure that they perform the tasks and responsibilities of their role to the best of their ability seeking to achieve the standards of performance required by the Council;
 - bring to their managers attention any issues which may affect their performance as soon as they occur, so support, if appropriate, can be given;
 - raise training and development issues with their line manager as part of their appraisal and one to ones;
 - co-operate with any discussions or reviews in to their poor work performance;

- co-operate with any training or support offered to assist in bringing their performance up to the standard required.

2.2 Managers will:

- ensure that new staff are properly inducted into the Council and service area;
- make rigorous use of the Probation Scheme to ensure new employees have the right capabilities, attitudes and behaviour;
- ensure that all staff have a job description, which reflects what is required of their role and is reviewed and updated as necessary;
- that all staff are appraised on an annual basis, ensuring that staff are given clear SMART (specific, measurable, achievable, realistic, time bound) objectives and have a Personal Development Plan (PDP) which supports their development;
- ensure that staff have regular feedback on their performance through one to ones , that the standards expected are clear, have been effectively communicated and are consistent with other like roles;
- bring any concerns about an employee's performance to their attention as soon as the issue becomes apparent;
- establish the reasons for the poor performance, where an investigation is required ensuring this is undertaken in a fair and timely manner;
- ensure that corrective informal action is taken where appropriate;
- seek advice from HR where it is likely that action will be taken under the formal stages of the Managing Poor Performance Policy.

3. Informal management of poor performance

- 3.1 Informal action should be used in the first instance to improve performance before formal action is considered. It is anticipated that the majority of poor performance issues will be dealt with informally.
- 3.2 The exception will be where unsatisfactory performance is sufficiently serious to warrant bypassing the informal stage altogether (see 4.6 below).
- 3.3 Line managers are best placed to talk to their employees, to listen to their concerns, coach and support them, and check they meet their targets, as well as ensuring they are engaged and committed.
- 3.4 Before considering formal action for poor performance, managers should consider the following:
- are the workload, duties and responsibilities, within the range of reasonable expectations for the individual's role?
 - does the individual understand their job duties/responsibilities?
 - are there any other external factors in the work environment which may be impacting on performance, like organisational change or poor work relationships?
 - are there any personal issues that may be temporarily impacting on performance?

- are there any health issues affecting performance and has Occupational Health advice been obtained/any suitable adjustments been implemented and monitored?
- does the individual have access to the appropriate equipment/resources/facilities to carry out their role?
- have they been provided with adequate personal development, including training, learning and development and on the job coaching?
- has the annual appraisal taken place and have SMART performance targets been set?
- have they received an appropriate level of supervision and/or regular feedback?
- Has the individual been made aware their level of performance is unacceptable?
- is there any evidence that poor performance is the result of a lack of motivation, poor attitude or the employee choosing not to perform (which may be better dealt with under the Council's Disciplinary Policy)?

3.5 Having considered the potential causes of poor performance, managers should remedy any issues within their control that are impacting on performance. This should be formally recorded at the next one to one and appraisal and as appropriate in a letter to the individual.

3.6 Informal action is part of the normal discussions between employees and their managers. It is not part of the formal Managing Poor Performance Policy and as a result, individuals are not entitled to representation at any meetings to discuss their performance at the informal stage.

4. Formal management of poor performance

4.1 Initial meeting

4.1.1 If, having taken reasonable steps to address the performance issues, it still remains poor, the line manager must arrange a formal meeting with the employee to discuss their performance. The manager will seek HR advice and attendance at meetings under the formal stage.

4.1.2 An invitation to an initial meeting under the formal stages of this policy must be in writing, setting out the date, time and location of the meeting, giving a minimum of five working days' notice. It should also set out a clear explanation of the reasons for calling the performance meeting and the possible outcomes.

4.1.3 The letter must also state that the employee has the right to be accompanied at the meeting by a Trade Union representative or workplace colleague. Reasonable adjustments may be needed for a worker with a disability (and possibly for their companion if they are disabled). For example the provision of a support worker or advocate with knowledge of the disability and its effect. The employee must tell the Council who they have chosen as their companion at least three working days before the meeting.

4.1.4 If the representative cannot attend on the proposed date for a meeting, an alternative representative should be nominated or the meeting re-arranged to a

time and date which is no more than five working days after the original date. The Council is obliged to rearrange the meeting only once, however, if an alternative date is proposed by the employee, it will not be unreasonably refused. It is the responsibility of individual employees to arrange representation and if this cannot be arranged within the timescales set out above, and there are no extraordinary or mitigating circumstances, then the manager should proceed with the scheduled meeting.

