



James Ellis

Head of Legal and Democratic Services

MEETING : LOCAL JOINT PANEL
VENUE : ONLINE MEETING - LIVESTREAMED
DATE : WEDNESDAY 5 MAY 2021
TIME : 12.00 PM

MEMBERS OF THE PANEL

EMPLOYER'S SIDE:

Councillors E Buckmaster, L Haysey, J Dumont (Vice-Chairman) and A Ward-Booth

Substitutes: Councillors G Cutting and I Kemp

STAFF SIDE - UNISON

J Bruce (Chairman), N Munro, S Forde and J Pomfrett

Substitutes: J Francis and P Stevens

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

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AGENDA

1. Appointment of Chairman and Vice Chairman for 2021/22
2. Apologies
To receive apologies for absence.
3. Minutes - 20 January 2021 (Pages 7 - 14)
To confirm the Minutes of the meeting held on 20 January 2021.
4. Chairman's Announcements
5. Declarations of Interest
To receive any Members' Declarations of Interest.
6. Reports by Secretary to the Employer's Side (Pages 15 - 118)
7. Reports by Secretary to the Staff Side
There are no reports by the Secretary to the Staff Side.
8. Urgent Business
To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

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MINUTES OF A MEETING OF THE
LOCAL JOINT PANEL HELD AS AN ONLINE
MEETING ON WEDNESDAY 20 JANUARY 2021,
AT 12.00 PM

PRESENT: **Employer's Side**

Councillors J Dumont, I Kemp and A Ward-Booth

Staff Side (UNISON)

J Bruce (Chairman), S Forde, P Stevens

ALSO PRESENT:

Councillor P Ruffles

OFFICERS IN ATTENDANCE:

Emily Cordwell	- Trainee Human Resources Officer
Vicki David	- Human Resources Officer
Claire Kirby	- Human Resources Officer
Katie Mogan	- Democratic Services Manager
Simon O'Hear	- Head of Human Resources and Organisational Development
William Troop	- Democratic Services Officer

Brad Wheeler - Senior Licensing and Enforcement Officer

7 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Buckmaster and Haysey. It was noted that Councillor Kemp was substituting for Councillor Haysey.

8 MINUTES - 1 JULY 2020

It was moved by Councillor Ward-Booth and seconded by Councillor Dumont that the Minutes of the meeting held on 1 July 2020 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 1 July 2020 be confirmed as a correct record and signed by the Chairman.

9 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members, Officers and the public to the meeting. She said the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable Councils to hold remote committee meetings during the COVID-19 pandemic period. This was to ensure local authorities could conduct business during the current

public health emergency. This meeting of the Local Joint Panel was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

10 DECLARATIONS OF INTEREST

There were no declarations of interest.

11 REPORTS BY SECRETARY TO THE EMPLOYER'S SIDE

The Chairman said the policies being presented to the Panel had been the subject of extensive scrutiny by the Employer's and Staff sides, as well as being considered by the Leadership Team and East Herts Together.

The Head of Human Resources and Organisational Development (HR and OD) gave a brief summary of the changes and explained that agreement had been reached between both sides, so it was not necessary to present the policies in great detail. Rather, any questions from Members would be answered.

Vicki David, HR Officer, briefly introduced the Discipline Policy and invited questions.

Councillor Dumont asked about the potential outcomes of a disciplinary hearing and whether there was an outcome which absolved the employee of blame.

The HR Officer and Head of HR and OD explained that a hearing would only take place if the prior investigation period established that there was a case

to answer. If there was no case to answer, no further action would be taken. Hearing Officers also retained the option of deciding that no disciplinary action was warranted.

Councillor Kemp commended the quality of the report. He also referred to the removal of the requirement to have a hearing within ten working days, to bring the Council's policy in line with the recommendations of the Advisory, Conciliation and Arbitration Service (ACAS). He asked what ACAS' recommendation was and where this was referenced in the policy.

The Chairman and Head of HR and OD explained that ACAS' recommendation was for a hearing to take place within a 'reasonable' timeframe. This could feasibly be over ten days, especially in complex cases, with the additional pressures on Officers and logistical challenges posed by the COVID-19 pandemic. It was agreed that a more explicit reference to the recommended 'reasonable' timeframe would be incorporated into the policy, in addition to the existing phrasing of 'promptly and adequately'.

Vicki David, HR Officer, briefly introduced the Code of Conduct and invited questions.

Councillor Dumont queried whether the references to Members of the European Parliament (MEPs) were now redundant following the United Kingdom's departure from the European Union.

The Head of HR and OD said the references to MEPs would be removed, and that he would also raise this

point with the Head of Legal and Democratic Services, as the code was part of the Council's constitution.

Claire Kirby, HR Officer, briefly introduced the Grievance Policy and explained the main changes.

The Head of HR and OD said that amendments to the flowchart illustrating the policy had been implemented to more clearly reflect what was already in the written policy.

The Chairman thanked UNISON members for their involvement in scrutinising and updating the policy.

The Head of HR and OD presented the Probation Policy, explaining the main changes. The policy now made clear that performance was not the only factor which would be considered during probation. The first increment of the pay award would also not be available until a staff member successfully passed their probationary period.

The Head of HR and OD thanked Emily Cordwell, Trainee HR Officer, and Claire Kirby, HR Officer, for their work on the Bullying and Harassment Policy and explained how there were now stronger links to the Grievance Policy. Informal action could still be utilised in response to an upheld complaint, but the complainant could no longer appeal this decision, although this could be challenged later if the complaint escalated further. For example, if the same unacceptable conduct continued despite an earlier informal warning. It was also explained to Members that the policy made a clear distinction between

constructive, valid criticism and bullying and harassment.

Claire Kirby, HR Officer, briefly introduced the Absence Management Policy and explained the main changes. The policy had been through significant redevelopment. Short-term absence triggers had been revised as these had previously been triggered by relatively low levels of absence when compared to the rest of the sector. There had also been important changes in the terminology used.

The Head of HR and OD said the changes had made the policy more consistent. Previously, some managers were using discretion to ignore absence triggers due to the perception that they were too punitive. This lack of consistency had been of concern to UNISON. He also explained that under the policy, employees' salaries would be protected for 18 months if they were redeployed due to a disability. The importance of keeping in touch with employees on long-term sick leave was also stressed.

Councillor Kemp asked about provisions for compassionate leave.

The Chairman and Head of HR and OD explained that this may be classed as emergency dependency leave, or compassionate leave, depending on the circumstances. Unpaid leave may also be granted, which was detailed under the separate General Leave Policy.

Councillor Dumont commended the policy and in

particular the provision it made for employees suffering from stress-related illnesses.

The Head of HR and OD explained the Appeals Policy had been reduced in scope as the framework relating to specific policies had now been incorporated into the respective documents where possible. He also said that the requirement to review policies every three years had been removed and reviews would be completed as necessary in a more intelligent manner, rather than cyclically.

It was moved by Councillor Dumont and seconded by Councillor Ward-Booth that the recommendations, as detailed, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the revised Disciplinary Policy be approved;

(B) the revised Grievance Policy be approved;

(C) the revised Code of Conduct for Employees be approved;

(D) the revised Probation Policy be approved;

(E) the revised Bullying and Harassment Policy be approved;

(F) the revised Absence Management Policy be approved; and

(G) the revised and reduced Appeals Policy be

approved.

The Head of HR and OD explained to Members that the Council had been approached by the NHS to provide a reserve list of employees willing to assist with work in the face of the COVID-19 pandemic. Only staff who had volunteered would be offered. Risk assessments would be conducted and staff would not be offered if their absence would have an unreasonable impact on service delivery. Any staff working in patient-facing settings would move into priority group two for the COVID-19 vaccine.

12 REPORTS BY SECRETARY TO THE STAFF SIDE

There were no reports by the Secretary to the Staff Side.

The meeting closed at 12.53 pm

Chairman
Date

East Herts Council Report

Local Joint Panel

Date of Meeting: 5 May 2021

Report by: Head of Human Resources and Organisational Development

Report title: Employment Policies Developed Report x 5 (Capability, Flexible Working Request Scheme, Recruitment and Induction, Organisational Development and Appeals Policy), and Updates to Probation, Managing Absence and Disciplinary for Leadership Team members in line with Capability.

Ward(s) affected: None

Summary

RECOMMENDATIONS FOR LOCAL JOINT PANEL MEMBERS:

- (a) To approve the revised Capability Policy (Appendix 1)**
- (b) To approve the revised Flexible Working Request Scheme (Appendix 2)**
- (c) To approve the revised Recruitment and Induction Policy (Appendix 3)**
- (d) To approve the revised Organisational Development Policy (Appendix 4)**
- (e) To approve the revised and reduced Appeals Policy in line with the changes made to the policies (a) and (b) above (Appendix 5)**
- (f) To approve the additional clauses regarding management of Leadership Team members and ensuring the Chief Exec is available for appeals to:**
 - Probation Policy – Clauses 1.5, 1.6 and 1.7**
 - Absence Management Policy – Clause 2.3**
 - Disciplinary Policy – Clause 1.3**

1.0 Proposal(s)

- 1.1 The proposals are set out in the recommendations above. Four key HR policies have been updated in line with legislation and best practice. Appeals processes have been incorporated back into the Capability and Flexible Working policies as the 'one size fits all' approach we currently have with a generic Appeals Policy does not work well so the appeals processes have been tailored to each individual policy. As such, the Appeals Policy has been updated to remove reference to these policies. The only policy still covered in the Appeals Policy is the Redundancy Policy, once this has been updated, the Appeals Policy will then be deleted.
- 1.2 It also proposed to add clauses to the Probation Policy, the Absence Management Policy and the Disciplinary Policy to outline how members of Leadership Team (LT) (excluding Chief Officers and Statutory Post Holders who are managed in line with constitution and with member involvement) will be managed to ensure that the Chief Executive is available/suitable to hold a final stage appeal in those policies.

2.0 Background

- 2.1 Upon starting at East Herts Council the new Head of HR and OD identified the need to update the full suite of HR policies and in particular, the key formal policies to incorporate further best practice. This work was then delayed in order to establish the East Herts Together (E.H.T) Group who have worked with HR, LT and Unison to develop the policies and serve as a further cross service group to engage with and consult with to ensure the policies are fit for purpose and user friendly.
- 2.2 The East Herts Together also agreed some terms of reference to be used when developing policies which has been followed:

- To take the employee through their career journey
- Should be joined up, not in isolation to each other
- Include good examples and flow charts
- Legally compliant
- Include who to contact for more information

2.3 These policies are the second tranche of HR policies to be reviewed by the team.

2.4 The policies have been updated in line with best practice and legislation.

3.0 Summary of changes to policies

3.1 Managing Performance / Capability

Main Changes

3.1.1 General

- The title of the policy will change to Capability Policy in line with best practice
- More concise wording, making the policy shorter.
- The procedure is less prescriptive to ensure more ability to adapt to circumstances.
- A paragraph has been added to explain the process for managing the performance of members of the Leadership Team as well as Chief Officers and Statutory Post Holders.

3.1.2 Informal Stage

- Paragraph has been added to state that notes taken at the informal stage should be saved on the employee's personnel file.
- Paragraph added that managers will explore whether it is appropriate at this stage to refer the employee to Occupational Health, after seeking agreement from the

employee beforehand.

3.1.3 Formal Stages

- The formal stages of the procedure are now referred to as Stage 1, Stage 2 and Stage 3 meetings (they were previously called First Performance Review Meeting, Second Performance Review Meeting and Performance Capability Meeting)
- Introduction of the right to withhold an incremental increase at the formal stages of the procedure.
- Removal of written warnings label, the employee will be clear what stage they are at and warned that if they do not improve they move to the next stage. If the employee's performance does not improve during the review period they would move to the next stage of the procedure.
- Makes it clear that should there be any further concerns with performance within 12 months (18 months for Stage 3) of the review date the procedure will continue from the beginning of the same stage (the current policy is silent on this).
- The option to consider voluntary redeployment is added at Stages 1 and 2 (currently only mentioned at Stage 3) and it is made clear that pay protection would not normally apply.
- The option to extend the review period as an outcome at Stages 1 and 2 has been added in.
- Stage 3 meetings will be held by a member of the Leadership Team usually they will have also held the stage 2 hearing (was previously a Director at stage 3).
- Removal of set timeframes to confirm outcome of meetings and changed to 'as promptly as possible'.
- The notice required for a Stage 3 meeting has been reduced from 10 working days to 5 working days.
- The Performance Improvement Plan template will be updated so that it is fit for purpose.

3.1.4 Appeal Stage and Review

- The appeals procedure for capability matters is now included within the policy rather than in a separate Appeals Policy.
- The right to appeal can now only be taken against a decision to dismiss or redeploy (in the current policy an employee could appeal against any formal sanction).
- As with all policy revisions we are removing the 3 year review and instead saying reviewed in line with best practice and legislation.

