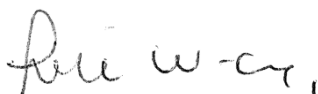


MEETING	EMPLOYMENT & APPEALS COMMITTEE (Councillors Ali (Chair), Gahir (Vice-Chair), Ajaib, Bains, Chaudhry, Hulme, Sabah, A Sandhu and Smith)
DATE AND TIME:	TUESDAY, 20TH OCTOBER, 2020 AT 6.30 PM
VENUE:	VIRTUAL MEETING
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	JANINE JENKINSON 07511 048 406

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



JOSIE WRAGG
Chief Executive

AGENDA

PART 1

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
APOLOGIES FOR ABSENCE			
CONSTITUTIONAL MATTERS			
1.	Declarations of Interest	-	-
	<i>All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 4 paragraph 4.6 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.</i>		
2.	Minutes of the Meeting held on 2nd July 2020	1 - 10	-
SERVICE IMPLEMENTATION ISSUES			
3.	Temporary Agency Staff	11 - 28	All

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
4.	Policy and Guidance on Supporting Trans Employees	29 - 46	All
5.	Revised Learning and Development Policy	47 - 84	All
6.	Employment Policies and Procedures	85 - 158	All

ITEMS FOR INFORMATION

7.	Members' Development Programme 2020/21 Update	159 - 160	All
8.	Our Futures Programme - Workforce Update	161 - 166	All
9.	Members' Attendance Record 2020/21	167 - 168	-
10.	Date of Next Meeting - 21 January 2021	-	-

Press and Public

This meeting will be held remotely in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. Part I of this meeting will be live streamed as required by the regulations.

The press and public can access the meeting from the following link (by selecting the meeting you wish to view):

<http://www.slough.gov.uk/moderngov/mgCalendarMonthView.aspx?GL=1&bcr=1>

Please note that the meeting may be recorded. By participating in the meeting by audio and/or video you are giving consent to being recorded and acknowledge that the recording will be in the public domain. The press and public will not be able to view any matters considered during Part II of the agenda.

Employment & Appeals Committee – Meeting held on Thursday, 2nd July, 2020.

Present:- Councillors Ali (Chair), Gahir (Vice-Chair), Ajaib, Bains, Chaudhry, Hulme, Mohammad and Smith

Apologies for Absence:- Councillor N Holledge

PART 1

1. Declarations of Interest

None were declared.

2. Minutes of the Meeting held on 23rd January 2020

In relation to Minute No.19 – The Slough Academy Trust, it was noted that reference to ‘The Education Trust’ should be amended to ‘The Children’s Trust’.

Resolved – That, subject to the amendment set out above, the minutes of the meeting held on 23rd January 2020 be approved as a correct record.

3. Appointment of Sub-Committees

The Senior Democratic Services Officer introduced a report that sought approval to appoint the Appeals Sub-Committee and the Appointments Sub-Committee, and the allocation of seats to the respective sub-committees.

Members’ attention was drawn to paragraph 5.2 of the report that listed the proposed seat allocation in accordance with the wishes expressed by the Political Groups.

Resolved –

- (a) That the Appeals Sub-Committee and Appointments Sub-Committee be appointed for the 2020/2021 Municipal Year.
- (b) That the Terms of Reference of the sub-committees be approved as set out in Appendix A of the report.
- (c) That seats on the sub-committees be allocated as set out in paragraph 5.1 of the report.

Employment & Appeals Committee - 02.07.20

- (d) That Members be appointed to serve on the sub-committees in accordance with the wishes expressed by Political Groups in respect of seats allocated to them as set out as follows:

Appeals Sub- Committee: Councillors Davis, M Holledge, Plenty, Rasib and Smith. Deputies – Councillors Cllr Chaudhry and Bains.

Appointments Sub-Committee: Councillors Bains, Akram, Mann, Strutton and Swindlehurst.

4. Temporary Agency Staff

The OD/HR Business Partner introduced a report that provided the Committee with an update on the Council's actions taken regarding the supply and control of temporary labour.

At the last Committee meeting officers had advised of the intention to re-procure the temporary labour service contract. There had been a slight delay in the process due to the need to complete due diligence between the top bidders, however the exercise had now been completed and Matrix SCM had been awarded the contract. It was explained that a 'hybrid model' service would be provided, meaning that the Council would engage with different worker types in different manners, with lower graded labour being managed via a single agency and higher graded and interim labour being engaged via a number of pre-qualified agencies.

Julain Panter, Business Director, Matrix SCM was invited to address the Committee. He explained that the company had partnered with over 90 local authority clients across the UK to deliver cost savings and process efficiencies. Matrix would be working closely with the Council's managers to provide a resilient labour supply chain.

The Chair then invited comments and questions from Members.

During the course of the discussion, the following points were raised:

- It was confirmed that as part of the due diligence process work had been undertaken to put in place the supply chain agencies.
- It was noted that the rebasing of agency rates would cost approximately £10,000. A Member asked what benefits the additional cost would deliver. In response, it was explained that the previous contract was focused on the agency fee margin and this approach had meant fees were too low to attract candidates. The Matrix contract

Employment & Appeals Committee - 02.07.20

allowed a greater degree of flexibility and would target the right calibre of candidate.

- A Member asked if during the Covid-19 lockdown period agency staff had been working from home, and if this had reduced costs incurred by the Council. It was explained that at the beginning of the lockdown period the Government had issued guidance to local authorities urging them not to end contracts with agency staff.
- In relation to supply chain management it was asked if any of the agencies used were Slough based. It was confirmed that non of the agencies were locally based. However, due to the types of jobs being recruited to, agencies would be employing local people.
- In relation to the number of vacancies currently filled by temporary staff, it was asked how many of these roles could be converted into permanent roles. It was explained that further work would be undertaken in the next stage of the contract to ascertain the number of temporary position that could be converted into permanent roles. Discussions would be held with the Matrix on-site Manager to progress this work. A key performance indicator of the new contract related to the number of posts that could be filled permanently. The OD/HR Business Partner agreed to circulate: a list of the Key Performance Indicators for the new Matrix contract; and when data became available, information relating to the number of temporary roles that had been converted into permanent roles.
- It was asked if the Matrix contract would provide an overall saving to the Council. In addition, it was highlighted that the Council's focus should be on training and 'growing its own staff'. In response, it was explained that as part of the new contract a mapping exercise would be undertaken to consider if posts currently being filled temporarily could be advertised as permanent positions.
- A Member asked how many of the staff currently filling temporary positions were Slough residents. The OD/HR Business Partner agreed to forward this information to the Committee following the meeting.
- It was asked what arrangements were in place to manage the new Matrix contract. It was explained that Key Performance Indicators would be implemented and monthly meetings would be held with Matrix to monitor performance. 'Service credits' had also been agreed within the terms of the contract, meaning that if Matrix failed to meet the set targets a percentage of the fee could be returned to the Council.
- It was noted that a number of agency staff had worked for the Council for more than two years. It was asked why these temporary posts could not have been converted into permanent posts. It was explained that in many cases managers sought a temporary staffing solution. The Council was currently undertaking a restructure and managers did

Employment & Appeals Committee - 02.07.20

not want to recruit to permanent posts to than have to make staff redundant. In some circumstances there was a requirement to recruit specialist staff to work on specific time limited projects.

- It was reported that the Matrix contract would be in place for two years with the option to extend for up to four years.
- Referring to Appendix 1 of the report, a Member requested that in future reports additional information regarding the specific temporary job roles in each service directorate be provided, as this would enable the Committee to get a better understanding of the Council's temporary workforce.
- The Chair highlighted the importance of the Council reducing its overall reliance on temporary staff and converting long-serving temporary staff into permanent employees to reduce costs to the Council.

The Chair thanked the OD/HR Business Partner for the report.

Resolved –

(a) That the report be noted.

(b) That the OD/HR Business Partner be requested to provide the following information to the Committee:

- The Key Performance Indicators of the new Matrix contract.
- Information/figures relating to the number of temporary staff posts converted into permanent posts.
- The number of temporary staff who were also Slough residents.
- In relation to Appendix 1 of the report, it was requested that additional information regarding the specific temporary job roles in each directorate, be provided in future reports.

5. The Slough Academy - Update

The Service Lead, People introduced a report that provided a half yearly update on the Slough Academy project and progress made since the last report presented in January 2020.

The Apprentice Specialist was then invited to present the details of the report. It was explained that the programme offered various types of course ranging from 12 month training to courses that spanned over several years. The aim of the Academy was to retain staff and develop employees' skills, particularly

Employment & Appeals Committee - 02.07.20

in service areas where there was market shortage, such as social workers and planning officers.

The Chair then invited comments and questions from Members.

During the course of the discussion, the following points were raised:

- It was queried if the Council recorded which schools were taking part in the apprenticeship scheme. It was explained that schools and colleges did offer apprenticeships; however none of the Council's apprentices had been recruited directly in this way. The Slough Academy was for employees of the Council and it was not within the remit of the Academy to promote apprenticeships to schools or colleges.
- A Member asked if there were any plans to offer apprenticeships at senior or management levels within the Council. In addition, it was queried what mechanisms were in place to retain staff once they had completed their training. It was explained that there was a variety of training offered ranging from level 2 and 3 (GCSE and A Level) up to level 6 (degree level). There were a high number of people who took part in the apprenticeship scheme who were Slough residents, so if people did subsequently leave the Council, the skills would be retained within the local area. Funding for the apprenticeship scheme was provided by the Government, therefore it was not possible to ask participants to sign a contract with terms and conditions requiring them to work for the Council for any length of time or refund the training fees.
- In light of the Covid-19 pandemic and the anticipated increase in unemployment, it was asked if the Council had any plans to advertise apprenticeships externally. It was explained that an apprenticeship post would be advertised internally first and if not successfully filled, the post would be externally advertised. The position would then be offered to the most suitable candidate. In some cases a position would be advertised internally and externally concurrently to attract talent from a wide range of candidates.
- It was reported that of the current 25 apprentices currently 'in flight' 19 of those were Slough residents.
- It was noted that there were 20 females and five males currently enrolled on the apprenticeship scheme in Slough; whereas nationally there was a more even 51% to 49% male to female ratio. It was explained that a possible reason for this was that particular job sectors, such as childcare attracted more female candidates.

The Chair thanked the Service Lead, People and the Apprentice Specialist for the report.

Resolved – That the report be noted.

6. Employment Policies and Procedures

The Service Lead, People introduced a report that sought approval of a revised Leave Policy and Procedure.

The Leave Policy and Procedure had last been updated in June 2014. Following a recent internal audit of the Agresso System it had been identified that the Policy needed to be reviewed and updated. New employment legislation in relation to Bereavement Leave had been introduced in April 2020 and this was now reflected in the Policy. In addition, the Employee Engagement Forum had requested a review of the Volunteer Leave Scheme to improve and increase the current offering from one paid day to volunteer to two days.

The HR Policy Manager reported that the incorrect policy had been attached as Appendix 2 of the report and agreed to circulate a copy of the Foster Carer Support Leave Policy to the Committee. Members were advised that the revised Leave Policy and Procedure had been agreed with the trade unions. The trade unions had welcomed the amendments included in the revised Policy and Procedure. The proposed Policy would be internally reviewed every three years' unless there was a change in legislation which required it to be reviewed sooner.

Resolved –

- (a) That the revised Leave Policy and Procedure be approved.
- (b) That the HR Policy Manager be requested to provide a copy of the Foster Carer Support Leave Policy to the Committee.

7. Our Futures Programme - Workforce Update

The Chief Executive introduced a report that provided an update on the progress of the Council's 'Our Futures Programme'.

In April 2019 Cabinet had approved a business case for a transformation programme to deliver a new operating model for the Council. This had been prompted by rising demand for key services in the context of reduced Government funding and changing customer expectations. The business case reflected the Council's ambition to be a 'world class organisation', with a sustainable cost base and a 'one council' staff team.

The focus of the report was on the restructuring programme which had two phases. Phase 1 involved a reorganisation of the Council's Senior Leadership Team; the process was currently underway and was expected to

Employment & Appeals Committee - 02.07.20

be completed by the end of August 2020. Phase 2 of the programme had a wider scope and would affect all staff below the Senior Leadership Team. It is not anticipated that there would be large scale redundancies as the Council has vacant posts, rather the Council sought to implement a new 'job family' framework. It was acknowledge that there had been a long running frustration regarding the high level of agency staff within the organisation and the aim would be to reduce agency staff in the future.

The Chair then invited comments and questions from Members.

During the course of the discussion, the following points were raised:

- It was noted that Slough had historically had a number of temporary members of the Senior Leadership Team. It was query if the new Senior Leadership Team members would be full time, permanent posts. In response, assurance was provided that the roles would be permanent. The ambition of the restructure was to appoint leaders with strong generic leadership skills that would enabled the Council to be resilient and 'fleet of foot'. It was confirmed that the £1 million saving generated by the Phase 1 restructure would be delivered by reduced salary costs.
- Clarification was sought regarding the plans to establish 'job families' and what these would look like. It was explained that traditionally local authorities had worked in 'vertical silos' that did not enable people to be deployed in a flexible way. Job families would allow peoples skill sets to operate 'horizontally' across the organisation.
- It was asked if the new structure meant there would be greater flexibility of departmental budgets. It was confirmed that there would be a more flexible use of budgets across the Council and resources would be used in departments were there was the greatest need. Departmental budgets would be re-allocated and there was an ambition for cultural change which promoted a collegiate approach.
- Clarification was sought regarding the Associate Director posts and the rationale for the creation of 'job families'. It was explained that the ambition was to appoint strategic leaders and each Associate Director would be responsible for a 'cluster of services'.
- It was asked if there would be any external recruitment to the Senior Leadership Team. It was reported that three of the Executive Director posts had been 'job matched' and there had been no job matches at Associate Director level. An external recruitment partner would be facilitating the internal appointment process and the same partner would also be involved in the external recruitment process.

Resolved – That the report be noted.

Employment & Appeals Committee - 02.07.20

8. Members' Development Programme 2020/21 Update

The Service Lead, People introduced a report that provided an update on the current work of the Members' Development Task and Finish Group on revising the Members' Development Programme to ensure that it met the corporate and individual learning and development needs of councillors.

The Chair invited comments and questions from Members.

During the course of the discussion, the following points were raised:

- Clarification was sought regarding the final bullet point under paragraph 3.2.1 'Monitor attendances at development activities/events – consider actions against individual Members where this may be unsatisfactory, including disciplinary measures'. It was explained these were proposals being discussed by the Task and Finish Group. It was highlighted that matters relating to Member performance fell to the political whips to manage. There was an expectation that Members took up training and development opportunities available.
- It was noted that the 2019/20 Members' Development budget was £20,000, and asked if this would be sufficient to fund an expanded programme of training events. It was agreed that the budget would be monitored and if it needed to be increased a business case would be submitted to request additional funding. In addition, it was noted that there had been a £14,000 underspend in 2019/20 due to the Covid-19 pandemic and it was asked if the underspend could be rolled over and added to the 2020/21 budget. It was explained that the underspend would not be rolled over into the next financial year and if the training budget required additional funding this would be reviewed.
- It was requested that a variety of training methods be used to engage and interactive with Members rather than information being delivered via PowerPoint presentations. It was confirmed that a range of development opportunities would be explored including 'e- learning' modules.
- It was requested that target dates be set to implement the recommendations of the Task and Finish Group recommendations to ensure they did not 'drift'.

Resolved –

- (a) That the report be noted.
- (b) That the comments and suggestions raised by Members be taken into consideration by the Members' Development Task and Finish Group as part of the review of the Members' Development Programme.

Employment & Appeals Committee - 02.07.20

9. Members' Attendance Record 2020/21

Resolved – That the details of the Members' Attendance Record be noted.

10. Date of Next Meeting - 20th October 2020

Resolved – The date of the next meeting was confirmed as 20th October 2020.

Chair

(Note: The meeting opened at 6.30pm and closed at 8.23pm)

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SLOUGH BOROUGH COUNCIL

REPORT TO: Employment & Appeals Committee

DATE: 20th October 2020

CONTACT OFFICER: Surjit Nagra, Associate Director - Customer

AUTHOR: Lola Makinde, OD/HR Business Partner.

(For all enquiries) (01753) 875472

WARD(S): All

PART I

FOR COMMENT & CONSIDERATION

TEMPORARY AGENCY STAFF

1 Purpose of Report

This report seeks to provide Members with an update on the Council's actions regarding the supply and control of temporary workers / labour.

2 Recommendation(s)/Proposed Action

The Committee is requested to resolve:

- a) That the actions from the last meeting be noted
- b) That the report and its contents be noted.

3 Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

Slough Joint Wellbeing Strategy Priorities

The provision of temporary workers does not directly impact on the Slough Joint Wellbeing Strategy.

The provision does, however enable the Council to deliver its services to the community through the provision of specialist skills or replacement labour where required.

Five Year Plan Outcomes

The proposals within this report meet the Five Year Plan objectives as follows:

Outcome 1, 2, 3, 4

The services provide labour necessary to deliver these outcomes when permanent labour is not available or specialist skills are required.

Outcome 5

The supplier of temporary workers engages with local suppliers of temporary labour whilst also working with a wider pool to ensure Slough has access to the best available talent to make Slough an attractive place to operate and work.

4 Other Implications

(a) Financial

The Council will expect to generate savings of circa £110k per year from the new contract. This saving will be generated from reductions in contributions to statutory labour fees such as National Insurance, Pensions and Apprentice Levy charges in relation to the agency worker.

Due to rebasing of the costs of agencies, there is likely to be an increase of circa £20k per annum in agency fees. This is caused by a focus on increasing capability of agencies and enabling access to better quality of staff. As a consequence for having access to a better talent pool for interim labour, it is possible to displace expensive consultancy labour with lower cost interim labour with no detriment to quality and as such reducing overall expenditure.

(b) Risk Management

There are no specific risks to be managed for temporary labour provision beyond the need to ensure ongoing provision at appropriate costs.

(c) Human Rights Act and Other Legal Implications

There are no Human Rights Act Implications.

(d) Equalities Impact Assessment

There is no requirement for an Equalities Impact Assessment as we do not hold equalities data on temporary workers as they are not our employees.

(e) Workforce

There are no implications for permanent staff.

5. Update on Matrix Contract Management

5.1.1 The contract management abilities of the Council have been enhanced through the creation of meaningful service level agreements for the provider, with associated service credits creating a financial incentive on performance. The Council has also built in a levy on the contract to enable it to employ a contract manager to manage the supplier's performance.

5.1.1.1 We have had two contract management meetings to date. The contract is managed in line with the agreed key performance indicators in **Appendix 2**. All the KPI's were achieved with the exception of unnecessary CV's that were rejected in July 2020. This was addressed in the contract meeting held in August 2020 and the KPI's were all achieved.

6. Statistics

Committee Members are provided in **Appendix 1** statistics relating to the use of temporary labour and **Appendix 2 - KPI's**. In assessing these, Councillors should note that the in-sourcing of Arvato staff, coupled with the on-going re-organisation of phases 1 and 2 will have led to an increase in the numbers of temporary labour (June to August 2020) from the increased organisation size.

We are ring-fencing some non-critical roles for suitable alternative employment to support the Phase 2 restructure process instead of recruiting on a permanent basis. This approach will enable us to fill our vacancies on an interim basis with temporary workers with no strings attached to employment rights and also to safeguard these posts as opportunities for redeployment in readiness for the re-organisation programme.

Key trends emerging from the statistics:

As per the data in **Appendix 1**, the total spend on agency in August was £1.26 million and the total hours was 33,330 hours. The total spends for August is slightly higher in comparison to June and July 2020. Please note that July was a 5 week month. The reports provided give an overview of directorates, service areas, and hours worked, budget spent, duration of engagements over 12 months, diversity data and the breakdown of workers who resides in Slough.

7. Phase 1 Matrix project-efficiency saving project

We are targeting agency workers (high value) who we have engaged over 14 weeks or beyond that are not in the manual labour, admin, planning or social care categories. 29 workers have been identified as part of this exercise to move these workers onto Client Direct Limited's (CDL) platform and to establish a

running order of largest savings first. The primary purpose of the project is to eliminate the introduction fees we pay to the agencies.

At the point of generating this report, 20 workers are in discussion with CDL, with the hope of moving the workers on to CDL's platform. In line with our financial projection, this exercise will realise efficiency savings of up to £250,000 for the Council. Conversion of workers in permanent role. 1 worker was converted to permanent role in July 2020-Appendix1, page 10.

8. Background Papers

None

9. Appendices

Appendix 1 – Usage of Temporary Workers Trends and Data
Appendix 2 – Key Performance Indicators

Appendix 1 – Usage of Temporary Worker Trends

Breakdown of Spend and Hours Used within the last three months

	June 2020	July 2020	August 2020
Hours	26,236	26,131	33,330
Spend	£1.03m	£1.01m	£1.26m

Breakdown of Spend by Directorate within the last three months

Client Net	Jun-20	Jul-20	Aug-20
Directorate/Department			
Adults and Communities	£273,334.09	£248,116.43	£299,180.33
Chief Executive	£4,308.72	£7,722.07	£11,924.47
Children, Learning and Skills	£60,600.63	£77,209.02	£116,589.92
Finance and Resources	£268,885.69	£269,573.57	£344,184.78
Housing Revenue Account	n/a	£8,179.74	£15,716.99
Place and Development	£181,657.93	£185,694.74	£223,529.43
Regeneration	£239,335.11	£209,054.26	£251,027.90

Breakdown of Hours used by Directorate within the last three months

Total Hours	Jun-20	Jul-20	Aug-20
Directorate/Department			
Adults and Communities	7190.25	6612.25	7808.50
Chief Executive	45	120	217.50
Children, Learning and Skills	1499.5	1993.5	3221.25
Finance and Resources	6553.5	6503.5	8029.75
Housing Revenue Account	n/a	135	355.50
Place and Development	7041	7279.5	9699.75
Regeneration	3906.25	3487	3998.00

Breakdown of Spend and Hours by Directorate and Level 2 within the last three months

June 2020

Jun-20

Directorate/Department	Level 2 Name	Total Hours	Client Net
Adults and Communities	Adult Social Care Commissioning	7.00	£94.22
	N\A	97.50	£4,718.01
	Mental Health Services	30.00	£1,481.69
	Regulatory Services	436.50	£11,382.42
	Adult Social Care Operations - DNU 06/2019	321.00	£16,126.59
	Communities and Leisure	778.75	£31,821.86
	Public Health	1149.75	£34,672.29
	Adult Social Care Operations	4369.75	£173,037.01
Chief Executive	Chief Executive	45.00	£4,308.72
Children, Learning and Skills	Early Years and Prevention	1064.50	£28,353.55
	Schools	165.00	£7,539.76
	N\A	142.50	£12,191.92
	Inclusion	127.50	£12,515.40
Finance and Resources	Finance	135.00	£10,637.28
	N\A	660.00	£33,025.18
	People	495.00	£38,239.60
	Digital and Strategic IT	1292.75	£66,852.76
	Customer and Communications	3970.75	£120,130.87
Place and Development	Housing (People) Services	1197.00	£29,816.59
	Housing Development & Contracts	307.50	£21,025.53
	Environmental Services	3956.00	£71,292.40
	N\A	1580.50	£59,523.41
Regeneration	Regeneration Development - DNU 06/2019	154.50	£4,135.93
	Major Infrastructure Projects	293.00	£4,900.50
	Regeneration Delivery	150.00	£6,815.40
	Planning and Transport - DNU 06/2019	148.00	£10,615.69
	Economic Development	450.00	£31,213.33
	Building Management - DNU 06/2020	442.00	£9,301.80
	N\A	493.50	£33,422.35
	Planning and Transport	1070.25	£64,452.89
	Regeneration Development	705.00	£74,477.22

July 2020

Jul-20

Directorate/Department	Level 2 Name	Total Hours	Client Net
Adults and Communities	N\A	135.00	£5,856.36
	Adult Social Care Commissioning		
	Mental Health Services	24.00	£1,184.98
	Public Health	1119.50	£33,506.25
	Adult Social Care Operations - DNU 06/2019	324.00	£14,342.84
	Regulatory Services	325.50	£9,209.21
	Communities and Leisure	720.50	£29,390.41
	Adult Social Care Operations	3963.75	£154,626.38
Chief Executive	Chief Executive	120.00	£7,722.07
Children, Learning and Skills	Inclusion	292.50	£24,217.48
	Children, Learning and Skills	221.00	£4,012.33
	Schools	187.50	£8,650.92
	N\A	142.50	£12,191.92
	Early Years and Prevention	1150.00	£28,136.37
Finance and Resources	Digital and Strategic IT	1439.75	£73,227.01
	N\A	645.00	£33,075.92
	Finance	127.50	£10,055.13
	People	472.50	£36,537.28
	Customer and Communications	3818.75	£116,678.23
Housing Revenue Account	HRA Housing Development	135.00	£8,179.74
Place and Development	Direct Service Organisation (DSO)	168.50	£2,874.78
	Housing (People) Services	1311.50	£32,381.16
	N\A	1620.50	£60,597.58
	Housing Development & Contracts	300.00	£20,424.20
	Environmental Services	3879.00	£69,417.02
Regeneration	Economic Development	455.00	£31,737.86
	Major Infrastructure Projects	300.50	£5,040.21
	Planning and Transport - DNU 06/2019	148.00	£10,717.03
	Regeneration Delivery	142.50	£6,474.63
	Building Management - DNU 06/2020	419.00	£8,845.45
	Regeneration Development - DNU 06/2019	127.50	£3,413.14
	N\A	475.50	£31,502.90
	Regeneration Development	585.00	£61,114.63
	Planning and Transport	834.00	£50,208.41

