

Subject:	Review of Policies and Procedures	Status:	For Publication
Report to:	Overview and Scrutiny	Date:	7 th November 2016
Report of:	Chief Executive	Portfolio Holder:	Resources and Finance
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	Yes	Attached: Yes
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	Members agree the Recruitment and Selection Policy and Managers Guidance, as attached, which has been revised as part of the Council's policy review cycle and updated to reflect changes in employment legislation.
1.2	Members agree the Disciplinary Policy, as attached, which has been revised as part of the Council's policy review cycle in line with best practice.
1.3	Members agree the Grievance Policy, as attached, which has been revised as part of the Council's policy review cycle in line with best practice.
1.4	Members agree the Absence Management Policy, as attached, which has been revised as part of the Council's policy review cycle in line with best practice.
1.5	Members agree that all future minor amendments be delegated to the Chief Executive in consultation with the Portfolio Holder.

2. PURPOSE OF REPORT

2.1 To seek Members agreement to the policies set out in Section 1 (above).

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.

4. RISK ASSESSMENT IMPLICATIONS

4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- Failure to have robust policies and procedures could leave the Council at risk to employment liability claims, which could potentially lead to legal, financial and reputational risks to the Council.

5. BACKGROUND AND OPTIONS

5.1 In drafting new policies and amending existing policies research has been undertaken, for

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the purpose of best practice, with other Local Authorities, industry experts and professionals, professional bodies and organisations.

- 5.2 The Recruitment and Selection Policy and Managers Guidance has been refreshed and updated and reflects changes to employment legislation, for example, the Equalities Act 2010 which encompasses several pieces of legislation and saw the list of protected characteristics extended. A summary of the key changes is attached.

Recruitment and Selection Policy is attached (appendix 1)
A summary of the key changes is attached (appendix 1a)

- 5.4 The Disciplinary Procedure has been refreshed and updated. A summary of the key changes is attached.

Disciplinary Procedure is attached (appendix 2)
A summary of the key changes is attached (appendix 2a)

- 5.5 The Grievance Procedure has been refreshed and updated. A summary of the key changes is attached.

Grievance Policy is attached (appendix 3)
A summary of the key changes is attached (appendix 3a)

The Absence Management Policy has been refreshed and updated and now includes a section on stress related absence. A summary of the key changes is attached.

Absence Management Policy is attached (appendix 4)
A summary of the key changes is attached (appendix 4a)

- 5.6 Formal consultation with the Trade Union was held on 22nd September 2016 to review the revised policies and procedures.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

- 6.1 Any financial matters arising will be contained within existing budget resource.

7. MONITORING OFFICER

- 7.1 It is important to have robust and up to date policies in place to ensure the Council's fully protected in the event of legal challenge.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

- 8.1 Full consultation has been undertaken with the Trade Union as detailed in Section 5 and consultation with members of the Management Team.

9. CONCLUSION

- 9.1 Amendments to policies will make them more robust and bring them in line with current legislation. This will also protect the Council from any employment litigation or financial claims.

Background Papers

Document	Place of Inspection
Recruitment and Selection Policy and Managers Guidance and summary of changes.	Appendix 1 and Appendix 1a
Disciplinary Procedure and summary of changes.	Appendix 2 and Appendix 2a
Grievance Procedure and summary of changes.	Appendix 3 and Appendix 3a
Absence Management Policy and summary of changes.	Appendix 4 and Appendix 4a

Recruitment and Selection Policy

Other formats are available.
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visit our One Stop Shop at
Futures Park, Bacup.

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Responsible Team	People and Policy	Version	1
Responsible Author	HR Manager	Due for review	01.09.2017
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1.0 Introduction

- 1.1 ~~The Council's Workforce is its most important asset. It represents a substantial part of the total expenditure of the Authority. Without an effective workforce, the Council cannot fulfil its obligations to the community it serves, or indeed face the challenge of providing efficient services. It is, therefore, essential to ensure that the BEST PERSON FOR THE JOB is selected in an efficient and equitable way.~~ **The Council is committed to attracting, selecting and retaining employees who will successfully and positively contribute to providing a valuable service. A motivated and committed workforce with appropriate knowledge, skills, experience and ability to do the job is critical to the Council's performance and fundamental to the delivery of a high quality service.**
- 1.2 **This policy aims to ensure that fair recruitment and selection is conducted at all times and is open and transparent and should be read in conjunction with the Recruitment and Selection Guidance for Managers.**
- 1.3 The Council is committed to equality of opportunity and meeting the diverse needs of the Borough, both as an employer and as a deliverer of services.

2.0 Purpose

- 2.1 ~~This policy sets out the main issues and factors to be taken into account when recruiting and selecting staff for employment at Rossendale. The recruitment and selection process will follow all legal, regulatory and compliance requirements and will be conducted in an efficient and equitable way.~~ **The purpose of this policy is to ensure the recruitment of both permanent and temporary staff is conducted in a fair, effective and economic manner.**
- 2.2 **To achieve this purpose, the recruitment and selection process will follow all legal, regulatory and compliance requirements and those that are responsible for each stage of the recruitment process will demonstrate a professional approach by dealing honestly, efficiently and fairly with all internal and external applicants.**

3.0 Scope

- 3.1 This policy applies to the recruitment of both external and internal applicants up to Chief Officer and the Section 151 Officer **and will cover permanent, temporary and casual appointments.**
- 3.2 For Chief Officer appointments, the principles will apply but different arrangements may apply in accordance with the Council's constitution.
- 3.3 ~~The policy will cover permanent, temporary and casual appointments. It does not cover redeployment or the appointment of consultants or agency staff. It is recognised that whilst the principles of the policy should be applied consistently, the actual process may need to vary according to particular operational circumstances. Where discretion has been applied, comprehensive notes should be made to justify the deviation from the policy.~~
- 3.4 ~~It is acknowledged that there may be occasions in exceptional circumstances where staff may be required at very short notice or to undertake particular work. In these instances it may be acceptable to deviate from full recruitment and selection practices. Any action that would deviate from the policy should be agreed beforehand by the Head of People and Policy.~~
- 3.5 ~~Any breach of this policy by an employee may result in disciplinary action being taken against that employee.~~

- 3.3 This policy should be applied consistently across the Council. However, it is accepted that when applying the policy, some discretion and flexibility may need to be applied whilst still ensuring that this is within the overall framework of the policy. This is to ensure that the policy operates effectively and does not adversely affect aspects of recruitment and selection practices.
- 3.4 In instances where Managers identify a need to exercise discretion and flexibility in the interpretation of this policy, consultation should take place with the People and Policy Team initially and a written record should be made of the action taken and the reasons supporting this action.

4 Responsibilities

- 4.1 The HR Manager is responsible for ensuring that this policy **and associated guidance document** is reviewed regularly to reflect recruitment and selection best practice and compliance with legislative requirements.
- 4.2 ~~The Head of People and Policy~~ **HR Manager** is responsible for ensuring that all Managers ~~departments and service areas are provided with up to date guidance and advice in relation to recruitment and selection and~~ are trained and equipped to adhere to the guidelines set out in this policy.
- 4.3 **Managers are responsible for implementing the policy with support and advice from the People and Policy Team.**
- 4.4 Chief Officers have delegated responsibility to make appointments below the level of JNC Chief Officer and should do so in accordance with this policy. Where this responsibility is delegated to other officers, they must ensure that recruitment and selection continues to be compliant with this policy.
- 4.5 ~~It is the responsibility of Chief Officers to bring to the attention of the Head of People and Policy any issues or difficulties in the application of this policy.~~

5 ~~Best Practice and Equality of Treatment~~ **Aims and Objectives**

- 5.1 ~~This policy should be read in conjunction with the Council's Equal Opportunities Policy which commits the Council to the elimination of unfair and unlawful discrimination in all its policies, procedures and practices.~~
- 5.2 **To ensure a consistent and equitable approach to the appointment of all Council staff.**
- 5.3 **To ensure all relevant equal opportunities legislation is adhered to and that applicants are not discriminated against on the grounds of** ~~The Council will ensure that fair and equitable treatment is provided to all applicants and that all appointments are made on merit regardless of~~ **race, gender-sex, sexual orientation, age, religion or belief, ethnic origin, gender reassignment, marriage or civil partnership, pregnancy and maternity or disability.**
- 5.4 The Council values a diverse workforce that is representative of the Borough it serves. This policy highlights that recruitment and selection is a key factor in promoting equal opportunities.
- 5.5 **The Council will guarantee an interview for any disabled applicant who demonstrates that they meet the essential criteria as detailed in the relevant Person Specification or where it is possible to offer reasonable adjustments to the work environment.**

6 Positive Action and Positive Discrimination Principles

6.1 The following principles are encompassed in this policy:

- The recruitment process will be objective and free from bias.
- Applicants will be recruited on the knowledge, experience and skills needed for the job.
- Applicants will be treated fairly
- Each step of the selection process will consist of at least **two** officers, one which is trained in the recruitment process.
- The job description and person specification are essential to the recruitment process and will be carefully drafted and referred to throughout.
- The recruitment process will comply with relevant legislation and appropriate codes of practice.
- Reasonable adjustments to the recruitment process will be applied, as necessary, if the applicant declares a disability.
- Training will be provided for managers in recruitment and selection processes and they will be made aware of their obligations in respect of equal opportunities.
- The effectiveness of the recruitment and selection process will be monitored and reviewed periodically.
- The process will enable any applicant/potential applicant to raise issues regarding the process if they wish to do so.

~~6.1 Positive action is distinctive from positive discrimination as follows:~~

- ~~• Positive action is where members of particular groups are assisted in gaining employment. An example could be by providing training.~~
- ~~• Positive discrimination is where members of a particular group are given preference over others for no other reason than belonging to that group. Positive discrimination is unlawful under all the equality legislation with the exception of the Disability Discrimination Act (DDA). The DDA allows discrimination in favour of disabled people. However, the requirement to make appointments on merit in local government means that the Council cannot discriminate in this way.~~

6.2 The Council will guarantee an interview for any disabled applicant who demonstrates that they meet the essential criteria as detailed in the relevant Person Specification or where it is possible to offer reasonable adjustments to the work environment.

6.3 The Council will actively participate in positive action initiatives which will encourage people from under-represented groups to:

- Apply for jobs in which they have been under-represented; and
- Be given opportunities to apply for training programmes to help develop potential and so improve their chances of competing successfully for particular work.

7.0 Application of Policy

~~7.1 This policy should be applied consistently across the Council. However, it is accepted that when applying the policy, some discretion and flexibility may need to be applied whilst still ensuring that this is within the overall framework of the policy.~~

~~Any deviation from the policy must be agreed with the HR Manager.~~

~~7.2 Where discretion and flexibility are applied in the interpretation of this policy, a written record should be made of the action taken and the reasons supporting this action.~~

7.0 Complaints

7.1 Applicants who feel that they have been treated unfairly or discriminated against are entitled to submit a complaint to the HR Manager who will investigate the complaint.

7.2 Where the applicant disagrees with the outcome of the investigation, they will have the opportunity to submit an appeal to the Chief Executive.

8.0 Monitoring and Review

8.1 The HR Manager is responsible for the monitoring of the effectiveness of this policy.

8.2 The policy will be reviewed **every three years** and thereafter as necessary to reflect changes in HR policy and practices, legislation, relevant Council decisions and any other developments which impact upon recruitment and selection.

Recruitment & Selection Guidance for Managers

Other formats are available.
Please call 01706 217777 or
visit our One Stop Shop at
Futures Park, Bacup.



Responsible Team	People and Policy	Version	1
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1.0 Introduction

- 1.1 The Recruitment and Selection Guidance is separate to, but should be read in conjunction with, the Recruitment and Selection Policy.
- 1.2 The guidance aims to ensure that managers and employees of Rossendale Borough Council maintain a consistent approach throughout the process of recruitment and selection and have a good understanding of good practice and an awareness of actions that may constitute discrimination.
- 1.3 The objective of recruitment and selection is to appoint the best person for the post based on merit. This should be done using a fair and equitable process which is based on the needs of the organisation and the candidate's ability to do the job, ability to contribute to the Council's effectiveness and potential for development.

2.0 Preparing to Recruit

2.1 Job Analysis

Job analysis is a process to determine whether a vacant post needs to be filled or whether you wish to restructure or delete the post from the establishment. The following areas should be considered as part of this process:

- The continuing requirement for the post;
- The function of the service and any changes;
- Any new technology or software that may alter the requirements of the existing duties of the post;
- Future changes anticipated which would require different or more flexible skills and knowledge;
- The skills, knowledge, experience and competencies required to undertake the post;
- The type of contract required to undertake the work i.e.
 - Permanent
 - Fixed term
 - Full time
 - Part time
 - Job share
 - Modern Apprenticeship
 - Secondment
 - Career Development Opportunity

2.2 Sources of Information

Useful sources of information to consider when undertaking job analysis could include the following:

- Exit interview with the current post holder;
- Employees doing the same or similar jobs;
- The existing job description and person specification;
- The views of your manager and other colleagues;
- The People and Policy Team.

2.3 Exit Interview

The aim of the exit interview is to ensure that the Council can gather information as to why employees leave employment and to ensure that potential areas for improvement are identified and changes made where appropriate.

This is particularly important in relation to the public duties of the Council to monitor the numbers of employees who cease employment and to use the information gathered from monitoring to investigate and resolve any potentially discriminatory treatment.

In relation to recruitment and selection, it provides the manager with the opportunity to ensure that the job description is reviewed and accurately reflects the duties and responsibilities of the role.

Similarly the Person Specification can be reviewed in line with any changes or developments made to the job description or changes to the requirements to fulfil the role.

2.3.1 Exit Interview Process

- When an employee tenders their resignation, the relevant manager should send the resignation letter to the People and Policy Team as soon as possible.
- The manager should arrange to meet with the employee soon after the resignation is received to conduct the exit interview.
- Where possible the exit interview should be conducted in a private area, free from disturbance and interruptions.
- The Exit Interview Form should be completed as part of the exit interview and sent to the People and Policy Team so that payroll and monitoring information can be gathered.

2.4 Career Development Opportunity

For some posts or areas of work managers may experience difficulty in recruiting suitable candidates. This could be due to market forces or a tight labour market. In these circumstances it may be decided that the newly vacant post could provide a development opportunity for current employees.

In these circumstances the post will need to be reviewed and the job description amended as appropriate.

These are exceptional circumstances and evidence will need to be provided by the recruiting manager to justify providing a development opportunity for current employees only.

An example of evidence could include recent recruitment campaigns which have failed to attract appointable candidates to the post.

2.5 Job Description

~~Departmental management~~ **Service Managers** must, as each vacancy arises or a new post is created, prepare a job description showing the duties, responsibilities and organisational setting for the post.

Corporate template job descriptions are available in the following categories:

- ~~Heads of Service~~
- ~~Management Posts~~
- ~~Non-Management Posts~~

~~The relevant template must be used for all job descriptions. They can be found in Appendix 1 at the end of this document.~~

The job description should be clear, reasonably concise and a fair representation of the post. It must provide sufficient information to enable a job applicant to understand what they will be doing and how it contributes to the Council's aims and objectives.

Jargon and abbreviations should be avoided as some terms may not be understood by applicants from other sectors of employment.

The job description must not contain anything that could be interpreted as discriminatory on the grounds of **age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation** ~~race, ethnic origin and nationality, religious or cultural beliefs, gender or gender identity, marital status, disability or illness, sexuality or sexual identity, or age.~~

It is important to consider carefully what is articulated in the job description as this forms part of the contract of employment for the recruited employee.

2.6 Person Specification

The qualifications, experience, knowledge, skills and abilities required must be separately identified in a Person Specification.

This document is sent to all candidates, and must be used as the basis for shortlisting and at all subsequent stages of the selection process. If the requirements are not reflective of the duties of the post, then the person subsequently appointed will not be suitable to undertake the requirements of the post.

The format of the Person Specification can be found in **Appendix 2**.

Qualifications

Avoid requirements such as "minimum of 5 GCSE's" which may have no direct relevance to the post unless required in order to gain further training/qualifications.

Do not assume that overseas qualifications are the equivalent to those awarded in the UK, the standard of those qualifications should be checked, if necessary through the ~~National Academic Registration and Information Centre (telephone 0871 330 7033).~~

Gov.UK <https://www.gov.uk/government/publications/overseas-degree-equivalency-table-and-methodology>
or **UKNARIC** <http://www.ecctis.co.uk/naric/Individuals/Compare%20Qualifications/Default.aspx>

Applicants should not be rejected because their qualifications are considered too great for the post on offer. Care should be taken that the employee specification provides a good basis for qualification demands in order to avoid a common

misunderstanding where applicants may believe that they have been unfairly discriminated against in relation to qualifications.

Experience

Avoid vague requirements which cannot be qualified, such as “good personality”, “good standard of education” and “sense of humour”. Instead, use direct requirements which can be measured such as “experience of working as part of a team”, “ability to meet deadlines”, “experience of dealing with the public” which can be assessed from the application form and at interview.

The use of length of time to quantify experience (e.g. 5 years’ experience) should be avoided unless it is required by that particular occupation. An example of where it would be acceptable is if there is a statutory requirement that the post holder has a specific number of years post qualification experience such as a Solicitor or Planning Officer.

It is better practice to specify what experience you are looking for such as “experience of policy development in the following areas...” rather than “5 years’ experience of policy development”. The length of time does not necessarily reflect the individual’s experience of undertaking that particular work and could be regarded as indirectly discriminatory. This could be because some applicants may not have had the opportunity to acquire the number of years’ experience due to their age or due to having career breaks, for example, to undertake caring duties, but may have the actual experience required to undertake the work. See section 13.0 for further information regarding discrimination.

Knowledge and Skills

As with experience, it is important to be clear about knowledge that is required for the post (and therefore an essential criterion) and knowledge that could be acquired through training or experience once in post (and may therefore be a desirable criterion).

Equally the same thinking should be applied when considering which skills are required for the post. Skills which take a considerable time and effort to acquire would normally be an essential criterion. Those which could be easily gained through training or experience once in post would normally be a desirable criterion. Care should be taken in considering how to assess the skills and knowledge during the selection process.

Special Requirement

Commitment to the principles and practice of Equal Opportunities is a Council resolution, being an essential requirement for every post and should be determined through questioning at the interview stage. The degree of knowledge of Equal Opportunities issues required will vary from post to post which should be taken into account when preparing the question. A question leading to a single word answer “yes” or “no” should be avoided.

