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16. This section lists the council’s current and archived policies and also the policies which names have been changed.
INTRODUCTION

Working For Surrey has been developed in partnership with the Surrey County Council Trades Unions (SCCTU) and is published on the external website to promote the council’s transparency agenda. It provides background information on the key employment issues covered in the council’s contracts of employment and provides links to specific employment policies and procedures that the council has put in place to address issues in the workplace.

The council’s employment policies are based on statutory requirements and good practice as recommended by the Chartered Institute of Personnel and Development (CIPD), the Advisory, Conciliation and Arbitration Service (Acas), the Local Government Employers (LGE), Department for Business, Innovation and Skills (BIS) and the Improvement and Development Agency for local government (lDeA).

Equality Impact Assessments (EIA’s) have been undertaken on all of the council’s policies in order to determine how they may affect the different equalities strands within the community. Where adverse affects are identified, action plan are developed to address them.

The policies concentrate on the role and responsibilities of managers and employees in important employment issues such as performance management, discipline, grievance and attendance absence. There are also links to procedures and/or guidance providing more practical step-by-step information. The employment relationship between individuals and the council is specified in the contract of employment. The contract is made as soon as an employee accepts a job offer, and both sides are then bound by its terms until it is properly ended (usually by giving notice) or until the terms are changed (usually by mutual agreement).

Employees are entitled to a written statement of the main terms within two months of starting work. However council policy is that employees receive their contract of employment prior to starting employment. It should be noted that there are many different types of contract used by the council depending on the circumstances e.g. full-time, part-time, temporary, term-time only, zero hours etc. The council’s policies and procedures apply to all employees, unless it is specifically stated in the employment contract that any policy or procedure does not apply.

The HR policies and procedures have been produced to help the council to develop a fair and consistent approach to managing and developing people and to protect against legal claims. The policies should be considered in the context of the council’s overall strategy, aims and values. It should be stressed that the council consults on changes to policies and procedures with the recognised trade unions.

Advice or support on any aspect of the council’s HR policies and procedures can be sought from the My Helpdesk Team (tel 020 8541 9000) or by email MyHelpdesk HR/CAE/SCC. Managers should contact the My Helpdesk Team whenever they are dealing with a complex employment issue that cannot be resolved easily by referring to the policies, procedures and guidance on the council’s external website and/or intranet, the S-net.
The following policy summaries are included in this document:

- Recruitment and Selection
- Giving and receiving references
- Safer Recruitment and Safer staffing
- Reward Policy
- Performance Management and Capability
- Change Management
- Redundancy and Redeployment
- Absence Management and the role of Occupational Health
- Health, Safety and Welfare and Wellbeing
- Discipline, Code of Conduct and Grievance
- Ending Harassment, Bullying and Discrimination
- Equal Opportunities and Diversity
- Whistle blowing
- Discipline, Code of Conduct and Grievance
- Trade Union Relations/Arrangements

**Learning, Training and Development**
Roles and responsibilities are constantly changing, so employees will need to continually renew and refresh their skills and competences through training. This can happen in the course of normal working (on-the-job training) or away from the workplace (off-the-job training). Some council training is mandatory to comply with legal requirements, such as health and safety.

The council’s learning and development policy includes:

- the council’s vision for learning and development
- opportunities available, including secondment, training courses, coaching, mentoring
- who to ask to get authorisation for training
- support given for learning opportunities
- development reviews and personal development plans (PDP)
- payment of professional fees
- training available for ‘peripheral’ workers eg agency workers
- record-keeping and administration
- continuing professional development and personal development
- follow-up actions and transfer of learning to work.

**Accessibility of the council’s policies and procedures**
The policies are easily accessible to staff on the council’s external website and/or on the intranet site (S-net). There are links to other policies, procedures and guidance as well as useful external links such as to government departments. The policies indicate whether to seek further advice from the HR&OD Department or the Shared Service Centre. Policies are regularly reviewed to ensure they are fit for purpose.

It must be stressed that it is the implementation, particularly by line managers that is crucial for the policies and procedures to be really effective.

This document is available from My Helpdesk Team in hard copy or may be downloaded as a PDF document. Those staff who do not have access to the council’s S-net will have access either via their management or indirectly from the My Helpdesk HR Team.
SECTION 1 - RECRUITMENT AND SELECTION

This section covers the main responsibilities for managers when recruiting and selecting new members of staff. The section covers:

- advice to help improve the effectiveness and fairness of your recruitment process
- the stages of the recruitment and selection processes
- the use of external recruitment services.

Having the right person with the right skills in the right place at the right time is crucial to the performance of teams, departments and the council as a whole. Recruitment is a critical activity, not just for HR&OD but also for managers who are directly responsible for the selection process. Those involved in recruitment activities should be aware of relevant legislation covering issues such as:

- discrimination and the need to treat candidates fairly
- asylum and immigration rules
- data protection
- employing those with criminal records
- safeguarding children or vulnerable adults.

Although HR staff are available to provide advice and guidance throughout the recruitment process managers are expected to undertake the council’s training in recruitment and selection before they undertake any recruitment for the first time. In addition before proceeding with an advertisement the manager needs to ensure that there is an agreed budgeted post in the establishment and that they have approval from the head of service / senior manager to fill the vacancy.

More detailed procedures with specific guidance are available in the following formats: pdf, direct links to the Surrey County Council web pages and some links are linked to the internal intranet pages.

Surrey Pay Policy Statement 2013/14, including this Working For Surrey: Employment Policies 2013 and supporting documents as listed below:

- Statement of Accounts
- Councillors and Committees
- Reward Policy
- Equal Pay Policy Statement
- Early Retirement and Severance Policy
- Localism Act / Pay Transparency
- Constitution of the Council

Please note that these procedures are linked the council’s internal intranet pages:

- Recruitment and Selection Policy
- Recruitment Guidance and Procedures
- Safer Recruitment Policy
- Employment of Overseas Nationals
- Equal Opportunity in Employment
- Contracts of Employment
The legal background

Various statutes make it illegal to discriminate in employment on the grounds of race, colour, nationality, ethnic or national origin, religious or philosophical belief, age, gender, gender reassignment, sexual orientation, marital status or disability. These have been incorporated into the *Equalities Act 2010*. The *Employment Relations Act 1999* has clauses relating to the protection of the rights of trade union members.

Under the *Rehabilitation of Offenders Act 1974*, job applicants do not have to disclose spent criminal convictions, unless they are applying for certain ‘exempted’ occupations. For more details see Section 3: Safer recruitment and safer staffing.

The *Part-time Workers (Prevention of less favourable treatment) Regulations 2000* and the *Fixed-term Workers (Prevention of less favourable treatment) Regulations 2002* protect employees on non-standard contracts from being treated less favourably with respect to conditions of employment, consideration for promotion and training unless there is an objective business reason.

When appointing staff the council will take note of the guidance published by the Department for Committee and Local Government 2012, on *Openness and Accountability in Local Pay* to comply with the *Localism Act 2011*. This includes taking steps to ensuring that contracts do not involve or provide any tax avoidance arrangements.