August 2020

Aug-20

Directorate/Department	Level 2 Name	Total Hours	Client Net
Adults and Communities	Adult Social Care Operations	4661.75	£184,359.82
	Communities and Leisure	901.00	£37,574.24
	N\A	337.50	£13,412.55
	Mental Health Services	63.50	£3,149.74
	Adult Social Care Operations - DNU 06/2019	361.00	£16,233.01
	Public Health	1160.25	£34,750.66
	Adult Social Care Commissioning	24.00	£323.04
	Regulatory Services	299.50	£9,377.27
Chief Executive	Chief Executive	217.50	£11,924.47
Children, Learning and Skills	Inclusion	525.00	£43,879.68
	Children, Learning and Skills	908.50	£16,661.75
	N\A	187.50	£15,736.25
	Early Years and Prevention	1382.75	£30,323.48
	Schools	217.50	£9,988.76
Finance and Resources	Customer and Communications	4755.00	£148,144.70
	Finance	352.50	£31,358.51
	N\A	795.00	£41,091.63
	People	570.00	£43,806.82
	Digital and Strategic IT	1557.25	£79,783.12
Housing Revenue Account	Housing Revenue Account	168.00	£4,356.24
	HRA Housing Development	187.50	£11,360.75
Place and Development	Direct Service Organisation (DSO)	2645.50	£43,356.12
	Housing (People) Services	1825.25	£43,026.87
	N\A	2043.00	£66,009.82
	Housing Development & Contracts	360.00	£24,252.11
	Environmental Services	2826.00	£46,884.51
Regeneration	Regeneration Development	892.50	£93,795.41
	N\A	539.75	£34,773.99
	Planning and Transport - DNU 06/2019	185.00	£13,397.75
	Building Management - DNU 06/2020	533.50	£11,222.52
	Planning and Transport	839.50	£52,203.31
	Major Infrastructure Projects	371.25	£6,198.08
	Regeneration Development - DNU 06/2019	129.00	£3,453.29
	Regeneration Delivery	135.00	£6,031.32
	Economic Development	372.50	£29,952.23

Breakdown of Spend by Job Category within the last three months

Client Net	Jun-20	Jul-20	Aug-20
Job Category			
Admin & Clerical	£55,371.60	£53,924.08	£65,244.70
Driving	£8,739.01	£9,637.81	£3,737.89
Executive	£417,503.93	£400,710.85	£521,439.18
Facilities & Environmental Se	£3,039.63	£2,973.19	£3,586.00
Financial	£10,663.72	£11,413.72	£14,646.59
Housing	£1,058.29	£13,314.28	£23,249.63
Housing, Benefits & Planning	£160,221.13	£157,265.88	£192,080.50
Human Resources	£16,066.75	£15,152.84	£20,656.45
IT	£54,009.38	£55,811.03	£54,113.13
Legal	£3,886.46	£3,886.43	£4,858.05
Management	£26,343.73	£28,192.78	£27,283.62
Manual Labour	£48,401.39	£48,501.99	£77,572.99
Social & Healthcare Non-Qual	£15,422.55	£17,031.01	£33,331.20
Social & Healthcare Qualified	£207,394.60	£187,733.94	£220,353.89

Breakdown of Hours used by Job Category within the last three months

Total Hours	Jun-20	Jul-20	Aug-20
Job Category			
Admin & Clerical	2973.5	2980.5	3936
Driving	383.5	465	143
Executive	5551.25	5364.75	6821.5
Facilities & Environmental Se	91.5	89.5	110
Financial	210	210	270
Housing	51.5	377.5	688.5
Housing, Benefits & Planning	4724.5	4545	5700.25
Human Resources	307.5	292.5	405
IT	1387.25	1494.25	1501.75
Legal	148	148	185
Management	819	885	926
Manual Labour	3274.5	3284.5	5098
Social & Healthcare Non-Qual	865.75	912	1607.75
Social & Healthcare Qualified	5447.75	5082.25	5937.5

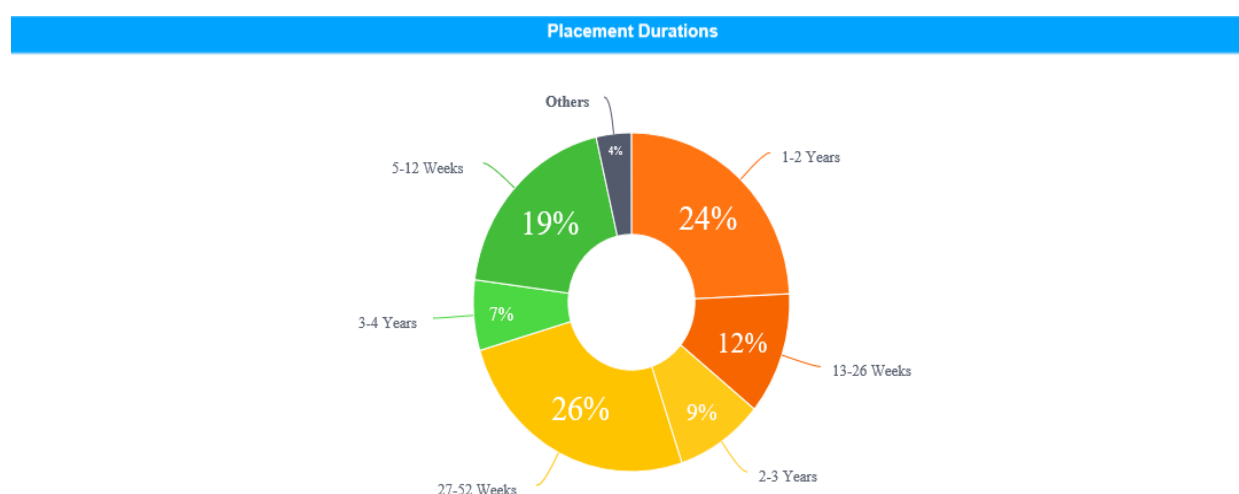
Engagements over 12 Months in Duration

June 2020 - Duration of active placements over 52 weeks				
Department	Placement Duration	Level 1 Name1	Level 2 Name	No. Placements
Adults and Communities	1-2 Years	Finance and Resources	N\A	1
	1-2 Years	Chief Executive	N\A	1
	1-2 Years	Adults and Communities	Regulatory Services	1
	Over 4 Years	Adults and Communities	Public Health	1
	Over 4 Years	Adults and Communities	Adult Social Care Operations	1
	1-2 Years	Adults and Communities	Mental Health Services	1
	2-3 Years	Adults and Communities	Public Health	2
	1-2 Years	Adults and Communities	Adult Social Care Operations - DNU 06/2019	2
	3-4 Years	Adults and Communities	Adult Social Care Operations	3
	1-2 Years	Adults and Communities	Communities and Leisure	3
	1-2 Years	Adults and Communities	Public Health	3
	2-3 Years	Adults and Communities	Adult Social Care Operations	4
	3-4 Years	Adults and Communities	Public Health	6
	1-2 Years	Adults and Communities	Adult Social Care Operations	15
Chief Executive	2-3 Years	Place and Development	Chief Executive	1
	2-3 Years	Chief Executive	Chief Executive	1
Children, Learning and Skills	3-4 Years	Chief Executive	N\A	1
	3-4 Years	Finance and Resources	N\A	1
	3-4 Years	Children, Learning and Skills	Early Years and Prevention	2
	2-3 Years	Children, Learning and Skills	Early Years and Prevention	3
	1-2 Years	Children, Learning and Skills	Early Years and Prevention	4
Finance and Resources	1-2 Years	Chief Executive	N\A	1
	2-3 Years	Adults and Communities	Digital and Strategic IT	1
	1-2 Years	Place and Development	Digital and Strategic IT	1
	1-2 Years	Finance and Resources	Digital and Strategic IT	1
	2-3 Years	Finance and Resources	Digital and Strategic IT	1
	3-4 Years	Regeneration	N\A	3
	1-2 Years	Regeneration	Customer and Communications	3
	1-2 Years	Finance and Resources	Customer and Communications	8
Place and Development	1-2 Years	Regeneration	N\A	1
	Over 4 Years	Regeneration	N\A	1
	3-4 Years	Regeneration	N\A	1
	1-2 Years	Adults and Communities	N\A	1
	Over 4 Years	Adults and Communities	N\A	1
	Over 4 Years	Place and Development	N\A	1
	1-2 Years	Place and Development	N\A	1
	1-2 Years	Place and Development	Environmental Services	2
	1-2 Years	Place and Development	Housing (People) Services	2
	1-2 Years	Regeneration	Environmental Services	3
	2-3 Years	Adults and Communities	N\A	3
	1-2 Years	Regeneration	Housing (People) Services	3
	2-3 Years	Place and Development	N\A	3
	2-3 Years	Regeneration	N\A	4
Regeneration	2-3 Years	Adults and Communities	N\A	1
	1-2 Years	Chief Executive	N\A	1
	1-2 Years	Finance and Resources	Economic Development	1
	1-2 Years	Regeneration	Economic Development	1
	1-2 Years	Chief Executive	Regeneration Development - DNU 06/2019	1
	3-4 Years	Regeneration	Regeneration Delivery	1
	3-4 Years	Finance and Resources	Regeneration Development	1
	2-3 Years	Place and Development	Building Management - DNU 06/2020	1
	2-3 Years	Regeneration	Building Management - DNU 06/2020	1
	Over 4 Years	Adults and Communities	N\A	2
	1-2 Years	Regeneration	N\A	2
	2-3 Years	Regeneration	Regeneration Development	2
	2-3 Years	Chief Executive	Regeneration Development	2
	1-2 Years	Adults and Communities	Planning and Transport	2
	1-2 Years	Regeneration	Major Infrastructure Projects	2
	1-2 Years	Place and Development	Building Management - DNU 06/2020	2
	1-2 Years	Adults and Communities	N\A	2
	3-4 Years	Regeneration	Regeneration Development	3
	3-4 Years	Chief Executive	Regeneration Development	3

July 2020 - Duration of active placements over 52 weeks				
Department	Placement Duration	Level 1 Name1	Level 2 Name	No. Placements
Adults and Communities	Over 4 Years	Adults and Communities	Adult Social Care Operations	1
	1-2 Years	Adults and Communities	Mental Health Services	1
	1-2 Years	Finance and Resources	N\A	1
	1-2 Years	Chief Executive	N\A	1
	1-2 Years	Adults and Communities	Regulatory Services	1
	Over 4 Years	Adults and Communities	Public Health	1
	2-3 Years	Adults and Communities	Public Health	2
	1-2 Years	Adults and Communities	Adult Social Care Operations - D	2
	1-2 Years	Adults and Communities	Public Health	3
	3-4 Years	Adults and Communities	Public Health	3
	3-4 Years	Adults and Communities	Adult Social Care Operations	3
	1-2 Years	Adults and Communities	Communities and Leisure	3
	2-3 Years	Adults and Communities	Adult Social Care Operations	4
	1-2 Years	Adults and Communities	Adult Social Care Operations	14
Chief Executive	2-3 Years	Place and Development	Chief Executive	1
	2-3 Years	Chief Executive	Chief Executive	1
Children, Learning and Skills	3-4 Years	Finance and Resources	N\A	1
	3-4 Years	Chief Executive	N\A	1
	3-4 Years	Children, Learning and Skills	Early Years and Prevention	2
	2-3 Years	Children, Learning and Skills	Early Years and Prevention	3
	1-2 Years	Children, Learning and Skills	Early Years and Prevention	4
Finance and Resources	2-3 Years	Adults and Communities	Digital and Strategic IT	1
	1-2 Years	Place and Development	Digital and Strategic IT	1
	1-2 Years	Finance and Resources	Digital and Strategic IT	1
	2-3 Years	Finance and Resources	Digital and Strategic IT	1
	1-2 Years	Chief Executive	N\A	1
	3-4 Years	Regeneration	N\A	3
	1-2 Years	Regeneration	Customer and Communications	3
	1-2 Years	Finance and Resources	Customer and Communications	8
Place and Development	Over 4 Years	Place and Development	N\A	1
	Over 4 Years	Adults and Communities	N\A	1
	1-2 Years	Place and Development	N\A	1
	1-2 Years	Regeneration	N\A	1
	Over 4 Years	Regeneration	N\A	1
	3-4 Years	Regeneration	N\A	1
	1-2 Years	Adults and Communities	N\A	1
	1-2 Years	Place and Development	Housing (People) Services	2
	1-2 Years	Place and Development	Environmental Services	2
	2-3 Years	Adults and Communities	N\A	3
	2-3 Years	Place and Development	N\A	3
	1-2 Years	Regeneration	Environmental Services	3
	1-2 Years	Regeneration	Housing (People) Services	3
	2-3 Years	Regeneration	N\A	4
Regeneration	2-3 Years	Adults and Communities	N\A	1
	3-4 Years	Finance and Resources	Regeneration Development	1
	1-2 Years	Regeneration	N\A	1
	1-2 Years	Adults and Communities	N\A	1
	1-2 Years	Chief Executive	N\A	1
	2-3 Years	Regeneration	Building Management - DNU 06/	1
	2-3 Years	Place and Development	Building Management - DNU 06/	1
	1-2 Years	Finance and Resources	Economic Development	1
	1-2 Years	Regeneration	Economic Development	1
	1-2 Years	Chief Executive	Regeneration Development - DNU	1
	3-4 Years	Regeneration	Regeneration Delivery	1
	2-3 Years	Regeneration	Regeneration Development	2
	Over 4 Years	Adults and Communities	N\A	2
	2-3 Years	Chief Executive	Regeneration Development	2
	1-2 Years	Regeneration	Major Infrastructure Projects	2
	1-2 Years	Place and Development	Building Management - DNU 06/	2
	1-2 Years	Adults and Communities	Planning and Transport	2
	3-4 Years	Regeneration	Regeneration Development	3
	3-4 Years	Chief Executive	Regeneration Development	3

August 2020 - Duration of active placements over 52 weeks				
Department	Placement Duration	Level 1 Name1	Level 2 Name	No.Placements
Adults and Communities	1-2 Years	Adults and Communities	Mental Health Services	1
	Over 4 Years	Adults and Communities	Adult Social Care Operations	1
	1-2 Years	Chief Executive	N\A	1
	1-2 Years	Adults and Communities	Regulatory Services	1
	Over 4 Years	Adults and Communities	Public Health	1
	1-2 Years	Finance and Resources	N\A	1
	1-2 Years	Adults and Communities	Communities and Leisure	2
	2-3 Years	Adults and Communities	Public Health	2
	3-4 Years	Adults and Communities	Public Health	2
	1-2 Years	Adults and Communities	Adult Social Care Operations - DNU 06/2019	2
	2-3 Years	Adults and Communities	Adult Social Care Operations	3
	3-4 Years	Adults and Communities	Adult Social Care Operations	3
	1-2 Years	Adults and Communities	Public Health	3
	1-2 Years	Adults and Communities	Adult Social Care Operations	11
Chief Executive	2-3 Years	Place and Development	Chief Executive	1
	2-3 Years	Chief Executive	Chief Executive	1
Children, Learning and Skills	3-4 Years	Chief Executive	N\A	1
	3-4 Years	Finance and Resources	N\A	1
	1-2 Years	Children, Learning and Skills	Early Years and Prevention	2
	2-3 Years	Children, Learning and Skills	Early Years and Prevention	2
	3-4 Years	Children, Learning and Skills	Early Years and Prevention	2
Finance and Resources	2-3 Years	Adults and Communities	Digital and Strategic IT	1
	1-2 Years	Place and Development	Digital and Strategic IT	1
	1-2 Years	Finance and Resources	Digital and Strategic IT	1
	2-3 Years	Finance and Resources	Digital and Strategic IT	1
	1-2 Years	Chief Executive	N\A	1
	3-4 Years	Regeneration	N\A	2
	1-2 Years	Regeneration	Customer and Communications	3
	1-2 Years	Finance and Resources	Customer and Communications	8
Place and Development	1-2 Years	Regeneration	N\A	1
	Over 4 Years	Regeneration	N\A	1
	3-4 Years	Regeneration	N\A	1
	1-2 Years	Adults and Communities	N\A	1
	Over 4 Years	Adults and Communities	N\A	1
	Over 4 Years	Place and Development	N\A	1
	1-2 Years	Place and Development	N\A	1
	1-2 Years	Place and Development	Housing (People) Services	2
	1-2 Years	Regeneration	Environmental Services	3
	1-2 Years	Regeneration	Housing (People) Services	3
	2-3 Years	Place and Development	N\A	3
	2-3 Years	Adults and Communities	N\A	3
	2-3 Years	Regeneration	N\A	4
Regeneration	3-4 Years	Finance and Resources	Regeneration Development	1
	1-2 Years	Regeneration	N\A	1
	1-2 Years	Adults and Communities	N\A	1
	2-3 Years	Adults and Communities	N\A	1
	1-2 Years	Chief Executive	N\A	1
	Over 4 Years	Adults and Communities	N\A	1
	2-3 Years	Regeneration	Building Management - DNU 06/2020	1
	2-3 Years	Place and Development	Building Management - DNU 06/2020	1
	1-2 Years	Finance and Resources	Economic Development	1
	1-2 Years	Regeneration	Economic Development	1
	1-2 Years	Chief Executive	Regeneration Development - DNU 06/2019	1
	3-4 Years	Regeneration	Regeneration Delivery	1
	2-3 Years	Regeneration	Regeneration Development	2
	2-3 Years	Chief Executive	Regeneration Development	2
	1-2 Years	Adults and Communities	Planning and Transport	2
	1-2 Years	Regeneration	Major Infrastructure Projects	2
	1-2 Years	Place and Development	Building Management - DNU 06/2020	2
	3-4 Years	Chief Executive	Regeneration Development	3
	3-4 Years	Regeneration	Regeneration Development	3

Percentage of active Placements Duration August 2020

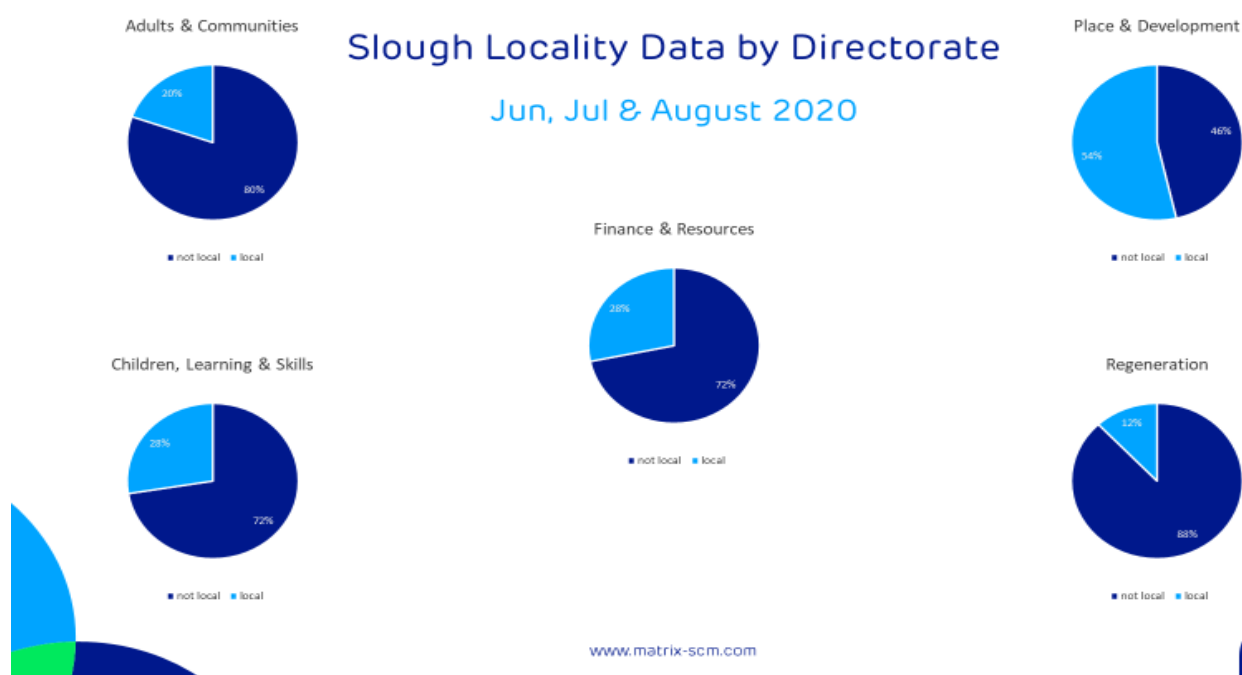


The number of temporary staff who are Slough residents.

June 2020 – 46 of 194 local – 23.7%

July 2020 – 65 of 210 local – 31%

August 2020 – 71 of 224 local – 31.7%



Phase 1 CDL transfer – September 2020

Phase 1 – Target those agency workers **14** weeks or beyond that are not in the manual labour, admin, planning or social care categories. Establish a running order of largest savings first.

29 workers have been highlighted in Phase 1

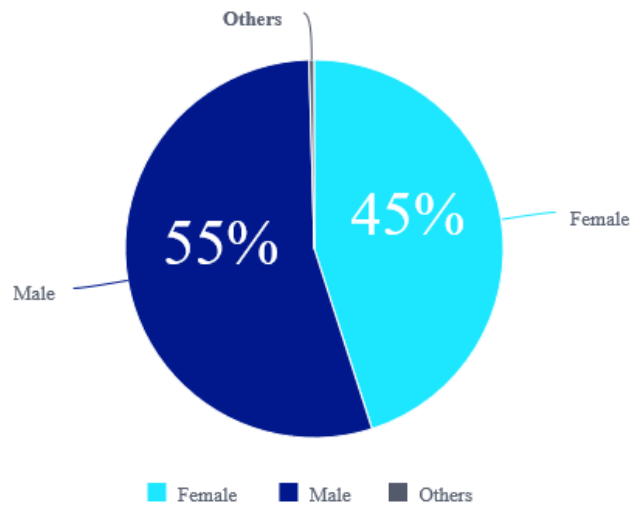
Currently 20 workers that are in discussion with CDL and daily savings shown.