3.1.5 Unison Comments

- Unison have agreed to the changes above, they welcomed the removal of warning labels aligned to conduct matters being removed and replaced by stages. Unison wanted to ensure the policy was developed to ensure that the employee is aware that if the set targets and the required improvement is not sufficiently met during the review period the procedure will continue at the next stage, this was strengthened to ensure the clarity.

3.2 Flexible Working Requests Scheme

3.2.1 Main Changes

- Renamed to make more transparent to all from the title to Flexible Working Request Scheme (was previously called Flexible Working Scheme).
- It has been made clear that the whole process, including any possible appeal against the decision, must be conducted within a maximum period of 3 calendar months in line with statutory requirements.
- An optional reason has been added to the flexible working

request for the employee to state their reason for flexible working request, especially if it's for equality and diversity reasons.

- HR must now attend the meeting with the manager and employee to discuss the request (this will ensure greater consistency and support).
- The manager must get Head of Service approval before confirming back to the employee the decision (again this is to ensure greater consistency).
- The appeals process has been added back in as the Appeals policy is being deleted.
- Guidance for managers has been added as an appendix to improve the process and support managers to follow the policy.
- As with all policy revisions we are removing the 3 year review and instead saying reviewed in line with best practice and legislation.

3.2.2 Unison Comments

- The revisions have been agreed with Unison who in particular welcome HR involvement and Head of Service sign off to ensure decisions are well considered and to ensure greater consistency.

3.3 Recruitment and Induction

3.3.1 Main changes

- The equality section has been strengthened and now states that the council's recruitment pages will include a set of varied staff case studies that demonstrate diversity in our workforce to help attract and welcome applications from a wide range of candidates (6 employees have agreed to do a case study and these will be written and published in due course).
- Safer recruitment practices have been added into the policy

in line with the work agreed with the Safeguarding group – Person Spec criteria for all, DBS checks where applicable, as well as probing at interview, gaps in employment etc.

- Guidance on the recruitment process has been added back into the policy – this was previously guidance on the intranet but was not in the policy.
- The agency worker section has been updated to reflect the Matrix SCM framework now in place for the recruitment of agency workers.
- Information has been added about consultants/IR35 which was previously only guidance on the intranet.
- All jobs are to be advertised internally and externally at the same time as the standard approach to support diversity of applications (wider pool) – the recruitment request form should be used to justify if this is not the approach taken, e.g. internal only advertising re suitable development opportunity for an existing member of staff.
- The option to offer a ringfenced interview for employees where they have been acting up in a post has been added.
- More options are now available to fill posts for 6 months or less, i.e. casual bank, speculative applications.
- The option for internal transfers has been added.
- The policy has been updated to reflect the new part 1/part 2 application form that is now in use.
- It has been added that interview panels should try to show diversity if possible in respect of gender and race and if not, meet the team or similar should be considered to allow this to welcome a diverse range of applicants.
- Increased the time external applicants should wait before assuming they have not been shortlisted from 2 to 3 weeks.
- Added that panels should consider if they have any 'reserve' candidates and that these should be treated differently to other unsuccessful candidates.
- Added that if a new starter starts with their DBS check pending, that a risk assessment takes place before they can start in line with Safer Recruitment practices.
- Added the approval process for appointing above the

bottom of the scale (which has been in practice for some time now).

- Deleted all references to probation as we now have the separate Probation Policy.
- Guidance on asking probing questions at interview for Safer Recruitment added as an appendix to the policy.
- Added secondment guidance as an appendix to the policy. This was previously only guidance on the intranet. This has also been updated to reflect that the council will not normally support full-time external secondments but will support partial secondments where possible. Data from the past 7 years shows that of the full-time external secondments, over one third did not return showing that there is not a great return for the council. 100% of partial secondments to external secondments came back to East Herts at the end of the secondment.
- As with all policy revisions we are removing the 3 year review and instead saying reviewed in line with best practice and legislation.

3.3.2 Unison Comments

- The revisions have been agreed with Unison. Unison asked for an further addition to Person Specification criteria for all posts being to be added regarding equality and diversity as well as the commitment to safeguarding criteria that was added. This has been incorporated into 6.4: *An understanding of and commitment to diversity and equality as it applies to council services and employment.* This will be added to all updated person specifications once the policy is implemented. A number of other areas where strengthened in line with Unison feedback e.g. recording decisions on the recruitment request form.

3.4 Organisational Development

3.4.1 Main changes

- Title amended to organisational and development policy.
- The range of development opportunities available to all has been revised.
- The annual PDR has been added to individual responsibilities.
- The introduction of a three tier funding programme for professional sponsorship 100%, 75% and 50% to allow more support and flexibility re funding.
- Clarification of additional funding required on top of the professional qualification fee; so the full cost is explicit with no hidden costs.
- 20% off the job training has been clarified for apprentices or those staff that are Levy funded.
- Reimbursement of out of pocket travel expenses from core development budgets.
- Added detail of the Revenues and Benefits shared service training budget.
- New application form for Training and Development funding as local training pots have been centralised to ensure a greater spread across staff and services.

3.4.2 Unison Comments

- The revisions have been agreed with Unison. Unison were especially supportive of more flexible funding for professional development (50%, 75% and 100%). Unison also requested that a mandatory training section was added in line with this practice, which has been added as section 2.0. Unison asked for professional membership funding to be added in line with supporting staff to achieve professional qualifications or expecting staff to hold these memberships. This was considered by the Leadership Team on 12th April

2021 but was not agreed due to the agreed pay policy statement and need to make savings from reduced income. The Pay Policy Statement for 21-22 agreed by HR Committee in February and then full Council in March 2021 states that the council will only fund the cost of a legal practicing certificate for employees where it is a requirement of their employment (see clause 6.3). Whilst the Leadership Team would like to support this, the costs would be significant and were removed some years ago in line with austerity cuts, staff are encouraged to claim tax relief on professional membership (the intranet will be updated to remind staff how to do this). A number of other areas where strengthened in line with Unison feedback to ensure clarity e.g. repayment of professional development where the employee leaves before it has expired.

3.5 Appeals Policy

The Appeals Policy has been updated to remove the appeals process for the Capability Policy and Flexible Working Scheme as these have been incorporated back into these policies. The 'one size fits all' approach we currently have with a generic Appeals Policy does not work well as generic framework across all areas so the appeals processes have been tailored to each individual policy.

3.6 Additions to other policies re LT Members

3.6.1 Probation Policy:

New Clauses to be added: 1.5, 1.6 and 1.7 in the Purpose and Scope section 1.0:

1.5 This policy applies to all employees except for Chief Officer level or any other nominated statutory posts, for these postholders the principals and structure will apply but it should be used in

conjunction with procedures set out in the Constitution and will involve Members as appropriate.

1.6 Where members of Leadership Team (LT) (excluding the Statutory Post Holders and the Chief Officers as set out above) are required to be considered for a formal probationary hearing the following will apply: the investigating manager role will be allocated by the Chief Executive Officer (CEO) to a statutory post holder who will investigate and produce the formal report and the matter can then be heard by the Deputy Chief Executive Officer and any appeal can be heard by the CEO.

1.7 At all stages of the following procedure, where specified staff/managers are designated to handle different stages, East Herts Council reserves the right to reasonably substitute suitable alternatives.

3.6.2 Absence Management Policy:

New Clause to be added at 2.3 in the Scope section 2.0:

2.3 Members of Leadership Team (LT) (excluding the Statutory Post Holders and the Chief Officers) will be managed through this procedure with the manager role allocated by the Chief Executive Officer (CEO) as all LT members report to the CEO. In order to ensure that the CEO is available to consider any appeal the following roles will be allocated at stages 1 to 3:

- Stage one – the CEO will allocate the Manager role to a Statutory Post Holder either the Section 151 Officer or Monitoring Officer as appropriate.*
- Stage two – the manager role would remain with the Statutory Officer designated by the CEO.*
- Stage three – the statutory officer would remain in the manager role with Deputy Chief Executive Officer hearing the matter at stage 3.*

- *Appeal – should the matter reach the appeal stage this would be heard by the CEO.*

3.6.3 Discipline Policy:

New Clause to be added at 1.3 in the Purpose, Scope and Principles section:

1.3 Members of Leadership Team (LT) (excluding the Statutory Post Holders and the Chief Officers as set out above) will be managed through this procedure with the investigating manager role at both the informal and formal stages being allocated to one of the Statutory Post Holders by the Chief Executive Officer (CEO) and the Deputy Chief Executive Officer would normally hear the matter at any formal hearing. This will ensure that the CEO is available to consider any appeal.

3.6.4 Unison Feedback on these additional clauses added:

- Unison agreed the wording to be used in the Capability Policy and agreed that similar clauses for LT members and ensuring appeals can be held by the CEO should be added to the three policies recently agreed.

4.0 Implications/Consultations

Community Safety

No

Data Protection

No

Equalities

The policies have been updated in line with equalities legislation and with consideration to the Council's Equality Policy.

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

Yes as set out this is an employment matter and the report has been produced by HR

Human Rights

No

Legal

The policies have been updated in line with employment legislation.

Specific Wards

No

5.0 Background papers, appendices and other relevant material

5.1 The updated policies are attached as Appendices 1 to 5.

Contact Officer

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East Herts Council

Capability Policy

Policy Statement

**Policy Statement No 2 (Issue No 4)
May 2021**

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CAPABILITY POLICY

Policy Statement No 2 (Issue No 4) May 2021

1. PURPOSE AND SCOPE OF PROCEDURE

- 1.1 East Herts Council aims to provide a high quality service to all our residents, customers and stakeholders. In order to do so we require all employees to achieve and maintain a high standard of performance in their work. We provide explicit standards and training to all our managers to ensure their commitment and capability to support, guide and develop employees.
- 1.2 In cases where despite an appropriate level of support, guidance and training, an employee is failing to or unable to meet the required standards of performance, this procedure will be used to ensure that fair, effective and reasonable action is taken.
- 1.3 The procedure is designed to give employees the opportunity to improve individual performance and not to be punitive.
- 1.4 This policy applies to all employees except for Chief Officer level or any other nominated statutory posts, for these post holders the principles and structure will apply but it should be used in conjunction with procedures set out in the Constitution and will involve Members as appropriate with exceptions as set out in 1.6 below.
- 1.5 Members of Leadership Team (LT) (excluding the Statutory Post Holders and the Chief Officers) will be managed through this procedure with the manager role allocated by the Chief Executive Officer (CEO) as all LT members report to the CEO.
- 1.6 This procedure does not apply to the following:
 - (a) Employees during their probationary period of employment, or any probationary extension period. Please refer to our Probationary Procedure.

- (b) Incompetence (gross or otherwise), gross negligence and or incapability or other poor performance where it arises out a wilful or deliberately neglectful derogation of duties. Please refer to our Disciplinary Procedure.
- 1.7 In cases where lack of capability or difficulties with performing all aspects of the job are considered to be attributable to ill health or a disability, this may be dealt with either under this procedure or the Absence Management Policy (or both) as considered appropriate by East Herts Council on a case-by-case basis.
 - 1.8 Any incremental increase that would normally be due will be withheld at the formal stages of this procedure. If by the end of the review period at any formal stage the required improvement has been made and therefore the employee is no longer at a formal stage, the incremental increase will resume and take effect from the 1st of the following month and then continue from 1st of April as appropriate.
 - 1.9 East Herts Council is firmly committed to meeting its responsibilities towards employees with a disability in accordance with the Equality Act 2010. Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that the Council could make to working arrangements. The Council may seek recommendations by relevant medical advisers, in consultation with the employee.
 - 1.10 If an employee is subject to additional allegations (e.g. misconduct or issues with attendance), then this procedure may run concurrently with the other relevant procedure(s).
 - 1.11 At all stages of the following procedure, where specified staff/managers are designated to handle different stages, East Herts Council reserves the right to reasonably substitute suitable alternatives.

1.12 This procedure does not form part of any employee's contract of employment with East Herts Council and it may be amended at any time.

2. PRINCIPLES

2.1 East Herts Council managers will set out clear expectations of the performance standards expected of staff in relation to the:

- job description / performance objectives for their role
- competence profile for their role

2.2 East Herts Council will offer appropriate support, supervision and training to any employee where there is a significant change in the content or level of his/her job.

2.3 Where there is a change in required standards of performance, the new standards will be explained to the employee and appropriate support will be offered to achieve the standards.

2.4 Any review period set by a manager under this procedure will be at the manager's reasonable discretion in line with targets set however it will normally be between 1 and 3 months.

2.5 Managers may be supported by a member of Human Resources at all stages of this procedure (or any other support the Council determines as appropriate).

2.6 Managers may, in exceptional circumstances, deem it necessary to temporarily redeploy an employee immediately from their normal job.