- 4.1.5 The Council considers it is good practice to allow the chosen companion to participate as fully as possible in the meeting. However the companion will not answer questions on the individual's behalf, or address the meeting if the individual does not wish it. The companion should also not have any conflicts of interest.
- 4.1.6 If the employee is not accompanied, the manager will check that they understand they have the right to be. If they decline to be accompanied, a note will be made to that effect.
- 4.1.7 The intent of the initial meeting is to try and understand why the problem exists and what (if any) the trigger was for the poor performance. The tone of the meeting should be consensual, seeking to understand the situation and to come up with a joint solution.
- 4.1.8 The manager will clearly explain the issues/problems and consequences of poor performance. This will include clear examples of where the performance has not met the required standard.
- 4.1.9 The employee will be given an opportunity to respond to any criticisms of his/her performance and to put forward any explanation he/she may have for the matters identified by the manager as amounting to poor performance.
- 4.1.10 The outcome of the initial meeting may be:
- a decision to take no further action;
 - a decision to refer the matter for investigation under the Disciplinary Policy; or
 - the implementation of an improvement plan, designed to bring the employee's performance up to an acceptable level, and the issue of a first written warning.
- 4.1.11 The outcome of the meeting will be confirmed in writing to the employee within three working days of the meeting. If appropriate, it will include a first written warning that performance is currently not acceptable. It will warn of the possible consequences of failure to reach the satisfactory improvement level/standards (i.e. progression to the next stage of this policy which could result in a final written warning and ultimately to dismissal). The first written warning will be live for six months from the date it is issued. If appropriate, the letter will also confirm the employee's right to appeal against the decision to issue a first written warning (see 4.5 below).
- 4.1.12 If appropriate, the letter will include details of the improvement plan which will set out:

- the improvement required and timescale within which it is to be achieved i.e. 6 - 8 weeks
- any further investigation into health issues and any reasonable adjustments that may assist improvement
- the support arrangements agreed including the additional supervision and/or training which will be provided during the review period
- a first written warning
- the time and date of the first review meeting to discuss the Improvement Plan

4.2 Review meeting

4.2.1 At the end of the period of time set out in the Improvement Plan, a review meeting will be held to consider if the employee has reached the required standard of performance. The invite to the review meeting must be in writing, setting out the date, time and location of the meeting, giving a minimum of five working days' notice. It should also set out a clear explanation of the possible outcomes of the meeting. The employee will have the right to be accompanied to the review meeting by a trade union representative or workplace colleague. The provisions in paragraphs 4.1.2 to 4.1.6 will also apply when arranging the review meeting.

4.2.2 The outcome of the first review meeting may be:

- a decision to take no further action;
- a decision to refer the matter for investigation under the Disciplinary Policy; or
- a further period of monitoring/adjustments to the improvement plan and the issue of a final written warning.

4.2.3 If the performance has reached a satisfactory standard no further action will be taken. However, it may be appropriate to set a further review date to ensure that performance is maintained. The first warning remains live for six months and any further poor performance in that period may lead to a final written warning being issued.

4.2.4 It is possible that the employee may be making a concerted effort to improve and has the potential to perform the job satisfactorily, but has not quite reached the standard required. In these circumstances it may be reasonable to extend the duration of the period set for the employee to reach the required standard and adjust timescale and review dates accordingly.

4.2.5 If there is limited and/or insufficient improvement, the reasons for the lack of improvement should be investigated further. The intent is again to try and understand why the problem continues to exist.

4.2.6 The outcome of the meeting where there has been limited and/or insufficient improvement will be a further period of monitoring, adjustments to the Improvement Plan as appropriate and the issue of a final written warning. The final written warning will be live for 12 months from the date it is issued and will make it clear that failure to reach an acceptable standard of performance within

the additional monitoring period, may lead to a capability hearing at which the employee may be dismissed.

- 4.2.7 The outcome of the first review meeting will be confirmed in writing to the employee within three working days of the meeting. If appropriate, the letter will also confirm the employee's right to appeal against the decision to issue a final written warning (see 4.5 below).

4.3 Alternatives to dismissal

- 4.3.1 If, after a final written warning, the individual has still failed to make sufficient improvement despite being given a reasonable opportunity and support to do so, the possibility of transferring the individual to another job that is more suited to their capabilities should be explored. The employee will need to consent to the transfer and agree to any demotion including reductions in grade and salary.
- 4.3.2 If it becomes clear that there are no suitable alternatives or the employee rejects the offer, a capability hearing should be arranged.

4.4 Capability hearing

- 4.4.1 If an employee has been issued with a final written warning under this policy that remains live and the employee's manager believes that his/her performance is still not acceptable, the matter will be referred to a capability hearing.
- 4.4.2 The notice to attend a capability hearing must be in writing, with the letter setting out the date, time and location of the hearing, giving a minimum of five working days' notice. It should also set clearly an explanation of the reason for calling the meeting and possible consequences, which include the employee's dismissal. It must also state that the employee has the right to be accompanied by a Trade Union representative or workplace colleague. The provisions applying to the companion in paragraphs 4.1.2 to 4.1.6 also apply to the capability hearing.
- 4.4.3 The capability hearing will be chaired by a Head of Service or another senior manager with authority to dismiss (see paragraph 4.2 of the Disciplinary Policy). The manager chairing the meeting will be advised by an HR professional and a note taker will also be present.
- 4.4.4 The purpose of the capability hearing is to consider:
- if there has been a thorough and reasonable investigation into the reasons for the poor performance.
 - if the lack of performance is fully supported by reliable evidence
 - the interventions which have been put into place (where appropriate) to help the employee improve
 - if the timescales for improvement were reasonable
 - the attempts that have been made to explore a transfer to an alternative role
 - the likelihood that a further period of monitoring would lead to acceptable performance (in which case the meeting could be adjourned to enable this)

- any submissions that the individual or their representative may wish to make

- 4.4.5 If the manager chairing the capability hearing concludes that they reasonably believe in the light of the evidence that the employee's skill set is a poor fit to the role, or if the prospect of the employee improving within a reasonable timescale is unlikely, making them unsuitable for the job with no prospect of that changing, they will dismiss the individual.
- 4.4.6 The outcome of the hearing will be conveyed in writing within three working days of the capability hearing setting out in full the reasons for their dismissal and their right to appeal. Where the decision to dismiss is made, the dismissal will be with appropriate contractual notice.