Placement	Current Supplier Margin	CDL Margin	Savings per day
SA354165	£96.00 per day	£4.44	£91.56 per day
SA375761	£65.00 per day	£4.44	£61.56 per day
SA216013	£28.66 per day	£4.44	£24.22 per day
SA217445	£28.66 per day	£4.44	£24.22 per day
SA335557	£2.30 per hour	0.60p	£12.58 per day
SA348644	£2.35per hour	0.60p	£12.95 per day
SA345270	£2.35per hour	0.60p	£12.95 per day
SA262971	£2.00 per hour	0.60p	£10.36 per day
SA381581	£70.46 per day	£4.44	£66.02 per day
SA313225	£120.00 per day	£4.44	£115.56 per day
SA355371	£91.00 per day	£4.44	£86.56 per day
SA345112	£58.50 per day	£4.44	£54.06 per day
SA360514	£40.09 per day	£4.44	£35.65 per day
SA229014	£2.50 per hour	0.60p	£14.06 per day
SA74360	£2.40 per hour	0.60p	£13.32 per day
SA352846	£2.35per hour	0.60p	£12.95 per day
SA351118	£2.35per hour	0.60p	£12.95 per day
SA325061	£2.35per hour	0.60p	£12.95 per day
SA287991	£2.25per hour	0.60p	£12.21 per day
SA254601	£2.25per hour	0.60p	£12.21 per day
Temp to Perm		Temp Position	Date went Perm
SA371387	7.03 per day	Rough Sleeper Worker	Jul-20

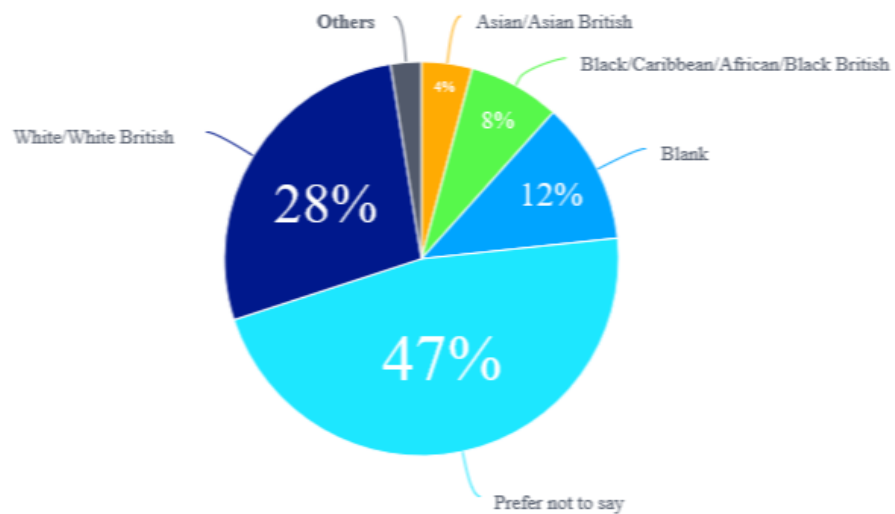
Diversity

Based on Active placements 09/2020

Gender



Ethnicity

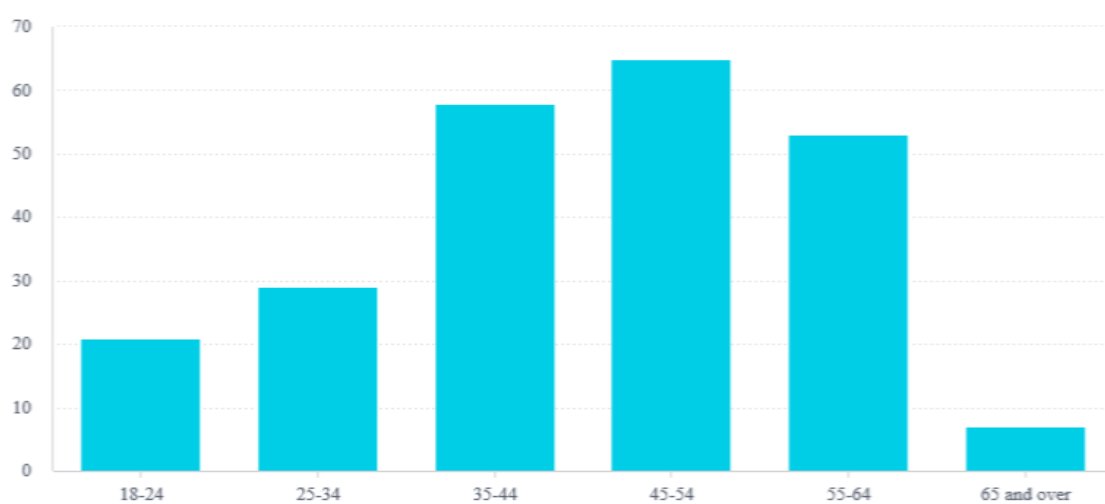


Average Age

Average Age

45

Age Demographic



CATEGORY	Key Performance Indicator	Measurement	Target Service Level	Frequency of Activity/Monitoring	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21
Delivery	Assignment Fill Times (Direct/Single Supplier)	The Service Provider will fill all Assignments where CVs are not requested to the specified timescales	98.0%	Monthly, based on a rolling quarter	100%						
		Urgency	Timescale								
		Within 4 hours	Within 30 minutes								
		Within 24 hours	Within 1 hour								
		Within 3 working days	Within 4 hours								
		Otherwise	Within 48 hours								
Delivery	CV Volume	Percentage of roles where number of accepted CVs requested is matched by number of CVs supplied by the Service Provider	98.0%	Monthly, based on a rolling quarter	100%						
Delivery	Fulfilment rate (Standard roles)	Percentage of assignments where there is supply of a suitable Temporary Worker, accepted by the Hiring Manager, within the timeframe as set out in the Service Level Agreement and the Temporary Worker remaining in the post of either the duration of the assignment or one month, whichever is sooner. Extensions, re-bookings or referred Temporary Workers shall be discarded from the calculations	98.0%	Monthly, based on a rolling quarter	100%						
Delivery	Fulfilment rate (Hard to Fill roles)	As Above	90.0%	Monthly, based on a rolling quarter	100%						
Delivery	Completion Rate	Percentage of appointed Temporary Workers completing the assignment	90.0%	Monthly, based on a rolling quarter	100%						
Delivery	Rejection rate (CVs)	Percentage of CVs rejected by the Hiring Manager as a percentage of all CVs submitted where a rejected CV is defined as a CV where the Hiring Manager has marked the proposed CV as unsuitable for experience, qualifications	2%	Monthly, based on a rolling quarter	2.10%						
Delivery	Rejection rate (Service Provider appointed worker)	Percentage of Service Provider appointed Temporary Workers rejected by the Customer as unsuitable within 5 working days or less of all Service Provider appointed Temporary Workers	2%	Monthly, based on a rolling quarter	0%						
Delivery	Service Provision	Percentage of time Service Provider's staff on Customer site	100%	Monthly, based on a rolling quarter	N/A						

Key Performance Indicator		Measurement	Target Service Level	Frequency of Activity/Monitoring	Jul-20	Aug-20	Sep-20	Oct-20			
Delivery	Rejection rate (Service Provider appointed worker)	Percentage of Service Provider appointed Temporary Workers rejected by the Customer as unsuitable within 5 working days or less of all Service Provider appointed Temporary Workers	2%	Monthly, based on a rolling quarter	0%						
Delivery	Service Provision	Percentage of time Service Provider's staff on Customer site	100%	Monthly, based on a rolling quarter	N/A						
Delivery	Service Provision (Proactive)	Percentage of daily proactive contacts made	100%	Monthly, based on a rolling quarter	100%						
IT Systems	Web Portal	Percentage of uptime of the web portal	99.50%	Monthly, based on a rolling quarter	100%						
Management	Customer satisfaction	Quarterly net promoter score	10	Quarterly after first six months	To be carried out 01/01/2021	To be carried out 01/01/2021	To be carried out 01/01/2021	To be carried out 01/01/2021	To be carried out 01/01/2021	To be carried out 01/01/2021	
Management	Complaint Response	The Service Provider must acknowledge the complainant and inform the Contract Manager of any complaint by the end of the second full working day after receipt. In doing so, the Service Provider will inform the Contract Manager of the issue, an initial analysis of cause and a proposed resolution.	100%	Monthly from start of contract	100%						
Management	Complaint Response	The Service Provider will satisfactorily close all complaints within 28 working days of receipt.	100%	Monthly from start of contract	100%						

SLOUGH BOROUGH COUNCIL

REPORT TO: Employment & Appeals Committee

DATE: 20 October 2020

CONTACT OFFICER: Surjit Nagra, Associate Director - Customer

AUTHOR:
For all enquiries Christine Ford, Diversity and Inclusion Manager,

WARDS: All

PART I

FOR DECISION

SBC POLICY AND GUIDANCE ON SUPPORTING TRANS EMPLOYEES

1. Purpose of Report

- 1.1 This report provides the Committee with an overview of the updated policy guidance for supporting transgender (trans) employees. The full draft policy is attached as Appendix A.

2. Recommendation(s)/Proposed Action

- 2.1 The Committee is requested to review and approve the updated policy.

3. Supporting Information

- 3.1 Gender identity is a protected characteristic under the Equality Act (2010): under this all trans people are protected from discrimination in the workplace. However, despite this legal protection, trans people have been identified as a particularly vulnerable group. Research indicates a number of complex issues and negative experiences of trans employees within workplace environments. The council is committed to ensuring that no individual is subject to discrimination or victimisation as a result of the gender in which they present themselves.
- 3.2 SBC recognises that coming out as trans can be a very difficult and complex time for an individual and wishes to act in a sensitive and supportive way by having clear guidance in place. The decision to come out as trans or non-binary is not something a person undertakes lightly and the support of managers and colleagues is often vital. This policy and guidance is designed as a resource to support trans and non-binary employees. It can also be used to increase awareness of gender identity and expression, and what may constitute discrimination of trans or non-binary employees.

- 3.3 The development of a diverse and inclusive workforce – where every employee is valued and can achieve their maximum potential - is central to the council's aims. The council is proud to promote itself as a Stonewall Diversity Champion and understands that trans employees have a valuable role to play in furthering the aims and aspirations of its organisation.
- 3.4 This revised guidance has been developed in conjunction with best practice advice from Stonewall, the leading LGBT+ charity.
- 3.5 In September 2020, the government confirmed that it would not be significantly reforming the Gender Recognition Act (2004) following a public consultation.

4. Summary of key points:

- 4.1 The council's original policy dated back to 2007 and needed to be significantly reviewed to reflect emerging best practice to support trans and non-binary staff. The newly revised policy now has a:
- Full glossary of up to date terms and definitions with links to further reading and support
 - Comprehensive sections on practical issues, including:
 - the importance of dignity and respect in the use of names and pronouns
 - the importance of confidentiality at all stages
 - clear statement on the council's policy regarding toilet facilities, including the provision of gender neutral facilities where possible in addition to male/female toilets.
 - procedures to protect confidentiality in recruitment including the taking up of references
 - the keeping and changing of personnel records
 - amending gender categories on Agresso
 - Extensive FAQs on the process of supporting a staff member who is transitioning together with an example of an action plan; managing the reaction of colleagues and clients, communicating changes to teams etc.
 - Key legislative background

5. Consultation

- 5.1 Consultation in respect of the revised policies and procedures has taken place with Trades Unions, LGBT+ Allies staff group, Stonewall, Employee Engagement Forum and Corporate Consultative Forum.

6. Implementation Process

- 6.1 The implementation process will include various methods of communication including;

- Newsround
- Information on Insite

7. Background Papers

None

8. Appendix

Appendix A – SBC Policy and Guidance on Supporting Trans Employees

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SLOUGH BOROUGH COUNCIL
 POLICY AND GUIDANCE ON
 SUPPORTING TRANS EMPLOYEES

Policy Schedule		
Policy owner and lead	People Services: HR Policy Manager/Diversity and Inclusion Manager	
Consultation	Trade Unions	July 2020
	Employee engagement forum	September 2020
	CMT/SLT	September 2020
	CCF	September 2020
Approving body	Employment & Appeals Committee	
Date of approval	October 2020	
Date of implementation	October 2020	
Version number	V 10 September 2020	
Related documents	Leave Policy Managing Sickness Absence Policy Dignity at Work	
Review interval	September 2023	

CONTENTS	PAGE
1. Policy Statement	3
2. Introduction	3
3. Definitions and Terminology	3
4. Understanding the Challenges Faced	4
5. Practical Issues	5
6. Action Plans for Trans Employees	7
7. Appendix A – Example of action plan	8
8. Appendix B – Manager and Employee FAQs	10
9. Appendix C – Legislation	11
10. Appendix D – Useful Information	13

1. POLICY STATEMENT

- 1.1 The development of a diverse and inclusive workforce – where every employee is valued and can achieve their maximum potential – is central to Slough Borough Council's (SBC) aims. The council is proud to promote itself as a Stonewall Diversity Champion and understands that trans employees have a valuable role to play in furthering the aims and aspirations of the organisation. The council values the diversity of its people and is committed to promoting equal opportunities and eliminating discrimination.
- 1.2 This policy and guidance is designed as a resource to support trans and non-binary employees. It can also be used to increase awareness of gender identity and expression, and what may constitute discrimination of trans or non-binary employees. The council aims to provide a positive transitioning space for employees; managers or employees should contact the Human Resources team for further guidance and support with individual cases.

2. INTRODUCTION

- 2.1 SBC recognises that coming out as trans can be a very difficult and complex time for an individual and wishes to act in a sensitive and supportive way by having clear guidance in place. The decision to come out as trans or non-binary is not something a person undertakes lightly and the support of managers and colleagues is often vital.

Trans people have been identified as a particularly vulnerable group. Research indicates a number of complex issues and negative experiences of trans employees within workplace environments. The council is committed to ensuring that no individual is subject to discrimination or victimisation as a result of the gender in which they present themselves. Whilst the Equality Act (2010) offers explicit protection to trans people, it does not address the challenges faced by people who identify as non-binary. We wish to go further than the letter of the law and ensure that all staff – including non-binary staff – are supported and protected from discrimination.

This guidance should be read in conjunction with the Dignity at Work Policy.

3. DEFINITIONS

- 3.1 Every person is assigned a gender at birth – male or female – based on their biological sex. A small number of people find the gender they are assigned does not match their gender identity – their internal sense of where they exist in relation to being female or male. Some individuals may also experience a gender identity that is neither exclusively

male or female or is in between or beyond both genders (non-binary).

3.2: Some people are born intersex. Intersex is an umbrella term that describes physiology that falls outside the strict male/female binary. Gender is usually assigned at birth; the individual may grow up to identify with this assigned gender, or a different gender or as non-binary.

Useful Glossary of Terms:

Gender Identity: describes the inner relationship a person has to masculinity, femininity, both or neither.

Trans: An umbrella term for people whose gender identity differs from the gender they were assigned at birth. This can include people who identify as non-binary, but not all non-binary people identify as trans.

Cisgender: A term for people whose gender identity is consistent with the gender they were assigned at birth.

Gender affirming medical treatment: Treatment that a trans person may undergo to affirm their gender identity, for example hormone therapy or surgery. It is important to note that this is a very personal choice and not all trans people choose to undergo gender affirming medical treatment. This is also referred to as 'gender reassignment' in equality legislation.

Non-Binary: A gender identity which is in-between or beyond the two categories 'man' and 'woman', fluctuates between 'man' and 'woman', or has no gender, either permanently or some of the time.

Intersex: A general term used for a variety of situations in which a person is born with reproductive or sexual anatomy that doesn't fit into the binary categories of male or female

A full glossary of terms from Stonewall can be found at:

<https://www.stonewall.org.uk/help-advice/glossary-terms>

4. UNDERSTANDING THE CHALLENGES FACED

Stonewall has conducted extensive research into being LGBT in the Workplace. The 2018 LGBT in Britain – Work Report found that:

- One in eight trans people (12 per cent) have been physically attacked by customers or colleagues in the last year because of being trans.

- Almost one in five LGBT (lesbian, gay, bisexual or trans) people (18 per cent) who were looking for work said they were discriminated against because of their sexual orientation and/or gender identity while trying to get a job in the last year.
- More than a third of LGBT staff (35 per cent) have hidden or disguised that they are LGBT at work in the last year because they were afraid of discrimination.
- Almost a third of non-binary people (31 per cent) and one in five trans people (18 per cent) don't feel able to wear work attire representing their gender expression.

5. PRACTICAL ISSUES

5.1 Trans Respect Guidelines for Employees

The following are guidelines on how to support people who are trans or non-binary:

- Respect the person's gender identity.
- Use the name and pronoun that the person asks you to. If you aren't sure what the right pronoun is, ask. Sometimes it is possible to use you/they/we to avoid the gendered pronouns such as he or she. If you make a mistake with pronouns, correct yourself and move on. Don't make a big deal out of it. If in doubt use their name instead of he/she/they.
- Respect people's privacy. Do not ask what their 'real' or 'birth' name is. Do not tell others about a person's trans status without their permission. If documents have to be kept that have the person's previous name and gender on them, keep them confidential.
- Respect people's boundaries. Avoid personal questioning.
- Listen to the person, and ask how they want to be treated and referred to.
- Slough Borough Council does not tolerate bullying and harassment on the grounds of sexual orientation, gender reassignment or gender identity. (Please refer to Dignity at Work Policy).

5.2 Confidentiality

Confidentiality is crucial. To 'out' a trans person, without their permission, is a form of harassment and a criminal offence if they have applied for a Gender Recognition

Certificate. If there is a requirement to inform a colleague, for example to update a record, ask the employee's permission to disclose before doing so. In the council, all employees can update their diversity information confidentially on the Agresso HR system. There are also options to classify your gender in a non-binary way.

Confidentiality must be maintained in compliance with the General Data Protection Regulations and Data Protection Act 2018. Inappropriate access or disclosure of employee data constitutes a data breach. Any breach of the Council's Data Protection and Privacy Policy must be reported and may result in action under the Council's Disciplinary Policy and Procedure. Personal data breaches which are likely to risk the rights and freedoms of others will need to be reported to the Information Commissioner's Office without undue delay or within 72 hours of becoming aware of the breach.

5.3 Toilets and Changing Facilities

All employees should be able to use the toilet or changing facility corresponding to their gender identity without fear of harassment. There are also a number of gender-neutral toilets in council buildings, which are accessible to all employees.

5.4 Recruitment

Where formal documents are required before commencing employment, e.g. for a right to work check, confidentiality should be emphasised when asking for a birth certificate. The birth certificate will clearly show the person was born with a different name and gender. Under current UK legislation, the only way someone can change their birth certificate is to obtain a Gender Recognition Certificate (GRC) (see pp.11-12). Many trans people will have chosen not to go through this process. The same situation can arise with a passport, although in the UK this can now formally be changed into the new name and gender without a GRC. Also, they may have a passport from another country that does not have the same legislative provision as the UK. Therefore, advice should be sought from Human Resources.

It should not be expected that job applicants and interviewees will necessarily wish to disclose trans status, as many consider it a private matter. Where a Disclosure and Barring Service check is necessary for a role requiring a criminal record check, the DBS offers a confidential checking process for transgender applicants. Prospective and existing employees will need to contact Human Resources for further information.

For more information about the recruitment process for transgender applicants please email sensitive@db.s.gsi.gov.uk

Occupational requirement

The only time it would be possible for an employer to refuse a job or promotion on the basis of an employee's gender identity is when there is a reason why, considering the nature or context of the work, being of a particular gender identity is an occupational requirement.

There will be very few cases where an occupational requirement exception could be used. An employer would usually have sought legal advice before including a genuine occupational requirement as part of a role description. They would need to include these details in the initial application information.

5.5 Records

If an employee decides to come out as trans at work and wishes to update their records, they should notify their HR Adviser who can discuss how this can be done. Employees do not need to show formal evidence in order to change their name on work systems.

All paper and digital records must be replaced with a full set of new ones in the new name and gender where possible. No records should be changed without the permission of the employee concerned.

5.6 References:

References for current or former employees who have subsequently come out as trans must make no reference to the person's former name or gender, and must use the appropriate pronoun.

6. ACTION PLANS FOR TRANS EMPLOYEES

When an employee makes the decision to come out as trans at work, it is advised that they and their main contact in HR should agree a plan for managing this whilst at the council. This plan will include agreeing dates of updating records and any required communication plans to colleagues where a change of name and/or pronoun is to be used; the council will be guided at all times by the individual's preferences. Under no circumstances should any communication or actions be taken without explicit consent of the individual. To 'out' someone, without their permission, may constitute harassment and accordingly may amount to a breach of discipline or a criminal offence. The council will take any such misconduct very seriously. An example action plan can be found in Appendix A: Example of Action Plan.

6.1 Managing the Reactions of Colleagues

An important part of the action plan is the communication about any changes to the employee's name and pronouns to colleagues and other people they work with such as other partners and customers.

The trans person may want to tell their colleagues about their trans identity individually. However, in agreement with the employee it may be useful to arrange a meeting with their colleagues. The trans employee should be free to choose whether they make an announcement themselves, or whether it is made for them by a chosen representative. If the trans employee is comfortable, it can be helpful to provide an opportunity for colleagues to ask supportive questions in person or by email, either of the person concerned, the meeting host or another relevant person. It may be useful to circulate some basic ground rules on showing respect for trans people.

6.2 Sickness and Absence from the Workplace

In putting together the action plan, absence management should be discussed. When the employee is absent for treatment or surgery the Sickness Absence Management Policy should be followed. Further advice and support is available from the Human Resources Adviser or HR Business Partner.

6.3 The Role of Occupational Health

It is important for a manager to ask what treatment (if any) an employee is planning and how the council can support that. A person experiencing gender dysphoria should be offered the opportunity to be referred to Occupational Health for advice. The role of Occupational Health (OH) will be to advise the employer on fitness for work issues as well as provide appropriate advice on any medical issues which may impact on an individual's ability to carry out the full scope of the job.

Following any surgery, advice may also be needed about any temporary adjustments to help those returning to work, who may not, at first, be able to undertake all aspects of their former role. You should not assume that trans people want to change their job within an organisation but if they request this, either as a temporary measure, or on a more permanent basis, the employer should try to help them to do this. A few occupations may involve an Occupational Requirement (the work to be performed only by a person of one specific sex). An agreed temporary move to another job may be advised. Trans people must not lose their jobs because of this, and they may be retained where other staff are able to do the task where the Occupational Requirement applies. Trans people with a Gender Recognition Certificate *must* be regarded as being of the post-transition gender status for the purposes of ORs.

Any individual referred to Occupational Health can expect the issues to be dealt with in the strictest of confidence, as would be expected from any other practitioners providing this service.

APPENDIX A

Example of Action Plan to support Employees

This action plan should be confidential and discussion should take place between the trans employee and HR to agree where copies are kept and who should have access to them.

- Contact your Human Resources Adviser
- Does the employee feel comfortable continuing in their current role? Are there any temporary or permanent changes to the role which should be considered to support the employee?
- If the employee plans to undergo gender affirming medical treatment, what is the expected timescale of this, if known? Identify the periods of planned absences needed to enable them to access treatment.
- What will the employee's new title, pronoun and name be?
- Does the employee have any concerns around changes to work dress? How can this be supported?
- Are there any dress codes which need to be considered? (Do new uniforms need to be ordered?).
- Employees can choose which toilets to use to match their gender presentation; the council also has a number of gender-neutral toilets in council offices.
- When, how and which Human Resources records and or systems will need amending?
- (Consider for example: online records, employee ID card, employee records and databases, finance records, pensions, websites).
- When and how should colleagues be informed?
- Is there any education material which could be used?
- If this action plan is not drawn up with input from the line manager, consider how and when they might need to be involved.
- Additional guidance can be sought from HR.
- Actions agreed.
- Date of next meeting.

APPENDIX B

MANAGER AND EMPLOYEE FAQs

I identify as trans and wish to transition, who do I need to contact first for support?

You can contact Human Resources who can provide advice and guidance on transitioning at work and the support available.

Where can I get confidential advice around transitioning?

From an organisational perspective, you can contact Human Resources or alternatively there are many support organisations that can provide personal support, these are listed in Appendix D.

Will all my colleagues be informed of my transition?

Other employees will only be informed according to your wishes, which will be discussed when you contact HR.

Can I assume a different role within the council while I'm transitioning?

Normally this is not possible as you will have been employed for your skills in the role that you currently occupy; adjustments to your role can be considered, but there is no guarantee that a suitable alternative role can be provided.

Can I use the facilities, for example changing rooms and toilets, which match my gender identity?

Yes, you should use the facilities that match your gender identity; the council also has gender-neutral toilet facilities at several council buildings.

Who do I go to if I'm being bullied or harassed about my transition or gender identity?

You should speak to your manager in the first instance; you may also wish to speak to your HR Business Partner or the Diversity and Inclusion Manager.

What support will the council offer me if I'm transitioning?

The council will do its utmost to make the process of transitioning as supportive as possible; any medical appointments will be treated in line with the Sickness Absence Policy. The council also offers an Employee Assistance Programme which can provide additional support. Details are available on the staff intranet: <http://insite/people/health-and-wellbeing/employee-assistance-programme/>

What happens after a person has transitioned?

The employee will be living in their affirmed agenda rather than that assigned at birth. They should always be referred to using the correct pronoun, and they should be treated with the same respect given to all employees in line with our Values and Behaviours and our Dignity at Work policy.

Someone has told me they want to transition, what do I do?

If the employee needs support from the council, they should contact their HR Business Partner. It is important for managers to be supportive and to provide as positive an environment as possible for transitioning. Please note that it is a criminal offence for any employee who has acquired protected information regarding an individual's gender identity to disclose that information to any other person. This also applies where they obtained the information in an official capacity (such as a member of HR or line manager).

Can you outline what the process is likely to be?

It is important to recognise that every person is an individual and their experience and circumstances will not always be the same; however the following provides some guidance:

The person informs the council that they are trans and may provide information of any name/pronoun changes.

At the person's request, the council updates its records to reflect any name change and their new gender.

A new employee file is created and any documents revealing their former name and gender that must be kept (for example, pension records) are marked 'confidential'.

The person may apply for a gender recognition certificate in order for their birth certificate be reissued to match their gender identity and name. Currently, legislation requires trans people to live in their chosen gender for at least two years before they're eligible for a gender recognition certificate. Please note that the council has no need to see this document and the certificate is not required to make amendments to employee records.

The person is now legally recognised in their chosen gender – all documents and references that have not already been changed must now be changed.

If the person is a member of the local government pension scheme, they must send their new birth certificate to the appropriate person to ensure their gender is changed on pension records.

APPENDIX C

Legislation

Equality Act 2010

The Equality Act 2010 has strengthened and streamlined previous equalities legislation. Gender reassignment is one of the nine protected characteristics within the Act and is also included in the Public Sector Equality Duty. Importantly, the definition of gender reassignment within the Act gives protection from discrimination to a person who has proposed, started or completed a process to change their gender. As such, trans people do not have to undergo medical treatment to be

protected by the Act. What matters is that a person has the intention to permanently live, or are already living as their preferred gender. In short, the Act protects:

- Trans people whether or not they are undergoing gender affirming medical treatment
- People who experience discrimination because they are perceived to be trans (whether or not they are);
- People who are discriminated against because of their association with a trans person.

The Act does not specifically address the challenges faced by people who identify as non-binary, however the Equality Duty requires that the Council has due regard to the need to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity; and foster good relations.

The Gender Recognition Act 2004

In the past, a person's legal gender could only be defined by their birth certificate and could not be changed. The Gender Recognition Act 2004 allows trans people to apply to have legal recognition of their acquired gender by acquiring a gender recognition certificate. This certificate enables trans people to apply for a new birth certificate to be reissued in accordance with their gender identity.