3.0 RESPONSIBILITIES

3.1 Managing performance is the responsibility of both managers and employees.

3.2 Employees are expected to:

- Take full accountability for their own performance and behaviour
- Make sure they understand what is expected of them
- Perform to a satisfactory level in line with council objectives, values and behaviours
- Commit to improve where concerns over performance have been raised
- Work with managers to address any underlying issues which may be affecting performance
- Take ownership of their personal learning and development needs and meeting the council's values and behaviours

3.3 Managers are expected to:

- Have completed the managing performance training events arranged by HR and any refresher training as appropriate or recommended
- Seek advice and guidance from HR on the interpretation and implementation of this policy and adhere to advice given
- Try to rectify any performance issues as early as possible with the aim of resolving them at an informal level
- Ensure that employees are aware of the performance standards, values and behaviours expected and support employees in achieving them
- Monitor the performance of employees and ensure that 121 and Performance Development Review (PDR) meetings are carried out in order to identify any issues
- Set realistic and measurable standards of performance for the job and share these with the employee
- Ensure that employees are made aware of the consequences of failing to meet the required performance standards
- Ensure that any employees rated as Immediate Improvement required under the PDR process, their performance is being formally managed under this policy.

3.4 **Leadership Team members** (excluding Chief Officers and Statutory Post Holders who will be managed by the constitution and this policy see 1.4):

In order to ensure that the CEO is available to consider any appeal the following roles will be allocated at the informal stage and formal stages 1 to 3:

- Informal Stage – the CEO will allocate the Manager role to a Statutory Post Holder either the Section 151 Officer or Monitoring Officer as appropriate.
- Stage one – the manager role would remain with the Statutory Officer designated by the CEO.
- Stage 2 – the statutory officer would remain in the manager role with Deputy Chief Executive Officer hearing the matter at stage 2.
- Stage 3 – the statutory officer would remain in the manager role with Deputy Chief Executive Officer hearing the matter at stage 3.
- Appeal – should the matter reach the appeal stage this would be heard by the CEO.

4. THE RIGHT TO BE ACCOMPANIED

4.1 The employee will have the right to be accompanied at all meetings/hearings from Stage 1 (formal stages) onwards by a work colleague or a trade union representative of their choice.

4.2 The accompanying person has the statutory right to:

- address the meeting to put the employee's case
- sum up that case, and
- respond on the employee's behalf to any view expressed at the meeting

4.3 The accompanying person does not have the right to answer questions on the employee's behalf. They may ask questions and will be permitted to confer with the employee.

- 4.4 It is the employee's responsibility to request their chosen companion to accompany them to the formal interview or appeal, and to supply all relevant information and documentation to them.
- 4.5 If the accompanying person is unavailable at the time a hearing is scheduled and will not be available for more than five working days after, the employee may be asked to choose someone else.

5.0 Informal Stage

- 5.1 In the first instance, performance issues should normally be dealt with informally between the employee and their manager as part of day-to-day management. However, in serious cases it may be considered appropriate to deal with the issues under the formal procedure from the outset (see 6.0 below).
- 5.2 The Informal meeting should cover the following:
- clarify the required standards;
 - identify areas of concern;
 - establish the likely causes of poor performance;
 - identify any training needs or other support e.g. coaching;
 - set targets for improvement and a time-scale for review; and
 - ensure the employee is aware that if the set targets and the required improvement is not sufficiently met during the review period the procedure will continue at formal stage 1
- 5.3 A note of any such informal discussions should be placed on the employee's personnel file and a copy should also be provided to the employee for their records.
- 5.4 Managers should explore whether it would be useful at this stage to refer the employee to Occupational Health, seeking agreement from the employee beforehand.
- 5.5 Employees will not normally be dismissed for performance reasons without previous warnings.

6.0 Formal Stage

- 6.1 If East Herts Council has concerns about an employee's performance, it will undertake an assessment to decide if there are grounds for taking formal action under this procedure. The procedure involved will depend on the circumstances but may involve reviewing an employee's personnel file, gathering any relevant documents, monitoring their work and, if appropriate, interviewing the employee and/or other individuals confidentially.
- 6.2 East Herts Council reserves the right, in very serious cases, to omit one or more of the earlier stages set out below.
- 6.3 At least 5 days' prior to any formal meeting under Stages 1, 2 or 3 below, East Herts Council will notify the employee in writing of the meeting, together with its concerns over performance, the reasons for those concerns and the likely outcome if it is decided after the hearing that the employee's performance has been unsatisfactory. The letter will also include, where appropriate:
- a summary of relevant information gathered as part of any investigation;
 - a copy of any relevant documents which will be used at the hearing; and
 - a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case as much information as possible while maintaining confidentiality will be provided.
 - should the employee wish to submit any documents to be discussed at the hearing, they should provide them at least 2 working days before the hearing.

6.4 Stage 1

6.4.1 The aims of the meeting will be to:

- Explain clearly how the employee's current performance fails to meet the required standards and go through any evidence gathered.
- Allow the employee to ask questions, present evidence, call witnesses, respond to evidence and make representations.
- Identify the likely causes of poor performance and whether there are further measures that may improve performance (e.g. additional training or supervision).
- discuss with the employee if they want to be considered for voluntary redeployment if appropriate. HR support will be provided if the employee wishes to explore this to determine what may be available within the Council as potential options. This would only be explored if the employee requests this. Pay protection will not normally apply in a capability redeployment and priority for redeployment would be given to staff at risk of redundancy or due to a disability [\(link to redundancy policy section to be added\)](#).
- Discuss targets for improvement and a time-scale for review (as a guide the review period should normally be between 1 to 3 months). The Performance Improvement Plan (PIP) template in Appendix A should be used or adapted as appropriate to set out clearly the improvement required and any support agreed.
- Explain to the employee that if their performance does not improve sufficiently it may become necessary during or at the end of the review period to review their performance in line with Stage 2 of the procedure.
- During the review period the manager must continually monitor the employee's performance and hold regular progress meetings with the employee.

6.4.2 The manager reserves the right to adjourn a hearing to gather any further information or give consideration to matters discussed at

the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

6.4.3 The outcome of the meeting and the action to be taken must be recorded by the manager in writing through the stage 1 letter and a copy given to the employee with the PIP as promptly as possible. The letter must warn the employee that unless performance improves to the required standard during or by the end the review period then the process will move to stage 2. A copy should also be placed on the employee's personnel file.

6.4.4 If by the end of the review period the required improvement has been made, the employee will be told of this and advised that should there be any further concerns with performance within 12 months of the review date the procedure will continue from the beginning of Stage 1.

6.4.5 If the line manager feels that there has been some improvement in performance but there are still some areas of concern they should seek HR support to consider the option to extend the review period.

6.5 Stage 2

6.5.1 If the employee's work performance does not improve to a satisfactory level during or by the end of the review period, the line manager must prepare a report to refer the matter to a member of the Leadership Team.

6.5.2 The Leadership Team member will write to the employee asking them to attend a formal stage 2 hearing in accordance with 6.3 above.

6.5.3 At the meeting, the employee's line manager will present the details of the matter, including earlier discussion(s), the steps taken to encourage improvement and any supporting facts and/or material. The employee will then be given the opportunity to present their views in response to the manager's case.

6.5.4 Following the hearing, the Leadership Team member will consider their decision and the action, if any, to be taken. The Leadership Team member may wish to retire to consider their decision. The decision should be confirmed in writing to the employee.

6.5.5 Where the LT member decides that performance is sufficient this will be confirmed and the employee will be informed that if performance is unsatisfactory again in the next 12 months from the end of stage 2 review period they will be subject to stage 2.

6.5.6 Where it is established that the performance is unsatisfactory, the Leadership Team member will do the following:

- consider whether voluntary redeployment is appropriate and available within the Council. Any offer should be made in writing, explaining why it is being made and the consequences of refusing it. The post does not have to be on the same scale and pay protection would not normally apply ([Add link to re-org](#)). The employee should be given reasonable time to consider the offer and be advised to discuss it with their accompanying person (if applicable).

(Where such redeployment is agreed, the employee's performance must continue to be reviewed and if the line manager of the new post considers performance is unsatisfactory the matter should be re-referred to a member of the Leadership Team at the stage 2 or stage 3 level depending on the circumstances.)

- If voluntary redeployment is unsuitable, unavailable or declined by the employee, inform the employee of the improvement that is required, set a reasonable review period (as a guide the review period should normally be between 1 to 3 months) and confirm the arrangements for monitoring during this period (a revised PIP should be provided).
- Consider what further support (e.g. training or shadowing etc.) is

appropriate.

- Issue the employee a stage 2 outcome letter and warn the employee that unless performance improves to the required standard during or by the end the review period then the process will move to stage 3 where dismissal maybe considered.

6.5.7 The outcome of the stage 2 hearing and the action to be taken (if any) will be recorded in writing and a copy given to the employee as promptly as possible. A copy should also be placed on the employee's personnel file. Where the Leadership Team member determines no further action is required this will be confirmed.

6.5.8 If by the end of the review period the required improvement has been made, the employee will be told of this and advised that should there be further concerns with performance within 12 months of the review date the procedure will continue from the beginning of Stage 2.

6.5.9 If the Leadership Team Member feels that there has been some improvement in performance but there are still some areas of concern, they have the option to extend the review period but should seek HR support before determining.

6.6 Stage 3

6.6.1 If the employee's work performance does not improve to the required standard during or by the end of the stage 2 review period (or there are further concerns with performance within 18 months of the stage 3 review period), the line manager must prepare a report to refer the matter to a member of the Leadership Team who would normally be the LT member who heard the matter at Stage 2.

6.6.2 The Leadership Team member will write to the employee asking him/her to attend a formal interview in accordance with 6.3 above.

6.6.3 Conduct of the hearing will be as outlined in Section 6.4.1 above.

6.6.4 The Leadership Team member hearing the case may consider a range of options including (but not limited to):

- dismissing the employee;
- redeploying the employee into another suitable job at the same, or a lower, grade; or
- setting a further review period (in exceptional cases where it is believed that a substantial improvement is likely within the review period). As a guide the review period should normally be between 1 to 3 months.

6.6.5 Whichever action is decided upon, the Leadership Team member should confirm this in writing with the employee as promptly as possible. The letter should remind the employee of their right to appeal where applicable (see 7.0 below).

7. APPEALS

7.1 An employee has the right to appeal against any decision taken by the Leadership Team member after a hearing at Stage 3 of the above procedure, except for the setting of a further review period.

7.2 The employee must lodge the appeal in writing with the Head of HR & OD no later than 5 working days after the employee has been notified in writing of the decision to redeploy or to dismiss.

7.3 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

7.4 The appeal will normally be heard by a Chief Officer, the Deputy Chief Executive or where they have already been involved the Chief Executive.

7.5 The employee must be notified in writing of the date and time of the appeal hearing and his/her right to be accompanied by a trade

union representative or work colleague. The letter should explain that the matter may be dealt with in the employee's absence if s/he fails to attend, and that if unable to attend s/he may be represented by a trade union representative or work colleague and/or send written submissions.

- 7.6 The decision of the Chief Officer shall be final and will be confirmed in writing with the employee. There will be no further right of appeal.

8.0 Policy review and amendment

- 8.1 This policy shall be reviewed in line with legislation and best practice to reflect the best possible level of support and management.

Appendix A

Performance Improvement Plan

To be completed and signed by the manager and employee as part of the Managing Performance Policy

Name: Directorate : Service Review Period (1st/2nd/3rd)..... Date.....

Performance standard/values and behaviours not being met	Objectives/targets required to meet the standard	Support and training to be given to assist reaching the standard	Evidence required to demonstrate the standard is met	Target/deadline for standard to be met and reviewed

I agree to the content of this document, the actions that are required of me and the objectives as set out in the PDR objectives form (please note the actions required by the manager will be to ensure the appropriate support is given to the employee)

Signed (Manager) Signed (Employee)

APPENDIX 2

Policy Name	Flexible Working Request Scheme
Date	May 2021
Statement No	8
Version	6

1.0 Purpose

1.1 This policy sets out the council's approach to flexible working arrangements which is in accordance with the ACAS code of practice and guidance on handling requests to work flexibly in a reasonable manner.

1.2 The council recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore the organisation wants to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. The council is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the organisation and the employee can be met.

1.3 Requests for flexible working may be for any reason and are not restricted to employees with family care commitments.

2.0 Eligibility

2.1 The Employment Rights Act 1996 gives every employee the statutory right to request to work flexibly provided they have worked for the council for 26 weeks continuously at the date the application is made. This policy does not include agency workers. An employee

can only make one statutory request in any 12 month period.

- 2.2 The Employment Rights Act 1996 gives the right for employees to request unpaid time off for training. Employees must have been continuously employed for 26 weeks and must show that the time off to train will increase their effectiveness in their job or is relevant to their employer's business. See the Organisational & Development Policy for further guidance on training and development.