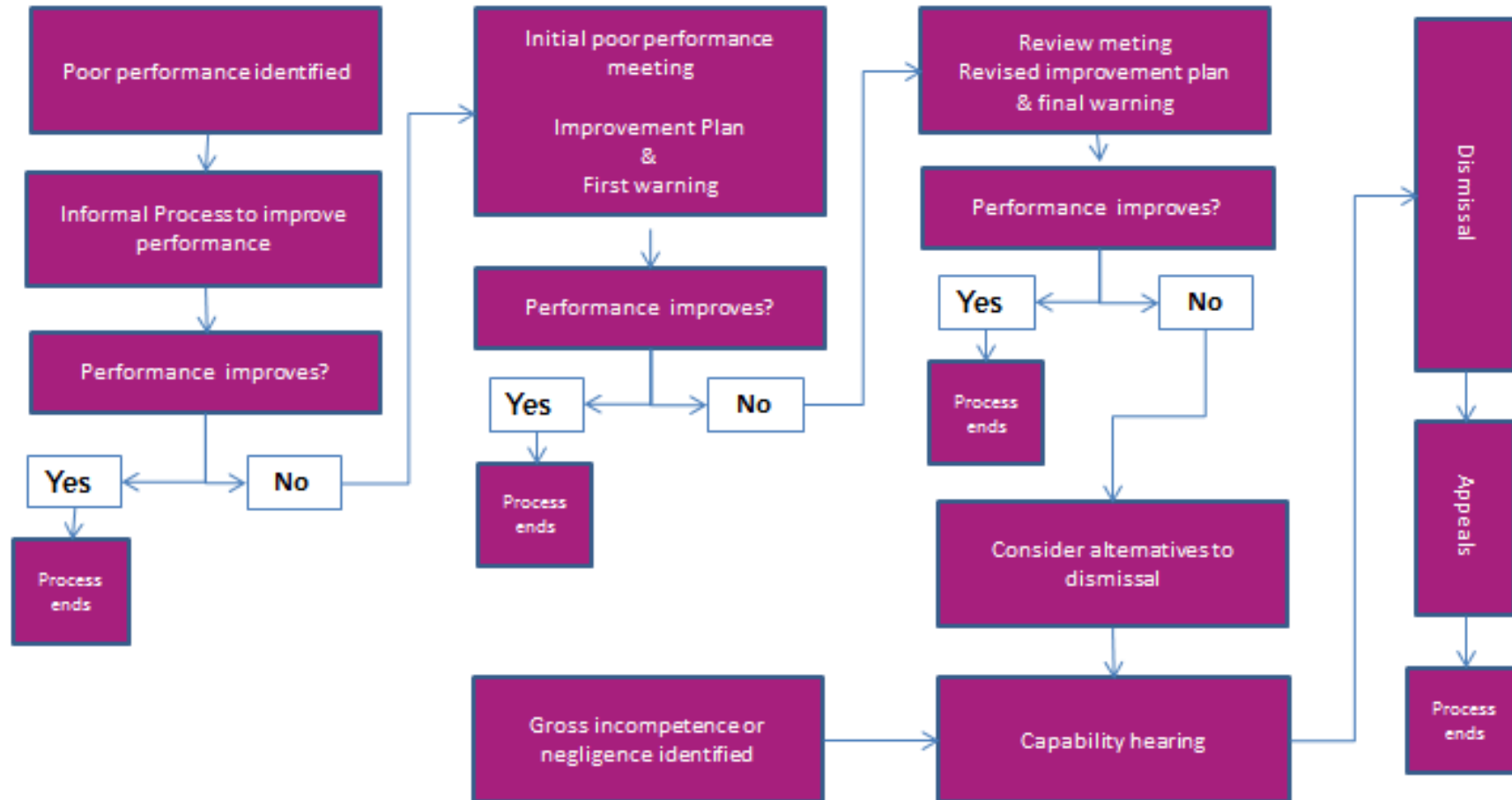
4.5 Appeal

- 4.5.1 An employee who is given a warning or is dismissed under this policy has the right of appeal. The appeal should be sent in writing to the manager who made the original decision and set out the grounds on which the employee believes that the decision was flawed, unfair or the sanction inappropriate (providing supporting evidence where appropriate). The appeal must be made within five working days of receiving written confirmation of the written warning or dismissal.
- 4.5.2 The appeal will be heard by a senior manager who has not been involved in the decision to impose a warning on the employee, in line with the authority to take disciplinary action, as detailed in paragraph 4.2 of the Disciplinary Policy. If the appeal is against dismissal, the appeal will be heard by a panel comprising a senior manager who has not been involved in the decision to impose a warning/dismissal on the employee, the Chair of Personnel Committee and one other member of Personnel Committee or their substitute(s). The hearing manager/panel will be advised by an HR professional and a note taker will also be present.
- 4.5.3 Appeal hearings will normally take place within 14 days of receipt of the employee's written notice of appeal. The employee will be entitled to be accompanied by a fellow employee or a trade union official.
- 4.5.4 The appeal manager/panel will consider any representations made by the employee and the employee's companion. They must also consider representations made by the manager who imposed the written warning/dismissal being appealed against.
- 4.5.5 At the hearing, the decision to impose the sanction will be reviewed and the employee will be entitled to make representations about the appropriateness of that decision.
- 4.5.6 Upon completion of the appeal, the appeal manager/panel will convey their decision to the employee. The decision will be confirmed in writing within three working days.
- 4.5.7 The outcome of the appeal is final. There is no further right of appeal.