N.B. you should never ask to see a person's gender recognition certificate. It is not necessary to have a GRC to change other documents. A trans person can change their name by deed poll and apply for a passport in their new name and change their work record to their affirmed gender; however, changing your passport (or other records) to be in your new name and gender doesn't give any legal recognition to your change of gender. It's merely a recognition by those record holders that you've adopted a new identity.

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018

Under relevant data protection legislation, trans identity and gender reassignment constitute 'special categories data'. Therefore information relating to a person's trans status cannot be recorded or passed to another person unless conditions under chapter 2 of the Data Protection Act 2018 for processing sensitive personal data are met. Please note that it is a criminal offence for any member of staff who has acquired protected information regarding an individual's gender identity to disclose that information to any other person without the individual's consent. This applies where they obtained the information in an official capacity (such as a member of HR or line manager).

The Human Rights Act 1998

The Human Rights Act 1998 provides protection to trans people, principally under the right to a private life. The courts have interpreted the concept of 'private life' in a very broad way to cover, among other things, a person's right to express a sexual identity, to live a particular lifestyle and to choose the way they look and dress. It also means that personal information (including official records, photographs and letters) should be kept securely and not shared without the permission of the individual concerned. In addition, the right to privacy states that unless a public

authority is acting in accordance with the law, there should be no interference by a public authority with a person's exercise of their right to a private life.

APPENDIX D

Useful resources:

www.genderedintelligence.co.uk

Extensive information and advice with signposting to further resources

www.stonewall.org.uk

Extensive guides on all issues around LGBT+ equality

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SLOUGH BOROUGH COUNCIL

REPORT TO: Employment & Appeals Committee

DATE: 20 October 2020

CONTACT OFFICER: Surjit Nagra, Associate Director - Customer

AUTHOR: Jules Potter, Head of Organisational Development

For all enquiries 07821 811324

WARD(S): All

PART I

FOR DECISION

REVISED LEARNING AND DEVELOPMENT POLICY

1. Purpose of Report

The corporate Learning & Development Policy was approved by the Employment and Appeals Committee (EAC) in October 2019. This report sets out the annual review of the policy and seeks approval from the committee to the revisions.

2. Recommendation(s)/Proposed Action

- 2.1 The Committee is requested to approve the revised Learning & Development Policy.

3. Supporting Information

- 3.1 The People Service has a programme of work relating to undertaking reviews of all employment policies and procedures. This programme of work is to ensure the policies and procedures:

- comply with employment legislation and any changes in statutory provisions
- reflect the council's strategic aims
- continue to reflect best practice
- are user friendly for both managers and employees
- work together cohesively
- incorporate any lessons learnt from casework.

4. Revised Learning and Development Policy

- 4.1 A summary of the main changes to the Learning & Development Policy is outlined below:

- All permanent and temporary employees and volunteers have the same responsibilities and are required to complete 100% of their Mandatory Training as a prerequisite to undertake any other free internal or commissioned external training.
- The members' development programme details have been updated to reflect the work that has been carried out to survey members' views on their development needs.
- There are no changes proposed to the *Guidance on Applications for Funding for L&D for SBC Employees* but it is attached to enable members to cross-reference with the policy.
- Please note that in the light of COVID-19, the majority of our training provision is carried out virtually to secure employee and training provider safety. A separate strategy to enable safer training, meetings and interviews is in progress and forum members will be updated at the meeting.

5. Appendices

Appendix 1 – Learning and Development Policy

Appendix 2 – Applications for Funding for L&D for SBC Employees (please note there are no changes to this document since the policy was approved in October 2019 – it is included for ease of reference).

LEARNING AND DEVELOPMENT POLICY AND PROCEDURE



Policy Schedule

Policy owner and lead	People Service: Head of Organisational Development	
Consultation	Corporate Management Team	Employee Engagement Forum
	Trade Unions	Disability Forum
	Corporate Consultative Forum	People Services Team
Approving body	Employment Appeals Committee	
Date of approval	October 2020	
Date of implementation	October 2020	
Version number	Version 1.1 (revised from October 2019 EAC approved version)	
Related documents	Guidance on applications for funding for the Learning and Development of SBC Employees Removed reference to Apprenticeships Policy as this is yet to go through due process to approval. Performance Review Procedure Managing Performance Policy Volunteering Policy	
Review interval	Annually (next review October 2021)	

Version Control

Version Control

Version	Author	Date	Changes
1.1	Jules Potter	June 2, 2020	All indicated in red and in particular – all permanent and temporary employees have the same responsibilities (see sections 3.1 and 3.2) and all employees are required to complete 100% of their Mandatory Training to be enabled to undertake any other free internal or commissioned external training.

Version Control

Version No: 1.1

Approved by: Employment and Appeals Committee Date approved:

Effective:

Authority: SBC

Authorised by: EAC

Contact Officer: J Potter

Revision History

Version No Date

Contents	Page Number
1. Introduction	4
2. Scope	5
3. Duties and Responsibilities:	6
3.1 Responsibilities of the Individual Permanent Employee	6
3.2 Responsibilities of the Individual Temporary Employee	7
3.3 Responsibilities of the Volunteer	9
3.4 Study Leave	10
3.5 Employee Compliance	10
3.6 Responsibilities of the Line Manager	11
3.7 Responsibilities of the Senior Leadership Team	12
3.8 Responsibilities of the Organisational Development Team	13
4. Financial Monitoring	14
5. Approval and ratification	14
6. Dissemination and implementation	15
7. Review and revision arrangements	15

1. Introduction

- 1.1** Slough Borough Council's ultimate goal is for our employees to take control of their own learning. The council is committed to being an employer of choice and investing in learning and development to achieve the Council's strategic goals and objectives and to assist employees to reach their full potential. Continuous learning and development supports employees to deliver excellent customer experience and service. It is therefore essential that we offer learning environments across the organisation conducive to the ultimate goal.
- 1.2** This policy sets out Slough Borough Council's responsibility for planning and enabling learning and development activities. It defines the responsibilities of employees to attend learning events and the financial and human resources available to them to plan and agree their development needs.
- 1.3** This policy is driven by the organisational vision and values which promote the Council as a learning organisation – *where people continually enhance their capabilities to create what they want to create*¹.
- 1.4** This policy is also implicit to the Our Futures transformational agenda. We are changing the way we work – with our residents, communities, businesses, partners and members – with new systems, processes and ways of doing things. To be regarded as the world class organisation we aspire to be, all our employees want to be afforded opportunities to develop so that great outcomes² can be delivered to those we serve.
- 1.5** To drive that vision² *We want to recruit, retain and develop high quality people who are committed to Slough and supported to do their job* and achieve the following core aims:
- Support every employee to be safe and effective in their roles throughout their career at the Council. This includes: local and corporate induction; probationary period; performance reviews (annually and at regular 1:1/supervision review meetings); mandatory training; and continuing professional development;
 - Monitor and report on employee compliance to ensure that the Council is meeting its statutory and legal learning and development responsibilities;
 - Build capability through the Slough Academy apprenticeships so that development needs are met and all employees are able to operate with confidence in the transformed council;
 - Spend public funds allocated to employee and member development within a centralised training budget in a robust and accountable manner;
 - Appreciate and respond to different learning styles, preferences and capabilities of the workforce; and

¹ Senge, P: The Fifth Discipline 1990

² As set out in the Council's Five Year Plan 2020-25

- Upskill employees so that they are confident in their current roles; recognise their own potential; and evolve into role models for their colleagues and customers.

1.6 Development needs are analysed through team and individual performance reviews. From these training needs analyses (TNAs), employees are required and/or offered learning opportunities at the Council's HQ and/or at learning hubs throughout Slough. Some learning opportunities are led by SBC employees. Where external facilitators/trainers are required, the relevant service needs to produce a short business case which states the organisational benefit, risks and costs in relation to the requested training to secure the best expertise and value for public money.

1.7 This policy should be read and applied in conjunction with the council's vision and values as set out in the *Five Year Plan 2020-2025*; associated performance review documentation for employees through this link: <http://insite/people/your-development/performance-review/> Employees should also refer to the Your Development at SBC page: <http://insite/people/your-development/your-development-at-sbc/> in consideration of how they can self-serve or seek opportunities in respect of their own continuing professional development.

2. Scope

2.1 The aim of this policy and procedure is to provide a framework for the learning and development requirements of all Slough Borough Council employees - whether they are permanent or temporary – as well as members and volunteers.

2.2 This policy does NOT apply to apprentices or employees working for contractors, unless it supports the requirements of the post they are filling.

2.3 The Council has a Corporate Learning and Development Programme with a complementary Directory. The Directory is updated as training needs are reviewed every two months, and is available to all Council employees via SBCinsite. Learning and development that is delivered by in-house facilitators/trainers is free to SBC employees. Learning and development that is commissioned and delivered by external facilitators/trainers will be funded from the centralised training budget managed by the Head of Organisational Development. However, if an employee has booked to attend a course/event and fails to do so, the relevant service will be charged for the cost of the space allocated to that delegate. The relevant service will be notified of this charge and the relevant lead/line manager will be asked to explain the reason for the absence. If it not a justifiable explanation, the service will be charged accordingly.

2.4 Generally, the Council does not fund qualifications unless the study is critical to the post; or is agreed as part of continuing professional development (CPD); career progression; or in line with service priorities. The level of support will be at the discretion of the applicant's/learner's line manager with support and advice from the Head of Organisational Development, taking into account the terms set out in the *Guidance on applications for funding for Learning and Development for SBC Employees* which can be found via this link: <http://insite/people/your-development/your-development-at-sbc/>. There is also a link on this page to the Slough Academy apprenticeships programmes: <http://insite/people/more/the-slough-academy/>

3. Duties and Responsibilities

The responsibilities of ALL employees is set out in this policy, whether they are permanent or temporary (interims, fixed-term contracts, as and when/casuals). There is also reference to volunteers, for whom the Council is accountable to ensure they are safe and effective in how they support the organisation.

3.1 Responsibilities of ALL SBC Permanent Employees

3.1.1 All permanent employees are required to live the corporate values and take personal responsibility to ensure that they are skilled sufficiently to meet the demands of their role and associated duties. To do so, they are **required** to:

- Complete the Mandatory Training Curriculum (MTC) agreed by the Corporate Management Team in October 2019 using the Cornerstone Learning Management System by the designated deadline assigned to their training records. New permanent employees are assigned to complete this MTC *before* they join the Council (details are issued to them in their new starter letter). The modules within the MTC are to be refreshed every three years (the system automates reminders). This MTC compliance data is reviewed monthly by the Senior Leadership Team and any employee who has not completed 100% of the MTC (including designated deadlines for refreshers) will NOT be assigned any of the free internal or external commissioned training until the MTC is up to date. Employees can view FAQs in relation to Cornerstone via this link: <http://insite/people/more/cornerstone/>
- Start the local induction process within **five working days** of their first day of employment at Slough Borough Council with their line manager, utilising the checklist available on SBCinsite via this link: <http://insite/people/recruitment/induction/> and/or their service specific induction checklist.
- Attend Corporate Induction within **two months** of their first day of employment at the Council. Corporate Induction dates are featured in the Corporate Learning and Development Programme Directory via this link: <http://insite/people/your-development/your-development-at-sbc/>
- Actively seek development to meet the requirements of the job role including required competencies (both as line manager and employee, where relevant) and to contribute to the continuous improvement of their service.
- Attend **1:1/supervision review meetings** with their line manager and undertake for their direct reports at **least every four to six weeks**.
- Attend an **annual performance review meeting**. This meeting is a key milestone in regular 1:1s/supervision meetings as it is an opportunity for an employee and their manager to review achievements and identify the required knowledge, skills and ability to do a job effectively and the areas where further development is possible. The performance review form and guidance is available currently on SBCinsite via this link:

<http://insite/people/your-development/performance-review/>. This form and guidance will be featured in the new Cornerstone Performance Management System to be implemented in 2021. All Personal Development Plans are reviewed by the Organisational Development Team on an annual basis to create a corporate Training Needs Analysis. Teams throughout the organisation will also be encouraged to consider their collective needs with support from the Organisational Development Team.

- Attend **probationary** period meetings. In the first **six months** of employment, an employee is also required to undergo a probationary period. The period of probationary service provides a formal opportunity for managers to review the progress of new employees and to assess their suitability for the post to which they have been appointed. For more information, please see SBCinsite weblink here: <http://insite/people/your-development/probation/>. All permanent employees who have completed successfully their **probationary** period may apply for study leave and funding in line with the *Guidance on applications for funding for the Learning and Development of SBC Employees* which can be found via this link: <http://insite/people/your-development/your-development-at-sbc/>
- Take control of their own learning through the corporate or directorate/service specific learning opportunities which are appropriate to their role/career development, as well as meet their learning objectives as set out in their **Personal Development Plan** (discussed at their annual performance review and at each 1:1/supervision review meeting). This includes selective learning methods such as work buddying, mentoring, coaching, action learning sets and job shadowing. Such training is to be completed within working hours and in agreement with your line manager. Where external courses/seminars are held outside working hours, attendance needs to be agreed with their line manager and arrangements made for time off in lieu (TOIL).
- Be mindful to arrive at any training session, including Corporate Induction, *at least* 10 minutes before it starts and to attend the whole session. Failure to complete the whole session will be recorded as non-attendance unless prior notification has been made to the Organisational Development Team.
- Maintain their professional registration or membership where applicable. Employees should refer to their employment contracts for the available financial support for such registration or membership.
- Record attendance and performance, where appropriate, at any learning event in 1:1s and/or annual performance review meetings to demonstrate compliance.

3.2 Responsibilities of all Individual Temporary Employees (interims, fixed fixed-term contracts, as and when/casuals)

- 3.2.1 All temporary employees – interims, those on fixed-term contracts, and casual workers (as and when) - are required to live the corporate values and take personal responsibility to ensure that they are skilled sufficiently to meet the demands of their role and associated duties. To do so, they are **required** to:

- Complete the Mandatory Training Curriculum (MTC) agreed by the Corporate Management Team in October 2019 using the Cornerstone Learning Management System by the designated deadline assigned to their training records. New temporary employees are assigned to complete this MTC *before* they join the Council (details are issued to them in their new starter letter/via email engagement with their line manager). This MTC compliance data is reviewed monthly by the Senior Leadership Team and any employee who has not completed 100% of the MTC (including refreshers by designated deadlines) will NOT be assigned any relevant free internal training until the MTC is up to date. Employees can view FAQs in relation to Cornerstone via this link: <http://insite/people/more/cornerstone/>
- Start the local induction process within **five working days** of their first day of temporary employment at Slough Borough Council with their line manager, utilising the checklist
- Start the local induction process within **five working days** of their first day of temporary employment at Slough Borough Council with their line manager, utilising the checklist available on SBCinsite via this link: <http://insite/people/recruitment/induction/> and/or their service specific induction checklist.
- Attend Corporate Induction within **two months** of their first day of employment at the Council if they are contracted to work for **more than three months** at the Council. The dates of Corporate Induction are featured in the Corporate Learning and Development Programme Directory - <http://insite/people/your-development/your-development-at-sbc/> If an employee's contract is three months or less, their line manager should seek advice from the Organisational Development Team about whether the requirement of attending Corporate Induction is beneficial to the employee and the service. If an employee's contract is less than three months initially but is extended, they should attend Corporate Induction at the next available opportunity.
- Actively seek development to meet the requirements of the job role including required competencies (both as line manager and employee, where relevant) and to contribute to the continuous improvement of their service.
- Attend **1:1s/supervision review meetings** with their line manager and their direct reports at least **every four to six weeks**.
- Subject to the length of their contract, after they have completed their probationary period they should attend an **annual performance review meeting**. This meeting is a key milestone in regular supervision meetings as it is an opportunity for an employee and their manager to review achievements and identify the required knowledge, skills and ability to do a job effectively and the areas where further development is possible. The performance review form and guidance is available currently on SBCinsite via this link: <http://insite/people/your-development/performance-review/>. This form and guidance will be featured in the new Cornerstone Performance Management System to be implemented in **2021**. All Personal Development Plans are reviewed by the Organisational Development Team on an annual basis to create a corporate Training Needs Analysis. Teams throughout the organisation will also be encouraged to consider their collective needs with support from the Organisational Development Team.

Take control of their own learning through the corporate learning opportunities which are essential to their development in the role they are covering, as well as attend those learning opportunities as set out in their **Personal Development Plan**, if a Performance Review meeting is appropriate to the length of their contract, see details above. Details of corporate learning opportunities are featured in the Corporate Learning Directory via this link: <http://insite/people/your-development/your-development-at-sbc/>

- Maintain their professional registration or membership where applicable. Temporary employees are required to self-fund their registration or membership, unless otherwise stated in their contractual terms.
- Record attendance and performance, where appropriate, at any learning event in 1:1s/supervision review meetings and/or annual performance review meetings to demonstrate compliance.

Removed section on sessional workers/tutors as now featured in section 3.2 above

3.3 Responsibilities of the Volunteer

- 3.3.1 Volunteers have valuable time, skills and experience that they can use to support communities and the town of Slough. Working with volunteers allows the Council to expand and enhance its services and better understand the needs of communities.
- 3.3.2 This policy applies to all volunteer applicants to Slough Borough Council who would like to donate their time, skills and experience to carry out volunteering roles without financial reward. **Although a volunteer is not an employee of the Council with no legally binding contractual relationship between the Council and the volunteer, the Council is accountable for their safety and effectiveness in the role they are doing without pay on the Council's behalf.**
- 3.3.3 Each volunteer is nominated a named person to support them throughout their time with Slough Borough Council. For more details on this support to volunteers and how they should be inducted to the Council, please see the link here to the Volunteering Policy: <http://insite/people/more/volunteer-guidance/>
- 3.3.4 **All** volunteers have a role description that outlines activities to be undertaken and should therefore live the corporate values and take personal responsibility to ensure that they are skilled sufficiently to meet the demands of their role and associated duties. To do so, they are **required** to:
 - **Complete the Mandatory Training Curriculum (MTC) agreed by the Corporate Management Team in October 2019 using the Cornerstone Learning Management System by the designated deadline assigned to their training records. The modules within the MTC are to be refreshed every three years (the system automates reminders). This MTC compliance data is reviewed monthly by**

the Senior Leadership Team and any volunteer who has not completed 100% of the MTC (including designated deadlines for refreshers) will NOT be assigned any of the free internal or external commissioned training until the MTC is up to date. Employees can view FAQs in relation to Cornerstone via this link: <http://insite/people/more/cornerstone/>

- Attend Corporate Induction within **six months** of their first day of volunteering role if that role is due to last for **more than three months** at the Council. The dates of Corporate Induction are featured in the Corporate Learning and Development Programme Directory - <http://insite/people/your-development/your-development-at-sbc/> If the **volunteering** role is three months or less, their line manager should seek advice from the Organisational Development Team about whether the requirement of attending Corporate Induction is beneficial to the **volunteer** and the service. If the volunteering role is extended is less than three months initially but is extended, they should attend Corporate Induction at the next available opportunity.

3.4 Study Leave

- 3.4.1 The vast majority of learning opportunities take place outside of formal programmes of study. For the purposes of this policy, work based or on-the-job development, such as coaching, mentoring, shadowing, reflective practice, are not included in the study leave allocation for time off. These should be planned activities agreed between the line manager and employee so that the employee can manage their workload within core working hours; there is minimum impact on service delivery; and there is equity of access for all employees.
- 3.4.2 Where study leave of half a day or more is required to attend a conference/seminar or other form of learning event, all employees should seek permission to attend from their line manager. Study leave should be recorded as such on the employee's annual leave record on the Agresso HR System and the manager should also discuss and agree with the employee additional time to reflect on what they have learned and/or cascade their learning to colleagues, where appropriate. For all periods of study leave, employees should refer to the *Guidance on applications for funding for the Learning and Development of SBC Employees* which can be found via this link: <http://insite/people/your-development/your-development-at-sbc/>

3.5 Employee Compliance

- 3.5.1 All permanent and temporary employees can access their own training records by logging into Cornerstone. If they are unable to do so and need to confirm their training compliance, they should contact the Organisational Development Team via: training@slough.gov.uk From December 2020, all line managers will be given access to the training records of their team members. In addition, Agresso – the Council's self-service HR System – will feed Cornerstone in terms of establishment details i.e. starters/leavers etc.

- 3.5.2** Cornerstone will hold 'live' training records so that the Organisational Development Team is able to assure the Council that it is meeting its statutory and legal requirements in terms of learning and development. The records are also shared for auditing and inspection purposes when required.

3.6 Responsibilities of the Line Manager

- 3.6.1** It is the responsibility of line managers, in discussion with their employees, to identify ongoing Mandatory Training compliance at 1:1s/supervision review meetings; and to agree appropriate learning opportunities by facilitating the arrangements to allow employees to take advantage of these. Learning and development needs should be discussed during the annual performance review meeting – see details via this link: <http://insite/people/your-development/performance-review/> utilising the **Personal Development Plan** template. This Personal Development Plan should be reviewed and updated and updated in 1:1s/supervision review meetings between managers and employees. Such review meetings should be used to offer support to employees in relation to their learning needs as well to discuss any capability issues. If there are capability issues, managers should consult the Managing Performance Policy via SBCinsite: <http://insite/people/hr-policies/managing-performance/>
- 3.6.2** Line managers should:
- Familiarise themselves with this Learning and Development Policy and associated funding guidance and support implementation throughout the Council.
 - Take personal responsibility to be a role model to their team in their performance and behaviour by completing the requirements set out in sections **3.1-3.2** of this policy, dependent upon their own role.
 - Have an understanding of their employee/s or volunteer/s tasks and key responsibilities and how they contribute to the Council's Five Year Plan and values - [our refreshed values](#) - and the 'golden thread' to service plans, budget setting and team and individual objectives.
 - Identify, support and plan the requirements for their employees or volunteers, as set out in sections **3.1-3.3** of this policy, where relevant.
 - Review learning activity of their team members through access to the Cornerstone Talent Management System when available in 2020 and support their employees to comply with the requirements as set out in sections **3.1-3.3** of this policy, where relevant.
 - Ensure that learning opportunities are accessible equitably for members of their team and most especially to their employees who are not office-based and do not have regular access to a PC. Please note that the People Services Plan identifies that ways of working are changing across the organisation through smart working and will encourage and support online learning.

- At each annual performance review and subsequent 1:1s/supervision review meetings, line managers should ask their employees to provide evidence of their compliance with the requirements set out in sections **3.1-3.3**, where relevant. Line managers should take personal responsibility to support their employees to complete their Mandatory Training requirements by the **designated deadlines on their training records** on behalf of the **Senior Leadership Team**. It is recognised that there are occasions where such corporate deadlines are missed due to sickness and bereavement or family/dependent emergency. The line manager should seek advice from the Head of Organisational Development in respect of such incidences to avoid inaccurate employee compliance reporting.
- Ensure there is adequate service cover whilst an employee/s is/are attending a learning event or has study leave.
- Record an employee's attendance at any learning event at annual performance reviews and subsequent 1:1s/supervision review meetings to demonstrate compliance. **This functionality will be available on Cornerstone in 2021. In the meantime, please notify the Organisational Development Team of such attendances (if an attendance register is NOT taken at the learning event) via training@slough.gov.uk.**
- Investigate and take appropriate action if notified that an employee is unable to or fails to attend any learning opportunities which are provided or arranged by the Organisational Development Team. This includes Corporate Induction. Failure by the employee to notify the Organisational Development of non-attendance will incur a departmental fine for the cost of the place on the course/event. The fine may be larger if an external course incurs more cost. This is subject to evidence that the employee's failure to attend was related to sickness, bereavement or family/dependent emergency. If an employee fails to attend due to a service need, the line manager should notify the Organisational Development Team **at least 24 hours** in advance.
- Ensure that learning activities are reviewed and that employees are supported to transfer their learning to the workplace including disseminating learning to colleagues, where appropriate.

3.7 Responsibilities of the Senior Leadership Team

3.7.1 In addition to line management responsibilities, the Senior Leadership Team - comprising the CEO, Directors and Service Leads - has the leadership responsibility to:

- Review, at least annually (following service planning and performance review season), a Training Needs Analysis (TNA) plan for their service with support from the OD Team; and
- Approve study leave and relevant funding for programmes in line with the principles identified in the *Guidance on applications for funding for the Learning and Development of SBC Employees*.