The recruitment process

```
Job analysis
  (what is the job?)

Job description
  Person specification

Attracting and managing applications

Selecting candidates - shortlisting and assessment

Making the appointment

Joining the organisation/induction

[Diagram of the recruitment process]
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Option to use competency-based approach
Job analysis
Before recruiting for a new or existing position, it is important to have clear information about the nature of the job. This means thinking not only about the content (such as the tasks) making up the job, but also the job’s purpose, the outputs required from the job holder and how it fits into the team and department structure. It is also important to consider the skills and personal attributes needed to perform the role effectively.

Ways to gather this objective information include observation of the job-holder, questionnaires, interviews or work diaries. This analysis should form the basis of a job description and person specification/role profile.

Job description
All new or changed posts must be evaluated under the council’s job evaluation scheme, for which a job description is required.

The job description also benefits the recruitment process by:

- providing information to potential applicants and recruitment agencies who may be recruiting on your behalf
- acting as an aid in devising job advertisements
- suggesting appropriate selection techniques, for example, when designing assessment activities
- helping to inform decisions about different candidates
- minimising the extent to which subjective judgements may creep into decision-making, thereby helping to ensure that people are selected fairly.

It can also be used to communicate expectations about performance to employees and managers to help ensure effective performance in the job.

Person specification/role profile
A person specification/role profile states the necessary and desirable criteria for selection. Increasingly such specifications are based on a set of competencies identified as necessary for the performance of the job.

In general, specifications should include details of:

- skills, aptitude, knowledge and experience
- qualifications (which should be only those necessary to do the job - unless candidates are recruited on the basis of future potential, for example graduate trainees)
- personal attributes relevant to the job, such as ability to work as part of a team.

The person specification/role profile can then be used to inform the criteria the manager can use to shortlist and interview applicants.

Attracting applications
The first stage is to generate interest from candidates which include:

Internal methods
It is important not to forget the internal talent pool when recruiting. Providing opportunities for development and career progression increases employee engagement and retention and supports succession planning. Therefore managers must ensure that all vacancies are advertised internally (before or at the same time as advertising externally).
External methods
There are many options available for generating interest from individuals outside the council. These include placing advertisements in the professional / trade press, local or national newspapers or on-line job boards. Advertisements should be clear and indicate:

- the outline requirements of the job
- the necessary and the essential criteria for job applicants
- the nature of the council’s activities
- job location
- pay and reward package
- job tenure (for example, contract length)
- details of how to apply
- that the council welcomes applications from minority and under-represented groups.

Advertisements should be genuine and relate to a job that actually exists. They need to appeal to all sections of the community using positive visual images and wording.

External recruitment services
For a limited number of senior or specialist roles, the council makes use of external providers to assist with recruitment. Recruitment agencies or recruitment consultants offer a range of services, e.g. attracting candidates, managing candidate responses, screening and short-listing, or running assessment centres. In order to build and maintain effective working relationships with external providers:

- the manager should seek advice and comply with the council’s procurement rules for selecting an appropriate agency
- it is important that agencies which reflect the council’s aims and objectives, and have experience of appropriate labour market are selected
- managers must be clear about what is required from an agency. Provide a written brief, ensure it is fully understood and that all information given is current and accurate
- always provide accurate, detailed and up-to-date job descriptions and/or person specifications/job profiles
- agree, in writing, the responsibilities of the agency and the council (for example, who will make shortlisting decisions)
- agree the selection tools to be used and the criteria against which applicants will be selected from the initial approaches, to the short-list stage. Ensure these are consistent with the council’s recruitment policies
- ensure equal opportunities standards are adhered to consistently and are in line with the council’s policies.

It is essential that the manager monitors agencies performance. Where we are committed to collaborative partnerships the council is more likely to achieve positive results.

The council has adopted other ways to attract applications, including building links with local colleges/universities, working with the jobcentre and holding open days.

Managing the application process
There are two main formats in which applications are likely to be received: the curriculum vitae (CV) or the application form. Council policy is that candidates should complete and submit the standard application form but there may be limited circumstances where a CV is acceptable, such as when initial information is received from agencies. However, an application form should be completed before selection decisions are made. CVs are never
acceptable for positions working with children and vulnerable adults, as the council needs to be able to identify any gaps in employment and the reasons for these.

**Application forms**

Application forms allow for information to be presented in a consistent format, and therefore make it easier to collect information from job applicants in a systematic way and assess objectively the candidate’s suitability for the job.

Application forms can also be used to collect anonymised sensitive information, for example for equality monitoring. Any such information should be used only for this purpose and be kept separate from information on which selection decisions will be based.

The council’s standard application form:

- uses clear language
- is appropriate to the level of the job
- does not request detailed personal information unless relevant
- states the procedure for taking up references, how these will be used and at what stage in the recruitment process they will be taken
- is accompanied by details of the job and clear information about the application and selection procedure
- enables the manager to draw up a short list of candidates
- provides a source of information to draw on in the interview
- helps track how applicants found out about the position – to enable a review of the effectiveness of recruitment methods used
- can be completed online.

**Dealing with applications**

All applications should be treated confidentially and circulated only to those individuals involved in the recruitment process. All solicited applications (such as responses to advertisements) should also be acknowledged, and where possible, so should all unsolicited applications. Prompt acknowledgment is good practice and presents a positive image of the council. Increasingly candidates are being treated as “customers” – a bad recruitment experience will fail to entice talented individuals to the council and is likely to damage our reputation.

**The ‘candidate experience’**

The recruitment process is not just about the council identifying suitable employees. It is also about candidates finding out more about the services we provide and being able to decide whether they would like to work for the council. The experience of candidates (both successful and unsuccessful) at each stage of the recruitment process will impact on their view of the council. This could be both from the perspective of a potential employee and as a council tax payer / service user.

**Selecting candidates**

Selecting candidates involves two main processes: short-listing and assessing applicants to decide who should be offered a job. Selection decisions should be made using a range of tools appropriate to the time and resources available. Care should be taken to use techniques, which are relevant to the job. All tools used should be validated and constantly reviewed to ensure their fairness and reliability.
Making the appointment
Before making an offer of employment, employers must check that applicants have the right to work in the UK. A list of acceptable documents demonstrating the right to work in the UK can be provided, by contacting MyHR Helpdesk. Offers of employment should always be made in writing. However, it is important to be aware that a verbal offer of employment may be regarded as legally binding.

Terms and conditions of employment relevant to any particular job (e.g. pay and benefits, and policies that govern the employment relationship) are set out in a written statement of particulars, which is commonly referred to as the contract. Managers must appoint staff using the standard form of contract relevant to the post. Written offers of employment and statements of particulars clarify the terms of the contract of employment and there is a legal requirement to provide an employee with a written contract within 8 weeks of commencing work. All contracts will be issued by the Shared Service Centre who hold approved master contract documents.

Starting salaries
Normally new starters should be appointed to the minimum of the pay scale or zone for the job. However, managers may make a business case, to be approved by a Head of Service, to appoint to a higher salary within the pay grade or zone for the post. For detailed guidance, please refer to the Reward Policy.

In exceptional situations an additional reviewable market supplement may be appropriate to fill a vacancy. However this requires the approval of a specific business case by the People, Performance & Development Committee or by the Head of HR&OD under delegated powers.

Joining the council
Well-planned induction enables new employees to become fully operational quickly and should be integrated into the recruitment process. Details of the council’s induction process and new starter checklists are available on the S-net.

Other points to consider

References
A recruitment policy should state clearly how references will be used, when in the recruitment process they will be taken up and what kind of references will be necessary (e.g. from former employers). These rules should be applied consistently. Recruiters should always obtain references to check factual information such as qualifications. See section 2: Giving and receiving references.

Health checks
Any particular physical or medical requirement should be made clear in the job advertisement or other recruitment literature. Managers should seek advice from HR&OD before making selection decisions relating to an employee’s mental or physical health as there may be implications under the Equalities Act 2010.

Documentation
The recruitment process should be documented fully and accurately. Information should be kept for sufficient time to allow for any complaints to be handled. Unsuccessful candidates should be notified promptly and if possible given feedback. As a minimum, feedback on any psychometric test results should be given.
Recruitment and selection monitoring
The council undertakes monitoring to test the fairness of the recruitment and selection processes. Monitoring can assist with assessing and reviewing key equalities comparators such as the number of employees recruited from ethnic minorities or the number of disabled candidates applying for a certain job. Data collected for monitoring should not be used for any other purposes.
SECTION 2 – GIVING AND RECEIVING REFERENCES

This section sets out the council’s approach to giving and receiving references and

- explains the key legal aspects of providing and using references
- considers the risks in providing references and how to manage them.

Reference Policy – links to an internal intranet

The legal background

There is no detailed legislation specifically designed to deal with the provision of references for employees. However the Data Protection Act (DPA) 1998 may apply to the processing of information in the provision of a reference. Under the DPA it is no longer possible to guarantee that a reference will remain confidential. The author of a reference may stipulate that it is confidential, and need not show it to the employee. However, employees can ask their new employer for a copy of the reference which may be disclosed to them if it is proper to do so, having balanced the rights of the author, the employee and any other person mentioned in the reference.

Some reference requests refer to sickness absence. Some data relating to an employee’s medical condition is classified as “sensitive personal data” and managers therefore need to take care to obtain an individual’s consent before disclosing it.

In an offer letter to a successful applicant, the manager should state that this is a ‘provisional offer subject to satisfactory references being received by the council’. Employees should not start work until satisfactory references have been received. If an employee is allowed to start before the receipt of their references the requirement to obtain satisfactory references may no longer be a condition of employment and the employee will have the same rights in relation to wrongful dismissal (i.e. breach of contract), dismissal procedures or any form of discrimination, as any other employee.

Discriminatory and certain detrimental acts committed by any employer after termination of an employee’s contract are within the remit of the discrimination legislation and the detriment provisions of the Employment Rights Act 1996. An employer’s failure to provide a reference may also be considered a detriment.

Negligence

If a reference is provided by an employer, the main legal risk lies in the law of negligence. An employer will be liable if loss results from the employer’s failure to exercise reasonable care in the preparation of a reference. The leading case is Spring v Guardian Assurance plc [1994] IRLR 460 which demonstrates that the author of a reference owes a duty of care both:

- to the person about whom it is written, and
- to the recipient of the reference if the reference was carelessly favourable.

Defamation

If a reference contains a false or unsubstantiated statement that damages the reputation of a former employee, they may be able to claim damages for defamation. Managers must ensure that all information provided is accurate and objective.
Discrimination
Following a House of Lords landmark ruling (*Rhys-Harper v Relaxion Group plc* [2003] IRLR 33, HL), an employee who is given a poor reference or is refused a reference because of their age, race, sex, sexual orientation, religion or philosophical belief, or disability may be able to bring a claim against their former employer.

The purpose of references
The purpose of references is to obtain information about a candidate’s employment history, qualifications, experience and/or an assessment of the candidate’s suitability for the post in question. Prospective employers may seek information on matters including length of employment, job title, brief details of responsibilities, abilities, overall performance, attendance, time-keeping and reason for leaving.

Should references be used?
The council considers that references should always be taken up to check essential facts, but that only factual or verifiable data should be relied upon.

Choosing referees
References must be sought from at least two of the most recent employers (both current and former) and particularly from the candidate’s current line manager or from the educational establishment for the first time employee. This is especially important for safeguarding measures when recruiting to positions working with children and vulnerable adults. It is not normally acceptable to seek a reference from a personal referee. Personal references may only be sought where an applicant is not able to offer a work based or an education based referee. Information from personal referees may be of limited value as, personal referees offer limited information in relation to the employee’s knowledge, skills and abilities.

When to approach referees
References should be sought prior to interview wherever possible unless the candidate has specifically requested that this is not done.

Obtaining references
The manager should use the reference template within the Reference Policy and may include additional, relevant questions where appropriate. A copy of the job profile should be sent with the reference request. The council expects references to be submitted in writing, either in the form of an 'open' unstructured letter on headed paper or by use of a standard form. Requesting written references provides referees with more time to reflect on the questions, the wording of answers and on the information provided about the job vacancy. It is important that any reference request is marked 'private and confidential' for the attention of the named referee.

References tend to be more reliable if:

- the old and new job are very similar in content
- questions are based on job analysis
- facts, rather than opinions and perceptions, are requested
- relevant information about the job vacancy is provided to the referee.

Providing references
An employer does not have a common law duty to provide references for a current or former employee unless there is an express or implied term to that effect in the employment contract. However, the council accepts that it is established practice to provide a reference and a refusal could result in adverse consequences for the employee and may be perceived to be victimisation in certain circumstances.
Managers must take a cautious approach when giving references and ensure that they are fair and accurate and do not give a misleading overall impression of the employee. Referees should at all times avoid giving a subjective opinion about an employee’s performance, conduct or suitability, which they cannot substantiate with factual evidence. Any personal references that are given must not be written on council headed notepaper. Under safer staffing guidance, authorities are expected to disclose in a reference all allegations, whether founded or not, that have been made against an individual.

References by telephone
It is not advisable to give or receive references on the telephone. A telephone call may be used to request additional information regarding a reference where it appears to be inadequate or incomplete or where further clarification is sought. When doing this it is important to:

- ensure you are speaking to the appropriate person in the organisation
- ask factual questions only
- be sensitive that the amount of data a referee is prepared to give may be limited
- evaluate the response with the information provided on the written reference
- keep accurate notes of the telephone call
- Remember that, in certain circumstances, the contents of your notes may be disclosable.
SECTION 3 – SAFER RECRUITMENT AND SAFER STAFFING

This section:

- provides an overview of the relevant legislation
- makes suggestions for additional good practice in the recruitment process

A more detailed procedure with specific guidance is also available.

**Safer Recruitment Policy** – links to an internal intranet

The council must ensure particular rigour and vigilance when recruiting people to work with children and vulnerable adults. ‘Children’ are defined as those under age 18; ‘vulnerable adults’ include the elderly, people with disabilities, people in residential accommodation or in custody, and those receiving domiciliary care.

It is particularly important, when recruiting staff to work in these areas, to ensure that a satisfactory checking process has been properly completed. The practical problems sometimes arising from, for example, the use of unpaid volunteers, skill shortages and a high reliance on migrant workers, should never be used as reasons for not taking all necessary precautions. It is essential that all steps should be taken to avoid situations where abuse might be committed by a worker. Not only is the abuse unacceptable, but it is likely to attract extensive negative publicity, as well as incur potential legal liabilities for the council.

**The legal background**

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

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

A conviction is not spent until the rehabilitation period is complete. Once it is spent, the rehabilitated person does not have to reveal its existence in most circumstances and can answer ‘no’ to the question ‘do you have a criminal record?’ Certain occupations are exempted - these are listed in Rehabilitation of Offenders (Exceptions) Orders. Custodial sentences of over two and a half years are never considered spent. It is an offence under this law for anyone who has access to criminal records to disclose information about spent convictions unless officially authorised. It is also a serious offence to obtain information about spent convictions by means of fraud, dishonesty or bribe.

*The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975*

This overrules the employment rights an ex-offender would otherwise have in respect of spent convictions in order for employers to have additional information when recruiting for certain ‘exempted’ occupations. These include those that bring the job-holder into contact with vulnerable groups. Where the employer states clearly on the application form or at interview that the job applied for is exempted, ex-offenders will have to disclose information about spent as well as unspent convictions.

For more information on employing ex-offenders, see the section below on criminal records.
What is a criminal record?
A criminal record arises from a conviction. There are also police records but these are not criminal convictions. Police records include cautions, reprimands and final warnings.
Cautions (for adults) are based on the seriousness of offences. A caution is a warning about future conduct given by a senior police officer, usually in a police station, after a person has admitted an offence. It is used as an alternative to a charge and possible prosecution.
Reprimands and final warnings (for offenders under 18 years old) are issued by the police as an alternative to putting a young person before the courts. Again, the person has to have admitted the offence.

The Act:
- enables access to criminal record checks
- introduces the conviction disclosure categories (described below)
- supports protection of individuals afforded by the Rehabilitation of Offenders Act 1974
- requires employers to register with the DBS (formerly CRB) in order to be able to request individuals to apply for a standard disclosure or an enhanced disclosure.

The Protection of Children Act 1999 / Criminal Justice and Court Services Act 2000
The Protection of Children Act 1999 (PoCA) makes it an offence for any organisation to offer employment involving regular contact with children to anyone who has been convicted of certain specified offences, or is included on lists of people considered unsuitable for such work held by the relevant government departments. It is also an offence for people convicted of such offences to apply for work with children. The Criminal Justice and Court Services Act 2000 lists the offences that would automatically bar the offender from working with children. These include various kinds of violence and sexual offences.

Care Standards Act 2000 (England and Wales only)
As well as improving the quality of care services, this Act aims to protect vulnerable people, including adults, who use these services.

Education Act 2002 (England and Wales only)
Under section 142 of the Education Act 2002, a person may be banned from working with children. Orders made under this act are contained in a DBS Disclosure.

Conduct of Employment Agencies and Employment Business Regulations 2003
This requires employment agencies to vet temporary staff who work with vulnerable groups. They are required to carry out additional checks including obtaining copies of relevant qualifications, two references and taking all reasonable steps to confirm the individual’s suitability for the post. If new, adverse information later emerges, they must withdraw the temporary worker or inform the employer where the worker has been supplied on a permanent basis.

The Protection of Freedoms Act 2012
The arrangements under this Act have brought together the ISA (Independent Safeguarding Authority and CRB (Criminal Records Bureau) into one organisation the Disclosure & Baring Service. The Act changed the definition of regulated activities for which a DBS (formerly CRB) check is required.
Recruitment and selection checks and procedures
The council has a duty to structure and implement its recruitment and selection procedures to ensure that all legal requirements are met when seeking staff to work with children or vulnerable adults. At the same time, care must be taken not to unlawfully discriminate against candidates on grounds of race, sex, marital status, disability, religion or belief, sexual orientation or age, and to comply with data protection law. When recruiting those working with children or vulnerable adults, the process should include selection followed by a strict verification and compliance process.

The selection process
When recruiting for any position, a thorough and objective selection process is essential. A combination of selection methods should be considered when filling sensitive posts and greater emphasis should be put on tools, which are likely to predict behaviour in a variety of situations.

Verification and compliance
Managers recruiting people to work with children or vulnerable adults should adopt a checklist to be applied following the selection process, without satisfactory completion of which a firm employment offer should not be made. The checklist should include:

- verification of identity
- confirmation of the right to work in the UK
- registration with the appropriate professional body (if applicable)
- verification of qualifications
- Disclosure & Baring service check - formerly Criminal Records Bureau (CRB)
- adults and children barred list check
- references
- risk assessments (for example, when considering offering employment in cases where the DBS disclosure shows a conviction unrelated to abuse/violence.

The council will regularly review its policies and procedures (e.g. recruitment and selection, disciplinary, code of conduct and grievance and equal opportunity / diversity) to achieve a sensible balance between the requirement to comply with anti-discrimination legislation and to safeguard vulnerable people from potential abusers.

Disclosure & Baring Service: New for 2013
All those who work in regulated activities must have their criminal records checked before appointment and at a maximum of three yearly intervals throughout their employment with the council. A brief summary of regulated activities is below.

Working with Children – regulated activities
i. Unsupervised activities: teach, train, instruct, care for or supervise children or provide advice/guidance on wellbeing, or drive a vehicle only for children;
ii. Work for a limited range of establishments (specified places”) with opportunity for contact: for example schools, children’s homes, child care premises. Not work by supervised volunteers.

Work under (i) or (ii) is regulated activity only if done regularly (at least once a week). The Department for Education has produced statutory guidance on supervision to describe the considerations an organisation should make when determining whether or not an individual is supervised to a reasonable level for the role.
iii. Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;
iv. Registered childminding; and
v. Foster-carers.

Working with Adults – regulated activities

(i) Providing health care
(ii) Providing personal care
(iii) Providing social work
(iv) Assistance with cash, bills and/or shopping
(v) Assistance in the conduct of a person’s own affairs
(vi) Conveying - transport an adult because of their age, illness or disability either to or from their place of residence and a place where they receive health care, personal care or social care.

Adverse information contained in a DBS disclosure should not necessarily act as a bar to employment. The disclosure may contain details of spent convictions irrelevant to employment with children or vulnerable adults, and care will be taken to assess the information provided.

Reference checks

References must always be taken up to provide a check on the candidate’s employment history, qualifications and experience. When recruiting staff through agencies, references should always be double checked and a DBS disclosure requested.

Important guidance

It is important for everyone involved in recruitment to understand that those already involved in abuse, or those disposed to be so, are extremely difficult to identify. All managers should do their utmost, through good practice and vigilance, to make it as difficult as possible for abusers to obtain access to children and vulnerable adults.

The principal message that must be acted upon by everyone responsible for the recruitment of people working with vulnerable people is that consistency, rigour and thoroughness in applying the checks and procedures, each and every time, is paramount. Managers must ask demanding, probing and difficult questions of applicants. Lack of time, resources or money is not an excuse for falling short of best possible practice in recruitment and selection. The principles set out in the recruitment and selection policy apply to the recruitment of all types of employee to ensure the council has the best chance of securing the right person for a job.

Useful contacts

Disclosure & Baring Service
SECTION 4 – PAY AND BENEFITS

This section provides an overview of the council's Total Reward strategy and the arrangements for delivering it, primarily through Surrey Pay. Surrey Pay was developed to deliver a locally determined “single status” pay structure and “clean pay” within the council following the removal of grade related allowances.

Managers are accountable for ensuring that all staff are remunerated in accordance with the council’s pay and grading structures and procedures, all of which have been Equality Impact Assessed. The following detailed information and guidance may be accessed via the external website or internal intranet s-net

External website links:
Equal Pay Policy Statement
Reward Policy
Surrey County Council Pay Policy Statement 2013/14

Internal Intranet links
Equal Opportunity in Employment Policy
Contract of Employment / Statement of Particulars of Employment
Job Evaluation Policy
Working Hours Policy (currently under review)
Business Mileage Reimbursement and Travel Allowances

The legal background
In managing the pay and grading of employees, managers must ensure that their decisions on such matters as salaries offered on appointment or promotion are made on an equitable and consistent basis. The concept of equal pay for work of equal value is set out in two key pieces of legislation:

- Article 141 (formally Article 119) of the Treaty of Rome (European Law)
- The Equal Pay Act 1970 (as amended) (UK Law)

The council monitors and reviews its pay and grading structure on an annual basis to ensure that the rates it pays are at or above the rates required to comply with the requirements of the National Minimum Wage Act 1998.

The payment and non-payment of wages and any deductions from wages are subject to the provisions of the Employment Rights Act 1996.

Total Reward
The aim of the council is to provide an affordable but competitive Total Reward package to attract, motivate and suitably reward the staff it needs to deliver its services. To that end the package covers not only pay and benefits but also provides access to flexible ways of working and to the Local Government Pension Scheme.

Pay and allowances
Surrey Pay was introduced in 1998, following consultation and negotiation with the relevant trades unions and it now covers most of the staff working for the council, apart from fire-
fighters and teachers. However, the council continues to recognise a small number of national agreements covering, for example, Soulbury employees.

In accordance with the Surrey Pay and Single Status Agreement, pay and the terms and conditions of all staff on the Surrey Pay grades are reviewed annually. Any changes to salaries or allowances are normally made with effect from 1st April. Current rates may be found in the Council’s Pay Policy Statement and Reward Policy.

In adjusting terms and conditions including rates of pay the council normally takes account of any nationally negotiated settlements for local government employees but also takes account of developments within the local employment market in Surrey.

**Surrey Pay principles**

- to be fair, open and readily understandable.
- to be sufficiently flexible to enable the council to recruit and retain sufficient staff of the required calibre to achieve its business aims.
- to enable effective cost management, reflecting affordability and the need for efficient administration of the council’s pay policies and procedures.
- to have a fair, open and non-discriminatory basis for assessing the relative responsibility level of jobs and the allocation of jobs to grades.
- to maintain a clear and simple relationship between pay, performance management, appraisal and development.
- to recognise and reward individual personal development which adds value and leads to improved service.

**Recognition Award Scheme**
The council does not award bonuses but the Surrey Pay Recognition Award Scheme offers a means whereby managers may reward members of staff who have made a significant contribution that goes beyond the scope of their normal work. For example working on an initiative outside their normal job role which in some way stretches the employee.

**Leave and flexible working**
In addition to standard annual leave entitlements, of 24 days for those newly employed, or 28 days for those staff who have 5 or more years continuous service in local government, most staff on Surrey Pay may with the approval of their manager, buy and sell leave through the online MyBenefits - staff benefits scheme.

The council encourages managers and staff to explore the possibilities of flexible working where it is mutually beneficial to individuals and the council. For more information on flexible working, including reference to the statutory right of certain employees to submit a request to work flexibly, see Section 9.

**BENEFITS**
The council has developed a wide range of benefits that offer value for money and which help to underpin the council’s environmental strategy. These are available via the Council’s external website www.surreycc.gov.uk/mybenefits and include voluntary discounted staff benefits, which are available at anytime and staff also have access to annual staff benefits such as private medical and dental insurance.

**Pensions**
Upon joining the council all staff are subject to auto enrolment into the Local Government Pension Scheme (LGPS). The government introduced a new law from 1 April 2013 to encourage people to save more for their retirement. Staff may opt out but they are
encouraged to consider the merits of joining the LGPS, which is an attractive final salary pension scheme.

**Grading**

The Surrey Pay grading structure links pay to appropriate salary grades for jobs or groups of jobs. The allocation of grades to jobs is determined via HAY Job Evaluation or in accordance with a career guide scheme having a relationship to job evaluation.

**Equal pay**

In making decisions relating to the pay and grading of employees, managers must ensure that such decisions are made on an equitable and consistent basis.

Legislation provides that men and woman may claim equal treatment in respect of pay and conditions where:

- they are employed on "like work" (situations where work is the same or broadly similar); or
- they are employed on "work rated equivalent" under a job evaluation scheme; or
- they are employed on work that, in terms of the demands made upon them (under headings such as effort, skill and decision-making), is of "equal value".

Because Surrey County Council is regarded as a single employer all jobs must be appropriately evaluated against each other to ensure that equal pay principles are met.

Additionally, as part of its commitment to equal opportunities, the council’s Statement of Equal Opportunity places an obligation on managers to ensure that terms of employment, benefits, facilities and services are afforded equally to all employees in the same or similar circumstances. It is, therefore, essential that the arrangements in place for the determination of pay and other benefits are neither directly nor indirectly discriminatory. All terms and conditions of service must be applied objectively.

Equal pay legislation recognises two circumstances in which differences in pay may be justified:

- where there are genuine material differences between the employees concerned, other than sex, such that the difference in pay can be justified
- where a genuine material factor exists which has resulted in different rates of pay for the employee’s job and the comparator’s job. Differences justified as a result of market factors will be reflected in different pay arrangements for the different market groups concerned and are **not** a matter for local discretion by managers.

**Framework for Negotiating Surrey Pay**

The team representing the council is led by the Deputy Head of HR&OD. The Pay and Employee Relations Team is responsible for researching, developing and negotiating changes to terms and conditions of service that meet the needs of the services as endorsed by the Council Leadership Team.