4.6 Acts of Gross Incapability/Negligence

- 4.6.1 Where an employee commits an act of gross incapability or gross negligence which is so serious as to endanger the welfare and safety of colleagues, service users or residents, or that results in the loss or significant damage to a Council asset, a full investigation will take place. While the investigation is being conducted it may be necessary to suspend the employee from duty following the same process used in the Disciplinary Policy (paragraph 8.2).
- 4.6.2 Should the investigation conclude that it is likely to be an act of gross incapability/negligence (rather than gross misconduct) a formal capability hearing for gross incapability should take place. This may result in the individual being summarily dismissed (i.e. dismissed without notice).

Managing Poor Performance



Bullying and Harassment Policy

**July 2018
(Draft for Discussion)**



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Table of Contents

1. Objectives and scope	3
2. Definitions	4
3. Investigating complaints of bullying and harassment	6
4. Stage 1 - Informal Action	6
5. Stage 2 - Formal Action	7
6. Follow up	7
7. Getting support	7

1. Objectives and scope

- 1.1 This policy applies to all employees, contractors, agency staff and anyone else engaged to work at Reading Borough Council (the 'Council'). The Council is committed to protecting the dignity and equality of opportunity for all employees at their place of work and will treat seriously all complaints of bullying and harassment. This policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, for example business trips or any work related social events.
- 1.2 The Council aims to support the creation of a work environment that is free from discrimination, harassment and bullying, where everyone is treated with dignity and respect and no one is treated less favourably than any other person or group of persons on the grounds of their sex, age, disability, race, sexual orientation, gender reassignment status, religion and belief, pregnancy and maternity, marriage and civil partnership status or any other characteristic.
- 1.3 The purpose of this policy is to ensure a working environment in which bullying and harassment are unacceptable and where individuals have the confidence to complain about bullying and harassment should it arise, in the knowledge that their concerns will be dealt with appropriately and fairly. Complaints will be investigated swiftly and confidentially ensuring the rights of all are protected.
- 1.4 Any incident(s) of bullying and harassment should initially be reported to the line manager who will advise the employee. If the concern relates to their line manager then the employee can speak to any other manager and/or seek support from any of the support services available to staff detailed in section 7 of this policy. If the complaint relates to a Councillor, employees should speak to their line manager and refer to the Protocol on Member/Officer Relations in the Council's Constitution.
- 1.5 In complying with the Equality Act 2010, the Council has a legal obligation to ensure that harassment does not take place at work, as this is discrimination. In addition it has a duty of care towards employees under the Health and Safety at Work Act 1974.

1.6 Responsibilities

- 1.6.1 **Employees** have a responsibility to behave in ways which support a working environment that is not intimidating. They should play their part in making the Council's policy a reality and be prepared to take appropriate action if they observe or have evidence that someone else is being bullied or harassed. Individuals can be prosecuted under criminal as well as civil law and they could be personally liable and have to pay compensation themselves, in addition to any payment the Council may be ordered to make.
- 1.6.2 **Managers** must aim to uphold a working environment in which harassment and bullying do not occur. They must take immediate action if bullying and/or harassment is suspected or identified, whether or not a complaint has been made. Allegations of bullying and harassment received either informally or formally through this policy must be taken seriously and dealt with promptly and sensitively.

2. Definitions

- 2.1 In this policy "**Complainant**" refers to the employee experiencing the bullying or harassing behaviour; "**Respondent**" and/or "**Perpetrator**" refers to the person against

whom the complaint is brought. The term “parties” refers to the complainant and the person against whom the complaint is brought.

2.2 Bullying

2.2.1 Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Some examples of bullying behaviour are included below:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying memos that are critical of someone to others who do not need to know
- ridiculing or demeaning someone - picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances - touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent employee by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

2.3 Harassment

- I. In the Equality Act 2010 harassment is defined as ‘unwanted conduct related to a relevant protected characteristic (sex, disability, race, gender reassignment etc.), which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’.
- II. **Racial Harassment** can include the derogatory treatment of staff because of their physical appearance or cultural background, racist name calling, discriminatory remarks which cause a member of staff to feel threatened, racially motivated behaviour which interferes with job performance or creates a threatening work environment.
- III. **Disability Harassment** can include jokes about, or at the expense of, someone’s disability (which can include conditions affecting physical or mental health) or the disabled group to which the member of staff belongs. Remarks of an abusive or unfavourable character about people with disabilities are also classified as harassment.
- IV. **Harassment Because of a Person’s Sexuality** or gender reassignment status can include jokes about, or at the expense of, the member of staff’s sexuality or transgender status. The use of names or titles which give offence is also classified as harassment.
- V. **Sexual Harassment** involves unwanted and unwelcome attention of a sexual nature. This may be physical or verbal or involve the denigration of an individual on sexual grounds or by sexual means. Any unwelcome behaviour of a sexual nature which creates an intimidating, hostile or offensive

environment for the recipient may be regarded as sexual harassment. It affects both men and women. Sexual harassment can happen in any number of ways, including:

- written or verbal comments of a sexual nature, such as remarks about an employee's appearance, questions about their sex life or offensive jokes
- displaying pornographic or explicit images
- emails with content of a sexual nature
- unwanted physical contact and touching
- sexual assault.