Under the Local Government Housing Act (1989) certain Local Authority appointments are classified as politically restricted posts. Local Authority employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council, from being a Member of Parliament or a Member of the European Parliament, and from membership of the Scottish Parliament or Welsh Assembly. They are subject to prescribed

restrictions on their political activity through the Local Government Officers (political restrictions) Regulations 1990. This includes canvassing.

Where it is the case that a post is politically restricted, it should be stated as an essential criteria of the Person Specification that applicants should be prepared to satisfy the requirements of the Act in the event of being appointed. See section 13.0 for further information on which posts are politically restricted.

Further Information

If you require further advice regarding drawing up a Job Description or Person Specification, please contact the People and Policy Team on 01706 252457 **449**.

The relevant Job Description and Person Specification are to be sent to all applicants for vacancies.

3.0 Job Evaluation

All new posts, or posts which have changed duties and new job descriptions, will need to be evaluated using the agreed Job Evaluation Scheme. A separate Job Evaluation Sheet will need to be completed by the recruiting manager to provide additional information for the JE panel so that the grade of the post can be evaluated correctly.

The Job Evaluation Sheet can be found in **Appendix 8**.

New posts or posts where the duties and job descriptions have changed will not be able to be advertised or recruited to before the job evaluation process has been completed.

4.0 Vacancy Control

The Manager has the authority to process a vacancy for recruitment in consultation with the relevant Head of Service. In some circumstances vacancies may be required to go through a vacancy clearance process i.e. where staff are at risk of redundancy.

Scheme of Delegation

For all new posts, ~~or~~ posts where the grade has changed following the job evaluation process detailed above, **or where there has been a substantive change to a role/job title then** a Scheme of Delegation should be drafted by the recruiting manager and approved prior to advertising the post. This is to ensure that ~~both Finance and the HR and Payroll~~ the authorised establishments are up to date and accurate.

5.0 Casual and Temporary Workers

Whilst the Council has workforce planning processes in place in line with the business planning process, there will be occasions when there will be a need to respond to unplanned vacancies, cover for sickness absence and maternity leave, or increased workloads for a specific period or task.

Where there is irregular or infrequent demand for particular staffing resources then a register of casual workers can be established. An example of where the use of casual staff would be appropriate would be the use of students during holiday

periods to provide additional cover for basic administrative or customer service functions.

Where it is not appropriate or economical to recruit on a temporary basis then additional assistance may be provided using an employment agency.

5.1 Employment Agencies

~~There are, on occasions, exceptional circumstances where the use of casual or temporary workers is not appropriate or economical, and the Council will consider recruiting via an employment agency. The use of agency workers should be kept to a minimum and the length of an assignment should not exceed 12 weeks. The Council operates a Preferred Supplier List which must be used when recruiting agency workers. Agency workers should only be used where the above arrangements would not be appropriate or economical.~~

Managers should contact the People and Policy Team for further information before ~~you~~ considering employing an agency worker.

6.0 Advertising and Attracting Candidates

6.1 How and where to advertise

The aim of recruitment advertising is to attract the right person for the job. It also provides a valuable opportunity to promote Rossendale Borough Council as an employer of choice and an interesting and attractive place to work.

The People and Policy Team will draft the advert based upon the job description and person specification for the post. This will then be sent to the recruiting manager for their approval and amendment where necessary.

As a minimum, all vacancies will be advertised on the Rossendale Borough Council vacancies page and Job Centre Plus free of charge.

Where it is felt appropriate to supplement these options, there is a broad range of places to advertise which can help to ensure a diverse range of applicants. Vacancies could be advertised in various media such as newspapers, trade publications, various reputable websites, community centres, places of worship, and so forth.

~~Rossendale Borough Council has a contract with Tribal Advertising Agency which stipulates that all published recruitment advertising must be done through them. All vacancies which are to be advertised must come through the People and Policy team who will liaise with Tribal Advertising. No longer relevant?~~

Selection of media can be based upon information about readership sources and circulation, costs and previous monitoring of response rates. **All advertising costs will be charged to the recruiting department.** For advice about the most appropriate place to advertise contact the People and Policy Team.

6.2 What to include in recruitment adverts

There are seven key pieces of information to include in recruitment adverts:

- The name of the organisation (i.e. Rossendale Borough Council);
- The job title;

- The salary and benefits;
- The main duties;
- The most important selection criteria;
- The application/response details; and
- Whether the post requires a ~~CRB~~ DBS check.

6.3 Positive Action

Selection for recruitment or promotion must be on merit, irrespective of ~~sex, race, age, sexual orientation, religion or belief, or disability~~ **age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation**. However, it is possible to take steps to redress effects of inequality in the workforce by holding, for example, pre employment training and holding taster days to give people from under represented groups the necessary skills to compete for jobs and offering reasonable adjustments for disabled people.

Positive action is sometimes confused with positive discrimination. Positive discrimination is selecting for recruitment or promotion an individual because they belong to a particular group. Positive discrimination is unlawful.

Positive action is permitted under discrimination legislation providing there are no persons from that particular group undertaking the work or where the proportion of persons doing the work from that particular group is small in comparison to the people from that group in the Council as a whole.

6.4 Recruitment Packs

Recruitment packs should contain the following information:

- Covering letter
- Copy of the recruitment advert
- Job description **Appendix 1**
- Person specification **Appendix 2**
- Structure chart (where appropriate)
- Promotional material about Rossendale Borough Council (where appropriate)
- Information relating to ~~Criminal Record Disclosures~~ **DBS** (where applicable)
- Application form
- Monitoring form

7.0 Selection

7.1 Receipt of Applications

The People and Policy Team receive job applications and only Rossendale's Corporate application forms will be accepted. CVs will not be accepted unless this is a reasonable adjustment to enable a disabled candidate to submit an application or where there has been a decision to use CVs as the form of recruitment.

Applicants can complete an online application form up to midnight of the day before the closing date and email/hard copy application forms will be accepted until 9am on the closing date.

Late application forms will only be accepted in exceptional circumstances and at the discretion of the recruiting manager and where shortlisting has not taken place.

7.2 Selection Panel

The selection panel has the responsibility for appointing the successful candidate based on the person specification and for ensuring that all relevant employment legislation and Council policies are followed and managed in an equitable and professional manner.

7.3 Panel Composition

The team should be made up of ~~at least two~~ **three** officers, ~~preferably three of which one should be from the People and Policy Team~~. This team will draw up the Person Specification, shortlist and interview the candidates; make a decision and appoint the successful candidate in accordance with the required HR procedures and officer authority. Once the team is named, its membership (other than in exceptional circumstances) should remain constant throughout the selection process. It is advisable that dates for both shortlist and interviews are arranged at this stage.

There are strict rules for declaring interests in appointments and the panel is obliged to observe them. If one or more of the applicants is a personal friend or relative of a panel member, the panel member should withdraw from the recruitment process.

7.4 Recruitment and Selection Training

At least one member of the panel, preferably the Chair, involved in recruitment and selection **process** must have received **the Council's recruitment and selection** training including an element of Equal Opportunities. Those Officers who have not attended RBC Recruitment and Selection training must be briefed by a member of the People and Policy Team prior to taking in part in recruitment and selection. All officers should have refresher training every three years.

7.5 External representatives on Selection Interview Panels

Representatives from external organisations or bodies may be invited to attend selection panels where appropriate – e.g. when a post has a significant working relationship with that particular organisation or body. External representatives should be advised by the Chair of the panel whether their role is advisory and whether they have decision making rights. Any contribution to the recruitment process will be discussed by the panel at a pre-interview briefing meeting which should also refer to the Borough Council's Equal Opportunities Policy.

7.6 Elected Member **Appointment Panel** Involvement

~~Director level only. It is recommended that in appointments made by Elected Members, panels may need to be enlarged to achieve appropriate political balance. Elected Members must be involved in appointments to the Monitoring Officer and the Section 151 Officer as per the Council's Constitution.~~ **An appointment panel will be established to appointment Chief Officers (including Head of Paid Services, Monitoring Officer, S151 Officer and Directors). The Elected members Appointment Panel will be politically balanced as per the Council's constitution.**

7.7 Composition of panel in relation to gender

Consideration should also be given to including both genders on panels where one gender is under-represented in that area of employment.

7.8 Shortlisting

When shortlisting, the selection should be based upon the criteria identified in the person specification and must be:

- Objective and justifiable;
- Non-discriminatory;
- Relevant to the role

The Council is committed to Disability Confident. This commitment recognises the Council is working with the Department of Working Pensions (DWP) to ensure that disabled people and those with long term health conditions have the opportunities to fulfill their potential and realise their aspirations.

As a Disability Confident Committed Employer we have committed to:

- Ensure our recruitment process is inclusive and accessible;
- Communicate and promote vacancies;
- Offer an interview to disabled people;
- Anticipate and provide reasonable adjustments as require;
- Support any employee who acquires a disability or long term health condition, enabling them to stay in work;
- At least one activity that will make a difference for disabled people.

A shortlisting matrix is available to use and is contained in **Appendix 3**. The Chair will be responsible for ensuring that one shortlisting matrix is produced that is based on the essential criteria, and where appropriate, the desirable criteria on the Person Specification.

It is good practice for the panel members to decide collectively the scoring mechanism to be used and the benchmark to be reached and then to shortlist individually prior to discussing it with other members of the panel. Members of the panel should only consider information provided on the application form and assess applicants against the criteria contained in the Person Specification.

Those candidates who meet all the essential requirements of the person specification will form the initial shortlist. If there are too many candidates to form a reasonable shortlist then the desirable element of the Person Specification should be used. Any candidates who have declared themselves to be disabled who meet the essential criteria for the post must be guaranteed an interview as detailed above. Reasonable adjustments should be made to accommodate candidates at interview where applicable.

7.9 Methods of Assessment

The method of assessment should establish the most effective way of identifying whether an applicant has the qualifications, experience, knowledge, skills and abilities to undertake the duties of the post. The most common form of assessment is the formal interview but there are a variety of methods that can be employed to test a candidate's suitability for the post.

All forms of assessment should be free of bias and consideration should be given to factors such as gender, ethnicity, age, disability and special needs, educational background and level of ability. The assessment should be reliable and valid.

The method of assessment should be communicated to the applicant in writing prior to the selection process and this should include an explanation of the methods of assessment and what they will measure. In addition, disabled candidates should be offered the option of reasonable adjustments to be made to facilitate the process.

7.10 Interview

The formal interview is the most commonly used form of assessment. The panel should meet prior to the interview to agree a set of questions and the order in which these will be asked. All candidates should be asked the same questions, although supplementary questions are permitted in order to probe further where necessary, or to rephrase the question when it is not fully understood by the candidate.

7.11 Preparation for the Interview.

In order to achieve the best results, preparation is essential when interviewing. This includes:

- Reading all relevant documents prior to the interview
- Obtain relevant information such as salary scale, holidays, flexi-time scheme details.
- Decide the structure of the interview i.e.:-
 - The seating arrangement
 - Who is going to ask which questions
 - Who is to probe the candidate
 - Who is going to “chair” the interview
 - Who is going to take notes of each interview
 - When and how you will be likely to inform the candidates of the outcome of the interview

7.12 Creating an Informal Atmosphere

It is preferable that the candidate is put at their ease in order to achieve a more effective interview. Means of putting a candidate at their ease include:

- Consideration of the seating arrangement – try to avoid a “barrier” situation by not using a table.
- Try not to use a formal room, or if this is unavoidable, make it as informal as possible.

7.13 Taking Notes

It is important that at least one panel member takes detailed notes of each interview. These notes may be required when panel members do not agree as to which candidate to appoint and are also very useful to refer to when providing feedback to unsuccessful candidates. It is advisable to explain to each candidate that notes will be taken and the reason for this.

7.14 Interview Questions

It is essential that all questions asked at the interview are based on the requirements of the Person Specification. Interviewers must not ask questions which are not job related, especially regarding personal circumstances, or other

questions which are potentially discriminatory relating to any grounds stated in the Equal Opportunities Policy Statement – unless a Genuine Occupational Requirement applies. Please refer to the Relevant Legislation section 13.0 for further guidance on Discrimination and Genuine Occupational Requirements.

Where it is necessary to assess whether personal circumstances will affect performance (for example where the job involves unsocial hours or extensive travel) this should be discussed objectively and without the use of questions based on assumptions about marital status, occupation of spouse, children, domestic obligations or cultural assumptions.

7.15 Standardisation of Questions

Panel members should take care not to adopt different tones of voice or vary the type of question when interviewing different candidates.

7.16 Proof of Qualifications

For appointments requiring specific qualifications, it is mandatory that proof of these qualifications is obtained at the interview stage. The successful candidate's personal file must hold copies of these qualifications for ongoing reference.

7.17 When all interviews cannot be held on the same day

It is advisable that wherever possible, all interviews for a vacancy should be held on the same day. Where this is not possible, no more than 2 or 3 days should be allowed to elapse between interviews. **In these circumstances the panel membership must remain the same.**

7.18 Marking Procedure

Interviewers should be aware of their own personal prejudices which may distort their judgement regarding the suitability of a candidate. All officers involved in the interview should mark each candidate INDEPENDENTLY on the Interview Marking Form **Appendix 4** in order to eliminate the influence of individuals.

7.19 Other Assessment Methods

7.20 Presentation

Presentations are frequently used as a method to assess a candidate's ability to communicate information clearly to an audience on a given topic. They are used when recruiting to posts where they would be relevant to the job where communication to groups of people would be required as part of the role.

The presentation can be used to assess various skills: verbal communication skills, persuasiveness, delivery of information, structure of presentation, subject knowledge, and confidence when presenting.

The topic for the presentation is usually sent to the candidate with the interview letter. In some instances it may be appropriate to inform the candidate that they will be expected to prepare a presentation on the day and provide the topic upon their arrival.

7.21 In Tray Exercise

The In Tray exercise would assess a candidate's ability to undertake day to day tasks that would be required as part of the role. These tasks are generally administration based and could include, for example, sorting through an in tray of paperwork and prioritising the order in which the tasks should be completed. It may also require the candidate to undertake some tasks, such as typing a memo or letter or responding to an email.

The In Tray exercise can assess a range of skills such as literacy, typing accuracy and speed, time management and prioritisation skills and written communication skills.

7.22 IT Tests

Where the post requires the candidate to be IT literate, it is advisable to assess this skill using an IT test. The test should be devised in accordance with the level of IT knowledge and skill required to undertake the post. Consideration should also be given to what skills could be trained on the job.

It is important when devising IT tests that a test run is carried out to ensure that the instructions are clear and the test successfully assesses the skills it is supposed to.

7.23 Advice

Advice should be sought from the People and Policy Team to ensure that all assessment methods are DDA compliant with the Equality Act 2010 and not discriminatory in any way. Where the DDA—Equality Act 2010 does apply, reasonable adjustments may be required.

7.24 Retention of Documents

All shortlisting and interview marking forms must be retained in the vacancy folder and returned to the Human Resources office as soon as possible. The documents will be retained for a period of 6 months in accordance with Data Protection legislation. This procedure is necessary in order to investigate complaints arising from unsuccessful applicants.

7.25 Eligibility to Work in the UK

It is the responsibility of the Selection Panel to ensure that the selected candidate is eligible to work in the UK. Candidates are asked to bring proof of their eligibility to work in the UK to the interview. Only original documents should be accepted. Please see section 13.3 for further information.

8.0 References

8.1 When to take up references

The People and Policy Team will take up references for the successful all candidate(s) prior to selection unless the candidate has requested that they be taken up following interview.

~~References should be considered once the selection of the successful candidate is made. A verbal offer of appointment should not be made until the references have been checked and approved.~~

One reference should be from the current or most recent employer. If the successful candidate will be coming into contact with children or vulnerable adults, a

reference must be obtained from the employer who most recently recruited the candidate to a post working with children or vulnerable adults.

There may be further reference and employment checks for posts working with children or vulnerable adults. Please contact a member of the People and Policy Team for further guidance in this respect.

8.2 Reference Form

Recruiters may seek verbal references once a suitable candidate has been identified. These must be followed up in writing. In all cases, the Council's Reference Form will be used as the document to obtain references **Appendix 6**.

8.3 Consideration of references

References are only part of an assessment of the suitability of a candidate, and undue weight should not be attached to them. This is because a reference is based solely on one person's opinion of a colleague/subordinate. This opinion can be influenced by many things which are not work-related. If an adverse reference is received, then a member of the People and Policy Team is available to assist in assessment of relevance.

9.0 **Appointments**

9.1 Following interviews, the Manager may make a verbal offer providing references have been received and this will be followed up by a written offer. Where references have not yet been received, the offer of employment should be delayed until such time as both references have been received and confirmed as satisfactory.

9.2 The candidate should be informed that the offer of employment is subject to certain clearances (medical/CRB/DBS/qualifications) and that the offer will be followed up in writing. An offer should never be made subject to satisfactory references.

9.3 All offers of employment should be followed up in writing by a member of the People and Policy Team. The establishment form is to be completed by the recruiting manager before any offer of employment is given in writing to any appointee. This form with part A completed by a member of the People and Policy Team will have been received with the list of applications. When the decision has been made on an appointee then the Manager is to complete Part B and return the form along with the relevant application form to the People and Policy Team.

~~9.4 Any offer of employment to an employee is always subject to medical clearance if the appointee is an external applicant. The appropriate form for submission to the Occupational Health Unit must be completed by the successful candidate and submitted to a member of the People and Policy Team. Certain posts may require the candidate to obtain medical clearance whether they are internal or external to the organisation. This will be due to the nature of the duties of the post.~~

9.5 If the post holds duties or circumstances giving substantial access to children or vulnerable adults then this Council requires as mandatory that the appropriate police check for criminal background disclosure is undertaken. This will be undertaken by a member of the People and Policy Team after the applicant has been selected but BEFORE the applicant is appointed to the post. Approximately 2 weeks must be allowed for this to be carried out. Such clearance should also be

obtained for internal applicants entering the childcare/care or elderly field via promotion, transfer, or redeployment if the individual concerned has not received such clearance in the past. ~~CRB~~ **DBS** checks should be undertaken every three years.

9.6 Feedback to unsuccessful candidates

The Chair of the recruitment panel preferably, or another member of the recruitment panel, should communicate to the candidates whether they are successful or unsuccessful and provide feedback. Feedback could be requested at shortlisting stage or interview stage and may require information relating to the candidate's application, interview, or presentation/other assessment. It is therefore important that comprehensive notes are kept at each of these stages to ensure that constructive feedback can be provided.