3.0 Principles

- 3.1 An employee does not have a right to work flexibly but has a right to request to do so.
- 3.2 The council will try to accommodate requests where possible and may also, if appropriate, explore alternative flexible arrangements with the employee in order to reach a mutually beneficial arrangement.
- 3.3 All requests will be considered as quickly as possible. This will normally be within a calendar month of the line manager receiving the request. The whole process, including any possible appeal against the decision, must be conducted within a maximum period of 3 calendar months. This timescale may be extended, if necessary, with the agreement of both parties, for example to allow for a trial period if there are some concerns as to whether any new arrangements will work.

4.0 Legal Issues

- 4.1 Managers should consider the Working Time Regulations 1998 when considering flexible working requests.
- 4.2 This Policy has been written taking into consideration the ACAS Code of Practice on handling in a reasonable manner requests to work flexibly.

5.0 The Business Need

- 5.1 Although the council is committed to providing the widest possible range of working patterns for its workforce, some flexible working options will not be appropriate for all roles across all service areas.
- 5.2 Where an instance of flexible working is proposed the council will need to take into account a number of criteria including (but not limited to) the following:
- the effect of the proposed arrangement on the service;
 - the effect of the proposed arrangement on other employees, customers and the council;
 - the cost of the proposed arrangement;
 - the level of supervision that the post-holder requires;
 - the structure of the service and staff resources;
 - other issues specific to the employee's service;
 - an analysis of the tasks specific to the role, including their frequency and duration;
 - analysis of the workload of the role.

6.0 Flexible Working Options

- 6.1 The policy considers the following options, but the council recognises that there may be alternatives, and

that the working pattern that may suit any particular individual could be a unique one involving a combination of options:

- part time working;
- compressed hours;
- temporary voluntary reduced working time;
- term-time working;
- job share.

Please see Appendix A for further details on the types of flexible working options.

6.2 For the avoidance of doubt, flexi time and home working are not covered by this policy. Please refer to the flexi time guidance and Home Working policy on the intranet.

7.0 Process

7.1 Considering the Request

7.1.1 The employee is required to submit a request to work flexibly in writing to their manager using the Flexible Working Request form. The request must include the following:

- the date of their application, the change to working conditions they are seeking and when they would like the change to come into effect;
- what effect, if any, they think the requested change would have on the employer and how, in their opinion, any such effect might be dealt with, including consideration of any impact of their request upon their own work, other team members and service delivery. The employee will be expected

to offer constructive suggestions about how these can be managed;

- a statement that this is a statutory request and if and when they have made a previous application for flexible working.
- (optional) the reasons for their request, especially if the council's Equality and Diversity Policy may be relevant, for example, if the request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability;

7.1.2 On receipt of the request the manager should arrange a meeting to discuss the request with the employee within 10 days of receipt of the request. An HR Officer must be present at this meeting. The discussion does not have to be face to face and if the manager and employee agree it can be held by phone or another means agreeable to both parties. This will provide an opportunity to explore the desired work pattern in depth and to discuss how this might be accommodated. It will also provide an opportunity to consider other alternative working patterns, should there be problems in accommodating the desired work pattern outlined in the employee's application. The manager may determine they need more time to make a decision i.e. to investigate how the request can be accommodated or to complete a job advertisement i.e. to see if a job share can be accommodated or to consult several members of staff, they will discuss this with the employee and agree a time period which may include a timescale extension in line with 3.3 above.

7.1.3 Employees have the right to be accompanied at the meeting by a work colleague or Trade Union representative if they wish. This should be made clear

to the employee before the discussion takes place and sufficiently in advance so that they can arrange the attendance of their companion.

7.1.4 When considering the request the manager should view it as objectively and fully as possible, taking into account the business needs (see 5.0) and the employee's current role. The manager should take into account:

- the workload (of the employee making the request, and the team)
- options for re-scheduling / re-prioritising work
- alternative options for flexible working
- implications for conditions of service
- financial implications to the council.

7.1.5 There may also be other issues that are unique to the situation and these should be considered. Please see Appendix B for further guidance for managers.

7.2 Making the Decision

7.2.1 The manager must seek approval from the Head of Service before informing the employee of the decision. If the decision is to approve the request, the manager must send HR the employee's request form, along with a completed contract amendment form. HR will confirm the manager's decision in writing and confirm any impact on pay and annual leave as appropriate. Please see section 7.5 if the decision is to refuse the request.

7.3 Multiple Requests

7.3.1 Where a manager receives a number of flexible working proposals at or around the same time, or a joint

proposal from a group of employees, the requests will be considered collectively.

7.4 Trial Periods

- 7.4.1 All approved flexible working requests should include a trial period (usually for 3-6 months) for both the benefit of the employee and the service. This is to establish whether the arrangements requested are sustainable in the council, the impact on the role, colleagues and service(s). The trial period will be agreed between the employee and manager taking into consideration the role of the employee and needs of the service.
- 7.4.2 A review date will be agreed for the manager and employee to jointly discuss how the new arrangements are working and make any necessary adjustments.
- 7.4.3 It is the manager's responsibility to ensure this review takes place, if there are concerns HR support should be sought upfront to ensure consistency.
- 7.4.4 A successful trial period should be confirmed in writing stating that the arrangement is now permanent (or for a fixed term if it is agreed the flexible arrangements are temporary).
- 7.4.5 If it is considered that the trial period has been unsuccessful, the reasons for this decision must be communicated to the employee(s), by meeting (either face-to-face, by phone or another means agreeable to both parties), and followed up in writing. Managers should use one or more of the business grounds outlined in point 7.5.2 when explaining their decision, taking advice from HR.

7.4.3 Employees will have the right to revert back to their original pattern of working within the trial period subject to the employee giving appropriate notice to the manager.

7.5 Refusing the Request

7.5.1 Managers in consultation with the Head of Service should contact their HR Officer for advice before refusing a flexible working request.

7.5.2 If it is considered that a post is unsuitable for the specific flexible working option proposed by the employee or group of employees, the reasons for this decision must be communicated to the employee(s), ideally by discussion and followed up in writing. Your HR Officer will help you draft a letter. Requests for flexible working should only be refused on one or more of the following 10 business grounds:

1. burden of additional costs
2. detrimental effect on the ability to meet customer demand
3. inability to reorganise work among employees
4. inability to recruit additional employees
5. detrimental impact on quality
6. detrimental impact on performance
7. insufficiency of work during the period the employee proposes to work
8. planned structural changes, e.g. a pending or current restructure
9. other relevant business grounds
10. Working Time Regulations 1998 are not met.

8.0 Monitoring

- 8.1 All flexible working arrangements should be reviewed on an annual basis, through the PDR process. Any changes to flexible working arrangements once they have been confirmed as permanent must be with agreement from both parties.
- 8.2 All flexible working arrangements are subject to a proviso that the employee may be required to revert back to their original pattern of working if there are identifiable and significant operational problems identified at any time. Such action will not be taken unreasonably and will be subject to full discussion with the employee(s) concerned and the giving of appropriate notice.

9.0 Appeal

- 9.1 The employee may appeal the decision within 5 working days of the decision being notified to them. The grounds for the appeal should be put in writing to the Head of HR and OD.
- 9.2 A member of Leadership Team (not previously involved with the application) will review the application. If the Leadership Team member considers it to be necessary, they may request further information and/or evidence, and may wish to meet with the employee and/or the line manager. The employee may, if they so wish, be accompanied by a workplace colleague or Trade Union representative at any meeting they are invited to attend. The employee's companion will be entitled to speak during the meeting and confer privately with the employee, but may not answer questions on the employee's behalf. The Leadership Team member may

also, if they wish, be accompanied by a representative from Human Resources and/or an appropriate note taker where a meeting is called.

9.3 The Leadership Team member will review whether the Head of Service was justified in refusing the request.

9.4 The Leadership Team member will notify the employee of the outcome of the appeal in writing within 20 working days of being asked to review the application. Their decision will be final.

10.0 Policy Review and Amendment

10.1 This Policy shall be reviewed in line with legislation and best practice to reflect the best possible level of support and management.

Further information on flexible working options

Part-time working

Part time working is where an employee is contracted to work fewer than 37 hours a week, the full time equivalent contractual hours per annum.

Compressed Hours

Compressed hours is a system that permits employees to work their total number of contractual hours over fewer working days. Usually a 5 day week is compressed into 4 days or 4.5days, a 10-day fortnight into 9 days or 18 day month (based on a 4 week month).

Temporary voluntary reduced working time

Temporary voluntary reduced working time is a system whereby it is agreed that the employee will work reduced hours for a certain period of time, with a return to their substantive working hours at the end of this period. Pay would be pro-rated during this time accordingly.

Term Time Working

Term time working is a system of flexible working where the employee's working weeks mirror schools' term weeks and pay is adjusted accordingly. All requests for term time working will be considered subject to operational needs.

Term time working will not be suitable for all roles or services and managers are required to ensure there is no detriment to service provision and the required level of service is provided at all times.

A term time working employee will be expected to make themselves available for key training initiatives or service meetings even if they fall during school holidays. Adequate notice will be given to make alternative arrangements for those days and compensatory time off will be offered. In exceptional circumstances where alternative time off is not an option, other alternatives may be considered.

Job share

A job share is where two employees voluntarily share the duties and responsibilities of one full-time position, dividing the hours between them. The full-time salary and leave entitlement are allocated on a pro-rata basis to each of the job share partners.

All full-time positions are deemed to be potentially suitable for job sharing. In some instances it may also be feasible to share a part-time position (for example a 4 day week split between job sharers).

The way in which the actual hours of a job share position are divided between the job share partners should be decided by the manager/supervisor in consultation with the job share partners, taking into account the following:

- the needs of the service, section and/or department;
- any limitations on accommodation, equipment etc.;
- the requirement for a handover period (the total hours worked by the job share partners should not exceed the normal full-time hours of the post);
- if there is a requirement for job share partners to cover each other's annual leave and the service budget needed to support this.

Job Sharing can be introduced into a post in a number of ways:-

- The manager may decide that a vacant role is best suited for job share in order to accommodate the needs of the service. It will then be advertised accordingly and two separate candidates appointed on a job share basis.
- An existing employee formally applying for a job share arrangement to be agreed in respect of the post they occupy.
- An application being made by one employee/external candidate to share a vacant post.
- A joint application being made by two or more employees/external candidates to share a vacant post.
- Two or more separate applications being made, whether internal or external, which can be matched together to form a job share.

Some services may choose to make it a requirement that the job sharing partner shall make themselves available to cover their job sharing partner's annual leave. If this is the case the following conditions will apply:-

- given three weeks' notice, the cover for absence shall be full time.
- given a lesser notice period, the job sharing partner shall use their best endeavour to attend on a full time basis.
- only one job-sharing partner shall have annual leave in the same period.

The extra hours worked to cover annual leave will be paid to the employee as Job Share Allowance (this is plain time rate).

If the employee prefers they may request that some or all of their extra hours are used to accrue flexitime provided the flexitime policy is adhered to. The manager will consider this request based on the needs of the service.

In the case of unplanned/emergency absence, the job sharing partner shall use their best endeavours to attend. In the case of long-term sickness, the remaining job share partner may be requested to consider increasing their hours to cover. If the job share partner does not wish to increase their working hours, a temporary job share partner may be appointed or other arrangements made as appropriate.

Flexible Working Requests – Guidance for managers

Line Managers must not speculate on what the outcome will be in relation to any flexible working request, any decision must be approved by the Head of Service before the employee is informed of the decision.

1. Flexible working arrangements can be beneficial to both employees and the council. Keep an open mind and view requests positively and objectively as they may open up new possibilities in the way the service is provided. Finding the right work-life balance is important for all of us in terms of motivation and commitment to our work.
2. As the nature of the discussion is confidential and potentially sensitive, the meeting between the manager and the employee should be held in private, at a mutually convenient time, to discuss their request. Allow sufficient time for the employee to arrange to bring a workplace colleague or Trade Union representative with them, should they wish to do so.
3. Meeting with the employee provides the opportunity to ensure that the proposal put forward is the best solution.
4. The aim of the discussion is to explore the potential benefits of their request, the impact it may have on the section/school/service and the rest of the team and how it might be accommodated. Encourage the employee to put forward his or her ideas about how the working pattern sought could be made to work, as s/he may have some sound ideas about how the job might be done differently, but equally effectively.

5. Remember that if the working hours reduce, the workload will need to be reduced proportionately. Would you need to find a replacement/cover or could the work be done at a different time or in a different way? Are there any potential costs or savings? Does this present development opportunities for others in the team? Consider whether the probation period will be affected or need to be extended.
6. You are free to explore alternative suggestions in order to try to find a compromise solution (Appendix B provides examples of various flexible arrangements you may consider). You may agree a temporary or trial period if you have justifiable reservations, or agree a different start date if other measures need to be put in place, in order to make their request workable, such as training up a colleague to cover when they are not there.
7. Be careful not to discriminate inadvertently, for example, by being more sympathetic to requests from one particular sex. If you receive requests from more than one employee do not make value judgements about which is the most deserving case. Look at each case individually based on the impact on the service; consideration may also be given to reasons for the application e.g. if it relates to a disability. Ensure any decision is based on justifiable business grounds.
8. If two or more requests are made very close together it may be helpful to hold separate discussions with each of the employees and explain the situation. Through discussion you might find a compromise which enables you to accommodate all or more of the requests.