The team representing the staff side is made up of representatives nominated by the Surrey County Council branches of the GMB and UNISON.

The terms of any offer made must be approved by the People, Performance & Development Committee (PPDC) who act as the council’s Remuneration Committee under delegated powers.

The acceptance or rejection of any offer will be subject to a ballot of union members.

In the event of a failure to agree, the negotiating teams will consult with their stakeholders to decide on whether to involve Acas.
SECTION 5 – PERFORMANCE MANAGEMENT AND CAPABILITY

This section
- considers the performance management process and how it works
- outlines the tools used in performance management

refers to the stages of the Capability Procedure

Internal intranet links
Capability Procedure

Performance Appraisal

Management Competencies

External links
Business Plans

Corporate Plan

What is performance management?
Performance management is a holistic process, bringing together many of the elements which go to make up the successful practice of managing people, including in particular learning and development.

Performance management should be:

- **Strategic** - it is concerned with broad issues and long-term goals
- **Integrated** - it should link various aspects of the organisation’s values and aims with individuals and teams
- **Continuous** – a continuing process and not a one-off event.

It should incorporate:

- **Improving Performance** - throughout the council, improving the effectiveness of individuals and teams
- **Developing Performance** - unless there is continuous development of individuals and teams, performance will not improve
- **Managing Performance** - ensuring that individuals are encouraged to behave in a way that improves effectiveness and allows and fosters better working relationships.

Performance management is a tool to assist managers to manage effectively. They must ensure that the people or teams they manage:

- know and understand what is expected of them
- have the skills and abilities to deliver on these expectations
- are supported by the organisation to develop the capacity to meet these expectations
- are given feedback on their performance
- know how outstanding performance or poor performance will be handled
- have the opportunity to discuss and contribute to individual and team aims and objectives.
Performance Management is also about ensuring that managers themselves are aware of the impact of their own behaviour on the people they manage and are encouraged to identify and exhibit positive behaviours.

It is about establishing a culture in which individuals and groups take responsibility for the continuous improvement of business processes and effectiveness and of their own skills, behaviours and contributions. It is about sharing expectations. Managers can clarify what they expect individuals and teams to do through setting objectives and sharing business plans. Likewise individuals and teams can communicate their expectations of how they should be managed and what resources and support they need to do their jobs.

It follows that performance management is about inter-relationships. It is a joint process, which aims to improve the quality of relationships that exist between managers, individuals and teams.

**How does performance management work?**
Because performance management is designed to be applicable to all employees, it needs structures to support it. These provide a framework to help people operate but should not be so rigid that there is no flexibility to allow people some freedom in how they do their job.

Corporate strategic goals provide the starting point for business and departmental goals. These will lead to the drawing up of plans between individuals and managers, with continuous monitoring and feedback supported by formal Performance Appraisals.

**Tools of performance management**

**Performance Appraisal and development reviews**
The council requires Managers to regularly (at least annually) review the performance, potential and development needs of their staff. The appraisal meeting must be constructive and allow for an open, free-flowing and honest exchange with the appraisee doing most of the talking.

**Learning and development**
Performance Appraisal reviews should be regarded as learning events, in which individuals can be encouraged to think about how and in which ways they want to develop. This should lead to the drawing up of a personal development plan (PDP) setting out the actions they propose to take to develop themselves with the help of their manager.

**Objectives and performance standards**
Objectives describe something to be accomplished by individuals, teams and the council as a whole over a period of time. They can be expressed as targets to be met and tasks to be completed by specified dates. They can be work-related, referring to the results to be attained; or personal, taking the form of developmental objectives for individuals. Objectives need to be defined and agreed between the individual and the manager.

Alongside objectives there may be performance standards. They are used when it is not possible to set time-based targets, or when there is a continuing objective, which does not change significantly from one review period to the next and is a standing feature of the job. These should be spelled out in quantitative terms if possible, for example, speed of response to requests or meeting defined standards of accuracy.

**Competencies**
The council uses competencies as components of performance management. Competences describe what people need to be able to do to perform a job well.
Measurement
Measurement provides the basis for giving and generating feedback, and can encourage an employee to further success or identify where things are not going well so that corrective action can be taken. It is important to measure the achievement of objectives, levels of competency, standards of performance, and work outputs. The amount of measurement that is required will depend on the individual and the job profile.

360 degree feedback
360 degree feedback consists of performance data generated from a number of sources including the manager, colleagues and staff of the individual being assessed, internal and external contacts and the individual themselves. 360 degree feedback is used mainly as part of a self-development or management development programme to provide a more complete view of people. The council has trialled 360 degree feedback for such purposes in the past and its use may be further developed as part of regular Performance Appraisals.

Teams
Team working has become an important part of life in Surrey County Council and it will sometimes be appropriate for measures to be based on team performance. They will mainly be concerned with output, activity levels eg speed of service provision, customer service and satisfaction, and financial results. Team members will need to agree their objectives and receive feedback in the same way as if they were not part of a team.

Capability Process
Performance management is a positive process, and good systems will create a culture in which success is applauded. Nevertheless, poor performance will sometimes exist. The Capability Policy outlines good management practice and aims to establish a process, which enables:

- employees and managers to jointly identify, discuss and address the issues that may be affecting performance at work
- appropriate supportive action to be taken by employees and managers to improve performance, at as early a stage as possible
- employees to be given sufficient and reasonable opportunity to demonstrate that they can return to/maintain an acceptable level of performance
- employees to be treated reasonably, fairly and consistently.

There are some levels of incapability where the council would need to consider suspension and possible dismissal. This may be because an employee has made such a serious mistake(s) that the reputation of the council is severely affected and / or service users are placed at risk.

More detailed guidance on how to handle capability issues both informally and formally can be found in the Capability Policy and Procedure – links to the internal intranet
SECTION 6 - CHANGE MANAGEMENT

This section:

- looks at why the council may need to instigate change
- comments on organisational and employee issues
- documents the stages of the change process
- covers the main responsibilities for managers
- considers HR's role and how change can be managed more effectively.

A more detailed procedure with specific guidance is also available.

Change Management Procedures and Guidelines – links to internal intranet

Redundancy and Redeployment Procedures and Guidelines – links to internal intranet

The council is committed to full and meaningful consultation with employees and with the recognised trade unions regarding proposed organisational changes as early as possible.

The legal background
Where redundancies are likely to be made, consultation should be in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1995 and guidance from the Department for Business, Innovation and Skills (BIS).

Why the council may need to facilitate change
Many things cause organisational change within the council. These include:

- restructuring within a department or section
- changes in the council’s strategy, policy or objectives
- technological changes
- the need for new behaviours or skills
- government legislation / initiatives.

In this context, managers have to be able to introduce and manage change to ensure the organisational objectives of change are met. They also have to ensure that they gain the commitment of their staff both during and after implementation whilst maintaining business as usual.

Organisational and employee issues
CIPD research has identified seven areas of activity that make successful change happen - 'the seven c’s of change':

- choosing a team
- crafting the vision and the path
- connecting organisation-wide change
- consulting stakeholders
- communicating
- coping with change
- capturing learning.
Each change situation will be unique, however following a consistent methodology will help ensure that the change process is able to succeed. Effective change management will help to reduce the possibility of a change initiative failing to deliver the required outcomes.

It is important that when managers are considering a change at local level, they appreciate the links between this and the overall strategic direction of the council. Equally important is the need to consider the introduction of new processes and systems to support any change. All change initiatives will need to be effectively project managed, particularly in terms of timing to ensure that it delivers on time and that employee’s expectations and anxieties are managed. An effective project plan should contain the following information:

- estimated date of change
- timescale for the process
- total numbers and status of affected staff
- existing job titles affected
- existing numbers of each job title affected
- existing grades affected
- existing location of roles affected
- existing job profiles affected
- existing organisational structure
- new proposed organisational structure
- new proposed job titles
- new numbers of staff
- new proposed job profiles
- new proposed locations
- new grades
- proposed selection criteria

Poor communication can lead to greater resistance to change by staff and other stakeholders. Management need to be aware of this to ensure they respond appropriately. Two-way communication with employees and their active involvement in implementation has been identified as a key enabler of change. It is essential that discussions are held with trades unions before any proposed change commences, at the same time as consulting with employees.

**The role of HR in change management**

People management and development professionals have a significant role to play in any change management process. The role of HR is identified as sometimes being the difference between successful and less successful projects. HR should:

- be involved at the initial stage in the project team
- advise project leaders in skills available within the organisation – identify any skills gaps, training needs, new posts, new working practices etc.
- balance out the narrow/short-term goals with broader strategic needs.
- assess the impact of change in one area/department/site on other parts of the organisation
- negotiate and engage with various stakeholders
- understand stakeholder concerns to anticipate problems
- understand the appropriate medium of communication to reach various groups
- help people cope with change and improve performance and motivation.
Planning the Implementation
At the start of any structural change, it is important to ensure that up to date job profiles are in place and that any new job profiles are evaluated through the council's job evaluation process. It is also important to consider the cost implication of the change to the service and the financial impact of newly graded job profiles, any proposed severance costs and any costs incurred through training or retraining.

Once the new roles in a particular restructure are clear, affected employees can be split as follows:

- those whose roles are identical or virtually unchanged
- those whose existing job profiles will match the new job profiles by at least 80%
- the remainder.

Employees should be managed and supported through the following natural order of selection:

Step A - automatic transfer
Step B - slotted to an 80%+ fit role
Step C – competitive slotting
Step D – redeployment
Step E – open competition

Redeployment
The council is committed to taking all steps to redeploy any staff whose jobs become vulnerable to redundancy.

Redundancy (See Section 7)
All affected staff that have not been accommodated within a structural change must be issued with notices of vulnerability to redundancy.

Three weeks prior to any redundancy, the employee should be issued with a letter confirming the date of termination of employment.
SECTION 7 - REDUNDANCY AND REDEPLOYMENT

Redundancy may be one of the most traumatic events at work that an employee may experience. Announcement of redundancies will invariably have an adverse impact on morale, motivation and productivity. The negative effects can be reduced by sensitive handling of redundant employees as well as those remaining in the workforce.

This section:

- makes suggestions for managing and responding flexibly to workplace change
- considers strategies which reduce, avoid or limit redundancy
- seeks to ensure that if redundancy occurs, it is handled in accordance with good practice and the law
- seeks to raise awareness of strategies which assist those affected to retain self-respect and enhance employability.

Change Management Procedures and Guidelines – links to the internal intranet and also includes guidance on the:
- Appeals Procedure
- Redundancy Payment Scheme

The council is committed to full and meaningful consultation with employees and with the recognised trade unions regarding proposed redundancies as early as possible.

The legal background

Both statute and case law determine redundancy obligations and rights. The main legislation governing redundancy is:

- The Trade Union and Labour Relations (Consolidation) Act 1992
- The Employment Rights Act 1996

The Employment Equality (Age) Regulations 2006 have also affected redundancy, for example, by removing the previous upper and lower age limits (of 65 and 18 respectively) for statutory redundancy payments. The existing age bands used to calculate statutory redundancy pay are unaffected.

At least 90 days written notification must be given to the Department for Business, Innovation and Skills (BIS) if 100 or more employees are to be made redundant, and at least 30 days for 20 to 99 employees. For less than 20 employees, no notification to BIS is required.

Definition of redundancy

A redundancy arises when there has been, or is going to be a reduction or cessation of a specific kind(s) of work. The primary reason for making redundancies is a re-organisation of working methods to improve efficiency and service provision.
Planning and preventive measures
The council has a statutory duty to attempt to avoid redundancies wherever possible. Ways of doing this may include:

- a reduction in the use of agency workers
- a recruitment freeze
- short term or flexible working
- the removal or reduction of additional hours working
- effective management of fixed term contracts
- offer early retirement to volunteers (subject to age discrimination issues)
- suitable alternative employment
- a pay freeze, or even pay cuts in certain instances
- a pay deferral scheme, allowing a temporary deferral in pay to a later date
- the use of unpaid leave.

Managing redundancy
In cases where redundancy is unavoidable, it is important to plan and implement a redundancy situation properly. The following stages as a minimum, will be used in most redundancies:

- planning
- consultation, both collective and individual
- identification of a pool for selection
- notification of large-scale redundancies (more than 20 employees) to BIS
- request for volunteers, where appropriate
- use of objective selection criteria
- identifying vulnerable employees
- helping vulnerable employees obtain training or suitable alternative work
- relocation expenses where relevant
- opportunity to appeal
- statutory and/or other redundancy payments.

The exact procedure varies according to the timescale and size of the redundancy. The core points concerning some of these stages are summarised below.

Seeking volunteers
As part of the overall procedure, once the need for redundancies has been identified and careful planning has taken place, it may be sensible to offer an appropriate redundancy package and seek volunteers. This may avoid compulsory redundancies altogether. Any request for volunteers should make it clear that it will not necessarily lead to a commitment by the employee to accept the redundancy package or the employer to offer one.

Individual and collective consultation
Individual consultation is necessary for all redundancies and the law requires that collective consultation is also carried out in the case of multiple redundancy situations. Collective consultations with recognised trade unions must start at least 90 days before notification of redundancy for proposed redundancy dismissals of 100 or more employees, and at least 30 days before notification of redundancies for 20–99 employees. In cases where collective consultation is required, it must be completed before notice of dismissal is given to any of the employees concerned. The law requires meaningful consultation - it is not enough only to inform. Individuals and teams must have an opportunity to contribute to the process. The maximum compensation that can be awarded if an employer fails to consult is 90 days pay to each individual affected.
Consultation should be open and clear and should include:

- the reason for the redundancy dismissals
- why and how individuals will be selected
- possible ways of avoiding redundancy
- possible suitable alternative work.

**Selection**

At the start of any redundancy process, managers will need to carefully determine the initial selection pool for redundancy. This will usually be those who undertake a similar type of work in a particular service, or work at a relevant location, or whose work has either ceased or diminished, or is expected to do so.