Objective, constructive feedback will assist the applicant when applying for future jobs and help them to identify their strengths and areas for development. Your feedback should be:

- Honest
- Objective
- Valid
- Positive
- Constructive
- Timely

Feedback should relate only to that individual and their performance against the specified criteria. It should not compare the individual against other candidates' performance.

Internal Applicants

Feedback should be provided to unsuccessful internal applicants and candidates by the Chair of the Recruitment Panel as a matter of course at both the shortlisting and interview stage, depending at which stage the applicant is unsuccessful.

10.0 Complaints

Applicants who feel that they have been treated unfairly or discriminated against are entitled to submit a complaint to the ~~Head of People and Policy~~ **HR Manager** who will investigate the complaint.

Where the applicant disagrees with the outcome of the investigation, they will have the opportunity to submit an appeal to an ~~Executive Director~~ **Chief Executive**.

The Council must have available the necessary documents properly completed by adhering to these principles and practices in order to respond to any complaint in an accurate, transparent and logical manner.

Where it appears on complaint that the Policy on Recruitment and Selection has not been adhered to, then the Council's Disciplinary Procedure will be invoked by the relevant Officer.

11.0 Monitoring and Review

All Applicants will be requested to complete an Equal Opportunities monitoring form which will be detached on receipt of the application form and recorded by the People and Policy Team.

The information collated will be presented in the form of a report to the Members and Directors in order to assess the effectiveness of the Council's Equality policies.

The monitoring details in relation to successful candidates will be maintained within the electronic HR system.

12.0 Further Information

If you require further information/assistance on any of the issues raised in this document, please contact the People and Policy Team.

13.0 Relevant Legislation

13.1 Equality Legislation:

- Equality Act 2010, which encompasses the following:
- Sex Discrimination Act 1975
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Race Relations Act 1976 & Race Relations Amendment Act 2000
- Disability Discrimination Act 1995 (amended 2005)
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006

All applicants are protected against discrimination on grounds of sex, marital ~~status~~ and civil partnership, race, disability, age, sexual orientation, gender reassignment, pregnancy and maternity, and religion and belief throughout every stage of the recruitment process. Any candidate who is treated in a discriminatory way during the selection process, or who is rejected for employment related to the above grounds may bring a complaint of discrimination to an employment tribunal.

13.2 There are two forms of discrimination:

13.2.1 Direct Discrimination:

- Treating someone unfavourably because of their sex, marital ~~status~~ and civil partnership, race, disability, age, sexual orientation, gender reassignment, pregnancy and maternity, and religion and belief regardless of their ability to do the job. An example would be where certain criteria applies to a particular group but not to everyone such as a requirement to hold certain UK qualifications and not allow equivalent qualifications from other countries.
- Deliberately setting out to exclude people because of their sex, marital ~~status~~ and civil partnership, race, disability, age, sexual orientation, gender reassignment, pregnancy and maternity, and religion and belief. An example of direct discrimination would be advertising for men only to apply for a Refuse Collector post. Direct discrimination can only be justified where the post is one where a genuine occupational requirement exists.

- A genuine occupational requirement (GOR) is a requirement that is essential to be able to perform the functions of the job. It is not merely a factor, preference or a qualification for the job, it must be crucial to the post. GORs apply in very limited circumstances and are not likely to be applicable to any current posts at Rossendale Borough Council.
- An example of a GOR would be a requirement for male actors to perform a male character in a television production.

13.2.2 Indirect Discrimination:

- Indirect discrimination can occur when an employer imposes a provision, criteria or practice which puts people of a particular sex, marital ~~status~~ **and civil partnership**, race, disability, age, sexual orientation, **gender reassignment, pregnancy and maternity**, and religion and belief at a disadvantage compared to others.
- An example would be the use of an assessment centre to test skills in written English as part of the selection process for a post that does not require written English. This process may indirectly discriminate against those whose first language is not English or those who have learning difficulties.
- As a manager you must ensure that you do not set unnecessary selection criteria or standards, which might prevent people from applying because of their sex, marital ~~status~~ **and civil partnership**, race, disability, age, sexual orientation, **gender reassignment, pregnancy and maternity**, and religion and belief

13.3 Asylum and Immigration Act 1996 and Immigration, Asylum and Nationality Act 2006

As an employer the Council has a responsibility to prevent illegal migrant working in the UK. ~~From 29 February 2008~~ **In line with the Asylum and Immigration Act 1996**, the Council may be liable to pay a civil penalty **of up to £20,000 per illegal worker** if it **fails to undertake checks properly and** employs someone who ~~is~~:

- ~~Subject to immigration control;~~ **Does not have permission to work in the UK.**
- ~~Aged over 16; and~~ **Their permission has expired.**
- ~~Not entitled to undertake the work in question.~~ **They were not allowed to do certain types of work.**
- **Their papers were incorrect or false.**

The offence of knowingly employing an illegal migrant is a criminal offence and on summary conviction the employer may face **an unlimited fine** ~~of up to £5000 per person employed illegally~~ and/or imprisonment for up to ~~6 months~~ **5 years**.

Document Checks

The most common form of identification is a passport showing that the holder is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom. **Only** original documents ~~should~~ **can** be accepted.

For those applicants who do not hold a British Passport there are other checks that should be made. The HR team **People and Policy team** will be able to assist you to establish eligibility to work in the UK.

Remember you should never recruit anyone who simply claims to be a British Citizen or a national from an EEA country.

If you have any uncertainties please **you should** contact the People and Policy Team **before you proceed through the recruitment process.**

13.4 Data Protection Act 1998

The Data Protection Act 1998 governs the use of personal information through the eight data protection principles:

Information is:

- Processed fairly and lawfully;
- Processed for one or more specified and lawful purposes, and not further processed in any way that is incompatible with the original purpose;
- Adequate, relevant and not excessive;
- Accurate and, where necessary, kept up to date;
- Kept for no longer than is necessary for the purpose for which it is being used;
- Processed in line with the rights of individuals;
- Kept secure with appropriate technical and organisational measures taken to protect the information;
- Not transferred outside the European Economic Area (the European Union member states plus Norway, Iceland and Liechtenstein) unless there is adequate protection of the personal information being transferred.

In relation to Recruitment and Selection, the Data Protection Act applies to information supplied by candidates on application forms, monitoring forms and any other supporting documentation submitted in relation to an application for a job, such as references, sickness records and disclosure of criminal convictions.

Applicants should be aware what information about them is being collected and what it will be used for. The Act applies to computerised information and to well-structured manual records.

In accordance with the Data Protection Act, the recruitment advert for all posts will identify Rossendale Borough Council as the organisation applicants will be applying to. Only information that is required for Recruitment and Selection purposes will be collected. All personal information will be handled securely and with respect.

13.5 Governance Transparency

As a public funded sector organisation the Council has a duty **in accordance with the Localism Act 2011 to ensure transparency and accountability with regard to the Council's approach to setting pay. This includes the detail and level of remuneration of the Council's most senior managers, i.e. the Chief Executive and the Senior Leadership Team, which accords the requirements of the Localism Act 2011.** ~~be transparent and will publish on-line the job titles of every member of staff as well as the salaries and expenses of the Senior Management.~~

Any queries or concerns regarding the disclosure of the personal information should be directed to either the ~~Head of People and Policy~~ **HR Manager** or the relevant Director.

Post holders should be informed via the Job Description of any information to be disclosed.

13.6 National Fraud Initiative

As a district Council the Audit Commission, under the statutory power in Part 2A of the Audit Commission Act 1998, requires the Council to provide electronic data for the National Fraud Initiative (NFI). The NFI is an exercise that matches electronic data within and between audited bodies to prevent and detect fraud (this includes police authorities, local probation boards, fire and rescue authorities and local councils).

Any queries or concerns regarding the disclosure of the personal information should be directed to either the ~~Head of People and Policy~~ **HR Manager** or the relevant Director.

Post holders should be informed via the Job Description of any information to be disclosed.

13.7 Local Government and Housing Act 1989

Politically Restricted Posts

The Local Government and Housing Act 1989, section 1 contains provisions to introduce the principle of politically restricted posts. Local authority employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council, from being a Member of Parliament or a Member of the European Parliament, and from membership of the Scottish Parliament or Welsh Assembly. They are subject to prescribed restrictions on their political activity through the Local Government Officers (political restrictions) Regulations 1990. This includes canvassing.

The politically restricted posts are as follow:

- Specified posts such as the Head of Paid Service (Chief Executive) and the Monitoring Officer; chief officers and their deputies; officers exercising delegated powers and council managers. For these post-holders no rights of appeal or exemption apply.
- All posts that reach or exceed a prescribed remuneration ceiling (currently point 44 on the 'spinal column' of salaries points negotiated in the National Joint Council for Local Government Services).
- All posts that meet the duties-related criteria for determining a 'sensitive' post, irrespective of remuneration level. These posts are defined as those that give advice (excluding purely factual information) on a regular basis to Rossendale Borough Council, any committee or sub-committee of the Council or any joint committee on which the Council is represented, or speak on behalf of the Council on a regular basis to journalists and broadcasters.
- Political assistants.

Post holders should be informed via the job description that the post is politically restricted.

13.6 Rehabilitation of Offenders Act 1974

Under the Rehabilitation of Offenders Act 1974 (ROA) any conviction for a criminal offence can be regarded as spent provided:

- the conviction did not carry a sentence excluded from the Act, such as a custodial sentence of over two and a half years
- no further convictions occurred within the rehabilitation period.

A conviction is not 'spent' until the rehabilitation period is complete. Once it is 'spent', the rehabilitated person does not have to reveal its existence in most circumstances and does not have to disclose it when asked whether they have a criminal conviction.

Certain occupations are excepted - these are listed in Rehabilitation of Offenders (Exceptions) Orders. Custodial sentences of over two and a half years are never considered spent.

It is an offence under this law for anyone who has access to criminal records to disclose information about spent convictions unless officially authorised.

13.7 Police Act 1997 and ~~CRB~~ Disclosing and Barring Service (DBS) Code of Practice

The ~~Criminal Records Bureau~~ DBS Code of Practice is published under section 122 of the Police Act 1997 in connection with the use of disclosure information provided to registered persons. The Code of Practice is intended to ensure that information released in Standard and Enhanced Disclosures is used fairly and handled and stored appropriately and kept for only as long as is necessary.

Please refer to the Rossendale Borough Council ~~CRB~~ DBS Guidance Notes for further information regarding ~~CRB~~-DBS Disclosures.

JOB DESCRIPTION

Rossendale Borough Council is actively pursuing equality of opportunities. Applicants to job share are encouraged in respect of full-time posts.

Job Title	
Reference Number	
Directorate	
Service	
Team	
Grade	
Responsible To	
Responsible For	
Other	Are in accordance for the National Joint Council for Local Government Services

Job Purpose

To support the Council to achieve it's vision that by 2018, Rossendale will have strong communities with an enhanced environment and heritage. It will be an attractive place to live where tourists visit and employers invest.

Manager to add specific duties identifying job purpose.

Core Competencies Values

This section of the job description sets out the specific responsibilities of the individual post holder and the services for which they are responsible. There is an expectation that those responsibilities are delivered in accordance with the Council's core values:

Customers Matter – Recognising the diversity of the council's customers and the importance of developing services that meet the needs of different customers. A willingness to go the extra mile.

Listening and Communicating – Consulting and listening to customers and staff, to improve understanding and decision-making. The ability to communicate in a number of different ways.

Loyalty – Building our reputation, trust and confidence. A positive attitude and pride in the Council.

Management of Performance – Remaining focused and delivering identified and measured outcomes. An understanding of the bigger picture and a willingness to go above what is expected.

Celebration of Success – Evaluating, learning and recognising what we have done well and applying lessons learned.

Main purpose of the job:

Main Duties and Responsibilities

General Statement

The information contained in this job description is furnished to assist employees joining the council to understand and appreciate the work content of their post and the role they play in the organisation. However, the following points should be noted:

- Whilst every endeavour has been made to outline all the duties and responsibilities of the post, a document such as this does not permit every item to be specified in detail. Broad headings, therefore, may have been used, in which case all the usual associated routines are naturally included in the job description.

Health and Safety at Work

The Health and Safety at Work Act 1974 stipulates that it is the responsibility of every employee to observe all rules governing health and safety and such safety equipment as provided must be used.

Equal Opportunities and Accessibility

The Council is an Equal Opportunities Employer and has equal opportunities policies with which you are expected to comply at all times. The Council condemns all forms of harassment and is actively seeking to promote a workplace where employees are treated with dignity, respect and without bias.

Where appropriate the duties may be reviewed where an applicant is a disabled person, or an existing employee becomes unable to carry out the full range of duties due to a disability. This will be undertaken in line with the Council's equality duties set out in the Equality Act 2010.

Community Safety

Section 17 of the Crime and Disorder Act requires local authorities to consider the community safety implications of all their activities. Officers of the Council should have an awareness of community safety and consider any community safety implications within their own area of responsibility.

Absence

Applicants are asked to note that Rossendale Borough Council has a Management of Absence Policy and there is an expectation that employees attend work on a regular basis or with reasonable adjustments where applicable.

Performance Management

Where officers are responsible for the collection of performance information, including either national and local indicators, it is the officers responsibility to ensure that data is collected and calculated according to their statutory or local definition, and following the standards set out in the Council's Performance Management and Data Quality Strategy.

NOTE: This Job Description summarises the major responsibilities of the post. It is not intended to exclude other activities, nor future changes from the post holder's responsibilities.



PERSON SPECIFICATION

Job Title		
Reference Number		
Directorate		
Service		
Unit		
Grade		
Responsible To		
Responsible For		
	ESSENTIAL/ DESIRABLE CRITERIA	TO BE IDENTIFIED BY: A/I/P/R/T*
QUALIFICATIONS		
[Insert relevant qualification] OR Educated to degree level or equivalent in a relevant subject		
EXPERIENCE		
Optional - Substantive experience of working in a customer focused role [insert specialism/area if necessary e.g. HR etc.]		
Experience of working in a public sector environment.		
Optional - Experience of leading, motivating and developing staff [insert specialist area].		
Optional - Experience of interpreting legislation, policy and guidance to contribute to the formulation of local policies and procedures that comply with national requirements.		
KNOWLEDGE SKILLS/ABILITIES		
Excellent written and verbal communication skills [expand if necessary e.g. report writing etc.]		

Excellent IT skills with a good working knowledge of Microsoft Office.		
Ability to input data using keyboard skills.		
Ability to use own initiative and organise and manage own workload to meet priorities with minimal supervision.		
Ability to work as part of a team.		
Commitment to developing and maintaining high levels of customer care.		
Ability to work under pressure to tight deadlines in an environment of conflicting priorities.		
Ability to work collaboratively with Senior Officers, Elected Members, Managers, staff, colleagues and partners.		
<p>SPECIAL REQUIREMENTS</p> <p>Committed to a Principle and Practice of Equal Opportunities</p> <p>Applicants are asked to note that Rossendale Borough Council has an Management of Absence Management Policy and there is an expectation that employees attend work on a regular basis or with reasonable adjustments where applicable</p> <p>All New employees to Rossendale Borough Council are required to complete a 6 month probation</p>		

THE COUNCIL HAS A NO SMOKING POLICY

***A – Application form**

I – Interview

P – Presentation

R – Written Report

T – Test

Shortlisting Matrix

Post Title: _____

Panel Member: _____

Date of Shortlisting: _____



Applicant No Criteria	1	2	3	4	5	6	7	8	9	10	11	12	13	14
TOTAL														

INTERVIEW RECORDING FORM

POST:

DATE:

NAME OF CANDIDATE:

NAME OF PANEL MEMBER:

Question number	MAIN POINTS OF ANSWER	MAX POINTS	POINTS ALLOCATED
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			



**CHIEF EXECUTIVE
People and Policy**

~~Stubbylee Hall, Stubbylee Lane,
Bacup, Rossendale, Lancashire
OL13 0DE~~

**The Business Centre, Futures Park,
Bacup, Rossendale, Lancashire,
OL13 0BB**

This matter is being dealt with by
Telephone: (01706)
E-mail:

Our Ref:

Date:

Dear

REFERENCE FOR:

POST OF:

The above person has made an application for this post and has stated that you would be willing to provide a reference on their behalf.

The information which you provide may be shared with the applicant.

When you have completed the enclosed form would you please return to the People **and Policy** Team in the envelope provided.

If you are giving a personal reference, please submit this in letter format.

Thank you for your assistance.

Yours sincerely

**Clare Law
HR Manager
Encs Reference Form; Job Description; Person Specification**



Private & Confidential

REFERENCE FOR:
JOB TITLE:

PLEASE ✓ AS APPROPRIATE:-

1 Are you supplying a reference in relation to:-

Employment Character

2 How long have you known the applicant? Years

3 Please would you comment on the following aspects of the applicant.

	COMMENTS
Communication skills	
Customer care skills	
Honest/trustworthiness	
Reliability/Sense of responsibility	
Time keeping	
Work quality/Diligence	
Teamwork/relationship to other employees	
Initiative	

Employment Details:-

Job Title

Dates of employment from to

5 Absence record during last 2 years

Number of periods of absence

Total number of days of absence

6 Do you know of any reason why the applicant should not be employed by Rossendale Borough Council? If so, please provide details below:-

7 Are there any current disciplinary proceedings applicable to the applicant?
(If yes please explain)

8 Would you re-employ the applicant Yes/No

9 Please comment on your experience of the applicant's competence in relation to the requirements identified in the attached Person Specification.

10 Please comment on the applicant's experience in relation to the duties and tasks detailed in the attached Job Description.

11 Any additional relevant information you may care to give would be greatly appreciated. Please use an additional sheet of paper.

12 Signature: _____ Date: _____

Name: _____

Position: _____

Relationship to applicant (e.g. Manager/Neighbour) _____

Rehabilitation of Offenders Act 1974

This Act allows an offender to be rehabilitated and his or her conviction becomes 'spent' after the following periods of time:

Have you any convictions that are not spent under the Rehabilitation of Offenders Act?

YES NO If YES, please give details (see below for further information)

	Aged 17 years or over on conviction	Aged under 17 years on conviction
Prison (immediate or suspended sentence) or young offender institution: more than 6 months but less than 2½ years	10 years	5 years
Prison (immediate or suspended sentence) or young offender institution: 6 months or less	7 years	3½ years
Fine or Community Service Order.	5 years	2½ years
Absolute Discharge.	6 months	6 months
Probation, supervision, care order, conditional discharge or bind-over.	1 year or until Order expires (whichever is longer)	
Attendance Centre Order.	1 year after the Order expires	
Hospital Order (with or without Restriction Order).	5 years , or 2 years after the Order expires (whichever is longer)	

If you have been sentenced for any offence and the above periods of time have not passed you **must** declare the offence. In this case, you must give **full details** of the offence, on the reverse of this form. If the period of time has passed you do not need to mention it on your application form.