9. If you find you are unable to approve any further requests due to the impact on the service, where you already have a number of other employees working flexibly, you may call for volunteers from the existing flexible working employees to change their hours (some may be happy to do so if their situation has changed) thereby creating capacity to approve new requests.
10. Having weighed up the situation, you are under no legal obligation to grant the request if it cannot be accommodated. You can turn down a request as long as the reason for turning it down is one of the business reasons set out in the policy.
11. Once a decision has been made by the Head of Service:
 - i. If you are agreeing to some form of flexible working arrangements, inform the employee verbally and send the employee's request and a contract amendment form to HR who will write officially to the employee to confirm the contractual changes.
 - ii. If you are rejecting the request you may wish to meet with the employee to explain your reasons but you do not have to do so. Please contact your HR Officer who will help you draft a letter confirming your decision in writing to the employee. The written confirmation should specify which of the statutory grounds for refusing a request applies and should also explain why that reason applies in the individual case.
12. Informal short-term temporary arrangements to deal with personal issues, such as reduced hours for a couple of months to care for a sick relative, may be dealt with outside of this policy where appropriate. Contact your HR Officer for further advice and guidance.

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APPENDIX 3

Policy Name	Recruitment and Induction
Date	May 2021
Statement No	35
Version	5

1.0 Purpose and Scope

- 1.1 The aim of this policy is to ensure that the council selects and appoints staff with the right skills for the job through a fair and consistent recruitment and selection process, that is non-discriminatory, complies with legislation and follows good practice.
- 1.2 The procedure covers the following kinds of appointments:
 - Permanent and fixed-term contracts
 - Temporary agency staff appointments
 - Appointments to casual staff bank
 - Internal transfers
- 1.3 East Herts Council has a responsibility to ensure safer recruitment and employment practices. All staff are checked appropriately before they start employment, including where applicable a Disclosure and Barring Service (DBS) check. The council is committed to taking all reasonable steps to prevent unsuitable people working with vulnerable adults, children, and young people.

2.0 Equality and diversity

- 2.1 All applicants are treated equally during the recruitment process and that only those factors related to the vacancy to be filled will be used to make selection decisions. The council will take no account of gender, marital status, carer commitment, sexual orientation, disability, ethnic or national

origin, religious or political belief, age, colour, race or socio-economic background. The council undertakes not to discriminate unfairly against any subject of a disclosure on the basis of a conviction or other information revealed.

- 2.2 The council will support applicants with disabilities through the Disability Confident Scheme and is committed to interviewing all candidates who meet the essential criteria for a job in line with the scheme. The council will also make reasonable adjustments to accommodate applicants and employees with disabilities.
- 2.3 The council's recruitment pages will include a set of varied staff case studies that demonstrate diversity in our workforce to help attract and welcome applications from a wide range of candidates.

3.0 Agency Workers/Consultants

- 3.1 The use of temporary agency workers to cover vacancies in the short-term must be authorised within budget by the Service Manager/Head of Service.
- 3.2 All agency workers should be engaged using the Matrix SCM framework/system to ensure best value in terms of agency fees and potential conversion costs. The manager (with support from HR) will make the arrangements to take on agency workers and will ensure that appropriate pre-employment checks have been undertaken by the agency concerned. All agency workers must be subject to a process of interview and testing appropriate to the length of the assignment to ensure they have the appropriate skills and competences to do the job properly.
- 3.3 The use of consultants may be appropriate where the work is of a highly skilled and fixed-term nature and it is unlikely the

council will be able to recruit an employee on the council's pay and grading structure to complete the work. The relevant HR Officer should be consulted before it is decided that a consultant should be engaged to ensure all other options have been considered.

- 3.4 Before engaging a consultant, managers must liaise with their HR Officer to complete the HMRC 'employment status for tax' questionnaire. The questionnaire will determine whether the individual falls under the IR35 regulations. The IR35 regulations apply where someone provides their services via an intermediary but would be an employee if they were providing their services directly. Where IR35 applies, the council has an obligation to inform the individual that they fall under the regulations and their tax and National Insurance (NI) contributions must be deducted at source through the payroll.
- 3.5 IR35 can apply to individuals working through agencies, umbrella companies or those with their own limited companies. IR35 cannot apply to sole traders as there is no intermediary but HMRC can class some sole traders as 'employed for tax purposes' and tax and NI must also be deducted at source through the payroll for these individuals.
- 3.6 IR35 status is already applied to roles on the Matrix SCM so the 'employment status for tax' questionnaire does not need to be completed for agency workers.
- 3.7 Agency workers and contractors may apply for internally advertised vacancies at the council however to do so they must complete the external application form.

4.0 Volunteers

4.1 If a recruiting manager would like to use volunteers in their service, they should refer to the Volunteering Policy for further guidance.

5.0 Secondments (Internal and External)

5.1 Secondments are a temporary arrangement to fill a post and can be used as a learning and development opportunity for employees. Please see Appendix B for further details.

6.0 Review of vacancies and job documentation

6.1 Every new vacancy will be subject to a review of the council's needs in the area by the line manager with support and guidance from the HR section.

Management will consider:

- Whether it is necessary to fill the vacancy.
- Whether the job description has changed.
- Whether changing work patterns, organisation or technology have produced a different job, or the work can be distributed in a different way.
- The nature of the replacement, e.g. full-time, part-time, permanent, temporary, etc.

6.2 If the job has changed the manager should update the current job description and person specification. Where there are significant changes to the job description and person specification, a job evaluation process should be considered and managers should contact their HR Officer.

- 6.3 For brand new posts, recruiting managers will need to write a job description and person specification and submit it to HR for job evaluation.
- 6.4 In line with Safer Recruitment and the Councils commitment to Equality and Diversity all Job Descriptions and Person Specifications will include the following criteria:

Job Description:

Ensure awareness of the council’s Safeguarding Policy and take a proactive approach to ensure the safeguarding of residents at all times.

Person Specification

The council is committed to safeguarding and promoting the welfare of all its residents specifically children and vulnerable adults. The council expects all its staff to have an understanding of Safeguarding and to share this commitment.

An understanding of and commitment to diversity and equality as it applies to council services and employment.

- 6.5 Before recruiting to any post, recruiting managers need to seek the appropriate approval using a Recruitment Request Form. If the vacancy is for the same job and does not increase the service’s budget or headcount, the recruiting manager should complete the first page of the form and obtain a signature from the Head of Service, and where required, Leadership Team, e.g. during a recruitment freeze or in relation to a restructure.
- 6.6 If the vacancy requires additional funding and/or increases the service headcount, the recruiting manager should discuss how the post will fit into the structure and how it will be funded with both the finance team and HR and then complete both

pages of the form before seeking approval to recruit from Leadership Team.

- 6.7 In cases of a service restructure, requests to recruit should be 'packaged up' so that the leadership team can see the overall picture of a restructure rather than a piecemeal approach.

7.0 Means of recruitment to vacant posts

- 7.1 **The decision on how a vacant post is to be recruited to** Posts will normally be advertised internally and externally to ensure diversity of applications, however internal only advertising will be considered where appropriate and this decision will be recorded on the recruitment request form. The decision will be guided by a number of considerations, including the following (Heads of Service should seek support from HR to ensure consistency):

- First and foremost, the most appropriate and cost effective manner to successfully attract the most suitable candidate.
- The range and level of skills, experience and competences required by the post.
- Fairness, diversity and equality of opportunity.
- The council's commitment to staff development.

- 7.2 **Sources of recruitment** may include any of the following, but no permanent appointment will be made without an appropriate selection process to ensure the quality of the appointment, fairness, diversity and equality of opportunity:

- Online recruitment advertising
- Internal advertising
- Press advertising

- Recruitment agencies
- Approaches to known potential candidates (who may include ex staff and reserve candidates from previous recruitment campaigns within the last 6 months).

7.3 **Vacant posts lasting longer than 6 months** will normally be advertised both internally and externally, provided that budgetary resources for external advertising are available. Exceptions to this, where the post might be advertised internally in the first instance, would include the following (this list is not exhaustive):

- Where redundancies are being made and the council is seeking to redeploy staff (temporary and fixed-term vacancies may also be offered as options). In this situation, consideration will be given to redeploying existing staff into another suitable vacant post subject to fair selection being carried out. (The separate Reorganisation and Redundancy Policy applies).
- Where it is decided that a post would provide a suitable internal development opportunity for existing employees. Whether or not a post is suitable as an internal development opportunity will be decided by the Head of Service (or Leadership Team for a new post) with advice from HR through the Recruitment Request Form, taking into account the views of line managers, on the basis of:
 - a) judgements as to whether there are internal candidates who are likely to be able to demonstrate the necessary skills and competences for the post. These judgements would be based on objective knowledge of previously demonstrated skills, competences and experience obtained via the council's normal performance management processes.

b) diversity/equality considerations, taking into account the make up of the organisation as a whole and our commitment to diversity and equality.

- Where an employee has been acting up in/on secondment to a post on a temporary or casual basis which then becomes available on a longer-term or permanent basis, and that employee has been (a) covering the post or additional responsibilities for at least 3 months and has (b) been fully assessed as having met their performance objectives and competence requirements during the period. In such circumstances the invitation to apply for the post may be ring-fenced to the individual employee in the first instance.

7.4 **Casual Staff:** The council maintains a bank of casual workers who are paid on an hourly basis for ad hoc and short term assignments. The council is under no obligation to offer work and the worker is under no obligation to accept work. Where the person has not previously been through a selection process they should normally be interviewed by the line manager to determine suitability. Before a person is added to the casual bank and offered any work the required pre-employment checks must be undertaken.

7.5 **Reserve candidates** Where a post/similar post has been advertised in the previous 6 months and suitable reserve candidates were identified as part of that recruitment process these candidates can be contacted and asked if they would like to be considered for the role. In this case the role would also be advertised internally as well but not always externally.

7.6 **Fixed term contract posts of 6 months or less:** Where a fixed term contract vacancy arises (e.g. to cover for long-term absence or due to limited funding etc.) and it is expected to

last for 6 months or less the post can be filled in the following ways:

- By advertising the post internally where the vacancy can be seen as suitable development opportunity (either within a specific team where appropriate or council-wide) and then offered as internal secondment. Where applicable the cover for the secondment can then be considered in the first instance from the casual employee bank. Please see Appendix B for further guidance on secondments.
- By offering it as an acting up opportunity for an existing member of the team
- Using agency staff
- Using the council's casual bank
- Through speculative applications
- By advertising internally and externally (external may be restricted to previous applicants being approached alongside internal)

Whatever method is used, it must be agreed by the Head of Service with support from HR to ensure consistency.

7.7 Internal transfers: Nothing in this policy shall prevent a member of Leadership Team temporarily or permanently filling a post by means of internal transfer where:

- a vacant post is similar in its content and on the same salary grade or lower as that currently held by an employee, with the same or similar person spec criteria, in another team or division, and/or
- where management decide that transfer is in the best interests of the organisation or the employee. This may be decided as a consequence and in line with other procedures or processes – e.g. disciplinary, capability or sickness – or for operational or other reasons

An employee wishing to be considered for a transfer should email HR and the relevant manager.

- 7.8 **Safer Recruitment** The council's online recruitment pages contain the following statement:

East Herts Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expects all staff to share this commitment.

All external advertisements contain the following statement where the post falls within regulated activity:

This post is subject to an enhanced DBS disclosure and barring list check as it is within regulated activity due to the nature of the post.

8.0 **The application process**

- 8.1 The person specification will comprise a list of criteria (qualifications, experience, knowledge, skills, specific job requirement and competences) required to fulfil the requirements of the job. Candidates will be assessed on their ability to meet these criteria. The job description and person specification will be made available to all candidates for the role. All documentation should be checked for equality impact implications by the recruiting manager with HR support. All information must be available in an appropriate accessible format on request.

- 8.2 Applicants may be given the choice of either completing a full application form or submitting a CV accompanied by reduced application form and a written statement evidencing the applicant's skills and past achievements against the person

specification for the post. The application form requires applicants to outline any gaps in employment and provide explanation of these gaps, this can then be further explored at interview if appropriate. Applicants are also required to provide the reason for leaving a post again in line with 'Safer Recruitment' practice. Applicants are required to declare any unspent or spent (in certain cases) criminal convictions or allegations so these can be considered by HR who will action in line with the Policy Statement on the Recruitment of Ex-offenders.