Individuals will then need to be selected from within the pool. Where there is a choice between employees, selection must be based on objective criteria which may include a combination of:

- length of service
- attendance record
- disciplinary record
- skills, competencies and qualifications
- work experience
- performance.

**Redeployment and suitable alternative employment**

Employers must consider suitable alternative work as an alternative to redundancy and are expected to guide individuals to look for alternatives throughout the council. The law removes entitlement to a statutory redundancy payment if an employee unreasonably refuses a suitable alternative.

Employees vulnerable to redundancy will be guaranteed an interview where they meet the essential criteria of a post for suitable alternative employment. Where an employee is redeployed to a post at a lower grade than their existing role, they may be eligible for pay protection.

**Time off to look for work**

If an employee is selected for redundancy (links to the internal intranet), the law requires that they should be given reasonable paid time off to look for work during their notice period.

**Redundancy payments**

Dismissed employees with two or more years’ service are entitled to a minimum redundancy payment. See also Redundancy and Severance Policy (links to external website).

**Unfair dismissal**

In law, there are many reasons for selecting employees for redundancy, which are automatically unfair, including:

- trade union membership (or non-membership)
- part-time status
- pregnancy or maternity-related reasons
- sex, sexual orientation, marital status, disability, race or religion.
A dismissal may also be found to be unfair if there is not a genuine redundancy or if the selection criteria are too imprecise or subjective. In addition, even where the reasons for redundancy may be completely fair, a dismissal may still be judged unfair on procedural grounds such as lack of consultation.

**Appeals**

Employees dismissed by reason of redundancy must be given the opportunity to appeal against their selection for redundancy. The appeal must be handled carefully and in accordance with the council’s Appeals Procedure.

**Counselling and support**

Managers should handle redundancies with empathy and clarity. Particular care will be needed to make sure that people know where to go for further advice or support. Employees can be badly affected by redundancy and need support to accept the situation and mount an effective job search.

A well-designed redundancy programme should enable employees to refresh their interview skills, redraft CVs and reply effectively to job advertisements. In any redundancy situation, the immediate priority is the fair and sensitive treatment of employees who are losing their jobs.

A team anxious about job security is not likely to display commitment. Therefore, the primary objectives of management should be to:

- give all the workforce a full explanation of the situation and explain the policies and practices adopted for those being made redundant
- demonstrate the necessity for and benefits of any change
- give details of changes in future working arrangements
- handle redundancies in a responsible, fair and effective way
- provide a forward-looking, positive attitude for the future and show those left behind the value of their role in that future
- conduct, where necessary, individual discussions with remaining key workers to reassure them of their importance
- ensure that they have, or develop, the necessary personal skills and attitude to operate effectively during periods of traumatic change.

**CORPORATE SCRUTINY GROUP**

The CSG Corporate Scrutiny Group (links to the internal intranet) comprised of a group of senior managers from each of the main directorates, with experts from Finance and Pensions. The Group is chaired by the Deputy Head of HR/Employment Practice Manager.

For all cases (with the exception of applications for Additional Discretionary Compensation and former employees requesting early release of their pension benefits) a representative of the service will be normally be expected to attend to present the case and answer questions. To avoid delay, this needs to be an appropriate Senior Manager who is able to speak authoritatively about the circumstances leading to the case being considered by the CSG group.
SECTION 8 - ABSENCE MANAGEMENT AND THE ROLE OF OCCUPATIONAL HEALTH

This section:

- outlines the implications of legislation on managing absence
- highlights some of the main causes of absence
- points to sources of practical guidance on managing sickness absence effectively.

The effective management of sickness absence is a priority for all managers. Research reveals that some of the most successful tools in reducing employee absence are an early intervention by line managers and good communication. A large part of managing absence is about ensuring staff can raise issues that may be troubling them at an early stage so that they can be addressed as soon as possible. Effective absence management is also about creating healthy work environments; this includes dealing with problems as and when they arise.

Detailed information and guidance is contained in the following policies, which are linked to the internal intranet:
- Absence Management
- Sick Pay

The legal background
Until recently the Employment Act 2002 and the Employment Act 2002 (Dispute Resolution) Regulations 2004 provided the main legal tools for facilitating absence management. Under the Employment Act 2008 which came into effect on 6 April 2009 the statutory disciplinary and grievance procedures are abolished and replaced by a new Acas Code of Practice. The council’s disciplinary and grievance procedures are designed to reflect this new guidance.

Data protection
Employers must be careful not to breach the Data Protection Act 1998 (DPA) when they collect, use and store information about their employees’ absence. Details of an employee’s health, either physical or mental, are categorised as ‘sensitive personal data’ under the DPA. The DPA also requires openness. Staff should know what information about their health is being collected and why. The Office of the Information Commissioner has issued guidance on employers’ responsibilities.

Disability discrimination
When employees become disabled as a result of sickness or injury employers may have to make ‘reasonable adjustments’ as dictated by the Disability Discrimination Act 1995 (DDA) and Equalities Act 2010 before they can return to their job. The types of adjustments that employers might be required to consider include:

- making physical adjustments to the workplace
- allocating some of the disabled person’s duties to another person
- transferring the disabled person to another vacant post, with or without reasonable adjustments being made
- altering the disabled person’s working hours through, for example, part-time working, job sharing or other flexible hours arrangements
- providing special equipment to assist the disabled person to perform his or her tasks, and giving training in the use of the equipment.

The DDA covers physical and mental impairments, which have a long-term adverse effect on employees’ ability to carry out normal day-to-day activities.
Medical Certificates
In 2010, "Fit Notes" replaced Medical Certificates. Fit Notes are intended to help employers assess what work employees may be capable of doing if they are not fit for their normal duties.

Absence and pregnancy
Employers have no obligation to provide different sick-pay provision for women who take time off work for reasons related to their pregnancy. However an employer who includes absence related to pregnancy in any assessment of a worker’s sickness record, for example in a redundancy exercise or for disciplinary reasons, will be vulnerable to a claim of sex discrimination. An employee who is absent due to a pregnancy-related illness during the four week period prior to her expected date of childbirth can be required to start her maternity leave early, and will be entitled to maternity pay and not sick pay.

Types of absence
There are many reasons why people take time off work such as:

- short-term sickness absence (uncertificated, self-certificated or covered by a doctor’s certificate)
- long-term sickness absence
- accident or injury, which may or may not be work-related
- unauthorised absence or persistent lateness
- other authorised absences e.g. annual leave; maternity, paternity, adoption, or parental leave; time off for public or trade union duties, or to care for dependents; compassionate leave.

This section is concerned primarily with the management of short- and long-term sickness absence.

Why measure absence?
A key element of managing absence effectively is accurate measurement and monitoring. The council collects and analyses data to identify particular patterns of absence and underlying causes. It can also provide senior management with evidence of how absence impacts on the performance of sections and departments.

How to measure time lost
There are a number of measures that can be used to assess absence, each of which gives information about different aspects of absence. The council has adopted a standard method of measuring absence, which takes account of frequent, intermittent days of absence:

The Bradford Factor expresses persistent short-term absence for individuals, by measuring the number of spells of absence. It is calculated using the formula:

\[ S \times S \times D \]

Where \( S \) = number of spells of absence in 52 weeks taken by an individual, and \( D \) = number of days of absence in 52 weeks taken by that individual.

For example:

10 one-day absences: \( 10 \times 10 \times 10 = 1,000 \)

1 ten-day absence: \( 1 \times 1 \times 10 = 10 \)
5 two-day absences: 5 x 5 x 10 = 250

2 five-day absences: 2 x 2 x 10 = 40

Using this formula, managers are expected to take action when a Bradford Factor value of 1,000 is reached. This is because there is evidence that the employee is absent on a frequent intermittent basis.

What causes absence?
The main causes of absence for all employees nationally have been identified as:

<table>
<thead>
<tr>
<th>Cause</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor illness including colds, flu, stomach upsets and headaches</td>
</tr>
<tr>
<td>Stress</td>
</tr>
<tr>
<td>Musculo-skeletal injuries</td>
</tr>
<tr>
<td>Back pain</td>
</tr>
<tr>
<td>Home/family responsibilities</td>
</tr>
<tr>
<td>Recurring medical conditions</td>
</tr>
<tr>
<td>Other absences not related to ill-health</td>
</tr>
</tbody>
</table>

Key elements of the sickness procedure
The council’s Attendance Management policy spells out both the employee’s rights and obligations when taking time off from work due to sickness as well as the manager’s duty of care and requirement to take appropriate action.

The policy:

- outlines the process employees must follow if taking time off sick – covering when and whom employees should notify if they are not able to attend work
- states when (after how many days) employees need a self-certificate form
- indicates when they require a medical certificate (fit-note) from their doctor to certify their absence
- states that the council reserves the right to require employees to attend an appointment with Occupational Health and (with the employee’s consent) to request a report from the employee’s GP
- includes provisions for return-to-work interviews as these have been identified as the most effective intervention to manage short-term absence.

In addition, the Sick Pay Policy provides details of contractual sick pay terms and its relationship with statutory sick pay.
Managing short-term absence

Absence interventions
Effective interventions in managing short-term absence include:

- return-to-work interviews
- disciplinary procedures for unacceptable absence levels
- use of trigger mechanisms such as the Bradford Factor to review attendance
- involving trained line managers in absence management
- providing sickness absence information to line managers
- restricting sick pay under the terms of the contract of employment
- involving the council’s occupational health unit.

Return-to-work interviews help identify short-term absence problems at an early stage. They also provide managers with an opportunity to start a dialogue with staff over underlying issues, which might be causing the absence, thereby exercising the council’s duty of care. The disciplinary procedures for unacceptable absence may be used to make it clear to employees that unjustified absence will not be tolerated.

The role of line managers
Line managers have an important role to play in the interventions to reduce absence levels. Managers need good communications skills to encourage employees to discuss any problems they may have at an early stage so that employees can be given support or advice before matters escalate. Line managers need to be trained in:

- the council’s absence policies and procedures
- their role in the absence management programme
- legal and disciplinary aspects of absence including potential disability discrimination issues
- the role of the occupational health unit
- operation of trigger points
- development of return-to-work interview skills.

Managing long-term absence
The council is committed to help employees to get back to work after a prolonged spell of sickness or injury-related absence. Such absence may give rise to the need for managers to consider the content of ‘Fit Notes’ and to make reasonable adjustments to the pattern of working or environment / workplace (e.g. adaptations to the work-station), either because the employee has a staged return to work plan, or because the illness or injury has given rise to a disability.
There are three typical elements in the recovery and return-to-work process.

- **Keeping in contact with sick employees** - ensure contact is maintained on a regular basis using a sensitive and non-intrusive approach. Home visits (if the employee finds these acceptable) or the employee and manager meeting at the workplace or alternative venue are good ways of keeping contact.

- **Planning and undertaking workplace controls or adjustments** - some obstacles may hinder an employee’s return to work. A risk assessment can identify measures or adjustments to help employees return and stay in work. Examples may include:
  - allowing a gradual return-to-work, e.g. building up from part-time to full-time over a period of weeks
  - changing work patterns to reduce pressure and give the employee more control
  - altering the employees working hours, e.g. allowing flexible working to accommodate family demands
  - accommodating the employee’s mobility
  - using professional advice and treatment - occupational health professionals should be able to play a major role in evaluating the reason for absence, carrying out health assessments, and assisting managers and HR professionals in planning a return to work.

- **Planning and co-ordinating a return-to-work plan** - a return to work plan must be agreed by the employee and the line manager, and any other staff likely to be affected. The plan needs to include:
  - the goals, such as modified working hours, or a modified job role
  - the time period
  - a statement about the new working arrangements including any salary adjustments
  - the checks that will need to be made to make sure the plan is put into practice
  - the dates when the plan will be reviewed by the employee and the line manager.

The line manager should keep colleagues of the absent employee informed of progress, so that all understand the situation, as well as easing the transition back to work and maintaining working relationships. Managers must not, however, discuss medical information as this would be a breach of the employee’s right to confidentiality.

**The Role of Occupational Health**
The aim of the Occupational Health service (links to the internal intranet) is to enhance the health of employees and to assist the council in meeting its responsibilities under the relevant health and safety legislation. In addition the service provides advice and guidance on health issues, the working environment and helping to manage sickness absence more effectively. The contact details are:

- General enquiry contact line: 02920 852852
- E-mail: surreycc@santia.co.uk

Useful contacts: Acas (Advisory, Conciliation and Arbitration Service)
SECTION 9 – FLEXIBLE AND HOME WORKING

The council has a variety of flexible working policies available to staff as part of MyWork initiative and these are linked to the internal intranet:

Flexible Working (currently under review)

Job Sharing

Flexible Working Hours Scheme (currently under review)

Home Working

This section looks at some of the benefits of flexible working and some of the issues to be taken into account when non-standard working hours or locations are proposed.

The legal background

A statutory right to request flexible working has been available to certain employees since 6 April 2003, introduced by regulations under the Employment Relations Act 2002. The Work and Families Act 2006 extended the right to carers of adults and the extension to carers of children under 16 was introduced from April 2009.

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 aims to ensure that part-timers are not treated less favourably in their contractual terms and conditions than comparable full-timers, unless different treatment is justified on objective grounds. Less favourable treatment of a part-timer will be justified on objective grounds if it can be shown that it is necessary and appropriate to achieve a legitimate business objective.

What is flexible working?

Flexible working describes any working pattern adapted to suit organisational or employee needs. Examples include, but are not limited to:

- part time: working less than the normal hours, perhaps by working fewer days per week
- flexi time: choosing when to work (there is usually a core period which has to be worked)
- annualised hours: hours are worked out over a year
- compressed hours: working agreed hours over fewer days
- staggered hours: different starting, break and finishing times for employees in the same workplace
- job sharing: sharing a job designed for one person with someone else
- home working: working from home.

The growth of flexible working

- Research (e.g. Cranfield, May 2008) showed that flexible working can reduce stress, aid recruitment and retention and assist with managing skill shortages
- there is evidence that working from home improves productivity, and reduces absence and turnover
- it is possible to save on the costs of office space, with staff “hot desking” on their visits to the office.
- flexibility assists with embedding green travel options
in the 2011 Staff Survey 58% of staff were satisfied with achieving the right work-life balance
the statutory right to request flexible working is currently available to parents of children under 16, disabled children under 18, and carers of adults
flexible working has developed because technology enables employees to communicate via computers and mobile phones.

Issues raised by flexible working