*If you are not sure, please contact **the People and Policy Team, Stubbylee Hall, Stubbylee, Bacup, Lancashire, OL13 0DE Business Centre, Futures Park, Bacup, Rossendale, Lancashire, OL13 0BB** by ringing 01706 252457 for advice or information.*

Job Evaluation Information Sheet

JOB TITLE	
Ref No	
Service	
Unit	
Team	
Responsible to	
Responsible for (no of staff)	
Essential experience	
Essential qualifications	
Responsibility for resources (e.g. cash handling amount, equipment)	
External contacts	
Work environment – work demands (e.g. frequency of disruption, change to tasks, conflicting priorities etc.)	
Work environment – physical demands (e.g. bending, manual handling, use of IT equipment etc.)	
Work environment – working conditions (e.g. office based, site visits including nature and frequency of visit, etc.)	
Work environment – context (potential risk to personal health and safety)	
Other	

Please indicate on the attached structure chart where this post will sit and identify reporting lines.

Rossendale Borough Council

Summary of Changes to the Recruitment and Selection Policy and Managers Guidance - September 2016

Introduction

The Council's Recruitment and Selection Policy and Managers Guidance were last reviewed in November 2008. The Council has taken the opportunity to refresh the document as part of a wider review of Council policies and below is a summary of the main amendments to this document.

Summary of amendments to the Policy

1. The Introduction (Section 1) and Purpose (Section 2) has been refreshed.
2. Section 7, Application of the Policy has been moved to Section 3.
3. Job Titles have been amended where appropriate.
4. The protected characteristics have been updated in Section 5.3.
5. Section 6, Principles, replaces the paragraph on Positive Action.

Summary of amendments to the Guidance

1. The Guidance document has been amended to reflect current legislation, for example the extended protected characteristics as amended by the Equality Act 2010.

FULL EQUALITY IMPACT ASSESSMENT

Name of Policy, Decision, Strategy, Service or Function, Other: (please indicate)	Recruitment and Selection Policy and Managers Guidance	
Lead Officer Name(s):	Clare Law	
Job Title & Location:	HR Manager	
Department/Service Area:	People and Policy	
Telephone & E-mail Contact:	01706 252457	
Date Assessment:	Commenced: 18 th July 2016	Completed: 7 th September 2016

We carry out Equality Impact Assessments (EIA) to analyse the effects of our decisions, policies or practices. The EIA should be undertaken/started at the beginning of the policy development process – before any decisions are made.

1. OVERVIEW

The main aims/objectives of this policy¹ are:
To provide a framework for consistent recruitment and selection processes across the Council.

(Refer to "**EIA Guidance**" for details)

Is the policy or decision under review (please tick)

New/proposed

Modified/adapted

Existing

The main intended people or groups that will be most affected by this policy are:
All staff employed by the Council, except for Agency workers, and members of the public who apply for vacant posts.

(Refer to "**EIA Guidance**" for details)

¹ Policy refers to any policy, strategy, project, procedure, function, decision or delivery of service.

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2. FINDINGS / EVIDENCE

FINDINGS/EVIDENCE: The following information/data has been considered in developing this policy/decision (including any consultation or engagement):	
Information/data obtained and/or Consultation/engagement carried out (please state who with)	What does this tell us? / What does it say?
Equality Act 2010	There have been changes to employment legislation since the introduction of the Equality Act 2010 and the list of protected characteristics has been extended to nine in total which must be reflected in the policy documents.
ACAS	The ACAS Recruiting Staff Guide was referred to, to ensure best practice is considered.
Consultation with North West Employers Organisation (NWEO)	The draft policy has been reviewed by NWEEO and advice provided. No recommendations were received.
Consultation with other Local Authorities	Research and consultation has been undertaken with other Local Authorities to support best practice.
Consultation with Management Team and Portfolio Holder	Consultation has been undertaken with the Management Team and Portfolio Holder. No issues have been identified that suggest any adverse impact/possibility for discrimination.
Consultation with Trade Union The updated policy and guidance documents will be taken to JCC on 22 nd September 2016 for consultation with the Trade Union.	The updated Policy was taken to JCC on 22 nd September 2016 for consultation with the Trade Union. No comments were received.

Add more/delete rows as required - See EIA Guidance

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3. EQUALITY IMPACT

Using the table below please indicate whether the policy/strategy/decision has a positive, negative or no impact from an equalities perspective on any of the protected equality groups listed below. **Please also give consideration to wider equality of opportunity and community cohesion impacts within and between the groups identified.** See EIA Guidance

Equality		Positive Impact (It could benefit)	Negative Impact (It could disadvantage)	Reason and any mitigating actions already in place (to reduce any adverse /negative impacts or reasons why it will be of positive benefit or contribution)	No Impact
Age	Older people	<input type="checkbox"/>	<input type="checkbox"/>	The Council does not have a defined retirement age.	<input checked="" type="checkbox"/>
	Younger people and children	<input type="checkbox"/>	<input type="checkbox"/>	The Council works with Job Centre Plus to supports NEETs aged between 18-24 via work experience placements. The Council works with local schools attending career days, mock interviews and work experience placements. The Council's Apprenticeship Policy aims the recruitment of an apprentice at young people that are aged between 16 – 24 years and a resident of Rossendale.	<input checked="" type="checkbox"/>
Disability	Physical/learning/mental health	<input type="checkbox"/>	<input type="checkbox"/>	The Council is committed to Disability Confident, to assist disabled people and those with long term health conditions have the opportunities to fulfil their potential and realise their aspirations.	<input checked="" type="checkbox"/>
Gender Reassignment	Transsexual people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Pregnancy and Maternity		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Race (Ethnicity or Nationality)	Asian or Asian British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Black or black British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Irish people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	White British	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Chinese people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Gypsies & Travellers	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Other minority communities not listed above (please state)	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>

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Equality	Positive Impact (It could benefit)	Negative Impact (It could disadvantage)	Reason and any mitigating actions already in place (to reduce any adverse /negative impacts <u>or</u> reasons why it will be of positive benefit or contribution)	No Impact
-----------------	---	--	--	------------------

What course of action does this EIA suggest you take? More than one of the following may apply	Please indicate
---	------------------------

Belief or Religion		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Gender	Women	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Men	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Sexual Orientation	gay men, gay women / lesbians, and bisexual people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Marriage and Civil Partnership (employment only)		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Contribution to equality of opportunity		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Contribution to fostering good relations between different groups (people getting on well together – valuing one another, respect and understanding)		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Human Rights http://intranet/site/scripts/documents_info.php?categoryID=86&documentID=251		<input type="checkbox"/>	<input type="checkbox"/>	All Council decisions will be taken in line with the Human Rights 1998.	<input checked="" type="checkbox"/>

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<p>Outcome 1: No major change required. The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.</p>	<input checked="" type="checkbox"/>
<p>Outcome 2: Adjust the policy to remove barriers identified by the EIA or better promote equality. Are you satisfied that the proposed adjustments will remove the barriers identified? If there is a negative impact identified, you must consider (and evidence/record) what mitigating actions you have or will put in place to reduce the negative impact where/if possible, and to enhance the positive impact. This might include any partnership discussions/working that needs to be undertaken. Complete EIA Action Plan as appropriate.</p>	<input type="checkbox"/>
<p>Outcome 3: Continue the policy despite potential for negative impact or missed opportunities to promote equality identified. You will need to ensure that the EIA clearly sets out the justifications for continuing with it. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact. This might include any partnership discussions/working that needs to be undertaken. Complete EIA Action Plan as appropriate.</p>	<input type="checkbox"/>
<p>Outcome 4: Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination or significant negative impact that can not be justified or mitigated against. <u>You must speak to Clare Law (2457) immediately.</u></p>	<input type="checkbox"/>

4. OUTCOME OF EIA – COURSE OF ACTION TO BE TAKEN

If a negative impact as been identified and there are no sufficient mitigating actions in place or planned. Please see the guidance and you must speak to/ seek advice from your Head of Service or Head of People and Policy.

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5. EIA ACTION PLAN & REVIEW

Based on the impact assessment, findings/evidence and outcomes identified above, please complete the Action Plan below – these should be actions arising as a result of undertaking the EIA.

The Action Plan should address (not exhaustively):-

- Any gaps in findings/evidence research including any consultation or engagement regarding the policy and its actual/potential affects.
- How you will address any gaps.
- What practical changes/action will help reduce any negative impacts that you have identified.
- What practical changes/action will help enhance any positive contributions to equality.

Further Actions Required: Yes No

EIA Action Plan

Issue	Action required	Lead officer	Timescale

Please add more rows if required.

Actions arising from the Impact assessment should form part of the business planning process for service areas.

Monitoring & Reviewing the Effect of the Policy

Please state how you will monitor the impact and effect of this policy and where this will be reported:

No impact of the review of the policy will continue to be monitored

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Disciplinary Procedure

~~September 2014~~ September 2016

DRAFT

Other formats are available.
Please call 01706 217777 or
visit our One Stop Shop at
Futures Park, Bacup.

اردو বাংলা



Responsible Section/Team	People and Policy Team	Version/Status	Final
Responsible Author	HR Manager	Date Agreed / Agreed At	JCC 25.09.14
Date last Amended	20.09.14	Due for Review	1.10.15

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Appendix A Appeal Hearing Agenda

1.0 Introduction

- 1.1 ~~Disciplinary rules are necessary to set standards of conduct and performance at work and make clear to employees what is expected of them.~~ The Council has developed the following procedure to deal with disciplinary matters. In order to ensure that the procedure is fair and effective, it will be applied in all instances where disciplinary action is regarded as warranted, other than where an informal warning is given for some relatively minor act of misconduct.
- 1.2 It is recognised that the disciplinary procedure should not be viewed primarily as a means of imposing sanctions. It is also intended that improvement in individual conduct should be emphasised and encouraged.
- 1.3 This procedure sets out the action which will be taken when Council rules are breached. It is intended to encourage employees to conform to acceptable standards, and the taking of disciplinary action is to be regarded as a last resort.
- 1.4 The procedure does not apply to:
- resignation of the employee, or other termination by mutual consent;
 - termination of a fixed-term contract of employment where the term of that contract expires without being renewed;
 - termination of a temporary appointment where the reason for termination is that the need for the employee's service has expired, or is about to expire;
 - termination during or at the end of a probationary period of service (including any extended probationary period of employment) where the employee has less than two year's service at Rossendale Borough Council;
 - ~~termination by mutual consent depending on the seriousness of the misconduct in question~~
 - termination of employment by reason of redundancy;
- 1.5 The Council reserves the right to implement the procedure at any stage as set out below taking into account the alleged misconduct of an employee.

- 1.6 Employees will not ordinarily be dismissed for a first disciplinary offence unless the misconduct constitutes gross misconduct and is therefore sufficiently serious as to breach the contract of employment and render a further working relationship impossible.
- 1.7 Where time limits are referred to in the course of this procedure they may be varied by consent between the employee and the Council.
- ~~1.8 The Council allows employees to be accompanied at any investigative meeting and disciplinary hearing by a fellow employee or trade union official of their choice.~~
- 1.9 The Council is clear in relation to communicating its standards. Deviation from standards will require action. The level of action taken will depend upon the degree to which the standards have been deviated from.

2.0 Scope

- 2.1 The Procedure will apply to all permanent, temporary and casual employees employed by ~~Rossendale Borough~~ **the** Council except Chief Executive and Chief Officers. ~~the Section 151 Officer, Chief Officers, and the Chief Executive employed by Rossendale Borough the Council.~~

3.0 Informal Stage

- 3.1 Where possible disciplinary problems should be resolved by informal discussions or counselling as part of the day to day responsibilities of a supervisor/line manager.
- 3.2 Informal instruction, reminders or reprimands regarding the standard of conduct expected should be given to the employee where minor acts of misconduct occur, and recorded where appropriate in writing to the employee, by the supervisor/line manager.
- 3.3 An employee's failure to learn from informal action, written instruction, reminders or reprimands will result in formal disciplinary action being taken.

- 3.4 Where minor acts of misconduct have been unchecked by management, the formal disciplinary procedure should not be invoked until the informal process described above has been carried out.

4.0 Investigation

- 4.1 Where the informal route has been exhausted, or where the matter is serious enough to justify formal action, a thorough investigation must be undertaken by an Investigating Officer as soon as practicable. The Investigating Officer will usually be the employee's supervisor or line manager, but it could be a more senior officer or nominated officer depending on the circumstances.
- 4.2 The Investigating Officer will promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of the Employer's policies or rules or may otherwise be a disciplinary matter.
- 4.3 The employee will be informed as soon as possible as to the fact of an investigation and when it has been concluded.

5.0 Suspension

- 5.1 Where it is believed that the matter to be investigated involves serious misconduct, the employee may be immediately suspended from work on full pay. If serious misconduct is not initially suspected or believed to have occurred, but during the course of an investigation the person conducting it reasonably forms the opinion that a serious breach of discipline may have occurred, the employee who is the subject of the investigation may then be suspended.
- 5.2 Suspension is a neutral act and does not presume guilt on the part of the employee. The reason for suspension may be to prevent any potential for interference with the investigation or witnesses, or as a precaution depending on the nature of the misconduct that has been alleged to have been committed.
- 5.3 Any decision to suspend will be confirmed in writing within five working days and such written confirmation will state that the nature of the suspension is a neutral act, not a disciplinary act, pending the outcome of the disciplinary proceedings.

6.0 Investigatory Interview

- 6.1 As part of the investigation process, the employee will be invited to attend an investigatory interview. The employee will be informed at the outset that the interview is an investigatory interview and held under the provision of the Disciplinary Procedure. The purpose of the interview is to obtain the employee's version of events.
- 6.2 All employees are contractually obliged to make themselves available to attend investigatory interviews and Disciplinary Hearings when required to by management. This includes when the employee is absent from work due to sickness or suspension. If an employee is unable to attend due to medical reasons then it may be necessary for the Investigating Officer to refer the employee to be assessed by the Council's Occupational Health practitioner to ascertain their ability to attend.
- 6.3 Failure to attend an appointment with the Occupational Health practitioner without good reason may result in occupational sick pay being withheld.
- 6.4 Failure to comply with the request to attend occupational health is a breach of the employee's contract and as such the formal disciplinary process may continue to proceed with the evidence available to it and this behaviour will be taken into account.

7.0 Right to be accompanied at meetings **Accompanied**

- 7.1 ~~You~~ **Employees** may bring a Trade Union Representative or work colleague to ~~any Disciplinary meeting or Appeal Meeting~~ under this procedure.
- 7.2 The identity of ~~you're~~ **the** companion must be confirmed to the Manager ~~conducting the~~ **in advance of the Disciplinary Meeting**, ~~in good time before it place.~~
- 7.3 Work colleagues are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.
- 7.4 The Council may at its discretion, permit a companion who is not an employee or a Trade Union Representative (for example, a family member) **to attend a**

~~meeting, where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.~~

- 7.5 A companion may make representations, ask questions, and sum up ~~the~~ you're ~~the~~ employee's position, but will not be allowed to answer questions on ~~your~~ the ~~employee's~~ behalf. ~~You may confer privately with your companion at any time during a meeting.~~

8.0 Procedure

- 8.1 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.
- 8.2 The purpose of the Disciplinary Hearing is for the Chair to establish the facts of the case and then decide whether or not disciplinary action is warranted and to take appropriate action. The Disciplinary Hearing will be chaired by an Officer other than the Investigating Officer. In cases of alleged gross misconduct, the Chair will be an Executive Director or their nominated representative.
- 8.3 In the event of a disciplinary hearing taking place the Council will:
- (a) give the employee a minimum of 5 working days' advance notice of the hearing, stating the date, time and location of the hearing;
 - (b) tell the employee the purpose of the hearing and that it will be held under the Council's Disciplinary Procedure;
 - (c) give the employee written details of the nature of his/her alleged misconduct; and
 - (d) provide to the employee all relevant information (which should include statements taken from any fellow employees or other persons that the Council intends to rely upon against the employee) not less than 5 working days in advance of the hearing.
- 8.4 The employee and/or their representative must provide a copy of all documents, including any witness statements, which are to be submitted to the hearing as evidence at least 2 working days before the Hearing.

- 8.5 Where the employee is unable to attend a disciplinary hearing and provides a good reason for failing to attend, the hearing will be adjourned to another day. The Council will comply with (a) above in respect of giving notice of the rearranged hearing.
- 8.6 Unless there are special circumstances mitigating against it, if the employee is unable to attend the rearranged hearing, the rearranged hearing will take place in the employee's absence.
- ~~8.7 The employee's Trade Union or work colleague 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.~~

9.0 The Disciplinary Hearing

- 9.1 A disciplinary hearing will normally be conducted by the Chair together with a representative from the People and Policy Team (the Hearing Panel) or a legal representative.
- 9.2 The Investigating Officer will present the management case and any supporting facts and material to the disciplinary hearing. The employee will be entitled to be given a full explanation of the case and be informed of the content of any statements provided by witnesses.
- 9.3 The employee will be entitled to state their case in response to the management case and put forward an explanation of their conduct and mitigating factors.
- 9.4 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 their work colleague or trade union representative, to consider the new information prior to the reconvening of the disciplinary proceedings.
- 9.5 As soon as possible after the conclusion of the disciplinary proceedings, the Chair will convey the decision of the panel to the employee and will also inform the employee what disciplinary action, if any, is to be taken. The decision will be

confirmed in writing. The employee will be notified of their right of appeal under this procedure.

10.0 Disciplinary Action

10.1 Where, following a disciplinary hearing, the Hearing Panel has reasonable belief based on the evidence submitted that, on the balance of probabilities, the employee has committed the alleged disciplinary offence(s) the following disciplinary action may be taken:

- (a) Where a minor offence or offences have been committed, a recorded formal ~~oral~~ **verbal** warning may be given. The warning will:
 - (i) set out the nature of the offence committed;
 - (ii) state that any further misconduct will render the employee liable to further, more severe disciplinary action;
 - (iii) remain 'live' on the file for six months. During this period, the Council may rely on such a warning in the event of further misconduct on the part of the employee;
 - (iv) state that the employee may appeal against the warning.