- 8.3 Internal applicants will be required to complete an internal application form evidencing their skills and past achievements against the person specification for the post.

9.0 Selection panel

- 9.1 The panel will normally consist of at least two persons and be chaired by the line manager or an appropriate manager. The panel may include an external specialist where appropriate. In the case of short-term agency appointments the line manager may complete selection alone.
- 9.2 The council will aim to ensure all staff involved in recruitment have received training or adequate briefing. Staff will be supported by the HR section to operate a fair and transparent selection process. The Chair of the recruitment panel or at least one member of the Panel is required to undertake Recruitment Training or a Briefing with HR prior to their first recruitment at East Herts. This should cover EHC processes including Equality and 'Safer Recruitment' to ensure that the selection process is probing to ask questions in respect of areas of concern and ensure that suitable people are selected.

9.3 Efforts should be made, where possible, to achieve diversity of representation on the interview panel and/or as part of the selection process (e.g. meet the team) .

9.4 It will be the responsibility of the Chair of the panel to:

- Ensure that there are proper arrangements for the administration of the recruitment and selection process.
- Ensure that appropriate questions and tests are designed for the panel's approval.
- Complete and collect full documentation on the panel's decision-making from the shortlisting and interviewing stages and ensure it is sent to the HR section to be stored centrally for purposes of feedback or response to any claim of unfairness or discrimination.

10.0 Shortlisting

10.1 Shortlisting will be carried out with the aim of assessing objectively, against the person specification for the post, which applicants seem to meet the criteria most closely. Any gaps in employment should be noted to probe further at interview in line with Safer Recruitment. Shortlisting will normally be carried out by the people who constitute the interview panel. They will discuss their individual assessments with a view to reaching a consensus on the most suitable candidates for interview. This will be recorded on the shortlisting grid provided by HR and must be returned to HR at the end of the selection process.

10.2 The recruiting manager should invite the shortlisted applicants to an interview using the template. They should also ask applicants if they need any reasonable adjustments at the interview.

10.3 Recruiting managers should contact unsuccessful *internal* applicants and provide feedback if requested. For *external* applicants, the council's website states that if they haven't heard within 3 weeks of the closing date they should assume they've been unsuccessful.

11.0 Interview and tests

11.1 The assessment will consist of an interview and, in some cases, further exercises and tests relevant to the job requirements.

11.2 All interviews will be conducted on an objective basis, concentrating on the knowledge, skills and abilities of the applicant and their ability to fulfil the job requirements. Questions asked of the applicant will relate to the requirements of the job only and their abilities to undertake them. Any gaps in employment or short-term employment periods should be probed at interview in line with Safer Recruitment (please see Appendix A for guidance).

11.3 The recruiting manager should make the candidate feel at ease and carry out introductions:

- They should also explain the format of the interview and selection process, making it clear that there will be an opportunity for the candidate to ask questions at the end.
- If a job involves working unusual hours or shift work, these hours should be clearly set out in the job description and if necessary, discussed at the interview.
- Practical issues may be discussed during the interview, but comments about childcare, other domestic arrangements, disability, gender (including marital status), age, religion, ethnic origin, socio-economic group or sexual orientation must be avoided. Such comments may well be taken as being intrusive or maybe unlawfully discriminatory.

- Where a candidate has a disability for which adjustments may need to be considered, the candidate's requirements should be discussed with him/her once the planned questioning is complete.
- Candidates should be told by the Chair when they could expect to hear the outcome of the interview.
- Candidates must be given an opportunity to ask any questions of the panel.

11.4 Each panel member should take notes during the interview using the Interview Assessment Sheet. The panel should collectively agree the scores for each applicant and record them on the panel chair's interview assessment form. The chair can also use the last section of the form to summarise the applicant's overall performance to use for feedback purposes. The panel will select the applicant who is the most suitable overall against the person specification. The interview assessment sheet must be returned to HR, candidates will not be provided with a conditional offer in writing until this has been received.

11.5 The panel will discuss which, if any, of the other candidates is most appointable as an alternative if the first choice candidate declines the post or is unable to satisfy the pre-employment checks which include providing suitable and satisfactory references. Where another suitable candidate is identified as appointable, the candidate may be contacted as a reserve candidate and some pre-employment checks may begin.

11.6 All offers will be made subject to the receipt of satisfactory references, right to work evidence and medical clearance. For relevant posts, offers will be made subject also to relevant DBS checks.

11.7 If no appointable candidate is identified, the chair of the panel should discuss with HR the next steps to be taken. Options

may include reviewing the job description, person specification and job grade/conditions; re-advertising; approaching recruitment agencies; re-designing the job as an appropriate internal opportunity.

12.0 Informing the candidates

- 12.1 A member of the panel, normally the chair, should contact the successful candidate at the earliest opportunity to make the offer of the post – always stating that the offer is subject to references that are satisfactory to the council, medical clearance, right to work checks and any DBS checks, and any other information that might come to light during the referencing period.
- 12.2 Recruiting managers should then complete a Statement of Employee Particulars form and send it to HR. HR will email a conditional offer letter and a contract detailing the terms and conditions of employment to the applicant. HR will obtain pre-employment checks. Identity, Right to work in the UK, Qualifications, Medical fitness, Employment History, Employment/educational references are required for successful candidates who are given a conditional offer whilst these checks are undertaken. Full references rather than statement of facts are sought wherever possible. Disclosure and Barring Service (DBS) checks must be sought where employees have substantial or regular or unsupervised contact with children, young people or adults at risk as part of their duties or responsibilities for or on behalf of the organisation.
- 12.3 Once the pre-employment checks are received, HR will contact the recruiting manager to approve them. Once approved, the recruiting manager should contact the applicant to agree a start date and inform HR. Where a DBS disclosure has not been received before a candidate is due to start employment then a Risk Assessment will be undertaken by the recruiting

manager with HR support and authorised by the Chief Executive Officer (or in their absence the Deputy Chief Executive Officer) to ensure that it is appropriate for the candidate to start work. All other pre-employment checks should be complete to inform this risk assessment. The offer of employment will remain conditional on the outcome of the DBS check. Please see Appendix A for further information on Safer Recruitment.

- 12.4 Recruiting managers are responsible for informing unsuccessful applicants in writing and offering feedback if requested. It may be necessary to delay this in the case of any suitable runner(s) up until the first choice of candidate has confirmed their acceptance of the post.

13.0 Starting salary

- 13.1 Each job is advertised with the relevant salary range. Applicants should be offered the post on basis of starting on the beginning of the scale unless previous earnings and/or skills and experience warrant consideration to start above the bottom point within the range; any proposal to offer the candidate above the starting point within the agreed range must be agreed and approved by the Head of Service in consultation with the Head of HR and OD or in their absence an HR Officer (to ensure consistency).

14.0 Feedback for unsuccessful candidates

- 14.1 The methodical approach adopted for assessment will enable the panel to offer comprehensive feedback to all candidates, if requested. The chair of the panel will normally undertake this. Feedback should identify where the panel recorded clear evidence of the applicant's strengths and weaknesses. Feedback may be given orally or in writing. Where given orally,

the giver of feedback should forward brief notes of the conversation with the candidate to the HR team.

15.0 Documentation

- 15.1 Recruiting managers should send all recruitment paperwork (i.e. shortlisting and interview documents) to HR.
- 15.2 The application and panel notes of the selection process for the successful candidate will be kept on their personnel file.
- 15.3 The application and panel notes of the selection process for all applicants will be kept in HR for 12 months in case of litigation, and will then be destroyed/deleted.
- 15.4 The staff annual equalities report will be produced for the Leadership Team and HR Committee in respect of equal opportunities monitoring so that trends can be analysed and action agreed where appropriate.

16.0 Eligibility to remain and work in the UK

- 16.1 To ensure that the council follows employment and immigration legislation as detailed in the Asylum and Immigration Act 1996, if candidates receive a conditional offer of employment, they will be required to provide suitable document(s) which confirms their eligibility to remain and work in the UK. Suitable documents may include, but are not limited to a passport, full birth certificate, work or residency permit or suitable correspondence from the UK Home Office. The exact details of the documentation that may be accepted will be given to candidates. Copies of these documents will be taken and retained for the appointed candidate before they start employment with the council.

17.0 Work permits and visas

- 17.1 A sponsorship licence is required to employ someone from outside the UK. This includes citizens of the EU, Iceland, Liechtenstein, Norway and Switzerland who arrived in the UK after 31 December 2020. The council **does not** have a sponsorship licence and therefore cannot employ anyone outside of the UK, apart from certain exceptions. The council will need to abide by this restriction when recruiting to posts.
- 17.2 Settled workers can work in the UK without restrictions and therefore they do not need to be sponsored and can be employed by the council.

A 'settled worker' is any one of the following:

- a British citizen
- an Irish citizen – unless they are subject to a deportation order, an exclusion order, or an international travel ban
- a European Economic Area (EEA) national who arrived in the UK before 11 pm on 31 December 2020 (and their eligible family members), provided they apply for status under the EU Settlement Scheme by 30 June 2021 and that application is granted
- a person with leave to remain (settled or pre-settled status) under Appendix EU (the EU Settlement Scheme)
- a British overseas territories citizen, except for those from sovereign base areas in Cyprus
- a Commonwealth citizen (including a citizen of Zimbabwe) who has been granted permission on the UK Ancestry route on the basis they have a grandparent born in the UK and Islands
- a Commonwealth citizen (including a citizen of Zimbabwe) with the right of abode in the UK
- anyone who has indefinite leave to enter or remain (settlement) in the UK

Sponsorship is also not required for workers who either:

- has immigration permission to be in the UK which does not prevent them from doing the work in question – examples include, but are not limited to:
 - a person with permission under Appendix FM to the Immigration Rules as the partner of a British citizen or settled person can take any kind of employment
 - a person with permission as a Student may be allowed to work for 10 or 20 hours per week during term-time, depending on the type of course they are following
- is exempt from requiring permission – for example:
 - a diplomat, government official or senior official of an international organisation – see ‘Exempt from immigration control’ on GOV.UK
 - an EEA national who qualifies as a frontier worker

18.0 Induction

- 18.1 All new employees to the council will be required to attend a corporate induction, which may be held virtually or face to face.
- 18.2 Managers should also arrange a local induction with the new starter (including agency workers and contractors). The induction checklist should be followed which will cover practical information (such as building orientation, health and safety, and information about systems, policies and procedures), an understanding of the council’s values and culture, alongside job specific information (including department information, discussion about what the job requires and objectives), and an introduction to the wider team.

- 18.3 Managers can seek a volunteer to act as the new starter's 'buddy'. A buddy can be someone who works within the same service or in a different service to the new employee who can help ease them into their role by e.g. taking them for lunch on their first day, introducing them to colleagues, showing them where things are. The buddy will not take on those more formal responsibilities usually undertaken by the manager or HR during the induction process.
- 18.4 There is no formal training required to become a buddy, just a willingness to take on the extra responsibility, good communication skills and availability.
- 18.5 For further information on induction, including useful information for new starters to read, please refer to the intranet.

19.0 Implementation, monitoring and review of this policy

- 19.1 The HR service have the responsibility for implementing and monitoring this policy, which will be reviewed in line with legislation and best practice.

Safer Recruitment Interview Guidance

Asking Probing Questions

We use probing questions in order to get a better and deeper understanding of an individual's situation and experience. These can be divided into the following areas:

- Clarification
- Purpose
- Examples
- Extension

Clarification

When they are vague or have not given enough information, seek to further understand them by asking for clarification.

What exactly did you mean by 'XXX'?
What, specifically, will you do next week?
Could you tell me more about YY?

Purpose

Sometimes they say things where the purpose of why they said it is not clear. Ask them to justify their statement or dig for underlying causes.

Why did you say that?
What were you thinking about when you said XX?

Examples

When they talk about something vaguely, you may ask for specific examples. This is particularly useful in interviews, where what you want is to test both their truthfulness and the depth behind what they are claiming.

Sorry, I don't understand. Could you help by giving an example?

Could you give me an example of when you did XXX?

Tell me about a time when you ___.

Extension

When they have not given you enough information about something, ask them to tell you more.

Could you tell me more about that, please?

And what happened after that?

Secondment Guidance

1.0 Definition and types of secondment

1.1 A secondment is defined as the temporary transfer of an employee to another part of the same organisation or to a different organisation for a set period of time, which is agreed between both parties.

1.2 **Internal secondments** could include project work or temporary cover, for example to cover maternity leave.

1.3 **External secondments** could include within another public sector organisation (e.g. County Council, Police and Health authorities) or to other not for profit organisations or private companies. The council remains the employer. **The council will not normally support full-time external secondments to other organisations but may consider partial secondments.**

1.4 **Incoming secondments** are where employees from partner organisations join the council on a temporary basis where the council will be the host rather than the employer.