For employees, flexible working should improve work-life balance. Increased job satisfaction and reduced stress are also reported. However, the proximity of work at home may mean that some home workers feel unable to stop, leading to overwork. Flexible working can also benefit women returning from maternity leave, and people with disabilities. In addition, the Disability Discrimination Act 1995 obliges employers to make ‘reasonable adjustments’ to employees’ workspaces and/or working arrangements if the disability would place them at a disadvantage compared with non-disabled employees.

However, in considering whether flexible working can be made available to employees, managers must ensure that sufficient, appropriately experienced staff are available at times that suit the business needs of the council. Some roles have constraints which dictate when staff must be available and when work must be done. These constraints may include (but are not limited to):

- the need to be available to customers, service users, or other council employees at suitable times
- the availability of transport
- regular deadlines may reduce flexibility, as may the need to be available for urgent work.

Flexible working often needs to be considered on a team basis – for example allowing one person to work flexibly can severely inhibit the flexibility of other members of the team because of the need to provide cover.

The following paragraphs are specifically addressed to the needs of home workers and those who manage them. However, some of the issues raised also affect flexible workers whose hours mean that they are not in regular face to face contact with their manager or colleagues.

Introducing home working and selecting home workers
Not everyone is suitable for home working. By temperament, some people need to go into work regularly or may be judged by their managers to be unsuitable for working independently. In other cases, there may be insufficient or inappropriate space at home. Visits will need to be made by managers to employees’ homes to assess suitability as a work base. In most cases, the decision as to who works at home is made by line managers, on the basis that they know their staff best. Employees need to be able to demonstrate (for example) time management skills, the ability to work without close supervision, self-motivation and flexibility.

Many organisations have selection criteria for home workers, which the council encourages managers to consider. They include:

- minimum length of service
- seniority
- good attendance records
- satisfactory performance
- ability to work independently.

**Equipping a home office**
The council will consider providing a computer with an internet connection, a printer, a mobile phone, and office furniture including a desk, chair and lockable filing cabinet.

**Managing home workers**
The nature of home working means that often employees are ‘invisible’ and work non-standard hours. Thus the emphasis is on task-oriented working – getting defined jobs done - and trust. Clear and effective communication channels are therefore vital, as is the need to keep in touch with colleagues and avoid isolation.

For line managers, trust becomes more important than control. Some may have problems adjusting to this and training, before a full move to home working, may be needed for them. A primary barrier to change is managers not knowing how to manage workers at home. Therefore the council encourages managers to seek to keep home workers in touch by:

- regular (often daily) contacts by telephone and/or email
- regular team meetings
- office social activities
- monthly one-to-one meetings with line managers, face-to-face or by telephone.
- regular visits to the office, perhaps once or twice a week, which can be arranged to fit in with the other activities.

For visits to the office, ‘hot desks’ are available or people who are going to be out of the office will be asked to keep their desks clear for use by home working colleagues. Contact arrangements will need to be specified, including normal working hours and hours in which the home worker can be contacted, by colleagues and by customers, during the working day.

**Health and safety**
The same rules for health and safety as apply at a conventional workplace apply to home offices, so employers need to ensure that the office space and equipment are safe and that home workers are sufficiently knowledgeable about health and safety.

- The area for the home office should be large enough and the immediate environment should be free of obstacles
- the manager may need to carry out risk assessments of the homes of potential home workers and take steps to minimise any hazards
- training may be needed for managers in home workplace assessments, and for employees to raise awareness.

The Health and Safety Executive has produced a guide to the health and safety issues involved in home working.

**Useful contacts Business Link – employees working from home**
SECTION 10 – HEALTH, SAFETY, WELFARE AND WELLBEING

This section:

- introduces the law on health and safety at work
- outlines the duties of the council, its managers and its staff.

The council has a detailed policy which is available via the snet and the Council external website [www.surreycc.gov.uk](http://www.surreycc.gov.uk) including procedures and guidance notes, which covers the following:

- a general statement to provide a safe and healthy working environment
- details of the health and safety responsibilities within the council
- references to responsible persons
- the systems and procedures in place
- managing risk assessments
- trade union consultation
- training, supervision, accidents, first aid and emergencies
- workplace stress
- drink and drug misuse.

There is a commitment by the council that the policy be applied uniformly and that it will be monitored and reviewed on a regular basis to ensure that it complies with current legislation.

Health & Safety Policy – links to external website

There are also a number of HR policies dealing with specific areas, and the following documents are linked to the internal intranet:

- Smoke-free at Work Policy
- Drug and Alcohol Workplace Policy
- Domestic Abuse Policy

The legal background

Although there are many different statutes governing safety issues, health and safety is not governed only by legislation. Under what is known as ‘common law’ all employers have a duty of care imposed on them to protect their employees. There is also a term implied into all employment contracts requiring employers to take care of their employees’ health and safety. For example, the council, as employer, and its managers must:

- provide a safe place of work including safe access and access from
- provide safe systems of work including the use, handling, storage and transport of articles and substances
- ensure the provision of adequate safe facilities and arrangements for welfare at work
- recruit competent and safety conscious staff.

If the council does not take reasonable care in any of these areas, an employee may have a number of claims, including the ability to resign and claim constructive unfair dismissal. Employees, too, have responsibilities and should work with their employer to develop a safe place of work.
Main legislation
The legislation relating to health and safety is very extensive. One of the most important statutes is the Health and Safety at Work etc Act 1974 (HSWA). All work places are covered by this legislation, which says that an employer must do everything reasonably practicable to provide a safe and healthy workplace with adequate welfare facilities.

HSWA has been supported and extended by various sets of regulations, codes of practice and guidance, all of which deal with various aspects of health and safety. Some examples of other relevant legislation include:

- Health and Safety (First-Aid) Regulations 1981
- Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)
- Provision and Use of Work Equipment Regulations 1998 (PUWER)
- Workplace (Health, Safety and Welfare) Regulations 1992
- Personal Protective Equipment at Work Regulations 1992
- Health and Safety (Display Screen Equipment) Regulations 1992
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)
- Management of Health and Safety at Work Regulations 1999
- Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- The Health Act 2009 and the regulations made under it relating to the smoking ban in enclosed premises, including workplaces
- Regulatory Reform (Fire Safety) Order 2005
- The Working Time Regulations 1998, as subsequently amended, are also an important piece of health and safety legislation.

Summary of the council’s health and safety obligations
The council’s duty to provide a safe and healthy working environment arises from the core principles of negligence, contract, and the numerous specific statutory duties referred to above.

Accordingly, the council has published a Health and Safety Policy Statement and has put measures in place to:

- appoint health and safety representatives
- establish health and safety committees with representatives of the recognised trade unions (SCCTU)
- appoint a competent person to evaluate risks and hazards
- ensure its line managers accord health and safety a high priority
- arrange periodic risk assessments
- prevent risks, inform staff of risks and combat risks at source
- provide safety training
- monitor and improve safety arrangements
- provide health surveillance
- alleviate monotonous work
- develop a fire safety policy
- provide comprehensible and relevant health and safety information
- provide adequate health and safety training during working hours.
Risk assessments (Regulation 3 The Management of Health & Safety at Work Regs)
Risk management involves line managers in the identification of risks that arise in the workplace and then putting sensible health and safety measures in place to control them. Risk assessments must include, for example:

- measures needed to comply with the health and safety legislation
- measures required to ensure robust and effective fire precautions are in place
- assessment of the risks to young people
- assessment of risks to new and expectant mothers
- assessment of workstations for users of personal computers
- assessment of noise levels
- safety audits to identify potential hazards
- handling and lifting heavy loads.

Following risk assessments, managers must make arrangements to implement any necessary measures and arrange for the provision of appropriate information and training.

Accidents and disease at work
Employers are required to report any of the following to the Health & Safety Executive (HSE):

- fatal accidents, major injury or conditions which require medical treatment
- dangerous occurrences
- specific occupational diseases
- absence from work for over 7 days following a work related injury/illness.

All health and safety events should be recorded using the online reporting system. This will also allow managers to complete the RIDDOR form when necessary.

First Aid
The council is legally obliged to provide first-aiders and inform all employees of the arrangements for getting first aid. Treatment of injured workers must be addressed without delay by an appointed first- aider. Managers must ensure that all workplace injuries, diseases, dangerous occurrences, or certain near accidents are recorded via the online health and safety event reporting system. Employees must also report any accidents or illnesses caused by work and record the details via the online reporting form. An allowance is payable to all qualified first aiders. For current rate see the Reward Policy section 7.2.1.

Absence management, stress and well-being
Absence management due to short-term and long-term sickness continues to be an issue. Stress in the workplace has become a major cause of concern in recent years and is a significant cause of sickness absence. The council’s duty of care covers the psychological as well as the physical health of employees. Our policies aim to promote a preventative approach to dealing with illness and wellbeing issues.
SECTION 11 – ENDING HARASSMENT, BULLYING & DISCRIMINATION

This section:

- sets out the main forms and grounds of harassment and bullying at work
- outlines how harassment and bullying affect people and organisations
- examines the legal implications if employers allow such behaviour to go unchallenged.

Further guidance and detailed procedures are available on the council's internal intranet:

Ending Harassment, Bullying & Discrimination Policy

The council works closely with the Trade Unions to end harassment, bullying and discrimination.

The legal background

UK discrimination law covers harassment on a variety of grounds including age, disability, colour, ethnic or national origin, race, religious or other similar philosophical belief, sexual orientation, gender (including gender reassignment). Individuals are protected from discrimination both while applying for a job, during it, and after the working relationship ends (for example in terms of the provision of a reference).

The Protection from Harassment Act 1997 and the Criminal Justice and Public Order Act 1994 set out offences which allow for both the organisation and the individual perpetrators to be found guilty of a criminal act and face prison and/or fines. The focus of these Acts is punishment of the offenders rather than protection and support of the victim.

In April 2008, the Sex Discrimination Act was amended to include, for the first time, employer liability for third party harassment.

Employers are now liable if they unreasonably fail to protect employees from third party harassment. The new provisions relating to harassment by third parties create difficulties for employers, who do not have the same control over third parties as they have over employees. An employer will be treated as subjecting a woman / man to harassment where:

- a third party subjects the woman / man to harassment in the course of their employment, and
- the employer fails to take such steps as would have been reasonably practicable to prevent the third party from doing so.

This is provided that the employer knows that the employee has been subjected to such harassment on at least two other occasions. The term ‘third party’ means anyone other than the employer or one of his employees. It is immaterial whether the third party is the same or a different person on each occasion.

To protect employees against third party sexual harassment, the council will need to demonstrate that they have anticipated such circumstances and have taken such measures as were reasonably practicable to prevent such harassment. What those measures should be will depend upon the nature of the job being undertaken, the workplace environment and the degree of risk of third party harassment occurring.
What is meant by harassment and bullying?
In their advice leaflet for employees, Acas give the following definitions, but also note that the 'terms are used interchangeably by most people, and many definitions include bullying as a form of harassment'

'Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.'

'Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.'

The legal definition is if the behaviour 'has the purpose or effect of violating the complainant's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment'. It is not the intention of the perpetrator that is key in deciding if harassment or bullying has occurred, but whether the behaviour is unacceptable by reasonable normal standards and is unwelcome to the person or people subjected to it or witnessing it.

What do harassment and bullying look like?
Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious.

Harassment and bullying can range from extremes such as physical violence to less obvious forms like ignoring someone. It can be delivered in a variety of ways – with or without witnesses and be persistent behaviour over a period of time, or a one-off act and can include:

- physical contact which is unwanted
- unwelcome remarks about a person's age, dress, appearance, race or marital status
- jokes, offensive language, gossip, slander, sectarian songs and letters
- posters, graffiti, obscene gestures, flags, bunting and emblems
- isolation or non-cooperation and exclusion from social activities
- coercion for sexual favours
- pressure to participate in political/religious groups
- intrusion by pestering, spying and stalking
- failure to safeguard confidential information
- shouting at staff
- setting impossible deadlines
- persistent criticism
- personal insults.

Both the employer (its manager) and employees have responsibilities

Employer's responsibilities and duty of care
The councils first responsibility is to put in place a robust and well communicated policy that embodies the council’s commitment to promoting dignity and respect at work and a zero tolerance approach to both harassment and bullying.
The council will take action to prevent harassment, support the reporting of all incidents no matter how minor, respond promptly and ensure the corporate policy is followed correctly.

Harassment and bullying thrive in a workplace culture where it is ignored rather than challenged. Those who experience bullying or harassment are more likely to be depressed and anxious, less satisfied with their work, to have a low opinion of their managers and senior managers and to want to leave their organisation.

The council's duty of care and responsibilities extend to any environment where work-related activities take place. These include social gatherings organised by the employer such as work parties or outings (when they are held at a time or place associated with the workplace). Managers must maintain commitment to promoting an open and non-threatening environment on these occasions. If they do not, the council and individual managers could be liable unless they were able to show they took reasonable steps to try to prevent harassment.

Employers should be especially aware of 'cyber bullying'. Detrimental texts sent via mobiles or images of work colleagues posted on external websites following work events could amount to bullying. As this would be seen to have its origins in the workplace, the council could be liable. An employer can be ordered to pay unlimited compensation where harassment has occurred, including the payment of compensation for injury to feelings.

Employee responsibilities
Individuals can be personally liable to pay compensation and can be prosecuted under criminal as well as civil law. Individuals also have a responsibility to behave in ways, which support a hostile-free working environment for themselves and their colleagues. They should play their part in making the council’s policy a reality and be prepared to challenge inappropriate behaviour and take action if they observe or have evidence that someone else is being harassed. Alleged incidents of an employee bullying or harassing a colleague or a manager bullying a member of staff should be regarded as serious and thoroughly investigated.

What actions are needed to tackle harassment?

Policies, communication and training
A well-designed policy is essential. A policy does not automatically change attitudes and behaviours. All corporate communication tools should reflect a zero tolerance of harassment, bullying and discrimination and managers should have clear targets for ensuring that this is not a factor in their teams.