- (b) Where either a more serious disciplinary offence has been committed or further minor offences have been committed by an employee following a formal recorded ~~oral~~ **verbal** warning that remains 'live', the employee will receive a first written warning. The warning will:
 - (i) set out the nature of the offence committed;
 - (ii) inform the employee that further misconduct is liable to result in further disciplinary action under this procedure;
 - (iii) remain 'live', for a period of 12 months after the period the warning will automatically lapse;
 - (iv) state that the employee may appeal against the warning.

- (c) Where either:
 - further offences have been committed by an employee following a formal written warning that remains 'live'; or
 - a serious disciplinary offence amounting to gross misconduct has been committed, (thereby justifying summary dismissal, but the

Council decides, after taking into account all appropriate circumstances, that a lesser penalty is appropriate), a final written warning may be given. Such a warning will:

- (i) set out the nature of the offence committed;
 - (ii) inform the employee that further misconduct is likely to result in his/her dismissal; and
 - (iii) remain “live” for a period of 12 months after the period the warning will automatically lapse
 - (iv) state that the employee may appeal against the warning.
- (d) Where the employee has committed further acts of misconduct (these being acts of misconduct other than gross misconduct) following a final written warning given under (c) above, the employee may be dismissed with notice or with pay in lieu of notice.
- (e) Where the Council establishes that an employee has committed an act of gross misconduct, the employee may be summarily dismissed without notice or pay in lieu of notice.
- (f) Where a final written warning is given to an employee under (c) above, the Council may also impose on the employee:
- (i) Extension of time period that the warning will remain “live” up to a maximum of 24 months;
 - (ii) disciplinary suspension;
 - (iii) demotion;
 - (iv) stoppage of pay for such period as the Council thinks fit in the circumstances subject to a maximum of 12 weeks; or

The foregoing sanctions may be imposed in conjunction with other forms of disciplinary action, or as an alternative to dismissal.

- (g) In cases where the police are investigating a matter or a court case is pending, the application of the disciplinary procedure does not have to await the outcome of such external investigations or proceedings.

11.0 Appeal

- 11.1 An employee may appeal against any disciplinary sanction imposed against him/her.

- 11.2 When lodging an appeal, the employee should state:
- (a) the grounds of appeal; and
 - (b) 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.
- 11.3 An appeal shall be made in writing, stating the full grounds of the appeal to the People and Policy Team within 10 working days of the receipt of the letter advising of the dismissal or sanction.
- 11.4 An appeal against a sanction other than a dismissal, will be heard by a senior manager who has not been involved in the decision to impose the sanction.
- 11.5 For the purpose of hearing and determining any dismissal appeals, the Council shall establish a panel. The Appeal Panel shall consist of three Council Members (politically balanced).
- 11.6 At the appeal a representative from the People and Policy Team, the Legal Team or an external legal advisor may be present throughout to act as an advisor to the Appeal Panel.
- 11.7 The Chair of the original hearing should be the presenting manager (unless another manager is nominated in exceptional circumstances) and the presenting officer at the original hearing may be called as a witness for either party. ~~In a Redundancy Appeal it will be the manager who made the decision for redundancy, who will be the presenting manager (unless another manager is nominated in exceptional circumstances).~~
- 11.8 Where practical, the Appeals Panel shall hear the appeal no later than 20 working days after the receipt of the notice of appeal from the employee, although a later date for the hearing may be mutually agreed.
- 11.9 The employee shall be given at least 7 working days' notice of the hearing, in writing, stating the date, time and location of the hearing.
- 11.10 Where either party intends to produce documentary evidence or call witnesses at the Appeal Hearing, details should be given to the other party at least 5

working days in advance of the hearing. Any new matters raised may delay an appeal meeting if further investigation is required.

- 11.11 It will be at the Chair of the Appeal Panel's discretion whether or not to consider any late evidence or other notification of witnesses.
- 11.12 Witness(s) can only give evidence relating to the grounds of the appeal and not be used for character representations. Each witness will make themselves available throughout the duration of the hearing and will be expected to leave the proceedings after questioning.
- ~~11.13 The employee shall be in attendance at the hearing when the appeal is being heard and he/she may be represented by a work colleague, Trade Union representative, or an official employed by a Trade Union. The employee shall confirm to the People and Policy Team who the representative will be (if any) at least 5 working days in advance of the meeting. This will enable the representative to receive a copy of the agenda/reports in advance of the meeting. Please note that it is the employee's responsibility to make arrangements in this respect.~~
- 11.14 If the employee fails to attend, the Appeals Panel may, dependent on the circumstances, dismiss the appeal, consider it in their absence, or defer the hearing to an alternative date. The employee may alternatively choose a representative as detailed at 1.10 to attend in their absence, however the representative can only present the case and ask questions on behalf of employee, but cannot answer questions on the employees' behalf.
- 11.15 The Chair will explain the purpose of the hearing and the procedure to be followed. The appeal will be a review of the original decision. The procedure to be followed at the appeal hearing is documented in the Appeal Hearing Agenda.
- 11.16 When the Appeals Panel has reached a decision the parties will return to the hearing and the Chair will convey the decision, which will be confirmed in writing within 10 working days.

12.0 Outcome of an Appeal

- 12.1 The Appeal Panel has the power to overturn or reduce a decision.

- 12.2 Following an appeal the original decision may be confirmed, revoked or replaced with a different decision. There will be no further right of appeal with the Council.
- 12.3 In the event that the Appeal Panel upholds the employee's appeal, the Appeal Panel shall allow the appeal and will remove all records of any related sanctions from the employee's record.
- 12.4 Where an appeal against dismissal is not upheld by the Appeal Panel, and the Dismissing Officer's decision was to dismiss the employee summarily without notice, the Council will be under no obligation to pay the employee for any period between the date of the original Dismissal Hearing and the date of the Appeal Hearing. The original date of termination will stand and the decision of the Appeal Panel is final, with no further right of appeal with the Council.

13.0 Gross Misconduct

- 13.1 Gross misconduct is **regarded as** 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, following a thorough investigation and Disciplinary Hearing, the Council will be entitled to terminate summarily the employee's contract of employment without notice or pay in lieu of notice.
- 13.2 Matters that the Council views as amounting to gross misconduct include (but are not limited to):
- Stealing from the Council, members of staff or the public;
 - Other offences of dishonesty;
 - Falsification of a qualification that is a stated requirement of the employee's employment or results in financial gain to the employee;
 - Falsification of records, reports, accounts, expense claims or self-certification forms whether or not for personal gain;
 - Sexual misconduct at work;
 - Fighting with or physical assault on members of staff or the public;
 - Deliberate damage to or misuse of the Council's property;
 - Serious damage to the Council's property;
 - Drunkenness or being under the influence of illegal drugs or alcohol whilst at work;

- Possession, custody or control of illegal drugs on the Council's premises;
- Serious breach of the Council's rules, including, but not restricted to, health and safety rules and rules on computer use;
- Serious breach of the Council's Code of Conduct for Employees;
- Gross negligence;
- Conviction of a criminal offence that is relevant to the employee's employment;
- Conduct that brings the Council's name into disrepute;
- Discrimination or harassment of a fellow worker or member of the public on the grounds of sex, sexual orientation, race, disability, age or religion or belief;
- Bullying or any other intimidating or malicious behaviour;
- Breach of the Council's Email and Internet Policy including making unauthorized financial transactions, accessing personal Email accounts, viewing and circulating pornographic or racist images;
- Fraud or deliberate financial irregularity involving the Council's money or resources including manipulation of flexitime records or timesheets and abuse of leave entitlements, the Council's sick pay scheme or similar procedure;
- Unauthorised use or misuse of Council information including issues involving confidentiality and the Data Protection Act 1998.
- Using a mobile phone whilst driving
- Smoking in a none designated smoking area;
- Deliberately disobeying a reasonable lawful contractual instruction from management, or serious act of insubordination;
- Failure to declare an interest when involved in Recruitment or similar activity where discretion can be applied;
- Absence from work without permission;
- Other conduct inside or outside work which could result in a loss of trust and confidence in an individual as an employee.

This list is not exhaustive.

14.0 Trade Union Representatives

- 14.1 If an employee who is an accredited representative of a trade union recognised by the Council for collective bargaining purposes is suspected of having

committed a disciplinary offence, the Council will take no action under this procedure (with the exception of suspending the employee in a case of suspected or known gross misconduct) until the Council has had a chance to discuss the matter with a full-time official of that trade union.

15.0 Review ~~Monitoring and Review~~

~~15.1 This procedure will be periodically reviewed. Any amendment to it will be advised to employees in writing by the Council's Head of People and Policy and such written advice will inform employees as to the date when any amendment comes into effect. The People and Policy team will be responsible for monitoring and administering the procedure which will be reviewed every 3 years or in light of any legislative or case law changes.~~

16.0 Equality Considerations

16.1 Service Managers are responsible for ensuring that they operate the policy in line with the Council's Equal Opportunities Policy to provide equality of opportunity for all employees.

The Council is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any group, particularly based on age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy or maternity. The policy will be equally applied to all employees irrespective of their background.

In addition, in line with the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) Part 3, the Council is committed to ensure that employees are not disadvantaged or discriminated against by virtue of their trade union membership in the application of this policy.

~~16.0 Law relating to this document~~

~~Employment Rights Act 1996~~

~~Employment Relations Act 1999~~

~~Employment Act 2002~~

~~Employment Act 2002 (Dispute Resolution) Regulations 2004 SI 2004/752~~

~~ACAS Code of Practice on Disciplinary and Grievance Procedures (PDF format, 327K)
(on ACAS website)~~

DRAFT

Appeal Hearing Agenda

Appendix A

1.	Introductions <ul style="list-style-type: none">▪ All parties present are introduced, and their role in the hearing	Chair
-----------	--	--------------

	<p>explained to all parties</p> <ul style="list-style-type: none"> ▪ Employee asked to confirm that they are aware of their right to representation by a work colleague, Trade Union representative, or an official employed by a Trade Union ▪ Confirm the role of the representative, that is, can present case/ask questions on behalf of employee, but shall not answer questions on behalf of employee ▪ Check if there are any other housekeeping matters before proceeding 	
2.	<p>Purpose of Meeting</p> <ul style="list-style-type: none"> ▪ Explanation given to all parties of the purpose of the meeting and confirm everyone is in agreement with the format ▪ Provide an outline of the agenda to all parties ▪ Confirm all parties have the relevant documents. ▪ Confirm that a short adjournment may be requested at any time if required ▪ Any questions at this time? If no proceed 	Chair
3.	<p>Employee to state their reasons for appeal</p> <ul style="list-style-type: none"> ▪ If appropriate selection matrix scores to be discussed 	Employee/ Representative
4.	<p>Questions</p> <ul style="list-style-type: none"> ▪ Questions from Management to Employee ▪ Questions from Chair/HR to Employee 	Manager and Chair/HR
5.	<p>Witness(s)</p> <ul style="list-style-type: none"> ▪ On behalf of the employee will add any supporting information to employee's case. 	Witness(s)
6.	<p>Questions to Witness(s)</p> <ul style="list-style-type: none"> ▪ Questions from Management to Witness(s) ▪ Questions from Chair/HR to Witness(s) 	Manager and Employee/ Representative
7.	<p>Manager will present the management case</p> <ul style="list-style-type: none"> ▪ Will confirm reasons for original decision 	Manager
8.	<p>Questions</p> <ul style="list-style-type: none"> ▪ Questions from Employee to Management ▪ Questions from Chair/HR to Management 	Employee and Chair/HR
9.	<p>Witness(s) (if applicable)</p> <ul style="list-style-type: none"> ▪ Will add any supporting information on behalf of the management case 	Witness(s)
10.	<p>Questions to Witness(s)</p>	Employee and

	<ul style="list-style-type: none"> ▪ Questions from Employee to Witness(s) ▪ Questions from Chair/HR to Witness(s) 	Chair/HR
11.	Summing up and any further matters – introducing no new evidence <ul style="list-style-type: none"> ▪ Employee case summary ▪ Management case summary 	Manager and Employee/ Representative
12.	Adjournment – both parties will leave whilst the panel deliberates <ul style="list-style-type: none"> ▪ Chair to consider all facts presented ▪ Chair can consider whether or not any further information needs to be clarified before making their decision ▪ Chair to confirm how long the adjournment will last and when all parties should return to hear the decision 	Chair
13.	Decision <ul style="list-style-type: none"> ▪ Chair to convey the decision verbally to all parties ▪ In circumstances, the chair may convey the decision in writing ▪ Confirm to the employee that the decision will be confirmed in writing within 10 workings days 	Chair
14.	Close <ul style="list-style-type: none"> ▪ Thank all parties for attending today 	Chair

Appendix 2a

Rossendale Borough Council

Summary of Changes to the Disciplinary Procedure - September 2016

Introduction

The Council's Disciplinary Procedure was last reviewed in September 2014. Slightly ahead of the planned review of this policy, in 2017, the Council has taken the opportunity to refresh the document as part of a wider review of Council policies. Below is a summary of the main amendments to this document.

Summary of amendments

1. The introduction has been refreshed and clarifies, with examples, when this procedure would not apply.
2. Section 10.1g has been added to inform employees that the Council does not have to await the outcome of police/legal proceedings in disciplinary matters.
3. In Section 15 the monitoring and review period has been amended in line with other HR policies.
4. A section on Equality Considerations has been included at Section 16.
5. A section on Confidentiality has been included at Section 17.

FULL EQUALITY IMPACT ASSESSMENT

Name of Policy, Decision, Strategy, Service or Function, Other: (please indicate)	Disciplinary Procedure	
Lead Officer Name(s):	Clare Law	
Job Title & Location:	HR Manager	
Department/Service Area:	People and Policy	
Telephone & E-mail Contact:	01706 252457	
Date Assessment:	Commenced: 2 nd August 2016	Completed: 7 th September 2016

We carry out Equality Impact Assessments (EIA) to analyse the effects of our decisions, policies or practices. The EIA should be undertaken/started at the beginning of the policy development process – before any decisions are made.

1. OVERVIEW

The main aims/objectives of this policy¹ are:
The main objectives of this procedure are to deal with disciplinary matters in a fair and consistent approach across the Council.

(Refer to "[EIA Guidance](#)" for details)

Is the policy or decision under review (please tick)

New/proposed

Modified/adapted

Existing

The main intended people or groups that will be most affected by this policy are:
All staff employed by the Council, except for Agency workers.

(Refer to "[EIA Guidance](#)" for details)

¹ Policy refers to any policy, strategy, project, procedure, function, decision or delivery of service.

Responsible Section/Team		Version	
Responsible Author		Due for review	
Date last amended		Page 1 of 5	

2. FINDINGS / EVIDENCE

FINDINGS/EVIDENCE: The following information/data has been considered in developing this policy/decision (including any consultation or engagement):	
Information/data obtained and/or Consultation/engagement carried out (please state who with)	What does this tell us? / What does it say?
The existing Disciplinary Procedure.	Minor amendments were made to the policy which did not impact on individuals with protected characteristics.
ACAS Guidance	The ACAS Code of Practice on disciplinary and grievance procedures was referred to, to ensure that best practice was being applied throughout the policy.
Consultation with North West Employers Organisation (NWEO)	The draft policies have been reviewed by NWEO and advice provided.
Consultation with other Local Authorities	Research and consultation has been undertaken with other Local Authorities to support best practice.
Consultation with Management Team and Portfolio Holder	Consultation has been undertaken with the Management Team and Portfolio Holder. No issues have been identified that suggest any adverse impact/possibility for discrimination.
Consultation with Trade Union The updated policy and guidance documents will be taken to JCC on 22 nd September 2016 for consultation with the Trade Union.	The Policy was taken to JCC on 22 nd September 2016 for consultation with the Trade Union. No comments were received.

Add more/delete rows as required - See EIA Guidance

Responsible Section/Team		Version	
Responsible Author		Due for review	
Date last amended		Page 2 of 5	

3. EQUALITY IMPACT

Using the table below please indicate whether the policy/strategy/decision has a positive, negative or no impact from an equalities perspective on any of the protected equality groups listed below. **Please also give consideration to wider equality of opportunity and community cohesion impacts within and between the groups identified.** See EIA Guidance

Equality		Positive Impact (It could benefit)	Negative Impact (It could disadvantage)	Reason and any mitigating actions already in place (to reduce any adverse /negative impacts or reasons why it will be of positive benefit or contribution)	No Impact
Age	Older people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Younger people and children	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Disability	Physical/learning/mental health	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Gender Reassignment	Transsexual people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Pregnancy and Maternity		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Race (Ethnicity or Nationality)	Asian or Asian British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Black or black British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Irish people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	White British	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Chinese people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Gypsies & Travellers	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Other minority communities not listed above (please state)	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Belief or Religion		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Gender	Women	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Men	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Sexual Orientation	gay men, gay women / lesbians, and bisexual people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Marriage and Civil Partnership (employment only)		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Contribution to equality of opportunity		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Contribution to fostering good relations between different groups (people getting on well together – valuing one another, respect and understanding)		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Human Rights http://intranet/site/scripts/documents_info.php?categoryID=86&documentID=251		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>

Responsible Section/Team		Version	
Responsible Author		Due for review	
Date last amended		Page 3 of 5	

4. OUTCOME OF EIA – COURSE OF ACTION TO BE TAKEN

What course of action does this EIA suggest you take? More than one of the following may apply	Please indicate
Outcome 1: No major change required. The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.	<input checked="" type="checkbox"/>
Outcome 2: Adjust the policy to remove barriers identified by the EIA or better promote equality. Are you satisfied that the proposed adjustments will remove the barriers identified? If there is a negative impact identified, you must consider (and evidence/record) what mitigating actions you have or will put in place to reduce the negative impact where/if possible, and to enhance the positive impact. This might include any partnership discussions/working that needs to be undertaken. Complete EIA Action Plan as appropriate.	<input type="checkbox"/>
Outcome 3: Continue the policy despite potential for negative impact or missed opportunities to promote equality identified. You will need to ensure that the EIA clearly sets out the justifications for continuing with it. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact. This might include any partnership discussions/working that needs to be undertaken. Complete EIA Action Plan as appropriate.	<input type="checkbox"/>
Outcome 4: Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination or significant negative impact that can not be justified or mitigated against. <u>You must speak to Clare Law (2457)</u>	<input type="checkbox"/>

If a negative impact as been identified and there are no sufficient mitigating actions in place or planned. Please see the guidance and you must speak to/ see advice from your Head of Service or Head of People and Policy.