2.4 Sexual assault and physical threats

2.4.1 Some types of sexual harassment, such as sexual assault and other physical threats, are a criminal matter as well as an employment matter. Criminal matters should be reported to the police.

- Call 999 if you or someone else is in immediate danger, or if the crime is in progress.
- Call 101 to contact the police if the crime is not an emergency. If a complaint is reported to the police, or criminal court proceedings are being pursued, a manager must still investigate the complaint as an employment matter. A manager may then follow its disciplinary procedure, without awaiting the outcome of criminal proceedings, provided this can be done fairly.

2.5 Employment tribunal

2.5.1 Employees are usually expected to try and resolve the problem in the workplace first. If that does not work, employees can contact the ACAS Helpline before going to an employment tribunal (see section 4 on Getting Support for further information about ACAS).

2.6 The above lists are not exhaustive. Anyone who is perceived as different or who is in a minority, or who lacks organisational power, runs the risk of being bullied or harassed. Health, physical characteristics, religious or personal beliefs etc. may lead to victimisation, bullying or harassment and this can occur between people of the same sex or opposite sex.

2.7 Bullying and harassment is not necessarily face to face, it may occur through written communications, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues), social media, email, phone, and automatic supervision methods - such as computer recording of downtime from work, or recording of telephone conversations - if these are not universally applied to all employees.

2.8 Historic allegations

2.8.1 Complaints of harassment will usually only be considered at an employment tribunal if the employee makes a claim within three months of when the incident took place. The Council's Grievance Policy contains the same timescale for raising a concern. Sometimes a complaint of harassment will be reported much later than this. A manager should always take such a complaint very seriously. They should handle things in a way that is sensitive and fair to the employee who has made the complaint, anybody who has witnessed it and anybody who is being accused of harassment. It is usually helpful for the employee and the manager to discuss what outcome is desired in these

circumstances - sometimes it might be that the employee now feels confident enough to speak out and wants to make sure nobody else in their workplace experiences what they went through.

2.7 What is Not “Bullying” or “Harassment”?

- 2.7.1 There is a need for employee performance to be managed in order to achieve the aims of the Council and this policy does not seek to diminish a manager’s ability to do this. Evidenced, constructive and fair criticism of an employee’s performance or behaviour at work is not bullying or harassment. However, it is unacceptable to condone bullying behaviour under the guise of a particular management style. Effective management obtains results whilst ensuring that employees are treated with dignity and respect.

3. Investigating complaints of bullying and harassment

- 3.1 Managers investigating complaints of bullying and harassment will do so in accordance with the Council’s Grievance Policy. Where the allegation is proven, the Disciplinary Policy will guide the outcome for the perpetrator. Proven cases of bullying and/or harassment will always be treated as a disciplinary offence, and the Council’s Disciplinary Policy may be invoked at any stage.
- 3.2 Employers investigating claims of bullying and harassment should consider all the circumstances before reaching a conclusion. In any allegation, it is not the intention of the perpetrator that is key in deciding if harassment or bullying has occurred, but whether the behaviour is unacceptable by *reasonable normal standards*, and is disadvantageous or unwelcome to the person or people subjected to it or witnessing it.
- 3.3 In the event that an individual considers that they are experiencing bullying or harassment they have a number of options open to them.
- I. They can speak directly to the individual concerned or write a letter or email to him/her expressing their concerns, requesting that the unacceptable behaviour stop immediately.
 - II. Alternatively, or subsequently if they achieve no success, they may wish to talk to someone in order to obtain another perspective on the situation and to ensure that someone else knows about the unacceptable behaviour. At this stage the complainant has the option of speaking to a colleague, a trade union representative, their line manager or any other manager at the Council, or to a member of the HR Team.
 - III. If the allegation is related to the conduct of the line manager, the manager’s manager or HR should be approached.
 - IV. A final option is to make a formal complaint without following the informal approach.

4. Stage 1 - Informal Action

- 4.1 In the first instance the line manager, with advice from HR if necessary, should try and resolve the matter informally. Separate meetings should be convened with both parties. In the case of a bullying or harassment allegation it is inappropriate that both parties meet to try to resolve the situation until investigations have been conducted and conclusions drawn. Either party is entitled to bring a representative to these meetings.

- 4.2 If, and only if it is agreeable to the complainant, it may be helpful for a HR Partner/Officer to facilitate a meeting between both parties to give the complainant the opportunity to talk to the respondent about the offending behaviour.
- 4.3 The informal action outlined above may be appropriate in many cases and will often be sufficient to resolve matters. A formal complaint should only be considered as a final option if the unacceptable behaviour begins again or in exceptional circumstance where the nature of the incident(s) warrants a more formal approach.
- 4.4 The HR team will help to resolve difficulties by providing independent confidential advice and support. Intervention such as professional mediation or counselling can be provided at any stage in the process if the situation warrants it.
- 4.5 A note to file must be provided by the line/investigating manager, following the conclusion of the informal stage of the procedure.