2.0 Scope

2.1 This policy applies to:

- all permanent employees excluding casual staff,
- all secondments taking place within the council and where appropriate, will apply to secondments outside the council

3.0 Approval

- 3.1 The substantive manager of anyone wishing to apply for an internal secondment must have given approval to the member of staff concerned by signing the internal recruitment application being submitted.
- 3.2 If an employee wishes to apply for an external secondment they must discuss this with their manager and get their approval before submitting an application.
- 3.3 If the employee considers that they have unreasonably been denied an opportunity, they should speak to their Head of Service.

4.0 Timescales

- 4.1 Secondments will normally be for a period of between 3 months and a year depending on circumstances. The time frame will be agreed and clearly defined in the secondment agreement. An extension to the secondment time frames must be discussed and agreed by both managers involved and Human Resources. Services need to track secondments to ensure they do not continue indefinitely.
- 4.2 The substantive manager can expect a minimum of 4 weeks' notice prior to the secondee taking up an internal secondment. External secondments will require notice in line with the contract of employment.
- 4.3 Generally, a minimum of six months between each secondment opportunity would apply but exceptions may be agreed by the substantive manager in order to ensure continuity of service.

5.0 Terms and Conditions

- 5.1 East Herts policies will apply except for employees who are seconded externally who will be subject to the host organisation's policies.
- 5.2 A post offered as a secondment will be offered at the grade for the post. If the grade of the seconded post is a lower graded post, the seconded employee will be placed at the top of the relevant grade.
- 5.3 All East Herts seconded staff will remain under the contract of employment with East Herts Council, retaining the majority of their substantive terms and conditions (except where the post to which they are seconded has a higher rate of pay and holiday entitlement); this may not include all special allowances unless relevant for the job such as, standby or other additional allowances. Continuity of employment will be protected and annual leave entitlement (where appropriate) will be adjusted accordingly for the duration of the secondment.
- 5.4 All annual leave taken during the secondment period should be signed off by the secondment manager and annual leave applied for outside of the secondment period should be signed off by the substantive manager via email and then processed in the HR system.
- 5.5 PDR arrangements and development plans will be agreed with the host manager.
- 5.6 Employees who are seconded have a requirement to keep in touch with their substantive manager and vice versa, to ensure the employee is job ready when they return.
- 5.7 HR will confirm all secondments in writing to the employee, including written confirmation of the terms and conditions that will apply during the secondment.

6.0 Conduct and Capability

- 6.1 The host manager (internal) will deal with any concerns regarding conduct and capability under the Managing Performance or any other relevant policy. The host manager must liaise with the substantive manager. If there are any concerns about work performance in the seconded post, consideration will need to be given to reverting the employee to their previous post. The host manager must ensure that adequate training and support has been provided to the employee. For partial secondments to an external organisation, East Herts policies will still apply. Where an employee is seconded full-time to an external organisation the policies and procedures of the host organisation will prevail. However, as stated in section 1.3, the council will not normally support full-time external secondments.
- 6.2 The East Herts Code of Conduct will apply to secondments within East Herts and partial external secondments. For full-time external secondments the code of conduct for the receiving organisation will apply.

7.0 Returning to the Substantive Post

- 7.1 Secondment opportunities should generally be allowed to run their course in line with the terms of the secondment agreement. However, the substantive manager reserves the right to recall the secondee prematurely, if required in exceptional circumstances. There may also be the occasion where a secondee is not meeting the requirement of the secondment and an early return to the substantive post would be beneficial to all. The secondment agreement should stipulate an agreed notice period for all parties to notify of early termination of the secondment agreement, which should not exceed one month.

- 7.2 Secondees will have the right to return to their substantive post unless a redundancy situation arose during the period of secondment or in exceptional circumstances there is some other reason why it is not reasonably practicable to return to the original job. In such cases secondees will be fully consulted at the earliest opportunity.
- 7.3 It is recognised that in certain circumstances there may be organisational needs to fill the substantive post on a permanent basis. In these circumstances secondees must be consulted first and given the opportunity to return to their substantive post.
- 7.4 At the end of the secondment, if the employee is successful in gaining a consecutive secondment, or an extension to the secondment which takes the arrangement over 2 years, then they will no longer retain the right to return to their substantive post, but will retain their permanent employment status and in line with the council's redeployment policy will be considered as an 'at risk' candidate for any applications made for posts at their previous substantive level or below, when their secondment ceases. HR will inform employees of the implications of extending their secondment past two years at that time.

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EAST HERTS COUNCIL

Organisational Development Policy

Policy Statement

Policy Statement No. 33

Policy owner: Human Resources and Organisational Development Service

Policy date of last review: April 2021

Policy date of next review: April 2022

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1.0 Introduction

- 1.1 The council is committed to staff development. The key purpose is to facilitate personal, professional and organisational development enabling individuals, teams and groups to achieve their full potential at work.
- 1.2 Organisational development includes any activity, which contributes to the enhancement of an individual's knowledge, skills, competence and working practices. Organisational development is therefore a key contributor to the success of individuals and ultimately to the success of the council as a whole.
- 1.3 A range of development methods can be used to meet these needs: this may include (but is not limited to) formal training courses, seminars, e-learning, webinars, presentations, conferences, secondments, training for professional qualifications, on the job training, coaching and mentoring, apprenticeships, background reading and project work.
- 1.4 Central to the implementation of the policy is the corporate training plan, which identifies general training needs across all services. The plan will be devised from the annual performance development reviews (PDRs) including key topics and priorities identified by the Leadership Team.
- 1.5 Involvement in organisational development will be determined by service need, job specific requirements, succession planning or personal merit/performance. Training and development funding is subject to approval through the employees manager and Human Resources. All training will be funded within the specified budget limits.
- 1.6 Employee and organisational development will continue to be monitored and evaluated to assess the effectiveness of in-house and external training providers and programme to ensure continuous improvement and the cost effectiveness of a provision or development activity being offered to employees.

2.0 Mandatory Training

2.1 All staff will be expected to complete the required mandatory training as a new starter and on an annual basis. The current mandatory training includes:

- Safeguarding Awareness
- Equality & Diversity
- Health & Safety
- Data Protection/GDPR and ICT Security Awareness training
- Lone Working (for specific employees)

The Leadership Team will continue to identify developmental areas for the mandatory training programme which will be developed for all employees or selected roles with support from the OD and HR Co-ordinator. Details of the mandatory training will be communicated to employees with realistic deadlines for completion.

3.0 Identification of Development needs

3.1 Individual and organisational development needs will be discussed, reviewed and captured as part of the PDR and 1-2-1 process and during the setting of objectives for new employees. In addition, development needs may be identified in a variety of ways, e.g. a skills audit, individual feedback or the specific needs of a project or job role. These additional needs need to be feedback back into the 1-2-1's and ultimately the PDR process.

3.2 It is policy that all employees will have an annual performance development review (PDR) with their manager, where their development needs and options of how to meet those needs will be discussed and recorded.

4.0 Training budgets

4.1 The council's training budgets are divided into four areas:

- A corporate training budget to deliver the corporate training plan which is managed by the HR and OD Service.

- A training and development budget which is calculated per capita and is split appropriately by service and is managed by the HR and OD Service.
 - A corporate Health and Safety training budget to support the compliance of Health and Safety throughout the council which is managed by the HR and OD Service.
 - A professional training budget for professional qualifications and courses over a £1,000 (see section 9) where the council's investment is protected by a training and development agreement. Expenditure for this budget is approved by Leadership Team and managed by HR and OD Service.
- 4.2 In addition to the corporate training budgets the Shared Revenues and Benefits Service have a separate training budget defined in the shared service partnership agreement with East Herts and Stevenage Borough Council. The budget supports the learning and development needs of the service.

5.0 The responsibilities of the Human Resources and Organisational Development Service

- 5.1 It is the responsibility of the HR and OD Service to oversee implementation of the Organisational and Development Policy and the corporate training plan (including Health and Safety).
- 5.2 The HR and OD Service will be responsible for the delivery of the corporate training plan devised by the PDR's and the Leadership Team's priorities. The HR Officers will also work with Heads of Service to identify any additional training requirements and ensure these are met where appropriate.
- 5.3 The HR and OD Service will manage the various corporate training budgets effectively to ensure good value and good quality training is delivered.

6.0 Heads of Service/Manager responsibilities

6.1 The OD & HR Co-Ordinator will provide guidance to Heads of Service/Managers in meeting their obligations listed below.

Heads of Service/Managers will be responsible for:

- Identifying development areas in their own projects and work undertaken by employees for whom they are responsible which could be assisted by training and development activities
- Ensuring their employees attend all statutory training requirements
- Prioritising development requests within their budget fairly
- Ensuring that new employees reporting to them are provided with appropriate induction training and their objectives are set
- Ensuring that all employees for whom they have line management responsibility receive regular feedback on their performance, and that end of probation performance reviews and annual performance development reviews are completed on time, with clear objectives set, and any training needs clearly identified
- Developing a service training and development plan as part of the Service Plan completed by Heads of Service; which supports the council and service objectives, this should be regularly reviewed to ensure that planned development is delivered on time and that it meets the stated objectives
- Ensuring that employees who are attending organised development know the reasons for the training, its objectives, the expected outcomes and standard of performance; then ensuring that their performance is measured against this and the training is properly evaluated
- Ensuring that employees who undertake professional development are given the appropriate support and encouragement, and that regular monitoring is carried out to ensure they proceed well with their studies
- Managing their own service training and development budget which should be used to support service needs e.g. conferences/seminars

- To discuss with leavers whether training and development booked within their notice period should be attended
- To ensure that succession planning is considered for the roles within teams and when employees leave the council
- Supporting the HR and OD Service in the implementation of this policy

7.0 Individual responsibilities

- 7.1 The council aims to create an environment where employees take shared responsibility for their own individual effectiveness, personal and career development with support from management. All employees are required to participate in an annual PDR and to attend training and development when identified and agreed.

8.0 Individual training expenses for training not covered by a Professional Study and Career Development Agreement

- 8.1 The council is fully committed to the career development of all its employees and is therefore willing to meet the out of pocket expenses associated with attending a training event or development opportunity. Expenses incurred when attending short term training courses, seminars, a coaching session etc. during normal working hours, will be dealt with in accordance with the normal expense procedures.

9.0 Training and Development funding for development opportunities

- 9.1 The council will consider funding conferences, events, webinars, etc that are associated to an employee's post, identified in an individual PDR or they are a legal part of the employee's role e.g. Safeguarding or RIPA training.
- 9.2 Employees who wish to apply for event funding will be required to complete a training and development form. The form will be reviewed

and agreed by the employee's manager and passed to the HR and OD Service to be approved and the appropriate funding allocated. The funding request should be clear and include the benefits to the individual and service. Once approved the form will be return to the service for the event to be booked and administered by the appropriate service.

10.0 Professional Study and funding for development opportunities at £1,000 or more

- 10.1 The council will consider funding or part funding costs associated with professional qualifications that are associated to an employee's post and/or identified in individual PDR. The council will also consider part funding development opportunities to support individual career development identified in the PDR process that costs £1,000 or more from the central professional training budget.
- 10.2 The council will consider 100% funding for qualifications if they fulfil the following criteria:
 - The qualification is essential to the role; as outlined in the person specification
 - A trainee post where the qualification is a condition of the role e.g. Trainee Planner
- 10.3 The council will consider funding qualifications up to 75% to support hard or difficult to recruit posts. For example the current posts identified in the 2019 Local Government Workforce Survey are Planning Officers and Legal Professionals.
- 10.4 The council will consider funding qualifications up to 50% for employees to support career development as part of the council's on-going succession planning; as the council continues to support employees and grow its own talent.
- 10.5 Employees who wish to apply for full or part funding for their professional qualification or a career development opportunity (over £1,000) will be required to complete an application process; the application will be

reviewed and is required to be approved by Leadership Team. The application should be clear what the funding is being requested for i.e. is it just the study/course fee, does it include exam fees, books, registration fees, the cost for a specific IT application etc. Out of pocket travel expenses can be claimed; these will be reimbursed at a local level and should be included in the application form so the service is aware of the cost of their contribution. Subsistence cannot be claimed and should not be included in the application process.