3.8 Responsibilities of the Organisational Development Team

3.8.1 The Organisational Development Team will:

- Diagnose and co-create learning opportunities for employees in response to organisational, team and individual needs. Such needs will be based upon priorities aligned with the Council's vision and values and to meet economies of scale and value for money. In support of this, an annual council-wide Training Needs Analysis (TNA) will be completed alongside the performance review process. Where these requirements cannot be met by the service and its budget, alternatives will be sought through discussion between the requester and the Head of Organisational Development.
- Provide appropriate support and guidance to both internal and external facilitators and trainers, including adherence to the corporate values and active movement principles.
- Inform managers of any employee's non-attendance of a learning event and provide support for investigation of absence.
- Lead and review the Corporate Induction to ensure it is robust to meet new employees' needs and ensure it aligns with corporate vision and national and local impact upon Council business.
- Review the local induction managers' checklist bi-annually (March and September each year) in line with operational needs; and the Signposting and Lonely Planet Guides for Corporate Induction every two months.
- Actively seek user views on the content and relevance of the all the learning opportunities outlined in the Corporate Directory and the Adult Social Care training programme: <http://insite/people/your-development/your-development-at-sbc/>
- Actively seek and evaluate delegate views on all learning opportunities and record employees' attendance, when necessary, on Cornerstone.
- Provide timely reports to the Corporate Management Team (CMT), and Directorate/Senior Management Teams (DMTs/SMTs) in relation to quality assurance reports on learning and development. Take responsibility for action, where required.
- Advise and support good practice in terms of regular 1:1s/supervision meetings between line managers and their employees and contribute to the regular review of the annual performance review process.
- Maintain a database of learning opportunities and providers and actively seek learning opportunities using a plethora of tools and techniques (appreciating all learning styles) to meet the needs of customers and partner organisations.
- Publish marketing and advertising materials which are relevant for learning and development opportunities.

- Monitor and evaluate quality and value for money for any commissioned courses and ensure that our internal and external facilitators and trainers are supported effectively to deliver the best quality courses.
- Provide information, advice and guidance to employees to support personal and professional development needs.
- Oversee and provide guidance on the corporate training budget and advise on requests for study leave and funding to the Corporate Consultative Forum.
- Provide half-year validation reviews (March and October) to the Employment and Appeals Committee in relation to adherence to this policy and the learning and development activities provided to council employees.

4. Financial Monitoring

- 4.1** Line managers and their employees should always consider in-house provision before applying for external courses where the learning goals are comparable. The Organisational Development Team can offer advice and support for such comparisons. This is particularly relevant when a comparative training need is identified by a sufficient number of employees through their Personal Development Plans and it makes financial sense to seek value for money based upon economies of scale/training provider offers for group training.
- 4.2** The Corporate Training Budget is held by the Head of Organisational Development to provide:
- 4.2.1** Centrally commissioned programmes in line with Council priorities including Corporate Induction and other learning programmes specified in the corporate Training Needs Analysis (TNA) Plan in partnership with the Directorate Management Teams.
- 4.2.2** A development programme to support all Council members. This programme is developed in conjunction with the members' development portfolio holder, known as the Commissioner for these purposes at the start of each financial year. Any further funding required is subject to the agreement of the Commissioner who holds the portfolio. The Commissioner also considers any individual member requests for learning and development on a case-by-case basis through the members' performance management framework. In 2020, members were asked to complete a training needs survey to inform the programme.

5. Approval and Ratification

This policy is subject to approval and ratification in the sign off by the Employment and Appeals Committee.

6. Dissemination and Implementation

Once ratified, the policy will be available on SBCinsite and managers will be notified via the Council's internal communications channels.

7. Review and Revision Arrangements

This policy will be implemented through the People Services Plan and monitored by the Employment and Appeals Committee on a half-yearly basis. It will be reviewed annually.

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**GUIDANCE ON APPLICATIONS FOR FUNDING FOR LEARNING
AND DEVELOPMENT OF SBC EMPLOYEES**

1. Purpose

- 1.1** This guidance is to be read in conjunction with the Learning and Development Policy and its aim is to support managers and their employees with their developmental needs, including how to seek funding for such development, if required.
- 1.2** The council will consider either full or partial funding and non financial support for eligible employees (or support for employees self-funding their course of study) who are studying for relevant professional qualifications which are either a statutory requirement for them to achieve or if not a statutory requirement are essential in the job role to establish a credible level of professional competence.
- 1.3** In the first instance, applicants should review the Slough Academy pages on SBCinsite via this link: <http://insite/people/more/the-slough-academy/> to consider whether their development needs can be met through Apprenticeship Levy Funding. If that is not the case, managers and their employees must complete the process outlined in this guidance.
- 1.4** The council will also consider full or partial funding for any learning events of half a day's duration and upwards, if it is relevant to their job role and has been signed off by their line manager in their annual performance review as part of their Personal Development Plan.
- 1.5** A programme of study/learning event may be either a course commissioned by Slough Borough Council or an external body, including a university or college.
- 1.6** Funding will include the cost of membership fees to relevant professional bodies if this is a pre-requisite of study.
- 1.7** Where employees opt to self fund qualifications, Slough Borough Council may consider applications for non financial assistance such as paid time off from work, if the applicant meets the criteria.

2: Steps to completing a funding application for a qualification:

- 2.1** Any application must be clearly linked to a recognised performance and/or job requirement and featured in an applicant's current Personal Development Plan within their Annual Performance Review Form, which has been signed by their line manager. For details on the performance review process, please go to this SBCinsite link: <http://insite/people/your-development/performance-review/>
- 2.2** Employees wishing to apply for consideration to study in accordance with this guidance should meet all of the criteria below:
 - The employee is permanent and has successfully completed their probation period.
 - The employee's line manager needs to demonstrate fairness in the application process within their Service.

- The course is identified within their Personal Development Plan within the Performance Review process.
- The employee has the aptitude and ability to successfully complete the course and meet the course requirements.
- The employee has read and agreed to adhere to the SBC Learning and Development Policy (via this link: <http://insite/people/your-development/your-development-at-sbc/>)
- The employee can demonstrate that their attainment of the qualification will assist their Service or Council in achieving one or more of its business objectives.

2.3 Social Workers and Occupational Therapists applying for funding for post qualifying training should have a CPD profile or provide a reflective statement (maximum 1000 words), critically analysing a piece of strengths based work undertaken in relation to the relevant subject covering the following:

- What you did
- Why you did this
- What you learnt from this experience.
- The decision making process
- The outcomes achieved
- The impact of your work on the service user.

Reference should be made to the social work theories, legislation, knowledge and values used to inform the practice.

Social Workers who undertake Best Interest Assessments will need to agree to undertake the minimum requirement of Best interest Assessments for Slough Borough Council per year. Please discuss this with your line manager before you apply.

- 2.4** If the criteria in section **2.2** is met, the applicant needs to review the appendices to this guidance and complete the form in **Appendix 5** and email it to their line manager for their approval and commentary.
- 2.5** The line manager then submits it to their Senior Management Team (SMT) or Service Lead and to the Organisational Development (OD) Team via the training@slough.gov.uk inbox so that the budgetary requirements can be considered. The Head of Organisational Development, who holds the centralised training budget, will advise on whether funding is available based upon other service/directorate requirements.
- 2.6** If the application is approved and budget is sourced from the centralised training budget, the OD Team will support the applicant with booking and financial sign-off. The Council's funding for the programme of study will include tuition, registration and examination fees.
- 2.7** Employees who have an approved funding application should ensure that a purchase order is made by contacting the OD Team via training@slough.gov.uk and authorised for the proposed course of study. This will ensure that when the invoice is received by the Council it can be successfully paid.

- 2.8** If the application is for more than one year's training, the applicant will need to complete each year successfully before securing the next year's funding, subject to training budget resources (agreed at the end of each financial year). The OD Team and the applicant's Service Lead should ensure that the applicant is fully informed in advance of the level of funding and support that will be given.
- 2.9** If required employees will be released from their normal working hours to undertake the academic study. However, learning may be in the form of evening studies, open/distance learning, e-learning or a combination of these options.
- 2.10** The Service Lead and the applicant's line manager will determine which method of study is the most suitable, having considered fully the impact on the business, the employee's job role and the requirements of the identified course of study.
- 2.11** If essential text books (hard copy or electronic) and/or equipment cannot be borrowed funding will include payment of essential books or equipment up to the value of £50 for each year of study. Financial assistance will **not** be given to purchase books for general background reading.
- 2.12** The cost of any compulsory residential element to an approved course of study will be paid at the discretion of the Service Lead and in agreement with the Head of Organisational Development. Paid leave will be granted if residence is required during the normal working week and these costs will be met by the Service employing the applicant.
- 2.13** Paid Leave will be provided for examination time relating to the programme of study on proof of the examination dates.
- 2.14** Additional paid study leave up to a maximum of 5 working days for revision or project work will be at the discretion of the Service Lead/Director, but must be in agreement with the Organisational Development Team and be consistent with SBC's Leave Policy.
- 2.15** Travel costs incurred to and from the place of study (and any compulsory residential where appropriate), and which are in excess of the normal cost of travel between home and work, will be paid by the service employing the staff member in accordance with the Council's financial procedures on travel expenses. These should be claimed by submitting the mileage and expenses claim via Agresso
- 2.16** The payment of any additional expenses which are deemed an essential element of the approved programme of study may be agreed by the Service Lead. For additional guidance they should contact the OD Team.
- 2.17** Subsistence expenses incurred in relation to the course of study and costs relating to the typing and binding of project work/dissertation, if relevant, **are not** reclaimable.
- 2.18** Applicants should claim for agreed eligible additional expenses via Agresso. Line Managers will authorise all claims and arrange for payment using Agresso quoting the team cost centre.

3: Steps to completing a funding application for a non-qualification learning event (i.e. learning event that is not accredited i.e conference/seminar/workshop) of half a day or more duration

- 3.1** Any application must be clearly linked to a recognised performance and/or job requirement and featured in an applicant's current Personal Development Plan within their Annual Performance Review Form, which has been signed by their line manager. For details on the performance review process, please go to this SBCInsite link: <http://insite/people/your-development/performance-review/>
- 3.2** Employees wishing to apply for consideration to attend/participate in a non-qualified learning event in accordance with this guidance should meet all of the criteria below:
- The employee is permanent and has successfully completed their probation period.
 - The line manager or Head of Service may support attendance at non qualifying learning events to temporary staff if it is deemed essential to their work with Slough Borough Council.
 - The employee's line manager needs to demonstrate fairness in the application process within their Service.
 - The course is identified within their Personal Development Plan within the Performance Review process.
 - The employee has read and agreed to adhere to the SBC Learning and Development Policy (via this link: <http://insite/people/your-development/your-development-at-sbc/>)
 - The employee can demonstrate that their attendance/participation at the learning event will assist them in achieving one or more of their Service/Council objectives.
- 3.3** If the criteria in **3.2** is met, the applicant needs to review the appendices to this guidance and complete the form in **Appendix 6** and email it to their line manager for their approval and commentary.
- 3.4** The line manager then submits it to their Service Lead and to the Organisational Development (OD) Team via the training@slough.gov.uk inbox so that the budgetary requirements can be considered. The Head of Organisational Development, who holds the centralised training budget, will advise on whether funding is available based upon other service/directorate requirements.
- 3.5** If the application is approved and budget is sourced from the centralised training budget, the OD Team will support the applicant with booking and financial sign-off.
- 3.6** Employees who have an approved funding application should ensure that a purchase order is made by contacting the OD Team via training@slough.gov.uk and authorised for the proposed learning event. This will ensure that when the invoice is received by the Council it can be successfully paid.
- 3.7** The Service Lead will determine with the applicant the form of feedback to the Service/Directorate/Organisation so that learning can be shared from the event. The applicant will also notify the OD Team of their attendance and their evaluation of its effectiveness/impact on their learning.

- 3.8** Travel costs incurred to and from the learning event and which are in excess of the normal cost of travel between home and work, will be paid by the service employing the staff member in accordance with the Council's financial procedures on travel expenses. These should be claimed by submitting the mileage and expenses claim via Agresso
- 3.9** Subsistence expenses incurred in relation to the learning event **are not** reclaimable.
- 3.10** Applicants should claim for agreed eligible additional expenses via Agresso. Line Managers will authorise all claims and arrange for payment using Agresso quoting the team cost centre.

4. Review during study for a course/qualification

- 4.1** At the end of each term of study or on a quarterly basis, employees must produce either of the following documentary evidence to their line manager:
- A formal report confirming satisfactory progress and attendance from the provider of the programme of study or course Director.
 - A certificate of success.
- 4.2** Approval of ongoing financial support for the course/qualification will be conditional upon the provision of the above mentioned documentation and satisfactory quarterly formal reviews of progress made. It is advised that the line manager and the employee also discuss progress at their 1:1s review/supervision meetings.
- 4.3** If satisfactory progress on the course is not being met, the line manager should seek advice from the OD Team.
- 4.4** All employees will be required to sign an Information Exchange Agreement (see **Appendix 4**) between them, Slough Borough Council and the Higher Education Institute (HEI). Under this agreement the HEI and OD Team will exchange relevant updates of the student's progress, attendance and disciplinary issues throughout the course of study. The agreement is part of the Learning Agreement (Appendix 2).

5. Unsuccessful Completion of Study

- 5.1** Continued funding and support is dependent upon a satisfactory record of results achieved, attendance record and progress. The OD team in conjunction with the Service lead/Director will be responsible for determining satisfactory performance.
- 5.2** The repayment of all funding to Slough Borough Council by the employee will be required in the following circumstances:-
- The employee fails to sit for an examination
 - The employee fails to show satisfactory progress
 - The employee discontinues a course without due reason
 - The employee fails to 're-sit' examination or repetition of the year

- 5.3** This repayment will not include the repayment of notional tuition fees, in the cases of courses delivered by Slough Borough Council or a Slough Borough Council partner.
- 5.4** Re-sitting an examination or repeating the year of study may only be approved if the Service Lead/Director is fully satisfied that the employee is committed to achieving success on the next occasion. Repeat re-sitting or repetition of a year of study is not permissible under the scheme and as such could result in the funding being repaid to the Council by the employee.
- 5.5** The cost of a re-sit must be covered by the employee.

6. Leaving Slough Borough Council during the Period of Study

- 6.1** If an employee leaves the employment of the Council, or is dismissed other than redundancy or ill-health retirement during the period of study they will be required to repay, in full, all of the direct expenditure incurred by the Council. This will be reclaimed by deduction from salary and any balance outstanding after such deductions will be reclaimed separately.

7. Leaving Slough Borough Council after Completion of the Period of Study

- 7.1** It would normally be expected that the employee remains with the Council for a minimum period of **one calendar year** following completion of the programme of study. Completion will be deemed as either the date of the final examination or, if no formal examinations are held, the date of completion of the programme of study. The HEI must provide the completion date.
- 7.2** In the event that an employee either voluntarily leaves the Council or is dismissed for reasons of conduct during the **one calendar year** after they have completed their programme of study. Completion will be deemed as either the date of the final examination or, if no formal qualifications are held, the date of the completion of the programme of study. The HEI must provide the completion date.
- 7.3** The repayment will be made by deduction from salary, and any amounts still outstanding will be claimed separately.

8. Maintenance of Learning Records

- 8.1** The OD Team and the Line Manager will be responsible for maintaining accurate records of applications and associated administration related to this guidance. In addition a copy of all correspondence should be retained on the Cornerstone Talent Management System or Agresso.
- 8.2** Employees are responsible for maintaining an up-to-date record of their progress on their Personal Development Plans in conjunction with their Line Managers.

9. New Employees Who Wish to Continue with their Studies

- 9.1** A new employee joining Slough Borough Council may be part way through studying a course that is relevant to their new position at Slough Borough Council. If this is the case, the Service Lead/Director can authorise funding and support with prior consultation with the OD Team.

10. Other Conditions & Further Enquiries

- 10.1** Slough Borough Council reserves the right to review this guidance at any time.
- 10.2** Slough Borough Council's commitment to funding and supporting professional academic study should not be regarded by employees as an automatic right or entitlement to funding. Neither does it imply any condition of service. Moreover, employees should note that success in a course of study will not automatically lead to an increase in salary, a promotion or transfer within the Council
- 10.3** For queries in respect of this guidance, please contact the OD Team on 01753 875618 or via training@slough.gov.uk

APPENDIX 1

Management Steps to seek Approval of Funding and Supporting of Employees to Attain Professional Academic Qualifications

1. Manager publishes availability of funded programmes to all employees within their team/service area and provides them with a copy of the relevant guidance

2. Manager/Employee agree learning and development needs through the Annual Performance Review/1-1s

3. Manager considers applications in accordance with guidance and Learning and Development Policy

4. Where multiple applications are received Managers will need to convene a panel to consider selection

5. Employees who have funding approved will be notified in writing and requested to sign the relevant documents: the Learning Agreement (Appendix 2); the agreement to repay costs (Appendix 3), and the Information Exchange Agreement (Appendix 4).

Copies of these documents and the original application form should be sent to the OD Team via training@slough.gov.uk

APPENDIX 2

LEARNING AGREEMENT FORM

This offer of financial assistance is conditional upon you completing the course and remaining in our employment for the duration of the relevant course and for a minimum of **one calendar year** beyond completion of the course. Should you leave the Council voluntarily, or if dismissed for reasons of conduct during that period the costs incurred by the Council will be repayable by you in full or in part as set out in the guidance and in the Agreement to repay the costs of supported training (**Appendix 3**) which forms a part of your terms and conditions of employment with the Council.

Please sign and date both copies of the Agreement to repay the costs of supported training (**Appendix 3**) and the Information Exchange Agreement (**Appendix 4**) where indicated and return one copy of each of these documents to the Organisational Development Team, People Services, Slough Borough Council, Observatory House, 25 Windsor Road, Slough, Berkshire, SL1 2EJ

Slough Borough Council has agreed to sponsor:

Name

Job Title

Department

On the following course of study:

Course:

Stage:

For the agreed funds of £.....

All invoices for course fees, records of attendance, progress reports and examinations should be forwarded directly to your Line Manager, or to the Organisational Development Team, People Services, Slough Borough Council, 25 Windsor Road, Slough, Berkshire, SL1 2EJ if they are financially sponsoring the programme of study.

.....

APPENDIX 3

Agreement to repay to Slough Borough Council the costs of supported training

I have read, understand and agree to abide by the conditions of assistance as set out below and in the Academic Programme Policy.

Employee	Employer
Name	Slough Borough Council
Address	25 Windsor Road,
	Berkshire
	SL1 2EJ

I,(name) agree to the deduction from my salary of £..... being the total cost incurred by Slough Borough Council to fund my course of study and associated examinations for(name of course) At..... (name of college) in the event that during the course of study and for the **one calendar year's** service after completing the course I either:

voluntarily leave the Council or I am dismissed for reasons of conduct;
fail to sit for an examination;
fail to show satisfactory progress;
discontinue the course;
or fail to re-sit an examination or repetition of the year if required to do so;

and furthermore, if I voluntarily leave my employment, or if I am dismissed for reasons of conduct, after the first 3 months following the date of completion and before the completion of **one calendar year's** service after completing the course, I agree to the deduction from my salary of £.....being the total cost incurred by Slough Borough Council to fund my course of study and associated examinations, reducing by one twelfth for each complete calendar month of service over 12 months following the completion of the course.

I also agree to repay to Slough Borough Council before leaving employment any balance remaining outstanding if the above amounts exceed the monies available to deduct from my salary.

I understand and agree to the above change to my terms and conditions of employment with effect from (date)

Signed by employee

Signed on behalf of Employer

Signature:

Signature:

Printed Name:

Printed Name:

Date:

Date:

APPENDIX 4

Information Exchange Agreement

Slough Borough Council sponsoring employees on a Professional Qualifications Programme or other funded programmes would like to receive information about an employee's progress whilst studying at University/College/other training providers. Similarly, University or College staff would like to know about any employment based issues likely to impact on an employee's professional or academic performance.

This information exchange is so that both parties – Slough Borough Council and University or College – can offer employees appropriate support to successfully complete their Professional Qualification.

Employees who are subject to any professional standards through a regulatory body the University and Slough Borough Council are obliged to inform the relevant regulator of any change in circumstances that call into question the employees suitability for professional registration. Such a change in circumstances would be a serious matter, where behaviour that falls into the category where the University or Slough Borough Council would be considering termination of training or employment. Employees also have an obligation to inform the relevant regulator for their profession of changes (as student or employee) to their disciplinary record, changes in health, and changes to an existing criminal record or if they acquire a criminal record.

AGREEMENT ON INFORMATION EXCHANGE BETWEEN SLOUGH BOROUGH COUNCIL, UNIVERSITY / COLLEGE/TRAINING PROVIDER AND EMPLOYEE

Relevant information about the student-employee will be exchanged between Slough Borough Council and Relevant information includes: identifying data such as name, programme details, module information, attendance record at the University/College and Placement agencies, Progress reports and all assessments including Course results, disciplinary activity, both employment and university based; and any criminal, health or disability issues likely to have an impact on the student's professional or academic performance. Slough Borough Council is registered under the GDPR 2016 and Freedom of Information. Information regarding this can be found on the Slough Borough Council website.

Student's name:

Signature:

Date:

Line Manager's name:

Signature:

Date:

HEI/Training provider representative:

Signature:

Date:

Head of Organisational Development (budget holder) name:

Signature:

Date:

Appendix 5: Application Form for funding for qualifying training

This form is to be used for permanent employees in Slough Borough Council who wish to apply for support with accredited/qualifying training. **Scan and send your completed application to: The Organisational Development Team via training@slough.gov.uk**

SECTION A: Personal Details

First Name:	Surname:	
Email:	Telephone:	
Job Title	Permanent Employment start date:	
For Social Workers/Occupational Therapists only, number of years post qualifying		Have you passed your ASYE? (Social workers only)
Manager Name:	Manager Email:	
Team & Directorate:	Manager telephone Number:	

SECTION B COURSE INFORMATION

Course Title	
Name of Provider	
Length of course : Weeks, months, years	
What stage of the course are you applying for? E.g. Year 1, 2, etc	
Course Dates (Include start and end dates by year if applicable)	
Course Fees (please state total per year)	
Total course fees (if more than one year)	
Any additional fees e.g. professional membership, accreditation etc	
Number of days per week/month attendance required?	

SECTION C Supporting statement and application

- 1. How will this course meet the objectives outlined in your personal development plan? (maximum 150 words)**

- 2. The reason you are applying for this course and how you meet the criteria for the course, and that you have the ability to successfully complete the course. (maximum 150 words)**

- 3. How does this course assist your service or Slough Borough Council in achieving one or more of its business objectives? (maximum 150 words)**

- 4. What action will you need to take to ensure you have the capacity to undertake these additional tasks involved in this programme of study, for example workload management, study time, are you are on a rota that will be impacted? (maximum 150 words)**

- 5. How will you embed your learning when you complete the course? For example, are there additional responsibilities you will undertake that this qualification will enable you to do? (maximum 150 words)**

Section C: Statement of recommendation from the Line Manager

Please provide comments on this application. Are you satisfied that they have met the criteria as outlined in the Learning and Development Policy and the course criteria? How will you support the applicant during this programme of study?

Section D: Service Lead recommendations

--

SECTION E: CONFIRMATION AND SIGNATURES

Applicant to confirm : I have read the Learning and Development policy and guidance on applications for funding for qualifications and fully understand them

YES/NO

Applicant to confirm : I am prepared to sign a Learning Agreement and to commit to staying with SBC for up to one calendar year post completion of the course or willing to have course fees deducted from my final salary if I leave earlier or am dismissed?
--

YES/NO

Applicant's Signature:

Print Name:

Date:

Line Manager's Signature

Print Name:

Date:

Service Lead's/Director's Signature:

Print Name:

Date:

Appendix 6: Application Form for the Funding of an external course/conference (non-qualifying)

This form is to be used for employees in Slough Borough Council who wish to apply for funding to attend an external course/conference/seminar (non qualifying).

Before completing this form, you should consult with the budget holder to see if there is funding in the training budget, as well as discuss the application with your line manager.

First Name:		Surname:	
Job Title:		Line Manager:	
Team & Directorate:			
Workplace address:			
Telephone Number		Email:	

Course Title:	
Name and address of Course Provider:	
Cost of course/conference/seminar Total costs:	Course Dates (include start and end dates):
	Course Duration:

1. Describe how this course is relevant to your current role (maximum 150 words)
2. Describe how you will embed the learning from this course/event/seminar? (maximum 150 words)

3. Explain how this meets your learning objectives from your PDP? (maximum 150 words)
4. How will you feed the information back from this course to your Service/Directorate/Organisation and when? (maximum 150 words)
5. Line Manager's Comments: Please confirm that the need for this course has been identified within the applicant's Personal Development Plan within their Performance Review. Have you applied a fair process for supporting your employee with this course?
6. Service Lead/Director's Comments: Please confirm your approval or non-approval of this application in the light of both the applicant's and Line Manager's comments
7. Terms and Conditions By signing this form you agree to the following terms and conditions in addition to those of the course provider:

You agree to attend the course on time.
You agree to provide feedback as specified above to Slough Borough Council.
Failure to attend may result in the course organiser still charging cancellation fees which will be taken from your Service's budget.
You must confirm attendance to the Organisational Development Team and your line manager.

Applicant's signature: (Print name):	Date:
Line Manager's signature: (Print name):	Date:
Service Lead/Director's signature: (Print name):	Date:

SLOUGH BOROUGH COUNCIL

REPORT TO: Employment & Appeals Committee

DATE: 20 October 2020

CONTACT OFFICER: Surjit Nagra, Associate Director, Customer

AUTHOR: Michelle Higgs, HR Policy Manager
For all enquiries michelle.higgs@slough.gov.uk

WARD(S): All

PART I

FOR DECISION

EMPLOYMENT POLICIES AND PROCEDURES

1. Purpose of Report

This report provides the Employment Appeals Committee with an update on the review of the HR Policies and Procedures work programme in relation to the following:

- Revised Disciplinary Policy and Procedure
- Revised Grievance Policy and Procedure
- Additional appendix to the Recruitment Policy and Procedure

2. Recommendation(s)/Proposed Action

- 2.1 The Committee is requested to approve the new, revised and updated policies and procedures outlined in this report.