Responsible Section/Team		Version	
Responsible Author		Due for review	
Date last amended		Page 4 of 5	

5 . EIA ACTION PLAN & REVIEW

Based on the impact assessment, findings/evidence and outcomes identified above, please complete the Action Plan below – these should be actions arising as a result of undertaking the EIA.

The Action Plan should address (not exhaustively):-

- Any gaps in findings/evidence research including any consultation or engagement regarding the policy and its actual/potential affects.
- How you will address any gaps.
- What practical changes/action will help reduce any negative impacts that you have identified.
- What practical changes/action will help enhance any positive contributions to equality.

Further Actions Required: Yes No

EIA Action Plan

Issue	Action required	Lead officer	Timescale

Please add more rows if required.

Actions arising from the Impact assessment should form part of the business planning process for service areas.

Monitoring & Reviewing the Effect of the Policy

Please state how you will monitor the impact and effect of this policy and where this will be reported:

No impact of the policy will continue to be monitored

Responsible Section/Team		Version	
Responsible Author		Due for review	
Date last amended		Page 5 of 5	

Grievance Procedure

~~September 2014~~ September 2016

Other formats are available.
Please call 01706 217777 or
visit our One Stop Shop at
Futures Park, Bacup.

اردو বাংলা



Responsible Section/Team	People and Policy Team	Version/Status	Final
Responsible Author	HR Manager	Date Agreed / Agreed at	JCC 22.09.16
Date last edited:	01.09.16	Due for Review	01.09.2019

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Problem Resolution Procedure

Grievance Procedure

1.0 Introduction

- 1.1 The Grievance Procedure details the process to be followed to deal with concerns, problems or complaints raised by employees at Rossendale Borough Council.
- 1.2 The Council recognises that grievances may arise in a variety of forms. However, it is hoped that, wherever possible, grievances can be settled informally, without recourse to the formal stage of the procedure.

2.0 Scope

- 2.1 The Procedure applies to all Permanent, Temporary or Casual employees who are employed by ~~Rossendale Borough~~ the Council with the exception of the Chief Executive and Chief Officers.

3.0 Exclusions

- 3.1 The Procedure can be used to resolve any problem with the exception of the following:
 - Disciplinary matters
 - Probation
 - Job evaluation and grading matters
 - Selection for redundancy
 - Sickness absence management matters
 - Capability
 - National Conditions of Service and Local Agreements
 - Council policies
 - Recruitment and Selection
 - Redundancy
 - Matters relating to payroll such as income tax, national insurance and pension
 - Any other matter where there is already a procedure in place for resolving problems such as the bullying and harassment procedure.
- 3.2 The Procedure cannot be used to delay or used as an obstructive process to impede the process of change and decision making. However, where a grievance is lodged in relation to a matter, consideration must be given to postponing that decision pending the outcome of the grievance, particularly in instances of contractual change.

4.0 **Definition**

4.1 Grievances are concerns, problems or complaints that employees raise with employers. Employers and employees should always try to resolve problems in the workplace at the earliest possible opportunity and with at least possible formality.

5.0 **Informal Stage**

5.1 If the employee has a grievance or complaint relating to their work, working conditions, working hours, or if they are concerned about their health and safety or a breach of their statutory employment rights or any other issue affecting their employment, they should first talk the matter over on an informal basis with their Line Manager (or People and Policy if the concern is relating to their Line Manager). The employee should discuss the employee's concerns in confidence, make discreet investigations, and attempt to resolve the matter speedily and fairly.

5.2 For the purpose of this policy 'Line Manager' will be used for either the employee's Line Manager or People and Policy if the concern is relating to their Line Manager).

6.0 **Formal Stages - Stage 1**

6.1 If the employee remains concerned following the informal meeting with their Line Manager, the employee must formally write to their Line Manager setting out their grievance and the basis for it- this and ask for a meeting.

~~6.2 The employee has the legal right to be accompanied at that meeting, and at any further such meetings, by a colleague, or a trade union representative of their choice. The meeting may be postponed, at their request, and for up to five working days, if their chosen companion is not available to attend on the date set for the meeting in question.~~

~~6.3 Employees and their representatives should make every effort to attend the meeting.~~

6.4 At the meeting, employee should explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.

6.5 The Line Manager will provide the outcome to the grievance within ten working days of the meeting, and will give the employee their reasons in writing. This timescale may be extended depending on the issues raised and the length of time it takes to resolve them. The outcome should be provided within a reasonable timescale and the reasons for any delay should be communicated to the employee.

6.6 Should the employee remain dissatisfied with the outcome, they will have the right to pursue the matter further by submitting an appeal to the next tier of management. The appeal should be submitted to the Line Manager within five working days of receipt of the written outcome.

- 6.7 For the purpose of this policy 'Manager' will be used for the next tier of management and will normally be the Manager of the Line Manager (or nominated Officer if there is a conflict of interest).

7.0 Stage 2

- 7.1 The Manager will discuss the issue with the employee at a meeting convened for that purpose. ~~The meeting may be postponed, at the employee's request, for up to five working days, if their chosen companion is not available to attend on the date set for the meeting.~~
- 7.2 The Manager will also meet with the Line Manager to obtain information and the outcomes from the previous meetings held under this procedure.
- 7.3 The Manager will consider the facts, make their decision and communicate to the employee and the supervisor their findings in writing within the next ten working days.
- 7.4 This timescale may be extended depending on the issues raised and the length of time it takes to resolve them. The outcome should be provided within a reasonable timescale and the reasons for any delay should be communicated to the employee.
- 7.5 Should the employee remain dissatisfied with the outcome, they will have the right to pursue the matter further by submitting an appeal to the Chief Executive or nominated representative. The appeal should be submitted to the ~~Head of People and Policy~~ HR Manager within five working days of receipt of the written outcome.

8.0 Appeal

- 8.1 The Chief Executive or nominated representative will discuss the issue with the employee at a meeting convened for that purpose. The meeting may be postponed, at the employee's request, and for up to five working days, if their chosen companion is not available to attend on the date set for the meeting in question.
- 8.2 The Chief Executive or nominated representative will also meet with the Line Manager and Manager to obtain information and the outcomes from the previous meetings held under this procedure.
- 8.3 The Chief Executive or nominated representative will subsequently consider the facts, make their decision and communicate to the employee and the Line Manager and Manager their findings in writing within the next ten working days.
- 8.4 This timescale may be extended depending on the issues raised and the length of time it takes to resolve them. The outcome should be provided within a reasonable timescale and the reasons for any delay should be communicated to the employee.
- 8.5 The Chief Executive or nominated representative's decision will be final.

9.0 ~~The Role of the Colleague/Trade Union Representative in Formal Meetings~~

~~To exercise the right to be accompanied, an employee must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for employees to insist on being accompanied by someone whose presence would prejudice the meeting.~~

~~The companion is allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the employee from explaining their case.~~

9.0 Right to Accompanied

9.1 An employee may bring a Trade Union Representative or work colleague to a Disciplinary or Appeal Meeting under this procedure.

9.2 The identity of the companion must be confirmed to the Manager in advance of the Disciplinary Meeting,

9.3 Work colleagues are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.

9.4 The Council may at its discretion, permit a companion who is not an employee or a Trade Union Representative (for example, a family member) to attend a meeting.

9.5 A companion may make representations, ask questions, and sum up the employee's position, but will not be allowed to answer questions on the employee's behalf.

9.6 Any formal meeting may be postponed, at the employee's request, for up to five working days, if their chosen companion is not available to attend on the date set for the meeting.

10.0 Mediation

10.1 A mediator can sometimes help resolve grievance issues although a mediator may not always be appropriate where the issue is serious. The mediator may be someone who works for the Council or who is external to the Council.

10.2 Mediation is a voluntary process where an independent and impartial third party helps two or more people in a dispute to reach agreement. Mediation is only useful where both parties are willing to undertake the mediation.

10.3 Mediation can be used at any stage in the dispute to try and reach agreement.

11.0 Collective Grievances

- 11.1 Collective grievances (i.e. more than one employee has concerns) may be dealt with under this procedure. A collective grievance can be brought by the Trade Union or an elected spokesperson to be discussed and resolved as appropriate with the Line Manager in the first instance. Where the issue is not resolved, the matter will be considered by the relevant ~~Director~~ **or Chief Executive or nominated officer**. The ~~Director~~ **or Chief Executive's or nominated officer** decision ~~is~~ **will be** final.

12.0 Supporting Notes

- 12.1 Once the Grievance Procedure has been invoked, additional issues cannot be added as the grievance progresses through the stages. New grievance issues must commence at the informal stage.
- 12.2 Where a grievance is deemed to have been suitably resolved because the employee did not progress the grievance within the specified time period, the employee will not be able to re-submit the same grievance.
- 12.3 Once the Grievance Procedure has been completed in accordance with this Procedure, the employee will not be able to re-start the procedure in respect of the same grievance unless the action decided by Management to resolve the grievance has not been implemented.
- 12.4 Any employee who raises a vexatious grievance may be subject to disciplinary action.

13.0 Monitoring and Review

- 13.1 **Managers who deal with grievances should ensure that the People and Policy team is notified of the grievances, responses and the outcomes.**
- 13.2 **The People and Policy team will maintain a record of the grievances received noting the actions taken. This will allow an evaluation of any specific areas of occurrence or any specific action which may have implications for other areas of the Council, including training.**
- 13.3 **The People and Policy team will be responsible for monitoring and administering the policy and procedure which will be reviewed on a 3 yearly basis and updated in light of any legislative or case law changes.**

14.0 Equality Considerations

- 14.1 **Service Managers are responsible for ensuring that they operate the policy in line with the Council's Equal Opportunities Policy to provide equality of opportunity for all employees.**

The Council is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any group, particularly based on age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy or maternity. The policy will be equally applied to all employees irrespective of their background.

In addition, in line with the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) Part 3, the Council is committed to ensure that employees are not disadvantaged or discriminated against by virtue of their trade union membership in the application of this policy.

Grievance Form

Name: _____

Department: _____

Line Manager: _____

Date of informal meeting: _____

This form is to be used throughout the formal stages of the Grievance Procedure

Background – What has happened? (Please give details of time(s) and date(s) if appropriate)	
Why are you aggrieved?	
What was the outcome, of the discussion with your Line Manager /	

<p>Manager</p>	
<p>What remedy/outcome do you want feel will resolve the issue?</p> <p>What do you think Management should do to resolve the grievance to your satisfaction?</p>	

Signed _____ Date _____

Please retain a copy of this document along with any written responses you receive for your records and future reference.

1.	Introductions <ul style="list-style-type: none"> ▪ All parties present are introduced, and their role in the hearing explained to all parties. ▪ Employee asked to confirm that they are aware of their right to representation by a work colleague, Trade Union representative, or an official employed by a Trade Union ▪ Confirm the role of the representative, that is, can present case/ask questions on behalf of employee, but shall not answer questions on behalf of employee. ▪ Check if there are any other housekeeping matters before proceeding. 	Chair
2.	Purpose of Meeting <ul style="list-style-type: none"> ▪ Explanation given to all parties of the purpose of the meeting and confirm everyone is in agreement with the format. ▪ Provide an outline of the agenda to all parties. ▪ Confirm all parties have the relevant documents. ▪ Confirm that a short adjournment may be requested at any time if required. ▪ Any questions at this time? If no proceed. 	Chair
3.	Employee to state their reasons for appeal <ul style="list-style-type: none"> ▪ If appropriate selection matrix scores to be discussed. 	Employee/ Representative
4.	Questions <ul style="list-style-type: none"> ▪ Questions from Management to Employee. ▪ Questions from Chair/HR to Employee. 	Manager and Chair/HR
5.	Witness(s) <ul style="list-style-type: none"> ▪ On behalf of the employee will add any supporting information to employee's case. 	Witness(s)
6.	Questions to Witness(s) <ul style="list-style-type: none"> ▪ Questions from Management to Witness(s). ▪ Questions from Chair/HR to Witness(s). 	Manager and Employee/ Representative
7.	Manager will present the management case <ul style="list-style-type: none"> ▪ Will confirm reasons for original decision. 	Manager
8.	Questions <ul style="list-style-type: none"> ▪ Questions from Employee to Management. ▪ Questions from Chair/HR to Management. 	Employee and Chair/HR
9.	Witness(s) (if applicable) <ul style="list-style-type: none"> ▪ Will add any supporting information on behalf of the management case. ▪ 	Witness(s)
10.	Questions to Witness(s) <ul style="list-style-type: none"> ▪ Questions from Employee to Witness(s). ▪ Questions from Chair/HR to Witness(s). 	Employee and Chair/HR
11.	Summing up and any further matters – introducing no new evidence <ul style="list-style-type: none"> ▪ Employee case summary. ▪ Management case summary. 	Manager and Employee/ Representative
12.	Adjournment – both parties will leave whilst the panel deliberates <ul style="list-style-type: none"> ▪ Chair to consider all facts presented. ▪ Chair can consider whether or not any further information needs to be 	Chair

	<p>clarified before making their decision.</p> <ul style="list-style-type: none"> ▪ Chair to confirm how long the adjournment will last and when all parties should return to hear the decision. 	
13.	<p>Decision</p> <ul style="list-style-type: none"> ▪ Chair to convey the decision verbally to all parties. ▪ In circumstances, the chair may convey the decision in writing. ▪ Confirm to the employee that the decision will be confirmed in writing within 10 workings days. 	Chair
14.	<p>Close</p> <ul style="list-style-type: none"> ▪ Thank all parties for attending today. 	Chair

Appendix 3a

Rossendale Borough Council

Review of Grievance Procedure September 2016

Introduction

The Council's Grievance Procedure was last reviewed in September 2014. Slightly ahead of the planned review of this policy, in 2017, the Council has taken the opportunity to refresh the document as part of a wider review of Council policies. Below is a summary of the main amendments to this document.

Summary of amendments

1. The introduction has been expanded to include attempting to settle grievance informally where possible.
2. Section 9, right to Representation has been updated.
3. Section 13, Monitoring and Review has been added.
4. Section 14, Equality Considerations has been added.
5. Appendix 1, Grievance Form has been amended.
6. Appendix 2, Appeal Hearing Agenda has been added.

FULL EQUALITY IMPACT ASSESSMENT

Name of Policy, Decision, Strategy, Service or Function, Other: (please indicate)	Grievance Procedure	
Lead Officer Name(s):	Clare Law	
Job Title & Location:	HR Manager	
Department/Service Area:	People and Policy	
Telephone & E-mail Contact:	01706 252457	
Date Assessment:	Commenced: 25 th August 2016	Completed: 8 th September 2016

We carry out Equality Impact Assessments (EIA) to analyse the effects of our decisions, policies or practices. The EIA should be undertaken/started at the beginning of the policy development process – before any decisions are made.

1. OVERVIEW

The main aims/objectives of this policy¹ are:
To provide a means for employees to raise a formal grievance with management and apply a consistent approach for each grievance raised.

(Refer to "**EIA Guidance**" for details)

Is the policy or decision under review (please tick)

New/proposed

Modified/adapted

Existing

The main intended people or groups that will be most affected by this policy are:
All staff employed by the Council, except for the Chief Executive, Chief Officers and Agency workers.

(Refer to "**EIA Guidance**" for details)

¹ Policy refers to any policy, strategy, project, procedure, function, decision or delivery of service.

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2. FINDINGS / EVIDENCE

FINDINGS/EVIDENCE: The following information/data has been considered in developing this policy/decision (including any consultation or engagement):	
Information/data obtained and/or Consultation/engagement carried out (please state who with)	What does this tell us? / What does it say?
The existing Grievance Procedure.	Minor amendments have been made to the policy which does not impact on individuals with protected characteristics.
ACAS	The ACAS Code of Practice on disciplinary and grievance procedures was referred to, to ensure that best practice was being applied throughout the policy.
Consultation with North West Employers Organisation (NWEO)	The draft policies have been reviewed by NWEO and advice provided.
Consultation with other Local Authorities	Research and consultation has been undertaken with other Local Authorities to support best practice.
Consultation with Management Team and Portfolio Holder	Consultation has been undertaken with the Management Team and Portfolio Holder. No issues have been identified that suggest any adverse impact/possibility for discrimination.
Consultation with Trade Union The updated policy and guidance documents will be taken to JCC on 22 nd September 2016 for consultation with the Trade Union.	The Policy was taken to JCC on 22 nd September 2016 for consultation with the Trade Union. No comments were received.

Add more/delete rows as required - See EIA Guidance

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3. EQUALITY IMPACT

Using the table below please indicate whether the policy/strategy/decision has a positive, negative or no impact from an equalities perspective on any of the protected equality groups listed below. **Please also give consideration to wider equality of opportunity and community cohesion impacts within and between the groups identified.** See EIA Guidance

Equality		Positive Impact (It could benefit)	Negative Impact (It could disadvantage)	Reason and any mitigating actions already in place (to reduce any adverse /negative impacts or reasons why it will be of positive benefit or contribution)	No Impact
Age	Older people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Younger people and children	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Disability	Physical/learning/mental health	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Gender Reassignment	Transsexual people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Pregnancy and Maternity		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Race (Ethnicity or Nationality)	Asian or Asian British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Black or black British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Irish people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	White British	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Chinese people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Gypsies & Travellers	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Other minority communities not listed above (please state)	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Belief or Religion		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Gender	Women	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Men	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Sexual Orientation	gay men, gay women / lesbians, and bisexual people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Marriage and Civil Partnership (employment only)		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Contribution to equality of opportunity		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Contribution to fostering good relations between different groups (people getting on well together – valuing one another, respect and understanding)		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Human Rights http://intranet/site/scripts/documents_info.php?categoryID=86&documentID=251		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>

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4. OUTCOME OF EIA – COURSE OF ACTION TO BE TAKEN

What course of action does this EIA suggest you take? More than one of the following may apply	Please indicate
Outcome 1: No major change required. The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.	<input checked="" type="checkbox"/>
Outcome 2: Adjust the policy to remove barriers identified by the EIA or better promote equality. Are you satisfied that the proposed adjustments will remove the barriers identified? If there is a negative impact identified, you must consider (and evidence/record) what mitigating actions you have or will put in place to reduce the negative impact where/if possible, and to enhance the positive impact. This might include any partnership discussions/working that needs to be undertaken. Complete EIA Action Plan as appropriate.	<input type="checkbox"/>
Outcome 3: Continue the policy despite potential for negative impact or missed opportunities to promote equality identified. You will need to ensure that the EIA clearly sets out the justifications for continuing with it. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact. This might include any partnership discussions/working that needs to be undertaken. Complete EIA Action Plan as appropriate.	<input type="checkbox"/>
Outcome 4: Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination or significant negative impact that can not be justified or mitigated against. <u>You must speak to Clare Law (2457)</u>	<input type="checkbox"/>

If a negative impact as been identified and there are no sufficient mitigating actions in place or planned. Please see the guidance and you must speak to/ see advice from your Head of Service or Head of People and Policy.