Our policy:

- gives examples of what constitutes harassment, bullying and intimidating behaviour including cyber-bullying, work-related events and harassment by third parties
- explains the damaging effects and why it will not be tolerated
- states that it will be treated as a disciplinary offence
- clarifies the legal implications and outlines the costs associated with personal liability
- describes how to get help and make a complaint, formally and informally
- promises that allegations will be treated speedily, seriously and confidentially and that victimisation will be prevented
- clarifies the accountability of all managers, and the role of union representatives
- requires managers to implement policy and ensure it is understood
- emphasises that every employee carries responsibility for their behaviour.
It is important that all employees:

- have been made aware – through induction, training and other processes - about their rights and personal responsibilities under the policy and understand the organisation’s commitment to deal with harassment
- are aware of who to contact if they want to discuss their experiences in order to decide what steps to take
- know how to take a complaint forward and the timescales for any formal procedures.

The policy will be monitored and regularly reviewed for effectiveness, including:

- records of complaints, who was involved and where, why and how they occurred
- individual complaints to ensure resolution and no victimisation.

**Dealing with complaints**

Complaints should never be ignored but investigated swiftly and confidentially, ensuring the rights of all are protected. Procedures provide informal and formal mechanisms for raising complaints. Clear time-scales should be set for the resolution of complaints, taking account of legal limitations.

**Advice and counselling**

All employees should have access to someone to whom they can speak in confidence about an issue they may have. In addition, they should have access to a free & confidential counselling service. The decision to progress a complaint should rest with the individual. Complainants should be encouraged not to ignore behaviour that makes them uncomfortable, but be supported in taking appropriate action so that the behaviour stops.

Mediation is an increasingly useful tool in managing conflict at work, including harassment where difficult personal issues are involved, and it is often one individual’s word against another’s. Mediators can come from outside or inside an organisation.

Guidance can be offered to people whose behaviour is unacceptable. While disciplinary action may be an appropriate response, simply punishing those responsible for the harassment risks isolating individuals who may not understand how their behaviour is affecting their colleagues. Sometimes people are unaware of, or insensitive to, the impact of their actions and counselling can help them to accept the impact of their behaviour, change behaviour or prevent further incidents. Being clear about what is acceptable behaviour at work, as well as defining unacceptable behaviours, will prevent ambiguity and stop harassment flourishing.

**Informal procedures**

Ideally, complaints should be dealt with internally and informally. Solutions can be reached quickly, with minimum risk to confidentiality. It pays to act quickly to reduce personal embarrassment and suffering, avoid disruption to work and working relationships and, where complaints are contested, expensive litigation and damaged reputations. In many cases it is sufficient for the recipient of harassment to raise the problem with the perpetrator, pointing out the unacceptable behaviour. But if an employee finds this difficult or embarrassing, informal procedures should enable support from a colleague, an appropriate manager, a trade union representative or from HR. A choice of contact is available in case the person’s manager is the harasser.
Formal procedures
Formal procedures are needed if the harassment is serious and where an informal approach has failed.

Investigation
Formal allegations of harassment, bullying or any intimidating behaviour should be treated as a disciplinary offence. Investigation procedures provide:

- a prompt, thorough and impartial response
- independent, skilled and objective investigators
- representation for both parties
- complaint details, the right to respond and adequate time to respond
- a time-scale for resolving the problem
- confidentiality for all parties.

A record of complaints and investigations should always be made. These should include the names of the people involved, dates, the nature and frequency of incidents, action taken, follow-up and monitoring information. All sensitive information should be treated confidentially and meet the requirements of data protection law. Employees should not be redeployed without first having had the allegations investigated.

After the procedure
Where a complaint is upheld it may be necessary to relocate or transfer one party. It should not automatically be the complainant who is expected to move, but they should be offered the choice where practical.

Although not always necessary, if a complaint is not upheld, a voluntary transfer of one of the employees should be considered. These must be dealt with on a case by case basis and if no move is to take place of either party it is important to check the harassment has stopped and there has been no victimisation or retaliation.
SECTION 12 – EQUAL OPPORTUNITIES AND DIVERSITY

This section:
- defines equal opportunities and diversity
- outlines the council’s commitment to equal opportunities and diversity
- outlines the importance of Equality Impact Assessments

The following documents link to the council’s internal intranet:

Disciplinary Procedure

Ending harassment, bullying and discrimination Procedure

Equality Impact Assessments

The legal background
All equality and human rights issues are covered by the Equality and Human Rights Commission. The following legislation, in particular, is relevant to this area:
- Disability Discrimination Act 1995
- Disability Discrimination Act 1995 (Amendment) Regulations 2003
- Sex Discrimination Act 1975
- Sex Discrimination Act 1975 (Amendment) Regulations 2003
- The Race Relations Act 1976
- The Race Relations Act 1976 (Amendment) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- The Equality Act 2010

What is equal opportunities?
Equal opportunities is often seen as meaning treating everyone in exactly the same way, but to provide real equality of opportunity people often need to be treated differently in ways that are fair and tailored to their needs.

The council is committed to promoting equal opportunities in all aspects of employment including recruitment, selection, training, promotion, pay and all other terms and conditions of employment.

What is diversity?
People are not alike. Everyone is different. Diversity therefore consists of visible and non-visible factors, which include personal characteristics such as background, culture, personality and work-style in addition to the characteristics that are protected under discrimination legislation including race, disability, gender, religion and belief, sexual orientation and age. Harnessing these differences will create a productive environment in which everybody feels valued, their talents are fully utilised and organisational goals are met. There is no single way of treating employees, as each person will have their own needs, values and beliefs.

People issues
To be high performing and successful, organisations need to obtain the best contributions from everyone. The council is committed to recruiting from diverse pools of candidates and to offering different employment packages and working arrangements where practical.
Creating an open and inclusive workplace culture in which everyone feels valued helps to recruit and retain good people in the following ways:

- employers who offer good working conditions benefit from more positive and committed employees, who are less likely to leave.
- employees who are happier at work are less likely to suffer from stress or become sick, leading to fewer disruptions in production or service.
- good employers will receive more applications for jobs, leading to a larger pool of talent to choose from.
- a diverse workforce can be more creative and innovative.
- a diverse workforce can help to improve existing services and the way services are provided to diverse groups within the county.

Managing diversity
Managing diversity is a continuous process of improvement and not a one-off initiative. It is about ensuring that all employees have the opportunity to maximise their potential and enhance their self-development and their contribution to the organisation. It recognises that people from different backgrounds can bring fresh ideas and perceptions, which can lead to more effective service provision. Managing diversity successfully will help the council to nurture creativity and innovation.

The overall strategy for managing diversity should:

- focus on fairness and inclusion
- ensure that merit, competence and potential are the basis for all decisions about recruitment and development
- address work-life balance issues in ways that take account of employee and the council needs and offer suitable options.
- design flexible guidelines for line managers to help them respond appropriately to diversity needs
- link diversity to other initiatives, such as Investors in People.

Workplace behaviour
It is important that the value system within the council is based on respect and dignity for all and that everyone has a personal responsibility to uphold these standards. All forms of harassment, bullying and intimidating behaviour will be dealt with through the Ending harassment, bullying and discrimination Procedure.

The council aims to develop an open culture with good communication channels based on dialogue and active listening. It will use different and accessible methods to keep people up to date with equal opportunities and diversity policies and practices and consult people for ideas.

Training and equal opportunities and diversity
Surrey County Council will aim to:

- build equal opportunities and diversity concepts and practices into management and other training and teambuilding programmes to increase awareness of the need to handle different views, perceptions and ideas in positive ways
- consider awareness-raising programmes and skills training about equal opportunities and diversity to help people work together better in a diverse environment
- include equal opportunities and diversity issues in induction programmes so that all new employees know about the council’s values and policies.
Measurement and review of equal opportunities and diversity
The council will regularly audit, review and evaluate the progress made in equal opportunities and diversity issues. This will be through the use of qualitative data and employee surveys and may lead to appropriate changes being made to policies and procedures if necessary. The council will benchmark itself against other organisations and adopt relevant ideas where best practice can be achieved.

Equality Impact Assessments
The council wants to make sure that our services and employment opportunities are available and inclusive for everyone. To help us do this, we undertake Equality Impact Assessments on our services and policies to find out whether we are meeting the needs of the whole community.

An Equality Impact Assessment anticipates the likely consequences of a policy, function or project on different groups. This includes giving consideration to age, sexual orientation, religion or belief, ethnicity, disability and gender. In this way, as far as possible, any negative consequences are eliminated or minimised, and any opportunities for promoting equality are maximised.

All new policies and projects will undergo an Equality Impact Assessment as part of their development process.
SECTION 13 – WHISTLE BLOWING

This section:

- outlines the legislation concerning whistle blowing
- explains the importance the council attaches to being open about genuine concerns, and the means of raising them.

Surrey County Council is committed to encouraging a culture of openness where everyone can be confident in speaking out about genuine concerns. Employees are encouraged to:

- speak to their manager, head of service or strategic director
- alternatively, Expolink www.expolink.co.uk is an external and independent organisation, which the council has engaged to provide a confidential hotline service for whistle blowing. The council is aware of how important openness and trust is. If the council does not know about weaknesses they cannot be tackled.

More detailed policies, with specific guidance which link to the internal intranet:

Whistle Blowing Policy

Code of Conduct

The legal background
The key piece of whistle blowing legislation is the Public Interest Disclosure Act 1998 (PIDA) which applies to almost all workers and employees who ordinarily work in Great Britain. The Act protects workers from detrimental treatment or victimisation by their employer if, in the public interest, they blow the whistle on wrongdoing, i.e. make a qualifying disclosure.

Under the Act a qualifying disclosure is “any disclosure of information which in the reasonable belief of the worker making the disclosure” shows:

- the commission or likely commission of a criminal offence
- a failure or likely failure to comply with a legal obligation
- the occurrence or likely occurrence of a miscarriage of justice
- that the health and safety of any individual has been, is being or is likely to be endangered
- that the environment has been, is being or is likely to be damaged, or
- that information tending to show any of the matters above has been, is being or is likely to be deliberately concealed.

The worker will have to demonstrate that there were reasonable grounds for his or her belief. A disclosure will not qualify if an offence is committed in making it, for example under the Official Secrets Act or the Data Protection Act.

Other relevant Acts and Statutory Instruments include:

- Police Reform Act 2002
- Employment Rights Act 1996
- Management of Health and Safety at Work Regulations 1999 (SI 1999/3242)
- Public Interest Disclosure (Compensation) Order 1999 (SI 1999/1548)

Whistle blowing guidance is available from the Department for Business, Innovation and Skills (BIS) and the charity Public Concern at Work.

**What is ‘whistle blowing’?**

Most people will have heard of ‘whistle blowing’ from the high-profile cases reported in the media. Put at its simplest, whistle blowing occurs when an employee or worker provides certain types of information, usually to the employer or a regulator, which has come to their attention through work. The council supports any employee or worker who wishes to disclose information in these or similar circumstances.

The whistle-blower is not usually directly personally affected by the issues they may wish to report. Employees who are personally affected would normally use the Grievance or Ending Harassment & Bullying Policy to raise issues.

The council’s policy on whistle blowing describes the internal mechanisms through which workers and others may initially report their concerns. As such, its scope is wider than the PIDA which deals with the more limited range of protected disclosures outlined above. Any serious concerns about any aspect of service provision or the conduct of Surrey County Council staff or members of the council or others acting on behalf of the council can be reported under the Whistle Blowing policy.

The policy applies to all council staff, whether full-time or part time, permanent or temporary, members of the council and those contractors working for the council on council premises, for example, agency staff, builders, drivers.

The policy is in addition to the council’s complaints procedures and other statutory reporting procedures applying to some services.

**What are the benefits to employers in having a whistle blowing procedure?**

Where malpractice or poor practice is shown to have occurred, this may reflect badly on management systems or on individual managers. Whistle-blowers may fear that management will blame them. Therefore a procedure for raising issues will help to reduce the risk that serious concerns are covered up or mishandled. It is important for employees to be assured that there will be no adverse repercussions for raising cases.

**What does the whistle blowing policy contain?**

The policy makes it clear what to do if workers come across issues in the workplace i.e. encourages them to inform someone with the ability to do something about the problem. In particular:

- it outlines the kinds of actions targeted by the legislation and the council’s Code of Conduct that are unacceptable and which the council attaches importance to identifying and remediying
- employees should inform their line manager immediately if they become aware that any of the specified actions is happening (or has happened, or is likely to happen)
- if the allegation is about the actions of their line manager, the employee should feel able to raise the issue with a more senior manager, by-passing lower levels of management
- whistle-blowers can ask for their concerns to be treated in confidence and such wishes will be respected
employees will not be penalised for informing management about any of the specified actions in good faith.

How should the procedure be implemented?
Managers may need training, advice and guidance to ensure that matters brought to their attention are resolved in line with the policy and in a way, which will cause least damage to the council. Advice and guidance are available from HR, via MyHelpdesk or the HR relationship team.

Managers notified of a concern:

- have a responsibility to ensure that concerns raised are taken seriously
- should, where appropriate, investigate properly and make an objective assessment of the concern
- should keep the employee advised of progress
- have a responsibility to ensure that the action necessary to resolve a concern is taken.

The council has alternative means, including Expolink, for employees to register concerns where they do not wish to approach their line manager.

Useful contacts
Employees who have serious concerns may feel the need to seek advice, for example from one of the council’s recognised trade unions. Advice can also be obtained from the charity Public Concern at Work www.pcaw.co.uk
SECTION 14 – DISCIPLINE, CODE OF CONDUCT AND GRIEVANCE

This section:

- considers good practice in handling disciplinary and grievance issues
- summarises the statutory and council procedures which should be followed
- refers to the council’s Code of Conduct.

The following documents link to the council’s internal intranet:

- Code of Conduct
- Disciplinary Procedure and Guidelines
- Grievance Procedure and Guidelines
- Capability Procedure and Guidelines
- Appeals Procedure

The legal background
Most of the provisions governing discipline and grievances at work are currently to be found in the *Employment Act 2002* and the detailed regulations made to implement the provisions of that Act, namely the *Employment Act 2002 (Dispute Resolution) Regulations 2004* (SI 2004/752).