3. Supporting Information

- 3.1 The People Service has a programme of work relating to undertaking reviews of all employment policies and procedures. This programme of work is to ensure the policies and procedures:

- comply with employment legislation and any changes in statutory provisions
- reflect the council's strategic aims
- continue to reflect best practice
- are user friendly for both managers and employees
- work together cohesively
- incorporate any lessons learnt from casework.

- 3.2 One of the key drivers for any revisions to policies is to reflect any national changes in statutory provisions and of course, to update and incorporate any lessons learnt from casework.

- 3.3 A summary of the new policies and the revisions and updates to policies is outlined below.

4. Disciplinary Policy and Procedure

- 4.1 A summary of the changes to the Disciplinary Policy is outlined below:

- ACAS guidance added in respect of conducting an investigation and the role of the investigating officer
- new job titles to reflect new organisation structure
- more detailed advice regarding the act of suspension

The revised Disciplinary Policy and Procedure is attached as Appendix 1.

5. Grievance Policy and Procedure

- 5.1 A summary of the changes to the Grievance Policy is outlined below:

- ACAS guidance added in respect of conducting an investigation and the role of the investigating officer
- new job titles to reflect new organisation structure
- support worker role added

The revised Grievance Policy and Procedure is attached as Appendix 2.

6. Recruitment Policy and Procedure

- 6.1 An Appendix (Appendix F) has been added to the Recruitment Policy to confirm the requirements for all new employees in respect of conflict of interests. New employees complete a form on commencement of employment, and thereafter all staff are required to complete and return the forms on an annual basis.

The revised Recruitment Policy and Procedure is attached as Appendix 3.

7. Consultation

- 7.1 Consultation in respect of the revised policies and procedures has taken place with the Trades Unions and the Employee Engagement Forum and Disability Forum have been advised of the revisions.

8. Implementation Process

- 8.1 The implementation process will include various methods of communication including;

- Newsround

- HRBP's to provide update at Senior Management Team Meetings
- Briefing to the Investigating Officers pool

9. Background Papers

None

10. Appendices

Appendix 1 – Disciplinary Policy and Procedure

Appendix 2 – Grievance Policy and Procedure

Appendix 3 – Appendix F Recruitment Policy and Procedure

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DISCIPLINARY POLICY AND PROCEDURE

Policy Schedule		
Policy owner and lead	People Service: HR Policy Manager	
Consultation	Trade Unions	1 September 2020
	Employee Engagement Forum	1 September 2020
	Disability Forum	1 September 2020
	Corporate Management Team	N/A
	Corporate Consultative Forum	22 September, 2020
Approving body	Employment & Appeals Committee	
Date of approval	21 October, 2020	
Date of implementation		
Version number	Final V2	
Superseded version	Final V1	
Related documents	Code of Conduct Whistleblowing Policy Safeguarding DBS Policy References Guidance Data Protection Policy Drugs and Alcohol Policy Managing Performance Policy and Procedure	
Review interval	3 years or earlier as required – September 2023	

Version Control

The first draft of the policy should be labelled '**Draft version 0.1**' and dated. Further draft versions should be labelled '**Draft version 0.2, 0.3**' etc. and dated.

The final original version of the policy may be labelled '**Final Version 1.0**' and dated. This version will be submitted for the appropriate approvals.

If amendments are necessary following EAC then subsequent versions of the policy may be labelled '**Draft Version 1.1, 1.2**' whilst being drafted and reviewed and the version re-submitted for approval should be labelled '**Final Version 2.0**' and dated.

If revisions are required subsequently and following implementation of policy, version should be labelled as follows –

Example

Final Version 2.1 – reason for change (eg legal update)

Version Control

Version	Author	Date	Changes
Draft 1.1 – 1.3	MH	July 20	ACAS guidance added and timescales revised re notice for hearings/deadlines and new organisation job titles, suspension advice added
Draft Version 1.4	MH	August 20	ACAS guidance added and new organisation job titles, suspension advice added. To CCF for approval.
Final V2	MH	October 20	For EAC approval

CONTENTS PAGE

1. Policy statement	4
2. Scope and key principles	4
3. Referrals to Professional bodies and disclosure barring service	4
4. Procedure – preliminary investigation	5
5. Investigations involving multiple employments /working	7
6. Safeguarding	7
7. Resignation during the investigation process of safeguarding cases	7
8. Absence of employee at Hearing	7
9. Suspension	8
10. Informal stage	9
11. Investigations	9
12. Notification of Disciplinary Hearing	11
13. Disciplinary Hearings	12
14. Disciplinary Action	14
15. Appeal Hearing Arrangements	15
16. Outcome of Appeal Panels	17
17. Relationships with other procedures /processes	17

Appendices 1 - 9

POLICY STATEMENT

The Council promotes and expects high standards of behaviour and conduct for all employees and takes appropriate corrective action where those standards are not met. The Council's Disciplinary Policy and Procedure provides a framework for ensuring that employees are made aware of unacceptable conduct and for developing ways of correcting any such issues when required.

Disciplinary rules and procedures are designed to assist in the standard setting for conduct and behaviour. It is important that managers and employees understand them.

This will be achieved by:-

- promoting and valuing excellent standards of conduct and integrity among employees;**
- managing disciplinary matters promptly, effectively, fairly and lawfully, in accordance with the ACAS Code of Practice on disciplinary and grievance procedures and relevant legislation including the Employment Act 2008.**

1. SCOPE

- 1.1 This procedure applies to all employees at Slough Borough Council. It excludes employees who are within their probationary period of service (refer to the Probationary Procedure). It also excludes the Chief Executive, Appointed S151 Officer and the Monitoring Officer and all staff employed under JNC Conditions for Chief Officers, who are covered by separate procedures <http://insite/media/1255/disciplinary-policy-for-directors-and-ads.doc>. This policy does not apply to school-based staff who are under the control of Governing Bodies or to Volunteers and Agency workers.

2. KEY PRINCIPLES

- 2.1 All records will be kept confidential and retained in accordance with the Data Protection Act 2018. All matters relating to disciplinary issues or outcomes must be kept strictly confidential by managers and employees unless relevant to the investigation process. Data collected as part of the investigation stage and any subsequent stages of disciplinary action must be held securely and accessed by and disclosed to individuals only for the purposes of completing the disciplinary procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported under the Council's Data Protection Policy. It may also constitute a disciplinary offence which will be dealt with under this disciplinary policy and procedure.
- 2.2 Where any deficiencies in the performance on the part of the employee arise from a lack of aptitude or skill rather than any willful or negligent failure to carry out their duties the Managing Performance Policy and Procedure will apply.

- 2.3 In exceptional circumstances where a member of staff with a disability requires additional support, reasonable adjustments will be made, for example their support worker can accompany them. Their role is to provide moral support and advice as required.
- 2.4 Separate guidance exists for dealing with problems arising from alcohol dependence or substance abuse (Drugs and Alcohol Policy <http://insite/media/1337/drug-alcohol-policy.pdf>). However, significant problems of misconduct arising from behaviour whilst under the influence of alcohol or drugs, particularly in cases of failure to engage with support offered, may also be dealt with under this procedure.
- 2.5 An employee who provides information on criminal acts, breaches of legal obligations, health and safety dangers, environmental risks and related cover ups will have the right not to be dismissed or victimised for speaking out on such malpractice. Please see the Council's Whistleblowing Policy (<http://insite/media/2808/confidential-whistleblowing-code.pdf>).
- 2.6 Council employees are expected to maintain standards of conduct both at work and outside of work. The Council's Code of Conduct (and relevant professional Codes of Conduct) expands further on some of these standards (<http://insite/media/2809/code-of-conduct-for-employees.pdf>). Examples of misconduct are listed in Appendix 6.
- 2.7 Audio or visual recordings at any stage of the Disciplinary Procedure will not be permitted.
- 2.8 **Referrals to Professional Bodies and the Disclosure and Barring Service** Where a post requires registration with a Professional Body e.g. Health & Care Professions Council (HCPC), the Council is required to advise the Body of any concerns related to conduct or competence. Contact with the professional body can be made before, during or after any actions taken, depending on the circumstances of the case. In relation to professionals registered with the HCPC and their Fitness to Practice, HCPC will always be notified in the case of any dismissals, resignations during a disciplinary process or downgrading to a level below that of a registered health professional e.g. Assistant. The HCPC recommend that health and care professionals take an active part in managing their own fitness to practice. Where a registrant has an understanding of their impaired fitness to practice they should speak to their manager or seek advice from the HCPC at the earliest opportunity.
- 2.9 There may be a need to refer the circumstances of a particular case to other professional bodies, e.g. The Teaching Agency
- 2.10 The Council has a legal duty to refer information to the Disclosure and Barring Service (DBS) where it has removed an individual from working or volunteering or has concerns in respect of an individual's contact with children or vulnerable adults. For further information see the Council's Policy on the Referral to the DBS (<http://insite/media/2234/appendix-h-referrals-to-the-dbs.pdf>)

PROCEDURE

3. PRELIMINARY INVESTIGATION

- 3.1 When an alleged misconduct emerges a preliminary investigation needs to be undertaken as soon as possible by the line manager or another nominated manager and reviewed with the People Service HR Business Partnering Team. The aim of the preliminary investigation is to gather sufficient evidence to determine if a problem exists and if a formal investigation is required. In most cases the first step is for the manager (or their nominee) to make brief preliminary enquiries to assess whether further action may be required. This may include meeting with the employee and asking them for a response on the matter. If a preliminary meeting is to be held with the employee it is important to inform them that they can bring a trade union representative or work colleague or support worker to the meeting to accompany them if they so wish. If the employee confirms that they are a member of a recognised Trade Union every effort should be made to have a trade union representative present. Unavailability of the representative will not however delay the meeting.
- 3.2 Where application of suspension or formal disciplinary action is being considered against a Trade Union Official or Representative, the case must first be discussed with a Senior Trade Union Representative or Regional Official in accordance with the ACAS Code of Practice.
- 3.3 Some workplace disciplinary offences may also be criminal offences such as theft, fraud, or sexual offences. In these instances, there may be a duty to advise the police. Advice from the HR Business Partnering Team should be sought before disciplinary proceedings are embarked on. The Council's Audit Section must be informed if the case involves any financial irregularities.
- 3.4 In certain cases (e.g. where current and ongoing fraud is suspected) it may be appropriate not to inform the employee at this stage in order to allow necessary observations and collection of evidence to take place. Under statutory provisions, covert surveillance may be conducted though this will require the approval of designated senior officers in accordance with the Regulation of Investigation Powers act 2000 (RIPA). Advice must be sought from the Associate Director for Regulatory Services and the Council's Monitoring Officer.
- 3.5 The preliminary investigation may recommend an alternative resolution to a formal investigation. Please refer to Section 6 of this Policy, Informal Action.
- 3.6 If no further action is taken all information gathered as part of the preliminary investigation will be destroyed in accordance with the requirements of the General Data Protection Regulations.
- 3.7 If it is found that a problem exists and a formal investigation is required, then consideration needs to be given to the seriousness of this and whether suspension needs to take place. In cases of potential gross misconduct depending on the nature of the gross misconduct it may be possible to find alternative work as suspension should be avoided if at all possible. Please refer to Section 5 of this policy, Suspension.

3.8 **Investigations involving multiple employments / working**

It is possible for employees to have more than one employment relationship with Slough Borough Council. Following a concern being raised, an assessment of the situation will be carried out to consider whether the concern is relevant to one or both/all of the employment relationships. This assessment should be reviewed throughout the investigation to ensure the situation is managed appropriately.

4. **SAFEGUARDING**

4.1 Allegations concerning those working with children should be dealt with under the Local Safeguarding Children Board (LSCB) guidance, which sets out how to manage allegations which concern both adults at risk and children through liaison between the LSCB Local Authority Designated Officer (LADO) and the Adults Local Authority Designated Officer (ALADO).

4.2 Disciplinary investigations need not wait until after the resolution of any safeguarding concerns (unless there are on-going police enquiries in which case the HR Business Partnering Team will advise when the investigation should commence). Please refer to Section 13 of this Policy.

4.3 **Resignation during investigation**

It is important that every effort is made to reach a conclusion in all cases of safeguarding allegations that have a bearing on the safety or welfare of children or vulnerable adults. If an employee tenders their resignation or refuses to co-operate with the process, this will not prevent the investigation into a safeguarding allegation continuing in line with safeguarding procedures. Wherever possible, the person should be given a full opportunity to respond to the safeguarding allegation and make representations about it. In respect of cases other than safeguarding, the employee's resignation will be considered and accepted if there are no underlying reasons to do otherwise. Any future reference request provided by the council will state the reason for leaving.

4.4 **Absence of employee at Hearing**

In cases where it is necessary to proceed with a hearing in the absence of the employee and it is known this will be necessary in advance of the hearing, the employee will be offered the opportunity to make additional written submissions to the hearing and/or allow their representative to make statements on their behalf at the hearing. Where non-attendance is not known in advance, after consideration of the circumstances, if postponement is not considered appropriate, the hearing will proceed with consideration of any written submission from the employee already received and, where requested and available, appropriate contributions from their representative.

4.5 Similar consideration as outlined above will be given to the need to proceed with investigatory processes in the employee's absence, where this is appropriate.

4.6 If the case is a safeguarding matter, managers should refer to the Safeguarding Policies for Children and Adults. It may be necessary to conduct a hearing in their absence and reach a judgement about whether the safeguarding allegation can be regarded as substantiated on the basis of all the information available. In these

circumstances, the hearing panel may also make a decision regarding the sanction that would have been applied had the employee remained in employment.

5. SUSPENSION

- 5.1 Suspension, or temporary removal of the employee from the workplace, may be necessary if there is a serious allegation of misconduct and where it would be detrimental to allow the employee to remain at work pending completion of an investigation and any disciplinary hearing, as there may be a potential risk to the employee, colleagues, or other individuals, or risk to the investigation itself. It should be made clear that the suspension is temporary, not an assumption of guilt and not a disciplinary sanction.
- 5.2 Consideration should be given to whether there is a viable suitable alternative to the suspension, e.g. a temporary transfer to another location or post.
- 5.3 If it is necessary to suspend an employee, formal approval should be taken from the Executive Director of the employing directorate or nominated Associate Director in consultation with Human Resources. Please see the Suspension Decision Form. The suspension must be confirmed in writing at the time of the suspension or within 5 working days. As far as possible it should be agreed with the employee what will be communicated to the employee's colleagues regarding the reason for the absence from the workplace. The employee should be asked to confirm their full contact details and e-mail address if available.

Please refer to the Suspension Conversation Checklist.

- 5.4 A Contact Officer will be nominated by the Commissioning Manager. Please also refer to Appendix 1 for details of roles and responsibilities. This will be an employee with no involvement in the case. It is important that the suspended employee feels comfortable with the nominated Contact Officer. However should there be a valid reason for why the Contact Officer is not suitable then the Commissioning Manager should consider appointing a new Contact Officer. The Contact Officer must not be connected to the investigation or the suspended employee. They will provide the employee with a communication link with the council should the suspended employee need to contact members of staff during the suspension including making arrangements for witnesses to attend a formal hearing on their behalf. This is a neutral role and the Contact Officer may be asked to pass on information regarding the progress of the investigation as well as any update on team or organisational changes.
- 5.5 The employee will retain the pay they would have received if at work during the period of suspension (based on their average earnings for the 12 week period prior to suspension).
- 5.6 Suspension must be subject to regular review by the Commissioning Manager (every 4-6 weeks) and may need to continue beyond the period of the investigation. Please also refer to Appendix 1 for details of roles and responsibilities.
- 5.7 Suspension must be confirmed in writing to the employee by the Commissioning Manager. If the Investigating Officer finds through the progress of the investigation that

the matter is not so serious to warrant continued suspension they will report their findings in this respect to the Commissioning Manager and the HR Services Officer for a decision in respect of lifting the suspension. If suspension is lifted this must be confirmed in writing to the employee by the Commissioning Manager. The Investigating Officer should update the Commissioning Manager and the employee regularly on progress towards completion of the investigation and ensure the Contact Officer is updated similarly.

- 5.8 In the employee's absence their line manager may require access to their work/ IT system etc. in order to ensure day to day business is not impacted. The line manager will advise the employee.
- 5.9 The suspended employee must make themselves available for any meetings and notify their line manager through their nominated Contact Officer if they wish to take annual leave or sickness absence while suspended from work.
- 5.10 The suspended employee will be provided with information in respect of the EAP support that is available in the suspension letter. <http://insite/people/health-and-wellbeing/employee-assistance-programme/>.

6. INFORMAL STAGE

- 6.1 If conduct is not satisfactory but is minor in nature, for example a pattern of late arrival for work/issues with punctuality, then a manager can take informal management action. This is not formal disciplinary action and is not a disciplinary warning. The concerns should be discussed in a private meeting between manager and employee. Examples of circumstances where informal management action might be appropriate are:
 - Employee is advised of the need to improve a particular skill, e.g. communication style and an action plan can be put in place to support this.
 - Employee's conduct needs addressing but a formal sanction is considered too severe, e.g. an issue that could be resolved through improved self-awareness
- 6.2 The format of the meeting should include;
 - A clear explanation of why the employee's conduct is unsatisfactory.
 - Listen to the employee's response
 - The required level of improvement discussed and (wherever practicable) agreed with the employee. These should be in measurable terms such as quantity, quality, frequency, timing, etc.
 - How management will assist the employee (if applicable) to meet the required standards
- 6.3 A written record of the meeting should be provided to the employee confirming the informal management action taken.

7. INVESTIGATIONS

- 7.1 Before taking any disciplinary action an appropriate level of investigation must be undertaken. This may require the engagement of an Investigating Officer. It is the

Executive/Associate Director or line manager as appropriate who commissions an investigation (they become the Commissioning Manager at this point). They will commission another manager (who could be from another service) to undertake the investigation and undertake the role of Investigating Officer. They will provide the terms of reference and scope of the investigation to the Investigating Officer. The Investigating Officer should be provided with sufficient dedicated time to complete the investigation within a reasonable timeframe (4-6 weeks). In some more complex cases it may be appropriate to appoint an external Investigating Officer. The People Service Business Partnering HR team will support the Investigating Officer in respect of carrying out the responsibilities of their role but will not take part in the decision making process.

7.2 An investigation will normally be concluded within 4-6 weeks. Where it is envisaged this will not be possible the Commissioning Manager and employee should be informed by the Investigating Officer and they should be kept regularly updated in respect of the progress of the investigation.

7.3 The Investigating Officer (IO) will:

- establish the facts of the case and gather evidence
- interview the employee and any appropriate witnesses
- ensure the employee and witnesses are warned they must keep matters confidential and not collude with other witnesses or they could become subject to disciplinary action
- take notes/arrange for notes to be taken/agree notes of meetings with the employee and any witnesses
- ensure witnesses are aware of the purpose of the investigation and that any information obtained may be used/relied on in the course of any subsequent disciplinary hearing and they may be required to attend a hearing to give evidence
- ensure the employee under investigation is:
 - given sufficient detail so that the allegation(s) being investigated can be fully explored
 - provided with a copy of the disciplinary policy and procedure
 - given an opportunity to offer an explanation and state their case
- report what is likely to have happened based on balance of probability and confirm their findings with the People Service HR Business Partnering team and the Commissioning Manager
- after completion of the investigation retain the report for an appropriate period of time

7.4 At the end of the investigation stage, the Investigating Officer will provide a report to the Commissioning Manager which confirms:

- recommend whether based on the findings of their investigation there is no case to be answered and no further action is required
- whether it can be dealt with informally (there may be an alternative solution i.e. management recommendations, that does not lead to formal disciplinary, but may be dealt with informally by line manager or via another policy)
- based on their findings and conclusion recommend if there is a case to answer at a formal disciplinary hearing

7.5 If it is decided by the Commissioning Manager that there is a case to answer at a

formal disciplinary hearing the Investigating Officer will:

- arrange the “bundle” of all the documents and evidence they have acquired during the investigation and the investigation report to be relied upon in a disciplinary hearing for the Commissioning Manager to present
- attend the disciplinary/appeal hearing as a witness and in a fact giving capacity. They should not be there to give their opinion or present the case against the employee.
- make any additional management recommendations if appropriate and requested to be considered separate to the disciplinary hearing, confirming details of whom and how the recommendations will be reviewed

Please refer to Appendix 1 for the role and responsibilities of an Investigating Officer, Appendix 2 for guidance on how to carry out an investigation and Appendix 3 Investigation Report Template. Please also refer to the ACAS guidance on conducting workplace investigations.



7.6 The Commissioning Manager will;

- Confirm their decision to the employee in writing in respect of the outcome of the investigation and whether the matter will proceed to a Disciplinary Hearing
- Present the management case to the hearing panel (or arrange for another appropriate peer manager to do so)

Please refer to Appendix 1 for the role and responsibilities of the Commissioning Manager.

8. NOTIFICATION OF DISCIPLINARY HEARING

- 8.1 If as a result of the investigation the Commissioning Manager believes there is a case to answer they will convene a disciplinary hearing to consider the allegations. This decision must be taken in consultation with the People Service HR Business Partnering team.
- 8.2 The employee will be advised in writing by the Commissioning Manager that the matter is progressing to a formal disciplinary hearing and the date of the Hearing to take place within 25 working days and will provide at least 15 working days written notice. Shorter notice of the hearing may be mutually agreed. In exceptional circumstances, a deferment where further time is required to prepare for a hearing will not be unreasonably refused, but such a deferment will not normally exceed 5 working days.
- 8.3 The letter should include as appropriate:-
 - a) Date, time and place of the hearing;
 - b) The specific allegations against the employee;
 - c) The names and job titles of the members of the Panel conducting the hearing and

the manager presenting the management case (usually the Commissioning Manager);

- d) The name of the Investigating Officer attending to provide facts and information in respect of the investigation;
- e) Copies of all written evidence which will be referred to by management side (the "bundle") including a copy of the Investigation Report;
- f) Names of any management witnesses who will be attending in person at the hearing;
- g) The employee's right to be accompanied by a Trade Union representative or work colleague or in exceptional cases their support worker where the employee has a disability, see 2.3 above (a second copy of the letter should be provided for use by the representative);
- h) Reference to the employee's right to call witnesses, present written submissions and witness statements; this information together with a list of the names of any witnesses must be supplied in writing to the delegated manager at least 5 working days prior to the hearing;
- i) A copy of the disciplinary policy and procedure and the notification of the disciplinary actions that may be taken by the panel (e.g. if dismissal could be considered);
- j) The requirement that the employee should confirm their attendance at least 5 working days prior to the hearing;
- k) Consequences of non-attendance (i.e. that the hearing can proceed without the employee).

- 8.4 The letter should be sent to the home address by recorded delivery and home e-mail if available and marked private and confidential.
- 8.5 The suitability of the venue and arrangements for the hearing should ensure equality of access, for example the hearing may need to be held at a specific venue or location that is away from the workplace to ensure confidentiality.

9. DISCIPLINARY HEARINGS

9.1 The Disciplinary Panel

The panel hearing the case will normally consist of three officers:-

- a nominated senior manager to chair the hearing (normally from the employee's service)
- another manager independent from the section or service concerned
- a Human Resources representative.

- 9.2 The Chair has discretion to call on technical or specialist officers to advise the panel (e.g. audit / legal).

The authority to chair a disciplinary hearing will be dependent on the potential sanction that may be applied and the nominated manager will be as follows:

- Disciplinary action up to and including dismissal - Executive or Associate Director
- Disciplinary action up to final written warning - Associate Director/Senior Manager

9.3 **Witnesses**

Witnesses should only be called where relevant. They should only be present to give evidence and to be questioned. Witnesses will be informed that they should keep matters confidential and should not collude with any other witnesses or they could become subject to disciplinary action. Details of proposed witnesses should be communicated to either party in advance of the hearing, as indicated above, and witness statements should be provided by both sides, wherever possible.

- 9.4 Where the employee who is the subject of the disciplinary hearing calls witnesses it is the responsibility of the employee to arrange their release from work so that they can attend. It is the employee's responsibility to obtain the witnesses' agreement to speak on their behalf. They should liaise with their Contact Officer to make arrangements for witnesses to be released.

9.5 **The Disciplinary Hearing**

The Council has a guide for the hearing process, which is attached as Appendix 7. However, the Chair of the Panel has the discretion to vary this to ensure fairness in the proceedings. The Chair of the Panel must arrange for a note taker.

- 9.6 A disciplinary hearing panel may receive a request to present information or evidence to the panel during the disciplinary hearing that has not previously been seen by either the Investigating Officer or by the employee. The panel should consider the reason why this information was not made available prior to the hearing, its relevance to the proceedings and whether it is reasonable to include the reviewed information. The panel should decide whether the information should be included or whether the hearing should be adjourned to permit additional investigation to take place.