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5 . EIA ACTION PLAN & REVIEW

Based on the impact assessment, findings/evidence and outcomes identified above, please complete the Action Plan below – these should be actions arising as a result of undertaking the EIA.

The Action Plan should address (not exhaustively):-

- Any gaps in findings/evidence research including any consultation or engagement regarding the policy and its actual/potential affects.
- How you will address any gaps.
- What practical changes/action will help reduce any negative impacts that you have identified.
- What practical changes/action will help enhance any positive contributions to equality.

Further Actions Required: Yes No

EIA Action Plan

Issue	Action required	Lead officer	Timescale

Please add more rows if required.

Actions arising from the Impact assessment should form part of the business planning process for service areas.

Monitoring & Reviewing the Effect of the Policy

Please state how you will monitor the impact and effect of this policy and where this will be reported:

No impact of the policy will need to be monitored

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Absence Management Policy

~~September 2014~~ August 2016

Other formats are available.
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Responsible Team	People and Policy	Page:	1
Responsible Author	HR Manager	Version:	Final
Date last edited	22.09.14	Status:	Agreed with TU 25.09.14

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1.0 Policy statement

- 1.1 Rossendale Borough Council (the Council) values the contribution of its staff and is committed to delivering quality services to the residents of Rossendale. Whilst recognising that employees may be prevented from attending work through ill health, the effective management of attendance at work is crucial to ensuring that levels of attendance are adequate to support the Council to deliver high quality and cost effective services. The costs of health related absence does have a significant impact on service delivery and on colleagues within the workplace and the number of days lost to health related absence should be kept to a minimum.
- 1.2 This Sickness Absence Management Policy sets out our the Council's procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- 1.3 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.4 The Council aims to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.
- ~~1.5 This policy does not form part of any employee's contract of employment and it may be amended at any time. We may also vary the procedures set out in this policy, including any time limits, as appropriate in any case.~~

2.0 Who is covered by the policy?

- 2.1 This procedure has been agreed in consultation with the Trade Union and applies to all employees of the Council including senior managers, officers, directors, employees, trainees and apprentices. ~~homeworkers, part-time and fixed-term employees regardless of status or length of service.~~ It does not apply to agency workers.
- 2.2 Those covered by the policy will be referred to as the 'employee(s)'.

3.0 Principles

3.1 The Council will:

- Ensure fair, consistent and equitable treatment of all employees who are absent from work for health related reasons

- Seek medical advice from its Occupational Health provider in those cases where the Council considers it appropriate, and following advice from the People and Policy Team
- Consider whether reasonable adjustments can be made for an employee in accordance with the Equality Act 2010

4.0 Disabilities

- 4.1 The Council is aware that sickness absence may result from a disability. At each stage of the **Sickness Absence Meetings Procedure** (set out in paragraph 14 of this policy), particular consideration will be given to whether there are reasonable adjustments that could be made ~~to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.~~ **in accordance with the Equality Act 2010.**
- 4.2 If ~~you~~ **an employee** considers ~~that you are~~ **themselves to be** affected by a disability or any medical condition which affects ~~your~~ **their** ability to undertake ~~your work~~ **the duties of the role**, ~~you~~ **they** should inform ~~the~~ **the** People and Policy ~~team~~.

5.0 Stress

- 5.1 If an employee reports that the absence is stress related (whether personal or perceived work related stress or a combination of both), it is essential for contact to be established and maintained though-out the employee's absence. A meeting with the employee should take place at the earliest opportunity to look at ways to work together to support he employee and facilitate a return to work.

Managers should consider completing a Stress Risk Assessment with the employee when it is regarded as appropriate to do so, for discussions to take place regarding any work related issues.

6.0 Sickness Absence Reporting Procedure

- 6.1 In order for service delivery to be maintained, employees have a contractual obligation to inform their Manager of their inability to attend work and the reason for this on the first day of absence and no later than 30 minutes before the time when they are normally expected to start work.
- Employees must personally report their absence from work by telephone to their Manager. Telephone calls should not be made by family members or friends unless there are exceptional circumstances.
 - Emails and text messages are not accepted unless this has been previously agreed and only in exceptional circumstances.

- It will not be acceptable to report an absence to a colleague.
- Employees who become unwell during the period of annual leave and would otherwise be reporting as unfit to work, should comply with the absence reporting procedures for notification of health related absences and report the absence on the first day that they become unwell and would have been unfit to attend work. The employee will also require a Fit Note from the first day of absence.

6.2 Failure to report absences with the Manager, may lead to the absence from work being considered as unauthorised, resulting in loss of pay and/or disciplinary action.

6.3 If the employee fails to report an absence in line with the Absence Reporting Procedure, the Manager will endeavour to make contact with the employee, this does not mitigate the need for the employee to follow procedure and could potentially lead to loss of pay and/or disciplinary action.

~~6.3 If you cannot attend work because you are ill or injured you should normally telephone your Manager as early as possible and no later than 30 minutes before the time when you are normally expected to start work. The following details should be provided:~~

- ~~The nature of your~~ the illness or injury.
- ~~The expected length of your~~ absence from work.
- ~~Employee~~ contact details.
- Any outstanding or urgent work that requires attention.

6.4 Managers should ensure that:

- Any sickness absence that is notified to them is recorded and reported to the People and Policy team.
- Arrangements are made, where necessary, to cover work and to inform colleagues and clients (while maintaining confidentiality).

~~6.5 If you~~ Employees who are become ill or injured during a period of pre-arranged annual leave and would otherwise be reporting as unfit for work, should comply with the absence reporting procedure and report their absence on the first day that they become unwell. you may elect to treat the days of incapacity as sickness absence instead of annual leave. You must inform your Manager of your incapacity and its likely duration as soon as possible even if you are abroad. The usual requirements for self-certification and medical certificates in this policy will apply.

6.6 ~~If you are~~ Employees taken ill or injured while at work you should report or be taken to you're their Manager to be given permission to leave work. Managers should contact

the People and Policy team to make arrangements for anyone who is unwell to be accompanied home and/or to receive medical treatment where necessary.

7.0 Keeping in contact during sickness absence

- 7.1 ~~Employees who are absent from work are expected to~~ If you ~~continue to be absent from work you should~~ maintain regular contact with your ~~their~~ Manager, on at least a weekly basis unless alternative arrangements are agreed between the employee and Manager.
- 7.3 If you ~~employees~~ have any concerns while absent on sick leave, ~~whether about the reason for your their absence or your ability to return to work, you they can seek advice from the~~ should feel free to contact People and Policy team at any time.
- 7.4 ~~Failure to report maintain regular contact with the Manager and submit Fit Notes as required, may lead to the absence from work being considered as unauthorised, resulting in loss of pay and/or disciplinary action.~~

8.0 Evidence of incapacity

- 8.1 For sickness absence of up to seven calendar days you ~~employees~~ must complete a self-certification form which is available from the People and Policy team.
- 8.2 For absence of more than a week your ~~employees~~ must obtain a certificate from your ~~re~~ ~~their~~ doctor, (a "Statement of Fitness for Work"), stating that you ~~they~~ are not fit for work and the reason(s) why. ~~This Employees should be forwarded this to their your~~ Manager as soon as possible. ~~If your absence continues, further Medical certificates~~ Fit Notes must be provided to cover the whole period of absence. ~~Failure to provide Fit Notes as required could result in deduction of sick pay and/or disciplinary action.~~
- 8.3 ~~Employees provided with a Fit Note~~ If your doctor provides a certificate stating that you ~~they~~ "may be fit for work" you should inform your ~~their~~ Manager immediately. ~~Your The~~ Manager will discuss with you any additional measures that may be needed to facilitate your ~~re~~ ~~the employees~~ return to work, taking account of your ~~re~~ ~~the~~ doctor's advice. This may take place at a return to work interview (see paragraph 0). If appropriate measures cannot be taken, you ~~the employee~~ will remain on sick leave and ~~we the~~ ~~Manager~~ will set a date to review the situation.
- 8.4 Where there are concerns about the reason for your ~~re~~ ~~an employee's~~ absence, or frequent short-term absence, a ~~medical certificate~~ Fit Note may be requested for each absence regardless of duration. In such circumstances, the Council will cover any costs incurred in obtaining such ~~medical certificates~~ Fit Note, for absences of a week or less, on production of a doctor's invoice or receipt. .

9.0 Unauthorised absence

- 9.1 Cases of unauthorised absence will be dealt with under ~~our~~ the Council's Disciplinary Procedure. This ~~may include situations where you~~ ~~an employee fails to follow the reporting procedures in paragraph 46.~~
- 9.2 Absence that has not been notified according to the Sickness Absence Reporting Procedure will be treated as unauthorised absence.
- 9.3 If ~~you~~ ~~an employee~~ does not report for work and ~~has~~ not telephoned ~~you~~ their Manager to explain the reason for ~~your~~ their absence, ~~you~~ the Manager or a member of the People and Policy team will try to contact ~~you~~ the employee by telephone, and in writing if necessary. This should **not** be treated as a substitute for reporting sickness absence.

10.0 Sick pay

- 10.1 ~~You~~ Employees should refer to ~~your~~ their terms and conditions of employment for details of their sick pay to ~~which you are entitled~~ entitlements.
- 10.2 If a period of sickness absence is or appears to be occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, ~~you~~ employees must immediately notify the People and Policy team of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that ~~we~~ may be reasonably required. If the Council requires ~~you~~ employees to do so, ~~you~~ they must cooperate in any related legal proceedings and refund to the Council that part of any damages or compensation ~~you~~ they recover that relates to loss of earnings for the period of sickness absence as the Council may reasonably determine, less any costs ~~you~~ they incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to the Council shall not exceed the total amount paid to ~~you~~ them in respect of the period of sickness absence.

11.0 Medical examinations

- 11.1 The Council may, at any time in operating this policy, ask ~~you~~ an employee to consent to a medical examination by the Council's Occupational Health Provider and/or a doctor nominated and funded by the Council.
- 11.2 In the event that ~~you are~~ an employee is unable to attend an examination and ~~they~~ ~~you~~ have not provided 48 hours' notice and/or a justifiable reason for ~~your~~ their failure to attend, the Council may recover the cost of the cancelled examination from ~~you~~ their salary by way of a deduction.

11.3 The cost of travel to such appointment will be reimbursed equivalent to public transport at standard rate. Consideration will be given to alternative travel methods in exceptional circumstances. All travel arrangements should be agreed with **the People and Policy team** prior to the travel.

11.4 ~~You~~**Employees** will be asked to agree that any report produced in connection with any such examination may be disclosed to the Council and that the Council may discuss the contents of the report with the Occupational Health advisers and/or the relevant doctor.

12.0 Return-to-work interviews

12.1 ~~The Manager will hold a return to work interview following every health related absence and this should be held as soon as possible. If you have been absent on sick leave a return to work interview will be arranged with your Manager.~~

12.2 **The purpose of a return to work interview is:**

- ~~To enable the Manager to~~ **A return to work interview enables the Council to confirm the details of you're an employee's absence,**
- To enable the employee to confirm their fitness to return to work,**
- To consider any reasonable adjustments that may be necessary to support the employee in the workplace,**
- To update the employee on any developments in the workplace during their absence and,**
- To allow the Manager to review the overall attendance, establish whether absence triggers have been met and consider what further steps/action may be taken.**
- To allow the Manager to assess the employee's fitness for work.**

It also gives ~~you~~ **the employee** the opportunity to raise any concerns or questions ~~you~~ **they** may have, and to bring any relevant matters to ~~your~~ **their** Manager's attention.

12.3 ~~Where your doctor has provided a certificate stating that you "may be fit for work" a return to work interview will usually be held to discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice.~~

13.0 Returning to work from long-term sickness absence

13.1 The Council is committed to helping employees return to work from long-term sickness absence. As part of ~~our~~ **the Council's Sickness Absence Meetings Procedure** (see paragraph ~~0~~**14**), ~~your~~ **the employee's** Manager will, where appropriate and possible, support **a** return to work by:

- (a) Obtaining medical advice;

- (b) Making reasonable adjustments to the workplace, working practices and working hours;
- (c) Considering redeployment; and/or
- (d) Agreeing a return to work programme with everyone affected.

13.2 If ~~you are~~ **an employee is** unable to return to work in the longer term, the Council will consider whether ~~you~~ **they** are entitled to any benefits under ~~your~~ **the** terms and conditions of employment including any entitlements under the Local Government Pension Scheme.

14.0 **Sickness ~~Absence~~ Meetings Procedure**

14.1 The Council may apply this procedure whenever it is considered necessary, including, for example, if ~~you~~ **an employee**:

- (a) ~~Has~~ **been** absent due to illness on up to 4 occasions **in a rolling twelve month period**;
- (b) ~~Has~~ **discussed** matters at a return to work interview that require investigation; and/or
- (c) ~~Has~~ **been** absent for more than ten **working** days in **a rolling twelve month period**.
- (d) There ~~are~~ **is** **cause for** concerns about ~~you're~~ **an employee's levels and patterns of** sickness absence, **for example**:
 - **Periods of absence on a particular day of the week,**
 - **Frequent absence during school holidays,**
 - **Periods of absence prior to and/or following annual leave.**

14.2 The basis for these concerns will be provided in writing **explaining** why ~~the~~ **a Sickness ~~Absence~~ Meeting** is being ~~called~~ **arranged**, and providing a reasonable opportunity for ~~you~~ **employees** to consider this information ~~before~~ **a prior to the** meeting.

14.2 Unless it is impractical to do so, or by mutual agreement five working days written notice will be given of the date, time and place of a **Sickness ~~Absence~~ Meeting**.

14.3 The **Sickness ~~Absence~~ Meeting** will be conducted by ~~your~~ the Manager (other nominated officer) and will normally be attended by a member of **the** People and Policy **team**. **Employees have the right to be accompanied by** ~~You may bring~~ a Trade Union Representative or work colleague ~~with you to the meeting (see paragraph 0)~~.

14.4 ~~You~~ **Employees** must take all reasonable steps to attend ~~at~~ **the Sickness ~~Absence~~ Meeting**. Failure to do so without good reason may be treated as misconduct. **If an employee and/or their representative** ~~you or your companion are~~ **is** unable to attend at

the time specified ~~you~~ **they** should immediately inform ~~you're~~ **their** Manager or People and Policy who will seek to agree an alternative time **within five working days**.

- 14.5 ~~A~~**The Sickness Absence M**meeting may be adjourned if ~~your~~ **the** Manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. ~~You~~ **Employees** will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- 14.6 Confirmation of any decision made at a **the Sickness Absence M**meeting, the reasons for it, and of the right of appeal will be ~~given to you~~ **provided to the employee** in writing within ~~five~~ **ten** working days of a Sickness Absence Meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).
- 14.7 If, at any time, ~~your~~ **the** Manager or other relevant manager considers that **an employee has** ~~you have taken~~ or **is** ~~are~~ taking sickness absence when ~~you~~ **they** are not unwell, they may refer **the** matters to be dealt with under ~~our~~ **the Council's** Disciplinary Procedure.

15.0 Right to be accompanied

- 15.1 **Employees** ~~You~~ may bring a Trade Union Representative or work colleague to ~~any a~~ **Sickness Absence Meeting** or **Appeal Hearing** under this procedure.
- 15.2 The identity of ~~your~~ **the** companion must be confirmed to the Manager ~~conducting the~~ **in advance of the Sickness Absence M**meeting, ~~in good time before it place.~~
- 15.3 Work colleagues are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.
- 15.4 The Council may at its discretion, permit a companion who is not an employee or a Trade Union Representative (for example, a family member) to attend a meeting. ~~where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.~~
- 15.5 A companion may make representations, ask questions, and sum up ~~the~~ **you're** ~~the~~ employee's position, but will not be allowed to answer questions on ~~your~~ **the employee's** behalf. ~~You may confer privately with your companion at any time during a meeting.~~

16.0 Stage 1: first Sickness Absence Meeting

- 16.1 This will follow the procedure set out in paragraphs 12 and 13 on the arrangements for and right to be accompanied at **Sickness Absence Meetings**.

16.2 The purposes of a first **Stage 1 Sickness Absence Meeting** may include:

- (a) Discussing the reasons for absence.
- (b) Where ~~you are~~ **the employee is** on long-term sickness absence, determining how long the absence is likely to last.
- (c) Where ~~you have~~ **the employee has** been absent on a number of occasions, determining the likelihood of further absences.
- (d) Considering whether medical advice is required.
- (e) Considering what, if any, measures might improve ~~your~~ **the employee's** health and/or attendance.
- (f) Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting under the **Sickness Absence Procedure**.

17.0 Stage 2: further Sickness Absence Meeting(s)

17.1 Depending on the matters discussed at the first **Stage 1** of the **Sickness Absence Procedure**, a further meeting or meetings may be necessary. Arrangements for meetings under the ~~second~~ **Stage 2** of the **Sickness Absence Procedure** will follow the procedure set out in paragraphs 12 and 13 on the arrangements for and right to be accompanied at **Sickness Absence Meetings**.

17.2 The purposes of further meeting(s) may include:

- (a) Discussing the reasons for and impact of ~~you're the~~ **an employee's** ongoing absence(s).
- (b) Where ~~you are~~ **the employee is** on long-term sickness absence, discussing how long ~~your~~ **the** absence is likely to last.
- (c) Where **the employee has** ~~you have~~ been absent on a number of occasions, discussing the likelihood of further absences.
- (d) ~~If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.~~ **Considering any medical advice, or the need to obtain it.**
- (e) Considering ~~you're the~~ **the employee's** ability to return to/remain in ~~your~~ **their** job in view ~~both of your capabilities and our business needs and any adjustments that can reasonably be made to your job to enable you to do so.~~
- (f) Considering possible redeployment opportunities and/or whether any **reasonable** adjustments can ~~reasonably~~ be made to assist **the employee to remain in work.** ~~in redeploying you.~~
- (g) **Agreeing a return to work programme** where ~~you are~~ **the employee is** able to return from long-term sick leave, whether to ~~your job~~ **their substantive role** or an ~~redeployed job~~ **alternative role**, ~~agreeing a return to work programme.~~

- (h) If it is considered that **an employee is** ~~you are~~ unlikely to be able to return to work from long-term absence, whether there are any benefits for which ~~you~~ **they** should be considered.
- (i) Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). This may, depending on steps ~~we have~~ already taken, include warning ~~you~~ **the employee** that ~~you~~ **they** are at risk of dismissal.