Numerous other pieces of legislation cross refer to discipline and grievance issues. Some important examples include the:

- *Employment Rights Act 1996 as amended*
- *Employment Rights Dispute Resolution Act 1998*
- *Employment Relations Act 1999*

It is important that managers are able to demonstrate that they have behaved reasonably when handling disputes and that they have followed the council’s disciplinary, grievance and dismissal procedures. This includes advising a member of staff that they have the right to have a work colleague or trade union representative present at any disciplinary meetings.

**Why are disciplinary and grievance procedures necessary?**
Disciplinary and grievance procedures provide a clear and transparent framework to deal with difficulties which may arise as part of their working relationship from either the employer's or employee's perspective.

They are necessary to ensure that everybody is treated in the same way in similar circumstances, to ensure issues are dealt with fairly and reasonably and in a manner that complies with current legislation.
The council’s Code of Conduct is needed:

- so that employees know what is expected of them in terms of standards of performance, behaviour or conduct (and the likely consequences of failure to meet these standards).
- so that employees are aware of any restrictions that they may need to comply with as a local government officer.

The council’s Disciplinary Procedure is needed:

- to identify obstacles to individuals achieving the required standards (for example training needs, lack of clarity of job requirements, additional support needed) and take appropriate action
- to provide an opportunity to agree suitable goals and timescales for improvement in an individual’s conduct
- to try to resolve matters without recourse to formal procedures or an employment tribunal
- to provide a point of reference for an employment tribunal should an employee decide to make a complaint about the way they have been dismissed.

The council’s Grievance Procedure is needed:

- to provide individuals with a course of action should they have a complaint (which they are unable to resolve through regular communication with their line manager)
- to provide points of contact and timescales to resolve issues of concern
- to try to resolve matters without recourse to an employment tribunal.

**Using the disciplinary process**
The disciplinary process may be used in matters related to conduct. Performance and capability are managed under the Capability Procedure.

**Conduct**
Employee misconduct could range from continued lateness, failure to follow a reasonable management instruction, abuse of the council’s data or unauthorised internet access, abuse of clients (e.g. children and vulnerable adults), bullying behaviour or creating a hostile work environment, through to theft, fighting and committing criminal offences. The more serious offences may constitute gross misconduct and in these circumstances the employee will be formally suspended from work normally on full pay.

In all cases, even gross misconduct, the manager is expected to follow the council’s procedures, which take account of current statutory procedures and the recommendations in the Acas Code of Practice.

**Stages of the process**
If disciplinary action is to be taken, it usually has three main stages:

- notification by letter
- a meeting between the manager and employee
- the right of appeal where action has been taken.

There must always be a full and fair investigation to determine the facts and to decide if further action is necessary.
**Record-keeping**

Detailed records should be kept, as this may be critical should a case be pursued at an employment tribunal. Since the burden of proof is on the employer to show that any dismissal is not unfair or unreasonable, keeping records is an important part of the process. Types of records that should be kept are minutes of meetings, emails, attendance notes, notes of telephone calls, copies of correspondence etc.

**Handling disciplinary interviews**

Line managers should be trained and supported so that they are able to carry out disciplinary meetings. An HR adviser will be able to assist managers by providing a source of advice on preparing for and conducting the interview, as well as sharing knowledge about similar cases in the council and relevant legislation.

The key points to consider are:

- ensure you have investigated all the facts in advance (including consulting the individual's personal file for relevant information) and plan how you will approach the meeting.
- make sure the employee knows from the letter inviting them to the meeting why they have been asked to attend and that they have a right to have a work colleague or trade union representative present.
- make sure the individual has reasonable notice, so that they have a chance to arrange a trade union representative or colleague if they wish.
- where necessary the interview and / or hearing may have to take place in the employee's absence. Depending on the circumstances, it is usual to defer the meeting once, but more than once only where there are exceptional mitigating factors.
- provide appropriate statements from people involved in advance of the meeting, together with any key information you intend to rely on.
- make sure another member of staff can be there to take detailed notes and help conduct the interview.
- never pre-judge the outcome of the interview before hearing the employee's perspective.
- start the interview by stating the complaint to the employee and referring to appropriate statements from people involved.
- give the employee ample opportunity to put forward their side of the story and call any supporting witnesses.
- you can also call witnesses, but they can only be in the room for the relevant part of the interview - not the duration.
- make use of adjournments: always take a break to consider and obtain any extra information you need before reaching your decision. You can also use an adjournment if things become heated or people are upset during the interview.
- deliver the decision (and give reasons, taking into account any mitigating circumstances), confirm review periods and ensure you give details of how to appeal.
- confirm the decision in writing.

It is important that everyone involved in disciplinary action understands the importance of following the correct procedure, as even if the case against an employee seems proven, they can still be deemed to have been treated unfairly if the correct procedures are not followed.
An employee is entitled to be accompanied by a work colleague or trade union representative at formal disciplinary and grievance interviews. Legal representation at internal meetings is not permitted under the council’s procedures.

**Potential outcomes**

**No action**
After the meeting, the manager may decide that no action is necessary. For example, if an employee is able to demonstrate that they were not informed about what was expected from them and they agree to certain standards of behaviour in the future.

**Informal action**
This may involve monitoring conduct against an improvement plan through supervision and regular Performance Appraisals. The period of time and attendance on any training programmes etc will be discussed outside of the disciplinary hearing.

**Warnings**
Alternatively, the employer may decide to give the employee a warning. The disciplinary procedure outlines what warnings will be given i.e.

- formal warning
- final formal warning.

These stages represent an increase in seriousness. Any warning should also specify a review period during which the individual receives appropriate support and their conduct can be monitored.

Disciplinary warnings have a specified 'life' after which they are disregarded when considering any subsequent warnings. The normal timescales for the types of warning are:

- formal warning - 12 months
- final formal warning - 18 months.

Where misconduct has been very serious or involves alleged abuse of clients or service users, it may be appropriate for the warning to be issued for a longer period, but all warnings must have a time limit. Where there are allegations of abuse of children or vulnerable adults that are made against an employee but are unsubstantiated / unfounded, the outcome will still need to be recorded and retained on an employee’s record. Previous warnings and investigations against an employee may be taken into account where there is alleged abuse of children or vulnerable adults.

**Grievance policy and practice**
The County Council aims to address grievances at the earliest and at local level, which is reflected in the policy. Failure to address grievances can leave the employee with unresolved issues and can lead to general unrest and disputes in the workplace.

Employees must know to whom they can turn in the event of a grievance and the support, such as counselling or sources of advice that are available to them. All line and senior managers must be familiar with the council's grievance procedure.
There are a number of additional factors to bear in mind when dealing with grievances concerning harassment and these are contained in the council's Ending Harassment Bullying and Discrimination policy.

**Handling grievances informally**
Employees should be encouraged to discuss ordinary, day-to-day issues informally with their line manager through regular one to ones. This helps concerns to be heard and responded to as soon as possible. Where this has been unsuccessful, or circumstances make this route inappropriate for the employee, then matters should be raised formally through the grievance procedure.

**Handling grievances formally**
Employees should be made aware of the formal route open to them, including:

- Who to raise the complaint with and appropriate sources of support
- Timescales within which the council will seek to deal with the complaint
- Details of the stages of the grievance procedure e.g. how a complaint may be raised with the next level of management if a satisfactory resolution is not reached.

An employee has the right to be accompanied to grievance hearings by a work colleague or trade union representative. As in disciplinary matters, record keeping is important.

Where there is a breakdown in a personal relationship with a manager or between colleagues, it is recommended that informal mediation may be more effective than formal proceedings in re-establishing relations and building trust and confidence.
SECTION 15 - TRADE UNIONS RELATIONS/ARRANGEMENTS

This section describes the way in which Surrey County Council informs, consults and negotiates with recognised trade unions on matters affecting employees.

The council formally recognise 14 unions and associations. It also recognises Surrey County Council Trade Unions (SCCTU) as the body that acts on behalf of all recognised unions and for consultation purposes on corporate matters. SCCTU officers are also provided with facilities for their corporate consultation roles.

The council is committed to working in partnership with those trade unions that represent council employees. Unions are recognised by the council for the purposes of collective bargaining and consultation on and monitoring of local agreements.

There are a number of formal policies on the internal intranet that set out the ways in which the council and recognised trade unions interact in the workplace:

- Corporate consultation between SCC and SCCTU
- Models for formal consultation between SCC and constituent trade unions of SCCTU
- Recognition and facilities for trade union representatives of County Council employees
- Collective dispute procedure
- Industrial Action

Membership

The council supports the process of consultation with trade unions and agrees that the interests of the council and its staff are best served by individual employees joining the appropriate trade union. Trade union membership is actively promoted during staff induction and staff training. It is, however, for each member of staff to decide whether or not to join a trade union and to decide which union would be appropriate.

As members of a trade union, employees are entitled to seek election and hold office in the union and take part in its activities. The council supports the view that locally elected union representatives are best placed to liaise with front line management and positively encourages trade union members to elect local workplace representatives.

Representatives

The council recognises the importance of union representatives and values the contribution made by them. Reasonable facilities (including time off without loss of earnings) are provided to designated union representatives to allow those representatives to discharge their responsibilities, including representing members, and attending union meetings and appropriate training courses. The council does not allow union representatives to be disadvantaged or victimised because of their union roles.

Union representatives can:
- involve staff in improving working conditions and practices
- assist the council in complying with employment and health and safety legislation
- engage with the council and staff over working arrangements that meet staff and organisational needs.

The council recognises the need for unions to meet with their members, with each other and with officers of the council and will make arrangements to allow such meetings to take place.
Negotiating collective agreements
The council recognises the two general unions UNISON and GMB for the purposes of collective bargaining. Surrey Pay, including all its terms and conditions, are negotiated locally between the council and these two trade unions. Specific issues such as business mileage reimbursement, maybe subject to negotiation with the SCCTU in groups such as teaching staff to be included.

Informing and consultation
Regular consultation meetings generally take place in recognised Joint Consultative Committees and these are normally arranged on a directorate basis. Corporate consultation takes place between SCCTU and the HR Leadership Team (HRLT). There are also quarterly meetings between SCCTU and the Council Leadership Team (CLT).

Trade unions have the legal right to consultation on a variety of workplace matters including:

- collective redundancies
- transfer of undertakings (e.g. outsourcing or changes of contractor)
- occupational pension schemes
- health and safety

The Safety Representatives and Safety Committees Regulations 1977 define a legal framework within which trade unions may appoint safety representatives who have the following statutory rights:

- to investigate workplace hazards, dangerous occurrences, accidents and complaints relating to health and safety
- to make representations to the employer about such matters
- to inspect workplaces and documents relevant to the health and safety of the employees represented
- to participate in consultations with employer via a Safety Committee
- to participate in consultations with Health and Safety Executive Inspectors.

Trade unions also have statutory rights with respect to learning. Union learning representatives are allowed time off for the following functions:

- analysing learning and training needs
- providing information and advice about learning or training matters
- arranging learning or training
- promoting the value of learning
- consulting the employer about such activities.

Representing employees
All employees have the right, arising either from statute or enshrined in local agreements, to be accompanied and represented by union colleagues in certain formal meetings with management regarding employment matters. The council will take all reasonable steps to allow such representation.

Useful contacts: the below link goes to the council's internal intranet
A list of the trade unions and associations recognised by the council can be found here.
SECTION 16 - INDEX OF EMPLOYMENT POLICIES & PROCEDURES

This section lists the council's current and archived policies available on the council's internal website, the S-net and also lists the policies which names have recently been changed.

This document is available from My Helpdesk Team in hard copy or may be downloaded from S-net as a PDF document. Those staff who do not have access to the council’s S-net will have access either via their management or indirectly from the My Helpdesk Team.

Current Employment Policies

1. Absence Management
2. Adoption Leave and Pay
3. Annual Leave
4. Capability
5. Carers
6. Change Management
7. Code of Conduct for Staff
8. Code of Conduct – guidance on Gifts and Hospitality
9. Code of Conduct – guidance on Conflict of Interest Policy
10. Collective Disputes Procedure
11. Contracts of Employment Guidance Policy
12. Cycle Loan and Hire Policy
13. Disciplinary
14. Domestic Abuse Policy
15. Drug and Alcohol workplace
16. Early Retirement Compensation & Severance Policy
17. Ending Harassment, Bullying and Discrimination
18. Equal Opportunities in Employment
19. Equal Pay Statement
20. Flexible Working (Hours) – currently under review
21. Flexible Working Arrangements
22. GAYE – Give As You Earn (also known as ‘Donations to Charity’)
23. Grievance Policy and Procedure
24. MyBenefits Scheme Policy
25. Industrial Action Policy
26. Job Evaluation Policy
27. Long Service Awards
28. Maternity Leave and Pay
29. Model Arrangements for Local Consultation
30. Office Accommodation
31. Parental Leave
32. Paternity Leave & Pay
33. Pay Procedures – variation to pay or workplace
34. Performance Appraisal
35. Procedural Agreement for Corporate Consultation between SCC and SCCTU
36. Procedure for the Recognition and Provision of Facilities for Union Representatives and county council employees
37. Recognition Award Scheme
38. Recruitment and Safer Recruitment
39. Relocation Assistance Scheme
40. Retirement Policy
41. Reward
42. Right to Request Flexible Working
43. Season Ticket Loans
44. Senior Pay
45. Sick Pay Policy
46. Smoke Free at Work Policy
47. Special Leave
48. Staff Recreational Activities in Offices
49. Statutory Professional Fees
50. Telephone Allowances
51. Termination of Employment Policy
52. Travelling Allowances
53. TUPE Guidance & Procedure
54. Voluntary Severance Scheme
55. Volunteering
56. Whistle blowing

Useful Information

Policies with titles that have been recently changed

1. Annual Flexible Benefits Scheme – now known as MyBenefits
2. Employment Continuity and Making Change Work guidance – now known as ‘Change Management’
3. Fairness and Dignity Policy now known as ‘Ending Harassment, Bullying and Discrimination’
4. Recruitment – Safer Recruitment (Note: Disclosure & Baring Service (DBS) has replaced Criminal Records Bureau (CRB))
5. Speaking Out – now known as ‘Whistle Blowing’
6. Step Ahead – now known as ‘Performance Appraisal’

Policies recently withdrawn or incorporated into other policies

1. Career Break (see Special Leave)
2. Confidentiality and security of employee records (see Personnel File Management Policy)
3. Ex-gratia Payments (see Reward)
4. Lease Car Scheme (closed 31 May 2011)
5. Motor Vehicle Loan Scheme (closed 5 October 2009)
6. Right to Request to Work Beyond the Intended Date of Retirement (see Retirement)
7. Staff Appeals Procedure (incorporated within all policies)

Working For Surrey: Employment Policies

Note:
The first three editions of Working For Surrey were called the Surrey Employment Policy Framework document.