- 9.7 It may be necessary for brief adjournments to take place during disciplinary hearings. Either party may request an adjournment. The Chair will consider these requests. The panel's deliberations take place in private. The note taker will remain to capture the deliberations of the panel as these notes may be relied on in an Employment Tribunal.

- 9.8 The Chair of the Panel presents the decision. This will normally be given verbally to both parties following the hearing. The decision of the Panel should be confirmed in writing by no later than 5 working days after the end of the hearing, together with information on the right to appeal. A copy of the outcome letter will be retained on the individual's personal file for the length of time stipulated in the letter. Notes of the hearing will be taken to support the panel. A copy of the notes of the hearing, but not the panel deliberations, will be agreed by the panel and given to the employee after the hearing. The notes are for information only as record of the event and should not be taken as full and formal minutes of the meeting.

- 9.9 The panel may decide;
- there is no case to answer,
 - to refer the case for further investigation,
 - to take disciplinary action, in the form of a warning or sanction, and additionally,
 - to make management recommendations (that may include allegations/investigation against other employees) along with the details of who and how the recommendations will be reviewed.

- 9.10 The severity of the sanction imposed will relate to the gravity of the misconduct and before reaching a decision consideration should be given to:-
- a) the gravity of the offence and the evidence given at the hearing;
 - b) the employee's explanation;
 - c) whether, on the balance of probabilities (i.e. that it has more likely to have happened than not) the Panel considers the allegation(s) has/have been proven;
 - d) the employee's disciplinary record and general service;
 - e) any mitigating circumstances;
 - f) whether the proposed penalty is reasonable in all the circumstances;
 - g) the penalty applied in similar cases in the past, although each case must be treated on its individual circumstances

A checklist to assist in decision taking is attached at Appendix 8.

10. DISCIPLINARY ACTION

The following formal actions are available:

- 10.1 **First Written Warning:** This is the lowest form of formal warning and is generally appropriate for minor offences. The warning should contain details of the misconduct and the improvement required in a given timescale, if appropriate. The warning should be given in writing indicating that a First Formal Written Warning has been issued and should be kept on the employee's file. This will, normally, be disregarded for disciplinary purposes after 6-12 months.
- 10.2 **Final Written Warning:** Generally, appropriate for serious offences or where there is an accumulation of minor offences and a previous written warning is still "live". However, in very serious cases, the final warning may in fact be the first warning issued. The warning should contain details of the misconduct and the improvement required in a given timescale, if appropriate. Employees should be advised that any further misconduct would result in dismissal. The warning should be given in writing to the employee with a copy placed on the employees' file. This will, normally, remain "live" for a period of 12 months. The Panel can impose a longer time period for this warning but the reason for this should be made clear to the employee and must be reasonable according to the circumstances of the case.
- 10.3 **Transfer to a lower graded post or differing terms & conditions:** This should not be the norm but is available to be used in serious cases in addition to written warnings. The downgrading should be proportionate to the gravity of the offence. The Associate Director of the directorate should formally approve this sanction before it is communicated to the employee. In these circumstances, no salary or wage protection rights will apply.
- 10.4 **Impose a financial penalty or other requirement:** This includes making good a financial loss suffered by the Council; taking back money falsely claimed by the employee; the prevention of further incremental progression or withholding an annual increment. This can be done either independently of or in addition to other formal sanctions on the basis of the gravity of the offence.
- 10.5 **Dismissal:** An employee's contract of employment can be terminated in the following instances:-

- (i) if a further instance of misconduct occurs during the currency of a Final Formal Written Warning; and/or
- (ii) for a first incident of gross misconduct.

10.6 Dismissal for misconduct will be by contractual notice or with pay in lieu of notice. Dismissal for gross misconduct will normally be effected immediately as gross misconduct is misconduct of such a serious and fundamental nature so that it breaches the contractual relationship between the employee and the Council. In the event that an employee commits and admits an act of gross misconduct, the Council will be entitled to immediately (summarily) terminate the employee's contract of employment without notice or pay in lieu of notice. The letter to the employee should confirm the last day of service and any payments or deductions due.

10.7 **Applicability of Warnings**

Warnings may be applied in sequence. However, the Panel has the discretion to apply the level of warning warranted by the seriousness of the case. In circumstances where an employee is subject to the application of both the capability and the disciplinary procedures, warnings given under the Council's disciplinary procedure that are still current may also be taken into account when deciding on appropriate action under the Council's performance management procedure and vice versa. The manager should review performance against standards expected and may decide prior to the time of expiry if it is appropriate to extend the warning on file.

10.8 **Expiry of disciplinary action**

Disciplinary action taken will normally be disregarded for disciplinary purposes after the warning has expired. The decision to dismiss will not be based on an expired warning but there may be occasions where the existence of such a warning will explain the reasoning behind a decision to dismiss e.g. where an employee's conduct is satisfactory throughout the period a warning is valid, but ceases to be satisfactory very soon thereafter.

11. **APPEALS**

11.1 An employee has a right of appeal against any formal sanction issued after a hearing that has been convened under this procedure. An employee wishing to appeal must submit their grounds for appeal in writing to their Associate Director to be received within 5 working days of the date of receipt of the notification letter that confirms the disciplinary action to be taken. They must provide details of their grounds. An appeal hearing is not a re-hearing but will focus on the grounds for appeal provided by the employee.

11.2 The letter should state that they wish to appeal on one or more of the following grounds with detail to support :-

- the decision was based on evidence that did not support the conclusion
- a failure to follow procedure had a material effect on the decision
- proper account was not taken of any matters of fact referred to at the original hearing
- the action taken was too severe or inconsistent with previous

- decisions
- where new relevant evidence relating directly to the original allegation(s) has become available.

Appeals against action less than dismissal are heard by an Officer Appeals Panel.

11.3 **The Officer Appeal Panel**

The Officer Appeal Panel hears appeals against disciplinary action short of dismissal. It will consist of three officers:-

- a nominated senior manager to Chair the hearing;
- another manager independent from the section or service concerned;
- a Human Resources representative

The panel has discretion to call on technical or specialist officers to advise (e.g. audit legal).

11.4 **Appeal Panel - Appeals against dismissal**

Appeals against dismissal are heard by a panel of 3:-

- minimum of one Executive Director/Associate Director
- one senior manager
- HR representative

12. **Appeal Hearing Arrangements**

12.1 The arrangements for appeals are that the employee will be given at least 15 working days' written notice of the appeal hearing which should be heard as soon as possible. This will normally be within 25 working days of the employee receiving the letter confirming the outcome of the original disciplinary decision.

12.2 The letter should include as appropriate:-

- a) Date, time and place of the hearing;
- b) That the hearing forms part of the Disciplinary Policy and Procedure;
- c) The employee's right to be accompanied by a Trade Union representative or work colleague (a second copy of the letter should be provided for use by the representative);
- d) The names of the panel members conducting the hearing;
- e) The name of the person presenting the management case (usually the Chair of the Disciplinary Panel);
- f) Copies of relevant paperwork, including a copy of the Disciplinary Policy and Procedure (the "bundle");
- g) Name(s) of any management witnesses who will present evidence at the hearing;
- h) Reference to the employee's right to call their own witnesses, present written submissions and witness statements; This information together with a list of names of witnesses to be called should be supplied at least 5 working days prior to the hearing; the written submission should include any papers being referred to;
- i) That the employee should confirm their availability to attend and whether they will be accompanied at least 5 working days prior to the hearing.

12.3 The letter should be sent to the home address by recorded delivery and home e-mail if available and marked private and confidential.

12.4 The suitability of the venue and arrangements for the hearing should ensure equality

of access, for example the hearing may need to be held at a specific venue or location that is away from the workplace to ensure confidentiality.

- 12.5 The Council has a model process for the appeal hearing process, which is attached as Appendix 7. However, the Chair of the Appeals Panel has the discretion to vary this to ensure fairness in the proceedings. The Chair of the Appeal Panel must arrange for a note taker.
- 12.6 It may be necessary for brief adjournments to take place during disciplinary hearings. Either party may request an adjournment. The Chair will consider these requests. The panel's deliberations take place in private. The note taker remains to capture the panel's deliberations as these notes may be relied on in an Employment Tribunal.
- 12.7 The Chair of the Panel presents the decision. This will normally be given verbally to both parties after the hearing. However it may be agreed with the employee to confirm the decision in writing following the hearing. The decision of the Panel should be confirmed in writing by no later than 5 working days after the end of the hearing, outlining the main issues considered and the decision reached. The employee should be informed that there is no further internal right of appeal. A copy of the outcome letter will be retained on the employees' personal file.

12.8 **OUTCOME OF APPEAL PANELS**

The panel may decide to

- uphold the appeal and dismiss any disciplinary sanction;
- substitute a different disciplinary sanction providing this is not more severe than the original one;
- dismiss the appeal and uphold the original decision.

13. **RELATIONSHIPS WITH OTHER PROCEDURES/PROCESSES**

- 13.1 Certain acts of misconduct or allegations may lead to an employee being investigated under a different procedure/process such as Child Protection, Adult Protection or a criminal investigation. An employment investigation may run in parallel to a police, audit and/or child protection or adult abuse investigation, and should not be held up by any such investigations unless considered prejudicial to those investigations to proceed. It is not always necessary to await the outcome of any court hearing before deciding on disciplinary action.
- 13.2 A determination may be made at a disciplinary hearing prior to the outcome of other investigations being known. For example, whether the Council takes action in respect of a potential criminal matter is not dependent on the outcome in court. If exceptionally, it is sensible to delay a disciplinary hearing pending the outcome of another agency's investigations then the employee will be informed. If the employee is suspended, he or she will be told that the suspension will last until the outcome is known and it will be reviewed.
- 13.3 **Criminal Offences**
A criminal offence does not necessarily require internal disciplinary action to be taken. It depends what impact the employee's action has on their employment with the Council and whether it breaches any other Council policies or procedures e.g. Code of Conduct. Where an employee has been reprimanded/imprisoned a

decision may be made in their absence. Managers should take advice from the People Service HR Business Partnering team in these instances.

13.4 **Grievances**

Where an employee subject to the disciplinary procedure raises a grievance advice should be sought from the People Service HR Business Partnering team. The employee must submit the grievance form to their line manager, or manager's manager if their line manager is the subject of the grievance, who will determine the appropriate route for their grievance to be investigated.

13.5 The following principles need to be considered:-

i) if the grievance is raised during the course of a disciplinary process and is related to the case/allegations then it should be considered as to whether it forms part of the disciplinary and can be dealt with by the investigating officer and considered at the hearing, or whether the grievance should be investigated separately before concluding the investigation. If the grievance is about another unrelated matter then the grievance procedure may be invoked and run concurrently (this would not impact on any outcome of the disciplinary process as that would be dealt with on its own merit);

ii) generally, an informal grievance would be dealt with during the investigatory stage, a formal stage grievance would be considered at a disciplinary hearing

ii) if the matter does not progress to a disciplinary hearing any outstanding grievance may be considered through the grievance procedure in the usual way.

13.6 **Performance**

In cases where there are both capability or performance issues and a neglect of duty or other misconduct then the Disciplinary Policy and Procedure will apply, otherwise refer to the Managing Performance Policy and Procedure.

Appendix 1

ROLES AND RESPONSIBILITIES

MANAGERS

In applying this procedure managers are expected to:-

- ensure that all employees are aware of the standard of behaviour that is expected of them and the action they face if they fail to meet these standards of conduct;
- ensure, as far as is reasonably practicable, that employees are aware of any specific rules or standards of behaviour within their particular area of work which, if breached, could constitute misconduct or gross misconduct.
- deal with matters confidentially, consistently, promptly, in line with natural justice principles and in a non-discriminatory way;
- seek Human Resources advice at all stages of the procedure in advance of any steps being taken;
- make 'reasonable adjustments' to ensure equality of access is guaranteed for all;
- where allegations are against a trade union official, the manager must inform an appropriate official of the union and relevant Associate Director (or their nominee) prior to formal procedures taking place, other than an informal warning;
- ensure that any employee subject to proceedings has a current copy of the procedure;
- keep adequate and accurate records of all disciplinary investigations and hearings
- ensure that all documentation relating to disciplinary issues are retained in accordance with the GDPR.

COMMISSIONING MANAGER

The Commissioning Manager is the Executive Director/Associate Director or line manager where appropriate of the employee who is subject to the Disciplinary Policy and Procedure. The responsibilities of the Commissioning Manager will include:

- a. Informing the employee in writing of the allegations and the process to be followed, who will be investigating the allegations and providing a copy of the Disciplinary Policy;
- b. Appointing and informing the Investigating Officer of the allegation(s), terms of reference and scope of the investigation (along with the relevant HR Service Officer);
- c. Keeping up to date with the progress of the investigation by regularly checking with the Investigating Officer that they are adhering to the timing schedule agreed in the investigation plan and terms of reference;
- d. Ensuring the employee is kept up to date with the progress of the investigation
- e. Deciding if the matter needs to progress to a formal disciplinary hearing
- f. Advising the employee in writing if the matter is progressing to a formal disciplinary hearing and the date of the hearing to take place within 25 working days and providing at least 15 working days written notice.
- g. Presenting the management case at the disciplinary/appeal hearings.

INVESTIGATING OFFICER

The Investigating Officer is commissioned to undertake investigation into the disciplinary matter. They produce a report for the Commissioning Manager to confirm their findings and conclusions based on the balance of probability and the outcome of their investigation but it is the Commissioning Manager who will make the decision in respect of if the matter should proceed to a hearing. They also attend disciplinary and appeal hearings as a witness to provide facts in respect of the investigation. They should aim to complete their investigation in 4-6 weeks and keep the Commissioning Manager and the employee advised of progress and any cause for delay.

CONTACT OFFICER

The Contact Officer role is to ensure that an employee who has been suspended is able to keep in touch with the workplace and the progress of the investigation. The Contact Officer acts as a communication point for the employee if they have any queries or need any information and also passes on information to the employee from their manager/the workplace as required. The Contact Officer will also assist the employee if they wish to call witnesses to attend a hearing on their behalf.

PEOPLE SERVICE HR BUSINESS PARTNERING TEAM

The HR Business Partnering team provide advice and guidance in the operation and application of this policy and its associated procedures. An HR representative may also be a member of a hearing panel and in this role will be part of the decision making process.

WITNESSES

Witnesses to potential misconduct will be interviewed as part of the investigation process. Witnesses will be informed by the Investigating Officer that they should keep matters confidential and should not collude with any other witnesses or they could become subject to disciplinary action. Any evidence they provide will be relied on and they may be called to present their evidence at a hearing. They should only be called where relevant. They should only be present to give evidence and to be questioned. Details of proposed witnesses should be communicated to either party in advance of the hearing and witness statements should be provided by both sides, wherever possible.

Where the employee who is the subject of the disciplinary hearing calls witnesses it is the responsibility of the employee to arrange their release from work so that they can attend. It is the employee's responsibility to obtain the witnesses' agreement to speak on their behalf. They should liaise with their Contact Officer to make arrangements for witnesses to be released.

EMPLOYEES

Employees have a contractual responsibility to be aware of and conform to the Council's values, rules, policies and procedures and to co-operate with any investigations, to attend any meetings, interviews and hearings convened in accordance with this policy and its associated procedure.

Employees must arrange for their own representation and present written submissions and witness statements in their response if they wish it to be considered as evidence by the Investigating Officer and hearing panel.

They must provide contact details for their representative to the delegated manager or Investigating Officer. They must provide a list of the names of any witnesses they wish to call to a hearing in writing to the delegated manager at least 5 working days prior to the hearing.

TRADE UNION REPRESENTATIVES

The standards required from employees will apply to Trade Union Representatives. They can attend interviews and hearings in support of the employee but can not answer questions on behalf of the employee.

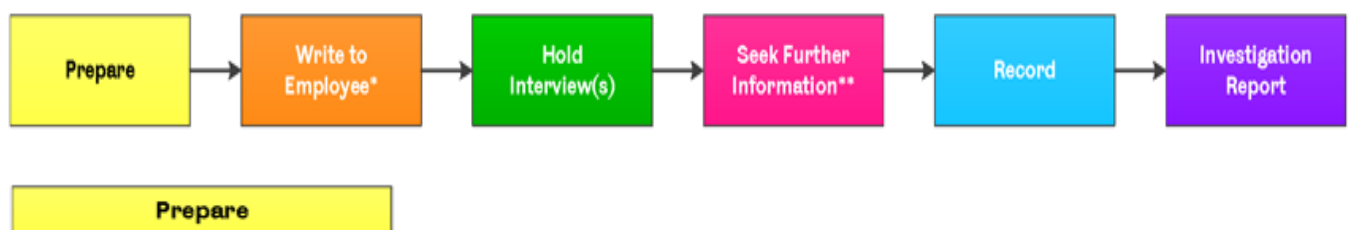
Appendix 2

How to carry out an Investigation

For the Disciplinary/Grievance Procedures

The below checklist is for guidance purposes only, as it is recognised that a manager will need to determine how best to manage any investigation given the individual circumstances of each case.

Please ensure that all discussions during this process are fair, appropriate and above reproach.



- Clearly define the allegations/grievance in need of investigation.
- Consider the nature and likely scope of the investigation based on the allegation/issue(s) of concern. In the case of a formal grievance, the scope of the investigation should be discussed with the employee who has submitted a formal grievance.
- Decide how best to conduct the investigation - In many cases this can be a very simple/quick process, however, this will depend on the specific circumstances of the case e.g. whether the facts are disputed or clear and the seriousness of the matter. An investigation can simply be the gathering of facts looking at existing documentation e.g. relating to the previous in/formal management processes undertaken to address an issue. In other instances it may require the planned and systematic gathering of data, interviewing of relevant witnesses and analysing relevant documents, records, policies, etc. to determine next steps.
- Consider what information you need to gather, from whom and how this will be obtained.
- Consider the timescales of the investigation. Taking into consideration, where appropriate, the need to conduct interviews, collate witness statements, gathering information and write the investigation report etc.
- Identify if there are any potential barriers to obtaining information and how these can be addressed.
- If appropriate, identify any witnesses who could help with investigations, determining whether these should be interviewed or whether a written statement should be sought. Initial contact with a potential witness is often in the form of a telephone conversation or email to: explain the situation; check their potential relevance; seek their agreement to participate in the process etc.
- Consider other resources you may need during the investigations e.g. note taking, specialist advice/guidance.

- If appropriate, prepare interview plan(s) and consider the specific issues that need to be explored during these interviews.
- Prepare the questions you may wish to ask, ensuring that the questioning (open, closed and probing questions) is appropriate e.g. for obtaining information/facts, exploring feelings or opinions. Avoid using leading questions.
- If appropriate, provide regular updates to those involved.
- **PLEASE NOTE:** It may be necessary to continually consider the need to amend your plan depending on the findings throughout the investigation.

Write to Employee*

*and Witness(s) if applicable

- Any employee subject to an investigation should be made aware that an investigation will be undertaken, and should be provided with a brief summary of the reasons for this and the practical measures involved.
- Include any paperwork/information which will be needed to be seen or considered prior to the interview.
- Advise and if necessary assist the employee (*and any witnesses) to access the counselling and support available to them.
- Take appropriate steps to ensure the confidentiality of the investigation process.
- If applicable, notify the witness' manager of their involvement in the investigations, so that they can attend any relevant meetings.

Hold Interview(s)

(Only if appropriate)

- Thank the interviewee for attending and make any necessary introductions (include an explanation of roles). Please note that employees have the right to be accompanied to the investigative meeting by a Trade Union representative or workplace colleague.
- Confirm that it is a fact-finding meeting. It is important to remain objective.
- Explain the need for confidentiality/implications for breaching this e.g. potential impact on investigation/disciplinary action.
- Explain that the SBC prohibits the electronic recording of meetings and that written notes will be taken throughout the interview.
- The investigator officer should confirm notes will be shared/signed by the interviewee to agree they are an accurate reflection of the meeting. Where the interviewee disagrees with an aspect of the record they will be able to annotate the notes before returning to the investigator.
- Confirm the area/allegation around which the employee or witness will be asked to comment. (When interviewing the employee under investigation ensure they understand the allegations being made against them and provide details of the allegations/grievance).
- Explain that the evidence/information may be used in a subsequent formal hearing/grievance meeting and that they may be required (or in the case of witnesses requested) to attend, depending on the outcome of the investigation.

- Check if interviewee has any questions regarding the process.
- Seek evidence/information using any prepared and supplementary questions.
- In questioning the employee under investigation, explore possible explanations/special circumstances. Ask them to respond to any allegations and if they are able to produce any evidence/information to support their response.
- Check if the interviewee wishes to provide any further information or raise any questions before the interview concludes.
- Explain next steps and indicative timescales and that it may be necessary to hold additional interviews should further evidence arise.

Seek Further Information**

** If appropriate

- Seek any relevant supporting information/evidence to substantiate information provided by the employee/witnesses.
- Consider whether other documentation may be helpful for the investigation. For example: Work Rota's, attendance records, medical reports, incident reports, minutes from meetings, appraisal/training/development records, emails, letters etc. (permission of the employee may be required for some of these examples). Also consider any wider documentation that may feed into informing expectations e.g. local agreements,
- Check as to whether the employee(s) is under investigation, employment record may provide any background or special/mitigating circumstances.
- Should you identify any information that may warrant immediate action please raise this with the manager who instigated the investigation as a matter of urgency.

Record

- After each interview forward the record, as appropriate, for signing, to the interviewee.
- If the interviewee disputes the accuracy of the record, asked them to: identify what is in dispute; offer their interpretation/recollections of the discussions by annotating the record provided, before signing and returning the record.
- In the case of witness statements gain the individual's consent to share this with other relevant parties.
- Maintain a record of all evidence gathered.

Investigation Report

- **See Investigation Report Template in Appendix 3**
- Ensure all documentation associated with the investigation is retained securely and only shared with discretion and confidentially. Tone/Style should be considered as all relevant information will be shared with key parties including the employee under investigation.

Appendix 3: Investigation Report Template

CONFIDENTIAL INVESTIGATION REPORT- <NAME>	
Allegation/Issue	Grievance/Disciplinary
Name/Designation of employee subject to investigation (if appropriate)	<Name, Job title>
Name of complainant (if appropriate)	
Investigator	<Name, Job title, Service area> ,
HR Support/Link	<Name, Job title, contact number>

Background

- Identify how the situation came to light (based on the factual information provided by the instigating manager); what actions have already been taken prior to the investigation commencing; what communications have taken place.
- Provide brief details of the 'subject' of the investigation, their employment history, current role and how long held etc.
- Note if employee suspended and when, whether redeployed for duration of investigation or if there are any specific changes in place to allow the investigation to take place i.e. line management responsibility removed, budget responsibility suspended, taken off usual duties but still within service area etc.

Executive Summary (Optional - delete if appropriate)

- This may be suitable for complex investigations and should provide a brief summary of the main findings/conclusions.

Remit of Investigation

- Agree terms of reference and remit of investigation, i.e. what allegations/concerns were identified as in need of investigation (provide concise bullet points list of all allegations that will be expanded upon in "Findings" section).
- State policy under which the investigation was carried out (e.g. SBC Grievance Policy and Procedure)

Investigation Process

Explain how the investigation progressed, including reasons for decisions which were made and the direction the investigation went including:

- A brief description of the method(s) used to gather information.
- Use table template to record what interviews/statements were undertaken, when, and their appendix number within the bundle of evidence
- If the investigator has not interviewed all individuals suggested by the 'subject' of the investigation the decision should be recorded in this section (including reasons e.g. character reference only).

- A timetable of events. (Detailing any delays in the investigations).
- What documents/evidence were reviewed (Record of Evidence)

Findings

Provide a summary of the findings and observations:

- Present the findings separately for each point/allegation/issue of concern in turn, by confirming the facts established by the investigation, identifying the sequence of events, cross-referencing any documentation and highlighting any mitigating factors e.g. lack of procedural guidance, management action or expected documentation and any other actions / behaviours which may have compounded or aggravated the situation
- Avoid using vast extracts from statements - only quote directly from the statements where it is necessary. It is the investigator's responsibility to analyse all the statements and draw out all corroborative evidence. Interviewees are not always articulate during interviews and the investigator should therefore use their own words to concisely convey the findings.
- If the evidence is inconclusive or there is no evidence to substantiate an allegation - say so. The instigating manager wants to know whether there is any evidence to support the allegations - it is also the investigator's responsibility to explain how significant the evidence is - this should come across throughout the report.
- Note any specific actions that demonstrate a breach of policy or standards of conduct/performance that did not meet those normally expected.
- Refer back to the agreed remit of investigation, ensuring that you cover all the points.

Conclusion

NOTE: When reviewing the evidence, investigators need to aim to demonstrate a reasonable belief as to what happened, based on their assessment of the evidence available. The standard of proof for internal investigations and any subsequent disciplinary hearing or grievance meeting is based on the "balance of probabilities", i.e. that on the basis of the evidence it was more probable than not that the alleged misconduct was committed. Investigators are not required to demonstrate beyond reasonable doubt, unlike in criminal investigations, but do need to act reasonably on behalf of the employer.