5. Stage 2 - Formal Action

- 5.1 Formal action will only be entered into if, after monitoring, the informal action has not been acceptable to the complainant.
- 5.2 The purpose of the formal stage is to ensure that the perpetrator stops the unwanted and unacceptable behaviour. The Grievance Policy will be used to investigate the case of the complainant and provide a resolution. A thorough and impartial investigation must be undertaken with care and sensitivity. Should the hearing find there is a case to answer, the Disciplinary Policy will be invoked, as appropriate.
- 5.3 The Council must protect the rights of both the alleged perpetrator as well as the complainant during the investigation, and therefore confidentiality is crucial. The procedure for taking and admitting witness statements will follow the Grievance Policy. Witnesses can request anonymity and this will be granted if appropriate, but this is not encouraged in the interest of openness and natural justice.

6. Follow-up

- 6.1 Following a formal bullying or harassment complaint, either party may be concerned about working with the other again. Due regard of such views should be taken into account when offering counselling or mediation and a transfer of one or both parties to another section or department may be appropriate in some cases and where feasible.
- 6.2 If either the complainant or the respondent believes they have not been dealt with fairly, they should appeal using the Grievance Policy.

7. Getting Support

- 7.1 The Council's Employee Assistance Programme (EAP) provides free, confidential telephone counselling and support and is available 24/7. Telephone 0800 282193 (minicom 0800 0854739) and quote username RBC and password Readingx. Support is also available online at www.ppconlineinfo.com.

- 4.2 ACAS (Advisory, Conciliation and Arbitration Service). You can contact the ACAS Helpline for free and impartial advice, whether you are an employer, employee or representative. The telephone number is 0300 123 1100. It is available Monday to Friday 8am to 6pm. You can also use the [ACAS Helpline Online](#) tool.
- 4.3 Samaritans - A charity who can provide emotional support for employees who are struggling to cope and need somebody to listen to them. They can be found at www.samaritans.org.
- 4.4 HR and managers - You can also speak to your line manager or to a member of the HR team. You can find the contact details for HR on the Council's intranet or by following this [link](#).
- 4.5 Trade Union - members of a trade union can speak to their local representative if they have any concerns. You can find the contact details for trade union representatives on the Council's intranet or by following this [link](#).

Flexible Working Policy

August 2018
(Draft for Discussion)



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Table of Contents

1. Objectives and scope	3
2. Requesting flexible working.....	3
3. Considering a flexible working request	4
4. Flexible working requests that are granted.....	5
5. Flexible working requests that are declined.....	5
6. Appeals	5
7. Exceptions to the policy.....	6
8. Contract variations.....	6

1. Objectives and scope

- 1.1 Flexible working can increase staff motivation, promote work-life balance and improve performance and productivity. All employees who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request considered seriously by their employer. This policy covers the statutory right to request flexible working. It should be read alongside the Flexible Workstyles Guidance which outlines the Council's approach to flexible working more generally.
- 1.2 This policy applies to all those employed by the Council, including those on permanent, temporary or part-time contracts, job sharers, and employees on non-standard terms of employment. It does not apply to agency workers or interim staff.
- 1.3 All flexible working requests, including any appeals, must be considered and decided on within a period of three months from first receipt. These time limits may be extended where both the employee and employer are in agreement.

2. Requesting flexible working

- 2.1 A request for flexible working could include a request for a change to the number of hours that the employee works, a request for a change to the pattern of hours worked, a request to job share or a request to perform some or all of the work from the employee's home.
- 2.2 Employees must make a request for flexible working in writing by filling in the Flexible Working Application Form which is available on the Council's Intranet. The employee must submit the form to their line manager with a copy to HR. Any request made under this policy must include:
 - the date of the application;
 - the changes that the employee is seeking to his/her terms and conditions;
 - the date on which the employee would like the terms and conditions to come into effect;
 - what effect the employee thinks the requested change would have on the Council;
 - how, in his/her opinion, any negative effect might be dealt with;
 - a statement that this is a statutory request;
 - whether or not the employee has made a previous application for flexible working; and
 - if the employee has made a previous request, when the employee made that application.
- 2.3 Where the request is being made by a disabled person as part of a request for a reasonable adjustment to his/her working arrangements, the employee should state this in the written application.
- 2.4 Line managers should not reject out of hand a request that does not contain the required information. The line manager should explain to the employee what

additional or amended information he/she needs to provide and ask the employee to resubmit the request.

3. Considering a flexible working request

- 3.1 Once the line manager receives the request, it will be dealt with as soon as possible. It may be possible for the line manager to agree to a flexible working request simply on the basis of the written application. If so, the line manager must complete the Flexible Working Acceptance Form which is available on the Council's Intranet, and submit it to HR as soon as possible. HR will arrange to confirm the change to the employee's terms and conditions in writing and send it to the employee as an amendment to his/her written statement of terms and conditions of employment as soon as is reasonably practicable.
- 3.2 Where it is not possible to agree to the flexible working request based on the written application alone, the line manager will arrange a meeting to deal with the request as soon as reasonably practicable. The aim of the meeting is to find out more about the proposed working arrangement and how it could be of benefit to both the employee and the Council.
- 3.3 The invite to the meeting will be in writing giving a minimum of five working days' notice, with the letter setting out the date, time and location of the meeting and it must state that the employee has the right to be accompanied by a Trade Union representative or workplace colleague. Reasonable adjustments may be needed for a worker with a disability (and possibly for their companion if they are disabled). For example the provision of a support worker or advocate with knowledge of the disability and its effect. The employee must tell the manager chairing the meeting who they have chosen as their companion at least three working days before the meeting.
- 3.4 Where the chosen companion is unavailable on the day scheduled for the meeting, it will be rescheduled, provided that the employee proposes an alternative time within five working days of the scheduled date.
- 3.5 The meeting will always be held somewhere private and enough time should be scheduled to discuss the issues at hand. The manager will be advised by an HR professional.
- 3.6 After the meeting, the line manager will consider the proposed flexible working arrangement, weighing up the potential benefits to both the employee and the Council against any adverse impacts of implementing the change. Each request will be considered on a case-by-case basis: agreeing to one request does not set a precedent or create the right for another employee to be granted a similar change to his/her working pattern.
- 3.7 The employee will be informed in writing of the decision within three working days of the meeting. The request may be granted in full or in part: for example, the Council may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee has the right to appeal the decision if the employee's request is not upheld or only upheld in part.