18.0 Stage 3: final Sickness Absence Meeting

18.1 Where ~~you have~~ **an employee has** been warned that ~~you~~ **they** are at risk of dismissal, ~~we~~ **the Council** may invite ~~you~~ **them employee** to a meeting under the third stage of the **Sickness Absence Procedure**. Arrangements for this **Stage 3 Sickness Absence Meeting** will follow the procedure set out in paragraphs 12 and 13 on the arrangements for and right to be accompanied at sickness absence meetings.

18.2 The purposes of the meeting will be:

- (a) To review the meetings that have taken place and matters discussed with ~~you~~ **the employee**.
- (b) Where ~~you~~ **an employee** remains on long-term sickness absence, to consider whether there ~~has~~ been any changes to **the employees ill health** since the last meeting under ~~Stage two~~ **2** of the **Sickness Absence Procedure**. ~~either as regards your possible return to work or opportunities for return or redeployment.~~
- (c) To consider any further matters that ~~you~~ **the employee may** wish to raise.
- (d) To consider whether there is a reasonable likelihood of ~~you~~ **the employee** returning to work or achieving the desired level of attendance in a reasonable time.
- (e) To consider the possible termination of ~~you're~~ **the employee's contract of employment**.

18.3 Termination will ~~normally~~ be with full notice or payment in lieu of notice.

19.0 Appeals

19.1 ~~You~~ **Employees** may appeal against the outcome of any stage of this procedure ~~and you may bring a companion to an appeal meeting (see paragraph 0).~~ ~~18.2 An appeal shall be made~~ in writing, stating the full grounds of the appeal to the People and Policy team within 10 working days of the receipt of the letter advising of the dismissal or sanction.

19.2 An appeal against a sanction other than a dismissal, will be heard by a senior manager who has not been involved in the decision to impose the sanction.

- 19.3 For the purpose of hearing and determining any dismissal appeals, the Council shall establish a panel. The Appeal Panel shall consist of three Council Members (politically balanced) **as detailed within the Council's Constitution**.
- 19.4 At the appeal a representative from the People and Policy team, the Legal team or an external legal advisor may be present throughout to act as an advisor to the Appeal Panel.
- 19.5 The Chair of the ~~original hearing~~ **Stage 3 meeting** should be the **Presenting Manager Officer at the Appeal** (unless another manager is nominated in exceptional circumstances) and the ~~Presenting Officer at the original hearing~~ **Stage 3 Sickness Absence Meeting** may be called as a witness for either party. In a Redundancy Appeal it will be the manager who made the decision for redundancy who will be the ~~Presenting Manager Officer~~ **Presenting Officer** (unless another manager is nominated in exceptional circumstances).
- 19.6 Where practical, the Appeals Panel shall hear the appeal no later than 20 working days after the receipt of the Notice of Appeal from the employee, although a later date for the Hearing may be mutually agreed.
- 19.7 The employee shall be given at least 7 working days' notice of the Hearing, in writing, stating the date, time and location of the Hearing.
- 19.8 Where either party intends to produce documentary evidence or call witnesses at the Appeal Hearing, details should be given to the other party at least 5 working days in advance of the Hearing. Any new matters raised may delay an appeal meeting if further investigation is required.
- 19.9 It will be at the Chair of the Appeal Panel's discretion whether or not to consider any late evidence or other notification of witnesses.
- 19.10 Witness(s) can only give evidence relating to the grounds of the appeal and not be used for character representations. Each witness will make themselves available throughout the duration of the **Hearing** and will be expected to leave the proceedings after questioning.
- 19.11 The employee shall be in attendance at the **Hearing** when the appeal is being heard and ~~he/she~~ **they** may be represented by a work colleague, Trade Union representative, or an official employed by a Trade Union. The employee shall confirm to the People and Policy team who the representative will be (if any) at least 5 working days in advance of the ~~meeting~~ **Hearing**. This will enable the representative to receive a copy of the agenda/reports in advance of the ~~meeting~~ **Hearing**. Please note that it is the employee's responsibility to make arrangements in this respect.

- 19.12 If the employee fails to attend, the Appeals Panel may, dependent on the circumstances, dismiss the appeal, consider it in their absence, or defer the hearing to an alternative date. The employee may alternatively choose a representative as detailed at 1.10 to attend in their absence, however the representative can only present the case and ask questions on behalf of employee, but cannot answer questions on the employees' behalf.
- 19.13 The Chair will explain the purpose of the Hearing and the procedure to be followed. The appeal will be a review of the original decision. The procedure to be followed at the Appeal Hearing is documented in the Appeal Hearing Agenda.
- 19.14 When the Appeals Panel has reached a decision the parties will return to the Hearing and the Chair will convey the decision, which will be confirmed in writing within 10 working days.

20.0 Outcome of an appeal

- 20.1 The Appeal Panel has the power to overturn or ~~reduce~~ **amend** a decision.
- 20.2 Following an appeal the original decision may be confirmed, revoked or replaced with a different decision. There will be no further right of appeal ~~with the Council~~.
- 20.3 In the event that the Appeal Panel upholds the employee's appeal, the Appeal Panel shall allow the appeal and will remove all records of any related sanctions from the employee's record.
- 20.4 Where an appeal against dismissal is not upheld by the Appeal Panel and the Dismissing Officer's decision was to dismiss the employee ~~summarily without notice~~, the Council will be under no obligation to pay the employee for any period between the date of the original Dismissal Hearing and the date of the Appeal Hearing. The original date of termination will stand and the decision of the Appeal Panel is final, with no further right of appeal with the Council.

21.0 Leave Entitlement

- 21.1 **Employees absent due to sickness accrue annual leave and may request to take annual leave during a period of sickness absence. Employees are not expected to take a holiday when absent due to sickness unless this is supported by their GP.**

Employees wishing to take leave during sickness absence must request this in writing via their Manager. The annual leave will be deducted from an employee's annual leave entitlement and the employee's absence will still be recorded on the payroll system as being absent due to sickness..

Employees returning to work in the current leave year, should be encouraged to take their accrued annual leave entitlement to assist with their rehabilitation back to work. Should they be unable to take all of the outstanding leave, they are allowed to carry maximum 5 days annual leave forward into the next leave year, unless alternative arrangements are agreed due to exceptional circumstances.

Employees returning to work in a new leave year, will be entitled to the statutory annual leave entitlement (25 days) less Bank Holidays they have accrued during their sickness absence in the previous leave year and should, therefore carry this into the new leave year. Such employees will be encouraged to take most or all of this leave in a block in the first month after their return to work date or to assist with extending a phased return to work.

Employees who fall sick prior to commencing pre-booked annual/flexi leave or during annual/flexi leave will be able to reclaim their annual/flexi leave, as long as they comply with sickness absence reporting procedures, are still available for contact and meetings when absent and supply a Fit Note to cover the period they wish to reclaim.

22.0 Monitoring and Review of the policy

22.1 ~~This policy is reviewed every three years annually by the People and Policy team in consultation with the Trade Union.~~ The People and Policy team will be responsible for monitoring and administering the procedure which will be reviewed every 3 years or in light of any legislative or case law changes.

22.2 The People and Policy team will monitor the development and dissemination of good practice to ensure that this policy and the sickness absence meetings procedure are achieving the stated objectives.

23.0 Equality Considerations

23.1 Service Managers are responsible for ensuring that they operate the policy in line with the Council's Equal Opportunities Policy to provide equality of opportunity for all employees.

The Council is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any group, particularly based on age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy or maternity. The policy will be equally applied to all employees irrespective of their background.

In addition, in line with the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) Part 3, the Council is committed to ensure that employees are not disadvantaged or discriminated against by virtue of their trade union membership in the application of this policy.

Appeal Hearing Agenda

1.	Introductions <ul style="list-style-type: none"> ▪ All parties present are introduced, and their role in the hearing explained to all parties. ▪ Employee asked to confirm that they are aware of their right to representation by a work colleague, Trade Union representative, or an official employed by a Trade Union ▪ Confirm the role of the representative, that is, can present case/ask questions on behalf of employee, but shall not answer questions on behalf of employee. ▪ Check if there are any other housekeeping matters before proceeding. 	Chair
2.	Purpose of Meeting <ul style="list-style-type: none"> ▪ Explanation given to all parties of the purpose of the meeting and confirm everyone is in agreement with the format. ▪ Provide an outline of the agenda to all parties. ▪ Confirm all parties have the relevant documents. ▪ Confirm that a short adjournment may be requested at any time if required. ▪ Any questions at this time? If no proceed. 	Chair
3.	Employee to state their reasons for appeal <ul style="list-style-type: none"> ▪ If appropriate selection matrix scores to be discussed. 	Employee/ Representative
4.	Questions <ul style="list-style-type: none"> ▪ Questions from Management to Employee. ▪ Questions from Chair/HR to Employee. 	Manager and Chair/HR
5.	Witness(s) <ul style="list-style-type: none"> ▪ On behalf of the employee will add any supporting information to employee's case. 	Witness(s)
6.	Questions to Witness(s) <ul style="list-style-type: none"> ▪ Questions from Management to Witness(s). ▪ Questions from Chair/HR to Witness(s). 	Manager and Employee/ Representative
7.	Manager will present the management case <ul style="list-style-type: none"> ▪ Will confirm reasons for original decision. 	Manager
8.	Questions <ul style="list-style-type: none"> ▪ Questions from Employee to Management. ▪ Questions from Chair/HR to Management. 	Employee and Chair/HR
9.	Witness(s) (if applicable) <ul style="list-style-type: none"> ▪ Will add any supporting information on behalf of the management 	Witness(s)

	case.	
10.	Questions to Witness(s) <ul style="list-style-type: none"> ▪ Questions from Employee to Witness(s). ▪ Questions from Chair/HR to Witness(s). 	Employee and Chair/HR
11.	Summing up and any further matters – introducing no new evidence <ul style="list-style-type: none"> ▪ Employee case summary. ▪ Management case summary. 	Manager and Employee/ Representative
12.	Adjournment – both parties will leave whilst the panel deliberates <ul style="list-style-type: none"> ▪ Chair to consider all facts presented. ▪ Chair can consider whether or not any further information needs to be clarified before making their decision. ▪ Chair to confirm how long the adjournment will last and when all parties should return to hear the decision. 	Chair
13.	Decision <ul style="list-style-type: none"> ▪ Chair to convey the decision verbally to all parties. ▪ In circumstances, the chair may convey the decision in writing. ▪ Confirm to the employee that the decision will be confirmed in writing within 10 workings days. 	Chair
14.	Close <ul style="list-style-type: none"> ▪ Thank all parties for attending today. 	Chair

Rossendale Borough Council

Summary of Changes to the Absence Management Policy - September 2016

Introduction

The Council's Absence Management Policy was last reviewed in September 2014. Slightly ahead of the planned review of this policy, in 2017, the Council has taken the opportunity to refresh the document as part of a wider review of Council policies. Below is a summary of the main amendments to this document.

Summary of amendments

1. Paragraph 1.5 has been removed as this policy does form part of the employees' contract of employment.
2. Section 3 stating the principles of the policy has been added.
3. Section 5 relating to stress has been added.
4. Section 6.1, 6.2, 6.3, 6.4, 6.5 have been amended to ensure clarity around the reporting procedure.
5. Section 7.1, 7.2 wording has been amended and 7.4 sets out the implications of not reporting absence correctly.
6. The purpose of a return to work interview has been added at paragraph 12.2.
7. Section 13 had been amended to provide detail on use of annual leave
8. Section 14.1(d) now includes patterns/levels of absence considered to be a concern.
9. Section 20.4 which mentioned the possibility of summary dismissal has been removed as this would fall within the Council's Disciplinary Procedure.
10. Section 21 relating to use of and carry over of annual leave along with additional leave entitlement (local agreement) has been added.
11. Section 22, Monitoring and Review has been amended.
12. Section 23 relating to Equality Considerations has been added.

FULL EQUALITY IMPACT ASSESSMENT

Name of Policy, Decision, Strategy, Service or Function, Other: (please indicate)	Absence Management Policy	
Lead Officer Name(s):	Clare Law	
Job Title & Location:	HR Manager	
Department/Service Area:	People and Policy	
Telephone & E-mail Contact:	01706 252457	
Date Assessment:	Commenced: 26 th August 2016	Completed: 14 th September 2016

We carry out Equality Impact Assessments (EIA) to analyse the effects of our decisions, policies or practices. The EIA should be undertaken/started at the beginning of the policy development process – before any decisions are made.

1. OVERVIEW

The main aims/objectives of this policy¹ are:
To review and update the Absence Management Policy in line with changes to legislation and as part of the Council's three yearly review schedule.

(Refer to "[EIA Guidance](#)" for details)

Is the policy or decision under review (please tick)

New/proposed

Modified/adapted

Existing

The main intended people or groups that will be most affected by this policy are:
All staff employed by the Council, except for Agency workers.

(Refer to "[EIA Guidance](#)" for details)

2. FINDINGS / EVIDENCE

¹ Policy refers to any policy, strategy, project, procedure, function, decision or delivery of service.

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FINDINGS/EVIDENCE: The following information/data has been considered in developing this policy/decision (including any consultation or engagement):

Information/data obtained and/or Consultation/engagement carried out (please state who with)	What does this tell us? / What does it say?
The existing Absence Management Policy.	That the Council has already acknowledged and put steps in place to minimise the impact of the policy on disabled employees, including considering the use of reasonable adjustments, in line with the Equality Act 2010.
ACAS	The ACAS Advisory Booklet on Managing Attendance was referred to, to ensure a best practice approach was considered and applied to the policy as necessary.
Consultation with North West Employers Organisation (NWEO)	The draft policy has been reviewed by NWEO and advice provided.
Consultation with other Local Authorities	Research and consultation has been undertaken with other Local Authorities to support best practice.
Consultation with Management Team and Portfolio Holder	Consultation has been undertaken with the Management Team and Portfolio Holder. No issues have been identified that suggest any adverse impact/possibility for discrimination.
Consultation with Trade Union The updated policy and guidance documents will be taken to JCC on 22 nd September 2016 for consultation with the Trade Union.	The updated Policy was taken to JCC on 22 nd September 2016 for consultation with the Trade Union. No comments were received.

Add more/delete rows as required - See EIA Guidance

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3. EQUALITY IMPACT

Using the table below please indicate whether the policy/strategy/decision has a positive, negative or no impact from an equalities perspective on any of the protected equality groups listed below. **Please also give consideration to wider equality of opportunity and community cohesion impacts within and between the groups identified.** See EIA Guidance

Equality		Positive Impact (It could benefit)	Negative Impact (It could disadvantage)	Reason and any mitigating actions already in place (to reduce any adverse /negative impacts or reasons why it will be of positive benefit or contribution)	No Impact
Age	Older people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Younger people and children	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Disability	Physical/learning/mental health	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sickness absence may result from a disability, and as such, instances particular consideration will be given to the introduction of reasonable adjustments.	<input type="checkbox"/>
Gender Reassignment	Transsexual people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Pregnancy and Maternity		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sickness absence may result from a pregnancy, and as such, instances particular consideration will be given to the introduction of reasonable adjustments.	<input type="checkbox"/>
Race (Ethnicity or Nationality)	Asian or Asian British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Black or black British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Irish people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	White British	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Chinese people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Gypsies & Travellers	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Other minority communities not listed above (please state)	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Belief or Religion		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Gender	Women	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Men	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Sexual Orientation	gay men, gay women / lesbians, and bisexual people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Marriage and Civil Partnership (employment only)		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Contribution to equality of opportunity		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Contribution to fostering good relations between different		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>

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Equality	Positive Impact (It could benefit)	Negative Impact (It could disadvantage)	Reason and any mitigating actions already in place (to reduce any adverse /negative impacts <u>or</u> reasons why it will be of positive benefit or contribution)	No Impact
groups (people getting on well together – valuing one another, respect and understanding)				
Human Rights http://intranet/site/scripts/documents_info.php?categoryID=86&documentID=251	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>

4. OUTCOME OF EIA – COURSE OF ACTION TO BE TAKEN

What course of action does this EIA suggest you take? More than one of the following may apply	Please indicate
Outcome 1: No major change required. The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.	<input checked="" type="checkbox"/>
Outcome 2: Adjust the policy to remove barriers identified by the EIA or better promote equality. Are you satisfied that the proposed adjustments will remove the barriers identified? If there is a negative impact identified, you must consider (and evidence/record) what mitigating actions you have or will put in place to reduce the negative impact where/if possible, and to enhance the positive impact. This might include any partnership discussions/working that needs to be undertaken. Complete EIA Action Plan as appropriate.	<input type="checkbox"/>
Outcome 3: Continue the policy despite potential for negative impact or missed opportunities to promote equality identified. You will need to ensure that the EIA clearly sets out the justifications for continuing with it. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact. This might include any partnership discussions/working that needs to be undertaken. Complete EIA Action Plan as appropriate.	<input type="checkbox"/>
Outcome 4: Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination or significant negative impact that can not be justified or mitigated against. <u>You must speak to Clare Law (2457) immediately.</u>	<input type="checkbox"/>

If a negative impact as been identified and there are no sufficient mitigating actions in place or planned. Please see the guidance and you must speak to/ see advice from your Head of Service or Head of People and Policy.

5 . EIA ACTION PLAN & REVIEW

Based on the impact assessment, findings/evidence and outcomes identified above, please complete the Action Plan below – these should be actions arising as a result of undertaking the EIA.

The Action Plan should address (not exhaustively):-

- Any gaps in findings/evidence research including any consultation or engagement regarding the policy and its actual/potential affects.
- How you will address any gaps.
- What practical changes/action will help reduce any negative impacts that you have identified.
- What practical changes/action will help enhance any positive contributions to equality.

Further Actions Required: Yes No

EIA Action Plan

Issue	Action required	Lead officer	Timescale

Please add more rows if required.

Actions arising from the Impact assessment should form part of the business planning process for service areas.

Monitoring & Reviewing the Effect of the Policy

Please state how you will monitor the impact and effect of this policy and where this will be reported:

No impact of the policy will continue to be monitored

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