- 10.6 The time commitment should also be identified as part of the application process. Is morning/afternoon or day release being requested? Normally one days study leave and one days examination leave is granted per examination paper (no more than 5 days may be granted for study and exam leave in any 12 month period); does the application include a request for study leave and exam leave to be considered and/or approved?
- 10.7 When a professional qualification or career development opportunity is approved it commits the employee to the full repayment of the contribution agreed if the employee withdraws, fails to attend, fails to pass an exam without good reason or shows unsatisfactory progress.
- 10.8 In order to protect the council's investment, if the employee were to leave the council's employment before two years had elapsed since they completed the professional qualification, they will be required to pay a proportion of the fees and expenses back to the council. The proportion payable shall be dependent on the number of months remaining on the agreement when the employee left the council's employment. E.g. Employee A undertakes a professional qualification at a total cost of £1,500 but leaves the employment of the Council 13 months after completing the course i.e. 11 months short of the two year period. To work out what proportion of the fees is repayable, the £1,500 total is divided by the 24 month agreement period giving a figure of £62.50 per month. This figure is then multiplied by the number of months remaining on the agreement; in this example 11 months. $£62.50 \times 11 = £687.50$

- 10.9 If the funding agreement includes exam fees this will not include exam re-sits. In the event of examination failure, the employee will be expected to pay for any re-sits unless there are exceptional circumstances for the manager to consider.
- 10.10 The council will work with the education/course providers to support the employee's progress and reserves the right to ask education providers or course organisers for periodic reports on the employee's progress.

11.0 Apprenticeship Levy

- 11.1. The Apprenticeship Levy is a UK tax on employers which can be used to fund apprenticeship training. It is currently payable by all employers with an annual pay bill of more than £3 million at a rate of 0.5% of their total pay bill.
- 11.2 To access the funding the employee must be classed as an apprentice. Apprentices are employees aged 16 or over and they have to combine working with studying (20% off the job) to gain skills and knowledge in a specific job. Apprentices can be new or current employees.
- 11.3 The levy funding can be used to fund qualifications that fulfil specific criteria under an apprenticeship framework. The qualifications range from NVQ's to degree level. HR and OD can advise on the suitability of a qualification under the levy guidelines.
- 11.4 Currently a funding agreement does not have to be signed to access the levy funding but the employee does have to commit to signing an apprenticeship contract alongside their employment contract.

12.0 Training evaluation

- 12.1 The benefits of development activities undertaken by individuals or teams should be reviewed within the relevant service following each activity. Evaluation may also take place via informal feedback and service meetings etc.

12.2 Evaluation and review will also be undertaken centrally by HR and OD; particularly where training is offered to a group of employees or where substantial investment is involved.

13.0 **Implementation, monitoring and review of this policy**

13.1 HR and OD Service have overall responsibility for implementing and monitoring this policy, which will be reviewed annually.

Appendix 1 - Professional Study and Career Development Application

Appendix 2 - Professional Study and Career Development Agreement

Appendix 3 - Training and Development Funding Application

APPENDIX 1



Professional Study and Career Development Application

Service:

Employee:

Post:

Course applied for:

Qualification/Course details:

Level of qualification:

Level of funding being requested:

Duration of study:

Details of attendance (e.g. day release, work based assessment, virtual):

Expected commencement date:

Complete the table below for the financial support required:

Detail of funding	£ Value of funding	Additional Comments
Registration fees per year		
Tuition fees per year		
Exam fees		
Books per year		
Cost of IT application		
Residential		
Estimated travel costs		

Total funding required: £

(Please indicate in the table below the funding required for each business year for the duration of the course)

Name of qualification/course	Business year	Total amount

Supporting statement by employee:

Please include the following information to support your application:

- What are the benefits the course will have on your objectives and personal development?
- How will the course support your career development?
- How does the course support the council's priorities and values?
- How does the course support succession planning in your service and/or the council?

- Is this development opportunity a requirement of the post?
- How does the course support the employees learning and development?
- How will the course support the employee's individual objectives?
- How does the course support succession planning?
- What is the impact of the employee attending this course on the service delivery and employee's ability to complete their objectives?

.....

Signed Employee:

Date:

Signed Manager:

Date:

Signed Head of Service:

Date:

Approval by Leadership Team

Date:

Is a copy of syllabus/other relevant course information attached? YES/NO

The employee has read the Organisational and Development Policy and agrees to all the terms of the policy including section 9 regarding funding and the repayment conditions? YES/NO

The employee is aware that if the professional study and career development agreement is not signed; no fees or expenses related to the application will be paid? YES/NO

APPENDIX 2



Professional Study and Career Development Agreement

Name of Employee:

Conditions of agreement:

- I hereby agreed to the financial terms and conditions of study as outlined in my application for professional study and career development funding.
- Signing this agreement commits me to the full repayment of fees and expenses agreed in the application; if I leave or withdraw from the course, fail to sit/pass an exam without good reason or shows unsatisfactory progress.
- I am aware that if my application is not signed, no fees or expenses related to the application will be paid.
- I agree that if I leave the Council within two years of completion of a course I will be expected to repay the funding as outlined in the Organisational and Development Policy.
- If exceptional circumstances have not been identified I accept and agree I will be responsible for the payment of exam and college year resits.

Signed Employee:

Date:

Signed manager:

Date:

Signed Head of Service:

Date:

Signed Head of HR and OD:

Date

A copy of this agreement must be sent to HR to be held on your HR file

APPENDIX 3



Training and Development Funding Application

Service:

Employee:

Post:

Name of event/course applied for:

Event/course date:

Event/Course details:

Complete the table below detailing the financial support required; include all costs relevant to this event/course:

Detail of funding	£ Value of funding	Additional Comments

Total funding required: £

Supporting statement by employee:

Please include the following information to support your application:

- Is this development opportunity a requirement of the post?
- How does the event support the employees learning and development?
- How will the event support the employee's individual objectives?
- Was the event identified in the officers PDR?
- What is the impact of the employee attending this course on the service delivery and employee's ability to complete their objectives?

.....
.....
.....

Signed Employee:

Date:

Signed Manager:

Date:

Approval by the HR & OD Service

Date:

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APPENDIX 5

Policy Name	Appeals
Date	March 2019
Statement No	5
Version	3
Review Date	March 2022

1. Purpose/Aim

- 1.1 The purpose of this policy is to provide a standardised appeals process for the policies listed in section 2. Where a policy is not listed below it is because it has an appeal process incorporated within the policy.

2. Scope

- 2.1 This policy applies to all employees, except for Chief Officer level and above, where procedures set out in the Constitution are used.

- 2.2 The Appeals policy refers to the following policies:

- Redundancy Policy (excluding voluntary redundancy)

and,

- Process for dismissal for Some Other Substantial Reason (SOSR)

- 2.3 Any formal appeal received that is not directly covered by any of the policies listed above and is not subject to a specific appeals process should also be dealt with following the process detailed in Sections 3 and 5.

2.4 This policy is based on legislation and the ACAS code of practice, and has been agreed with UNISON.

3. Who to Appeal to and Time Limits

3.1 An employee has a right to appeal against formal action taken in accordance with the stated policies.

3.2 The appeal must be submitted within 10 working days of the date of the written notification of the decision to be appealed. The appeal should be submitted to the Head of HR and Organisational Development using the Appeal Submission form (Appendix A), stating their grounds of appeal and the resolution sought. Appeals submitted late without mitigating circumstances will not be allowed to proceed.

3.3 The appeal hearing should be held without unreasonable delay.

4. Grounds for Appeal

4.1 Appeal against Redundancy Decisions

4.1.1 Under the Redundancy Policy, employees can appeal against decisions on the following grounds:

That their post is not redundant

The employee needs to specifically state why they believe their role is not redundant and where their duties have transferred to.

That they should have been slotted in to/ring fenced for a new post

The employee needs to specifically state which post/s it would have been appropriate to slot them in to / ring fence them for and why, setting out the similarity of tasks carried out (this may be different to the employee's job specification) and any transferable skills not already identified.

That the selection criteria during interview / management selection unfairly applied

The appeal hearing will have available anonymised information on the assessment of the other candidates, which will be taken into consideration when reaching a decision. This information will be made available to both sides before the appeal hearing and both sides will be invited to comment on how the appeal might impact on other staff. If the appeal is successful, the member of staff who is selected for redundancy in their place will also have a right of appeal.

That the post offered is not suitable alternative employment

The employee needs to state why they believe the role that has been offered to them is not suitable alternative employment.

4.1.2 Where notice of redundancy has already been served, any appeals will run concurrently with the employee's notice period.

4.2 Appeal against a Dismissal for Some Other Substantial Reason (SOSR)

4.2.1 A member of staff who wishes to appeal the decision to dismiss for SOSR should state their full grounds of appeal using the Appeal Submission form.

5. Appeal Hearing Process

5.1 HR will allocate an appropriate manager who has not been previously involved in the case to hear the appeal (the Hearing Manager). This may be a service manager, Head of Service or the Deputy Chief Executive depending on the nature of the appeal. Appeals against dismissal will be heard by the Chief Executive in accordance with the Constitution.

5.2 For grievances concerning a Chief Executive or Chief Officer, appeals will be heard in accordance with the Constitution.

5.3 PROCESS: Step 1 - Written Notification

5.3.1 Human Resources will write to the employee confirming the date, time and location of the appeal hearing, giving at least 7 working days' notice and informing of their right to be accompanied by a trade union representative/work colleague.

5.3.2 No later than 5 working days prior to the hearing the employee must submit any new evidence or inform the Head of HR of any witnesses they intend to call at the hearing.

5.3.3 The manager responding to the appeal (the Responding Manager) will be required to submit a response to the appeal. This should present the circumstances of the case and the action taken to date, and should include a full set of the key documents to be presented at the appeal hearing, including witness statements, a full summary of the circumstances of the case, copies of all correspondence relating to the case and the outcome of previous stages of the procedure.

5.3.4 Copies of all relevant documents will be circulated by Human Resources to all those attending the appeal no later than 3 working days before the date of the hearing.

5.4 The Role of Human Resources

5.4.1 The Hearing Manager will be accompanied by an HR Officer. It is the HR Officer's role to advise on procedure, to advise on ensuring consistency of decision making and equity of treatment. The HR Officer may also ask questions of

clarification of either side. If possible, the HR Officer supporting the Hearing Manager will not have previously been involved in the case.

5.4.2 The Responding Manager may also be accompanied by an HR Officer. It is their role to advise the manager and answer any questions on the circumstances of the case.

5.4.3 Either HR Officer may take the notes of the hearing unless the Hearing Manager decides that an additional note-taker should be present.

5.5 Witnesses

5.5.1 Original witnesses are not required to attend the appeal hearing. The employee can only recall witnesses or ask new witnesses to attend the appeal hearing if their contribution relates to new evidence that is relevant to the grounds of appeal.

5.5.2 The employee must notify the Head of HR no later than 5 working days before the hearing if they intend to call a witness. It is the employee's responsibility to arrange their witness's attendance at the hearing.

5.5.3 Witnesses will only be present in the hearing when giving evidence.

5.6 Step 2 - Appeal Hearing

5.6.1 Appeal hearings will not rehear the whole case, but will focus on the grounds of appeal. Further evidence may be introduced by either side if it is relevant to the grounds for the appeal and provided it is received within the specified timescale of 3 working days before the date of the hearing.

- 5.6.2 The Hearing Manager will ensure that all the parties have the relevant documents and ensure that both sides understand the grounds of appeal that are to be considered.
- 5.6.3 The employee or their representative will set out the grounds of the appeal, calling any witnesses and referring to the documents that have already been submitted.
- 5.6.4 At the conclusion of the case for the appeal, the Responding Manager, the Hearing Manager and the HR Officer may question the employee or their representative.
- 5.6.5 The Responding Manager will then respond to the case for appeal.
- 5.6.6 At the conclusion of their response they may be questioned by the employee or their representative, the Hearing Manager and the advising HR Officer.
- 5.6.7 Both parties will make final statements which summarise the key points of their case. The employee will sum up after the Responding manager. It is not appropriate for new evidence to be presented at this stage.
- 5.6.8 The Hearing Manager will then close the hearing to consider the matter, advised by the HR Officer.
- 5.6.9 At any time during the hearing either party can make a request for an adjournment to the Hearing Manager.

5.7 Step 3 - Written Notification of Outcome

- 5.7.1 The decision will be confirmed to the employee in writing within 3 working days of the appeal hearing. If the decision can be made on the day the employee will also be notified verbally. The decision made at the appeal will be final and there is no further right of appeal within East Herts Council.

5.7.2 The employee cannot use the Grievance Policy by way of further challenge to the decision.

5.7.3 No increased penalty will result from an appeal being raised.

5.7.4 When an appeal is against a decision to dismiss, the dismissal will have taken effect in accordance with the original decision, either summarily or by notice. Should the appeal be successful the member of staff will be reinstated with full back pay or, if it is considered that disciplinary action less than dismissal is appropriate this will be implemented and backdated to the date of the original decision.

6. Policy Review and Amendment

6.1 This Policy shall be reviewed after three years or sooner in line with legislation and best practice to reflect the best possible level of support and management.

Appeal Submission Form

Date.....

I am writing to appeal against the recent decision that was made to:

Please give details of which policy was used, what decision was made and who made the decision.

My grounds of appeal are:

Please outline your grounds of appeal.

Resolution sought:

Please outline the outcome you are looking for.

(Name)

Please send the completed Appeals Submission form to the Head of HR and Organisational Development within 10 working days of the date of the written notification of the decision.

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