4. Flexible working requests that are granted

- 4.1 After the meeting, if the request is granted, the employee and the line manager will discuss how and when the changes will take effect. The line manager must complete the Flexible Working Acceptance Form as detailed in paragraph 3.1 above.

5. Flexible working requests that are declined

- 5.1 If the flexible working request is declined the line manager must complete the Flexible Working Application Rejection Form and give a copy to the employee and a copy to HR within three working days of the meeting.
- 5.2 The line manager will give reasons for the rejection of any request. Those reasons must be for one or more prescribed business reasons, which are:
- the burden of additional costs;
 - an inability to reorganise work among existing staff;
 - an inability to recruit additional staff;
 - a detrimental impact on quality;
 - a detrimental impact on performance;
 - a detrimental effect on ability to meet customer demand;
 - insufficient work for the periods the employee proposes to work; and
 - a planned structural change to the business.
- 5.3 A request cannot be rejected for any other reason.

6. Appeal

- 6.1 If the flexible working request is declined, the employee has the right to appeal. An appeal must be made using the Flexible Working Appeal Form which is available on the Council's Intranet, within five working days of receiving the written notification of the line manager's decision. The employee must submit the appeal form to their line manager with a copy to HR.
- 6.2 On receipt of the appeal, a hearing will be arranged as soon as reasonably practicable. To ensure that the appeal is considered objectively, the appeal will be heard by a Head of Service assisted by a representative from the HR team. The employee will be invited to attend the meeting and can be accompanied by a work colleague or trade union representative. The provisions in paragraphs 3.3 to 3.5 will also apply when arranging the appeal meeting. The employee's line manager will also be invited to attend to present the business case as to why the request was declined initially.
- 6.3 The employee will be notified of the appeal decision within three working days of the appeal meeting using the Flexible Working Appeal Reply Form which is available on the Council's Intranet. A copy of the form must also be sent to HR. If the appeal decision is again to decline the request, the employee cannot re-apply for flexible working for a period of 12 months from the date on which the application was made. If the appeal is upheld, HR will arrange to confirm the

change to the employee's terms and conditions in writing and send it to the employee as an amendment to his/her written statement of terms and conditions of employment as soon as is reasonably practicable.

6.4 The outcome of the appeal is final. There is no further right of appeal.

7. Exceptions to the policy

7.1 The Council will endeavour to process requests for flexible working within three months from first receipt. However, there may be occasions where it is necessary to deviate from this to help reach a suitable outcome. For example, it may be agreed that the timescales are extended in the event that the employee is unable to attend a meeting, or to account for the absence of a Council representative.

7.2 In the event that an extension of timescales is required, the Council will confirm in writing the reasons for the extension and any agreed revision of the timescales involved.

8. Contract variation

8.1 It is important to note that a flexible working request that is accepted will normally constitute a permanent change to the employee's contractual terms and conditions and will continue for the length of their current employment contract. The employee has no right to revert back to their previous working pattern, unless a further change is agreed between the employee and the Council through a subsequent flexible working request. For the avoidance of doubt, if the employee applies for and is appointed to a new job, the continuation of their flexible working arrangement cannot be guaranteed.

Social Media Policy

August 2018
(Draft for Discussion)



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Table of Contents

1. Objectives and scope	3
2. Personal use of social media at work.....	3
3. Using social media for work purposes	3
4. Monitoring use of social media during work time.....	4
5. Social media in your personal life.....	4
6. Use of social media in the recruitment process.....	5
7. Disciplinary action over social media use.....	6

1. Objectives and scope

- 1.1 Social media is any online platform or app that allows parties to communicate instantly with each other or to share data in a public forum. This includes social forums such as Twitter, Facebook and LinkedIn. Social media also covers blogs and video and image-sharing websites such as YouTube.
- 1.2 Employees should be aware that there are many more examples of social media than can be listed here and this is a constantly changing area. Employees should follow these guidelines in relation to any social media that they use.

2. Personal use of social media at work

- 2.1 Employees are allowed to access social media websites from the Council's computers or devices at certain times (provided that they are not undertaking overtime). Employees must limit their use of social media to their official rest breaks such as lunch breaks.
- 2.2 Employees using their own computers or devices, such as laptops and palm-top and hand-held devices, should also limit their use of social media on their own equipment to their official rest breaks such as their lunch break. This is so that the use of social media does not interfere with their other duties as this is likely to have a detrimental effect on their productivity.

3. Using social media for work purposes

- 3.1 Employees may be asked to contribute to the Council's social media activities, for example by writing blogs, managing a Facebook account or running an official Twitter account. All such activities must be carried out in accordance with the Communications Social Media Policy which is available on the Council's intranet, Training and advice is available from the Communication's team on using social media for work.
- 3.2 Employees must be aware at all times that, while contributing to the Council's social media activities, they are representing the Council. Employees who use social media as part of their job must adhere to the rules below.
- 3.3 Any communications that employees make in a professional capacity through social media must not:
- bring the Council into disrepute, for example by:
 - criticising or arguing with customers, colleagues or others;
 - making defamatory comments about individuals or other organisations or groups; or
 - posting images that are inappropriate or links to inappropriate content;
 - breach confidentiality, for example by:
 - revealing confidential or sensitive information
 - giving away confidential information about an individual (such as a colleague or customer contact)
 - breach copyright, for example by:

- using someone else's images or written content without permission;
- failing to give acknowledgement where permission has been given to reproduce something; or
- do anything that could be considered discriminatory against, or bullying or harassment of, any individual, for example by:
 - making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief, age or any other protected characteristic;
 - using social media to bully another individual (such as an employee of the Council); or
 - posting images that are discriminatory or offensive or links to such content.

3.4 Employees should use the same safeguards as they would with any other form of communication about the Council in the public sphere. These safeguards include:

- making sure that the communication has a purpose and a benefit for the Council or residents of the borough;
- obtaining permission from their line manager before embarking on a public campaign using social media;
- asking a colleague to check the content before it is published; and.
- seeking advice from the Council's Communications team

3.5 Some employees use social media in the course of their work for the purpose of gathering evidence to assist in the Council's enforcement activities (e.g. to detect benefit fraud). These employees must adhere to the Regulation of Investigatory Powers Act (RIPA) (2000), when undertaking such activities.

4. Monitoring use of social media during work time

4.1 The Council reserves the right to monitor employees' internet usage during work time. The Council considers that valid reasons for checking an employee's internet usage include suspicions that the employee has:

- been spending an excessive amount of time using social media websites for non-work-related activity; or
- acted in a way that is in breach of the rules set out in this policy.

4.2 The Council reserves the right to retain information that it has gathered on employees' use of the internet for a period of 12 months.

4.3 Access to particular social media websites may be withdrawn in any case of misuse.

5. Social media in your personal life

5.1 The Council recognises that many employees make use of social media in a personal capacity and outside of work. While they are not acting on behalf of the Council, employees must be aware that they can bring the Council into disrepute if they are recognised as being one of our employees. Employees should take care to check the privacy settings on any social media they use as in some cases information which the employee intended to be private is actually available publicly unless the privacy settings have been set accordingly.

5.2 Any communications that employees make in a personal capacity through social media must not:

- bring the Council into disrepute, for example by:
 - criticising or arguing with customers, colleagues or others;
 - making defamatory comments about individuals or other organisations or groups; or
 - posting images that are inappropriate or links to inappropriate content
- breach confidentiality, for example by:
 - revealing confidential information owned by the Council;
 - giving away confidential information about an individual (such as a colleague or customer contact) or organisation (such as a partner organisation); or
 - discussing the Council's internal workings (such as contractual arrangements with a supplier) or its future business plans that have not been communicated to the public

5.3 Employees are allowed to say that they work for the Council, which recognises that it is natural for its staff sometimes to want to discuss their work on social media. However, the employee's online profile (for example, the name of a blog or a Twitter name) must not contain the Council's name.

5.4 If employees do discuss their work on social media (for example, giving opinions on the way the Council operates), they must include on their profile a statement along the following lines: "The views I express here are mine alone and do not necessarily reflect the views of my employer."

5.5 Employees should be aware that the Employees' Code of Conduct covers issues such as the requirement for all employees to be politically neutral in their work for the Council, conduct outside of working hours and use of information. Employees should have regard to the Code of Conduct when using social media in a personal capacity. Employees should be aware that any reports of inappropriate activity linking them to the Council will be investigated.

5.6 Employees who are in a politically restricted post are effectively prevented from having any active political role either in or outside the workplace and should take extra care not to breach this requirement when using social media.

6. Use of social media in the recruitment process

6.1 Unless it is in relation to finding candidates (for example, if an individual has put his/her details on social media websites for the purpose of attracting prospective employers), the HR team and managers will not, either themselves or through a third party, conduct searches on applicants on social media. This is because conducting these searches during the selection process might lead to a presumption that an applicant's protected characteristics (for example, sexual orientation or religious beliefs) played a part in a recruitment decision.

7. Disciplinary action over social media use

7.1 All employees are required to adhere to this policy. Employees should note that any breaches of this policy may lead to disciplinary action.

- 7.2 Where there is a concern that an employee's use of social media (either during work time or in their personal life) has breached the principles of this policy or the Code of Conduct, then it may be necessary to carry out surveillance of an employee's use of social media. Such activity would generally fall outside of the Regulation of Investigatory Powers Act as it would not be criminal activity. However, before any such action is taken, approval must be given by the Head of HR and Organisational Development.
- 7.3 Serious breaches of this policy, for example incidents of bullying of colleagues through social media, or social media activity causing serious damage to the Council's reputation, may constitute gross misconduct and lead to summary dismissal.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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