- For each allegation/concern/issue provide an overall fact based opinion on a) whether there is any evidence to support the allegations and b) the strength of the evidence.
- Support the conclusions with the strongest evidence without repeating the text in the main body of the report (where possible) - the conclusions should be clear and concise.
- Identify to the reader the strengths and weaknesses in the evidence - emphasising the importance of any issues and where evidence can be open

to different interpretation / scenarios. <ul style="list-style-type: none"> • Draw out key facts which demonstrate particular breaches of policy e.g. Code of Conduct, Harassment, Financial Regulations, service policies & procedures etc. ▪ If there are any special circumstances/mitigating factors ensure that they are clear within the conclusions and it is important to explain their significance. 	
Appendices	
<ul style="list-style-type: none"> ▪ Chronology of events; witness statements; investigatory interview notes; about the Job documents; organisational structure; medical advice etc. 	
Signed by Investigatory Officer	
Date	

Appendix 4: Record of witnesses

The following table gives the names of the people who provided statements for this investigation.

Name	Post	Reason	Date	Appendix

Appendix 5: Record of Evidence

Date	Item	Appendix (attached with report)
Investigation Statements		
Supporting Documentation		

Appendix 6

EXAMPLES OF MISCONDUCT AND GROSS MISCONDUCT

Examples of misconduct and gross misconduct that may lead to disciplinary proceedings include, but are not limited to, the following:

Misconduct

- any actions which could bring Slough Borough Council into disrepute or which impact negatively on the employee's position (this may include actions outside of work);
- absence from duty;
- unauthorised employment;
- neglect of duty;
- racial, sexual, religious, disability and age discrimination;
- breaches of the Council's Dignity at Work Code of Practice including harassment and bullying;
- offensive or abusive behaviour;
- drunkenness or being under the influence of drugs other than for medical purposes;
- refusal or deliberate failure to follow a reasonable management instruction;
- sleeping on duty;
- improper disclosure of information or breach of confidentiality;
- breaches of health & safety;
- damaging or misusing or losing by theft Council property;
- refusal or failure to comply with any SBC policies and procedures and codes of conduct, including those governing the use of information technology, commercial practices, financial regulations, fraud and corruption.

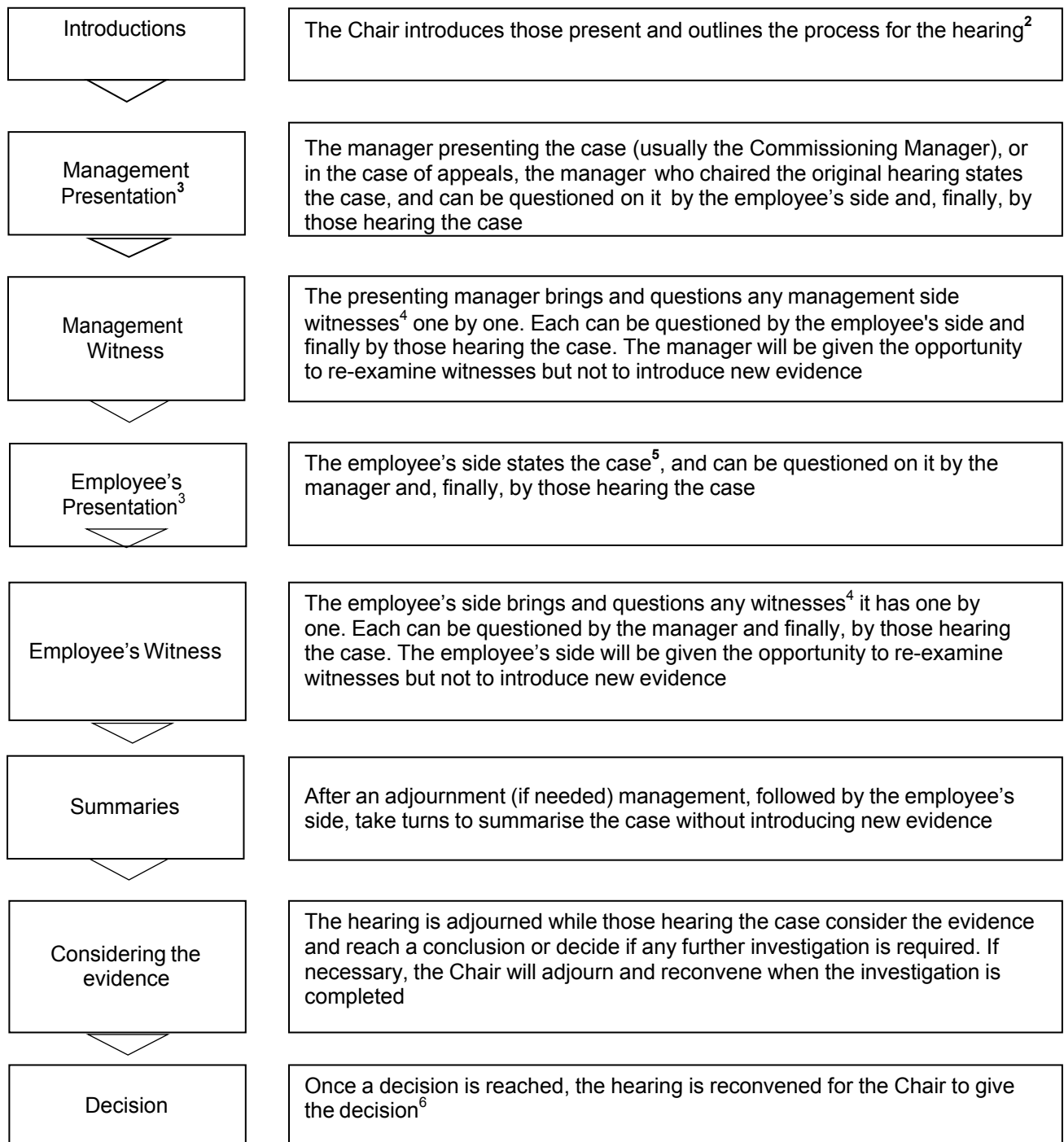
Gross Misconduct

- theft including fraud and deliberate falsification of records; this may include such things as timesheet and expense claims' irregularities and undertaking paid private work at a time the employee should be working for the Council;
- serious breaches of safety rules;
- serious incapability through alcohol or use of illegal drugs on duty, buying or selling drugs on Council premises;
- fighting or other physical assault, threats of violence;
- maltreatment or neglect of those in Council care;
- serious acts of discrimination, bullying or harassment and breaches of the Dignity at Work Code of Practice;
- disclosing any serious matter which should be kept confidential (or concealing it if it should be reported);
- serious breaches of Council's codes of conduct, standing orders or financial regulations;
- sleeping on duty in a care environment unless expressly permitted;
- improper use of an employee's position for their own or another's private advantage, or an attempt to do so;
- bringing the Council into serious disrepute;
- gaining employment with the Council by misrepresentation, lies or deception;
- serious deliberate damage to property;

- breaking a law at (or even away from) work which makes employees unfit for the work they do, or which may seriously damage the Council's reputation.

Appendix 7

MODEL PROCESS FOR DISCIPLINARY/ APPEAL HEARINGS ¹



¹ Notes should be taken of the hearing and decision. No audio or visual recordings of the hearing will be allowed. Notes need not be verbatim but should provide a record of the relevant evidence produced by both sides as well as the final decision. The notes are for the Council's records only but will be made available to the employee. It is the Chair's responsibility to arrange a note-taker.

² All parties are entitled to request an adjournment at any stage in the proceedings to consider their position.

The Chair will decide such requests, including the length of the adjournment.

³ For appeal hearings the employee's presentation and any employee witnesses are heard before the management presentation and any management witnesses.

⁴ Witnesses only remain in the room while giving evidence and answering questions. The Panel should advise the witnesses when they can be released.

⁵ Where an employee's representative (who may be a work colleague, trade union representative or support worker) speaks on the employee's behalf, the manager and those hearing the case still have the right to question the employee directly.

⁶ Exceptionally the decision may be relayed in writing within 5 working days of the hearing.

Appendix 8

CHECKLIST FOR DECISION TAKING AT DISCIPLINARY HEARINGS

The list below is intended to help managers structure their thoughts to help ensure fairness of process and assist in reaching a fair decision.

Before reaching a decision consider the following questions:-

- has there been as much investigation as is reasonable?
- has the employee had reasonable notice of the allegations prior to the hearing?
- has the Council's disciplinary procedure been applied reasonably?
- has sufficient regard been given to any explanation offered by (or for) the employee?
- can it be genuinely believed that the employee has committed the alleged misconduct?
- is it reasonable to have this belief (on the balance of probabilities) given the evidence heard?
- is the misconduct serious enough to justify the sanction being considered?
- has the employee (and the manager) had full opportunity to present any points to consider in mitigation?
- has due consideration been given to mitigation?
- what would be the consequences for the Council of taking/not taking the action contemplated?
- is the decision within the band of reasonable responses of a reasonable employer?
- is the decision in line with how similar misconduct has been treated by the service/Council in the past, and if not can the difference be justified?

Balance of probabilities

Decide the facts of the case on the balance of probabilities. You do not have to be sure of what happened – you are entitled to prefer one version of events over another provided that you think it more likely.

Ask yourself:-

- which version of events do I genuinely believe?
- why do I prefer the version I do?
- is my preference reasonable, what evidence supports it?
- could I justify it to others?

Once you have decided that the employee has broken the rules or committed the offence, the case is substantiated. You should then consider separately what sanction should apply, taking account of such things as how similar offences have been treated in the past, mitigating circumstances etc.

Appendix 9

DISCIPLINARY SANCTIONS

Warnings

The level of warning will depend on the seriousness of the offence, whether there are previous warnings on file that are current and the extent of any mitigating circumstances.

While warnings may be applied in sequence, there is discretion to apply the level of warning warranted by the seriousness of the case; e.g. a first and final warning may be given in cases of very serious misconduct. It is not permissible for an employee to have more than one current final warning on file.

Warnings will normally remain operative for a period of 6-12 months although the manager issuing the warning has the discretion to specify an alternative period at the time it is issued should it be considered there are special circumstances, which warrant it. A lesser period may be considered for some minor misconduct whereas very serious cases may warrant a warning remaining active for a longer period especially if dismissal was a possibility or if an employee developed a pattern of 'reoffending' following the expiry of a previous warning. The length of warning should be related to the time need to improve to the standard of conduct required. Warnings related to breaches of health and safety may be extended if appropriate.

Other Penalties

These should not be seen as the norm but are available to be used in serious cases in addition to written warnings where it is considered the offence justifies it and it is allowed for under the employee's contract. These should be used with discretion taking account of contractual obligations and Human Resources advice. For example, compulsory transfer to another post on a lower grade is a 'dismissal' from the original post and should only be considered if dismissing the employee could have been justified had the alternative post not been available and offered. Deductions from pay to cover damage or other loss to the Council and its employees must be done lawfully in consultation with the employee about when/how the pay is to be deducted. Such penalties should not be considered without seeking the agreement of the relevant Associate Director (or nominated officer) and seeking HR advice.

Pay Arrangements following Dismissal

Whether an employee is entitled to any paid notice depends on the reason for dismissal:

- gross misconduct – effective immediately on day decision given, no entitlement to notice or to pay in lieu of notice.
- misconduct following a final warning – contractual notice or pay in lieu of notice

The effective date of dismissal will be the last day of paid employment in both cases. While in theory, an employee dismissed for misconduct could work their notice entitlement, pay in lieu is more normal in these circumstances.

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GRIEVANCE POLICY AND PROCEDURE



Policy Schedule

Policy owner and lead	People Service: HR Policy Manager	
Consultation	Trade Unions	1 September, 2020
	Corporate Management Team	N/A
	Corporate Consultative Forum	
	Employee Engagement Forum	1 September, 2020
	Disability Forum	1 September, 2020
Approving body	Employment & Appeals Committee	
Date of approval	21 October, 2020	
Date of implementation		
Version number	Final V8	
Superseded version	Final V7	
Related documents	Dignity at Work Policy Code of Conduct	
Review interval	Three yearly minimum or as required (August 2023)	

Version Control

The first draft of the policy should be labelled '**Draft version 0.1**' and dated. Further draft versions should be labelled '**Draft version 0.2, 0.3**' etc. and dated.

The final original version of the policy may be labelled '**Final Version 1.0**' and dated. This version will be submitted for the appropriate approvals.

If amendments are necessary following EAC then subsequent versions of the policy may be labelled '**Draft Version 1.1, 1.2**' whilst being drafted and reviewed and the version re-submitted for approval should be labelled '**Final Version 2.0**' and dated.

If revisions are required subsequently and following implementation of policy, version should be labelled as follows –

Example

Final Version 2.1 – reason for change (eg legal update)

Version Control Version	Author	Date	Changes
Drafts V7.1 – 7.3	MH	July 20	ACAS guidance added support worker added New job titles. Timeframes and deadlines revised.
Draft Version 7.4	MH	Sept 20	ACAS guidance added support worker added New job titles. CCF approval.
Final V8	MH	Oct 20	As 7.4 above – to EAC.

Contents	Page Number
1. Policy Statement and Introduction	4
2. Scope	4
3. Exceptions	5
4. Principles	5
5. Representation	5
6. Timescales	6
7. Maintaining Records	6
8. Confidentiality	6
9. Mediation	7
10. Grievance Procedure; Informal Stage Formal Stage 1 Formal Stage 2 – Appeal Hearing	7
11. Outstanding Performance/Disciplinary issues	12

Appendices 1 - 10

GRIEVANCE POLICY & PROCEDURE

1. POLICY STATEMENT AND INTRODUCTION

- 1.1. Slough Borough Council is committed to creating a work environment where everyone is treated with dignity and respect and is committed to encouraging free and open communication between employees and their managers to ensure that concerns arising during the course of employment can be raised and, wherever possible, resolved quickly.
- 1.2. Grievances may be concerned with a wide range of issues, including the allocation of work, the working environment or conditions, operational management procedures, work relations, health and safety issues, opportunities for career development or the style of management.
- 1.3 In order to promote good employee relations, the Council's Grievance Policy and Procedure provides a framework for resolving grievances and disputes in a fair, reasonable, timely and consistent manner at the earliest possible stage and as close to the point of origin as possible in accordance with the ACAS Code of Practice on disciplinary and grievance procedures and relevant legislation including the Employment Act 2008. This policy therefore encourages proactive and meaningful discussions to take place at the informal stage of this policy.
- 1.4 The roles and responsibilities of the Council, managers, employees and OD&HR in applying this policy are set out in **Appendix 1**.

2 SCOPE

- 2.1. This policy and procedure applies to all employees of the Council except for schools based employees who are under the control of Governing Bodies. It applies equally to individual grievances and a grievance raised by a group of employees, in which case the group must elect one of their number to act as spokesperson and follow the procedure on behalf of the group.
- 2.2 Collective grievances raised by a recognised Trade Union are dealt with under the Council's Collective Grievance Policy and Procedure available on SBC insite.
- 2.3 Where an employee is subject to a probationary period and the grievance concerns the application of the probation procedure this will be dealt with as part of any discussion or hearing under the probationary procedure. Other grievances can be raised using the grievance procedure but no extension of any notice of termination of employment under the probation procedure will be granted.
- 2.4 This policy excludes the Chief Executive, Section 151 and Monitoring Officer roles as separate procedures apply.
- 2.5 Any grievances raised under the informal or formal stage of this procedure should be raised within 6 months of the issue arising. The grievance will be considered to be

out of time if raised after 6 months and as such it will not be allowed to proceed unless there are extenuating circumstances as confirmed by the appropriate Associate Director.

- 2.6 The Council encourages all employees to resolve issues in good time and whilst in employment. Grievances raised by leavers whose complaint falls outside 3 months time limit from the end of their employment will not be progressed.

3 EXCEPTIONS

- 3.1 The procedure cannot be used to question actions and/or decisions taken, relating to any other procedure or process within which there is a mechanism for the employee's concern(s) to be considered. Where separate procedures exist for dealing with grievances on particular issues (e.g. grading appeals) these should be used instead of the grievance procedure.

For concerns arising from: Refer to:

- Job evaluation gradings - Job Evaluation Appeals Procedure
- Collective grievances that have been raised in writing by a recognised trade union on behalf of a number of employees - Council's Collective Grievance Policy and Procedure
- Recruitment - SBC Complaints Procedure
- Disciplinary process - Disciplinary Policy and Procedure
- Application of pension scheme rules - LGPS
- Protected disclosure within the meaning of the Public Interest Disclosure Act 1998 - Council's Whistleblowing Policy and Procedure
- Issues relating to redundancy – Appeal against redundancy procedure
- Capability - Capability Procedure
- Sickness/ill-health issues -Sickness Absence Procedure

4 PRINCIPLES

- 4.1. Other than in exceptional circumstances the status quo, i.e. the previously agreed working and/or management arrangements, which applied before the grievance will continue through the informal stages of this procedure.

5. REPRESENTATION

- 5.1 All employees (complainant and respondent) have the right to be accompanied by a Trade Union representative or a current workplace colleague (not acting in a legal capacity) in the formal stages of this policy. The onus lies on the employee to make arrangements to be accompanied. In certain circumstances where a member of staff with a disability requires additional support, reasonable adjustments will be made, for example their support worker can accompany them. Their role is to provide moral support and advice as required.
- 5.2. If the employee's representative is unable to attend on the proposed date, the employee may be offered an alternative time and date so long as it is reasonable and falls before the end of the period of a further 5 working days. Should the

representative be unavailable on the rescheduled date, the meeting may go ahead in their absence.

6. TIMESCALES

- 6.1. In line with the ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice on Disciplinary and Grievance Procedures, March 2015, and the Employment Rights Act 2008 the Council will aim to resolve all grievances in as timely a manner as possible, bearing in mind genuine operational time factors. Where resolution to a grievance is being delayed various options may be considered to ensure a timely resolution to the matter e.g. Union representation in the absence of an employee, written submissions where formal meetings cannot be arranged or agreed. Where resolution to a grievance is being delayed, the employee will be notified of this.
- 6.2. In the event an informal method of resolution is being explored, any formal processes or investigations underway will be halted. Formal processes will only recommence once the informal process has come to an end and there has not been resolution.
- 6.3. Investigations will be progressed as quickly as possible and normally concluded within 4-6 weeks.

7. MAINTAINING RECORDS

- 7.1 Where possible, the employer and employee will both keep written records during the entire grievance process. The records will include:
 - ☐ The nature and type of grievance raised
 - ☐ A copy of the written grievance
 - ☐ The Council's response
 - ☐ Any actions that the Council or employee has taken
 - ☐ The reasons for any actions taken
 - ☐ Any information relating to appeals
 - ☐ Copies of all evidence obtained
- 7.2 The exception to this is the mediation process, where only a record of a final agreement may be made and only with all parties consent. No notes will be made of this process.
- 7.3 Audio or visual recordings at any stage of the Grievance Procedure are not permitted.

8. CONFIDENTIALITY

- 8.1 All records will be kept confidential and retained in accordance with the Data Protection Act 2018. All matters relating to grievance issues or outcomes must be kept strictly confidential by managers and employees unless relevant to the investigation process. Records of any individual complaint raised under this policy will normally be kept on both the complainant (the employee making the complaint) and respondent's (the employee responding to the complaint) Employee Record/file for a period of 1 year following outcome, detailing the nature of the grievance raised,

the Council's response, any action taken and the reasons for it. Data collected as part of the investigation stage and any subsequent stages of action must be held securely and accessed by and disclosed to individuals only for the purposes of completing the grievance procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported under the Council's Data Protection Policy. It may also constitute a disciplinary offence which will be dealt with under the disciplinary policy and procedure.

GRIEVANCE PROCEDURE

9. INFORMAL STAGE

- 9.1 Most grievances can be resolved quickly and informally by an employee raising matters with their line manager. Therefore, an individual should raise any grievance with their immediate line manager in the first instance or to the next-in-line manager/other appropriate manager if the grievance is against the line manager.
- 9.2 The manager will meet with the employee (complainant) to give them the opportunity to discuss the issue and will endeavour to resolve their concerns informally.
- 9.3 The manager will write to confirm the outcome of the informal discussion to the employee within 5 working days, including details of any remedial action which may be taken and notifying of the method by which the employee may invoke the formal procedure if still dissatisfied.
- 9.4 Informal resolutions may include (this list is not exhaustive):
- ☐ A one to one meeting with the employee who the grievance is against.
 - ☐ The line manager or a work colleague may facilitate an informal conversation i.e. a three-way meeting.
 - ☐ Mediation carried out by a workplace mediator. See Mediation 9.7 below and **Appendix 2**.
- 9.5 A file note should be kept of any informal discussions (except in mediation meetings, where consent by both parties must be given).
- 9.6 Every effort should be made by the manager and complainant to explore all options to resolve the grievance informally before proceeding to the formal stages of this process.

Mediation

- 9.7 Advice and guidance in respect of mediation and arrangements for mediation can be obtained from Human Resources. Research indicates that most grievances or disputes between parties are best resolved through mediation. The role of the mediator is to help parties reach a solution to their problem and to arrive at an outcome that both parties are happy to accept. Mediators do not take sides, make judgements or give guidance. They are simply responsible for developing effective communications and building consensus between the parties. The focus of a mediation meeting is to reach a common sense settlement agreeable to both parties in a case.

- 9.8 Mediation is a voluntary process and will only take place if both/all parties agree. It is a confidential process where the terms of discussion are not disclosed to any party outside the mediation meeting.
- 9.9 It is expected that employees raising a grievance or having a grievance raised against them should wish to resolve matters informally and it is therefore anticipated that, in most instances, employees will be willing to mediate. However, in some instances employees may not be willing to participate and should therefore offer a clear justification, so that this can be taken into consideration when escalation to the next stage is being contemplated.
- 9.10 If parties are unable to reach agreement through mediation, they can still progress their grievance through the formal procedure. Refer to **Appendix 2 for details of the mediation procedure.**
- 9.11 Following successful mediation both parties should be offered an opportunity to review the outcome allowing a reasonable period and no more than 3 months.

10. FORMAL STAGE 1

Upon receipt of Formal Grievance

- 10.1 If the informal procedure has not been successful, the employee should outline the nature of their concerns in writing, using the **Formal Stage 1 Grievance Notification Form which is attached as Appendix 3** and send this to their immediate line manager (or next-in-line manager/other appropriate manager if the grievance is against their line manager) within 5 working days of date of the outcome letter of the informal stage.
- 10.2 A grievance raised under the Dignity at Work Code of Practice which has had no resolution at the informal stage of that Code will be raised at the Formal Stage 1 of this procedure.
- 10.3. The grievance should be sufficiently detailed to allow the manager dealing with it to understand the nature of the grievance and should include any accompanying evidence to support their complaint. The grievance should also include why it was not resolved at the informal stage and the desired outcome.
- 10.4 No new aspects of grievance may be raised at this stage unless otherwise agreed by the Associate Director or nominated senior manager and the HR Services Officer.
- 10.5. The grievance will be acknowledged by the line (or next-in-line) manager in writing within 5 working days of receipt of the Grievance Notification Form and confirm the designated manager who will be investigating the grievance. The designated manager is commissioned by the manager to investigate the matter. At this point the manager becomes the Commissioning Manager and the designated manager becomes the Investigating Officer.
- 10.6 The Investigating Officer will meet with the employee to discuss their grievance within 10 working days of receipt of the Grievance Notification Form.

- 10.7 In the event of a very complex case an **external** Investigating Officer may be commissioned to undertake the investigation. In cases where the employee and/or their representative raise concerns in respect of a potential conflict of interests, an external Investigating Officer should be appointed.
- 10.8 The Commissioning Manager will confirm to the Investigating Officer the details of the grievance, the terms of reference, the scope of the investigation and all relevant background information.
- 10.9 The investigation may involve meeting with the complainant (aggrieved employee) on more than one occasion and considering any supporting information provided, to investigate and resolve the matter. The employee may be accompanied by a Trade Union representative or workplace colleague or support worker.
- 10.10 The Investigating Officer will write to the employee the grievance is against outlining the grievance, the outcome sought and any meetings set up to investigate and resolve the matter. The employee can be accompanied by a Trade Union representative or workplace colleague or support worker.
- 10.11 An investigation will normally be concluded within 4-6 weeks. Where this is not possible the situation should be fully explained to the complainant and they should be kept regularly updated in respect of the progress of the investigation by the IO and the Commissioning Manager.
- 10.12 The Investigating Officer (IO) will:
- ensure the complainant is notified as quickly as possible in writing of the investigation
 - write to the employee the grievance is against outlining the grievance (see 10.10 above)
 - ensure the complainant and witnesses have received a copy of the grievance policy and procedure
 - establish the facts of the case and gather evidence
 - interview the complainant and any appropriate witnesses
 - ensure the complainant and witnesses are warned they must keep matters confidential and not collude with other witnesses or they could become subject to disciplinary action
 - take notes/arrange for notes to be taken/agree notes of meetings with the complainant and any witnesses
 - ensure witnesses are aware of the purpose of the investigation and that any information obtained may be used/relied on in the course of any subsequent hearing and they may be required to attend a hearing to give evidence
 - report what is likely to have happened based on balance of probability and confirm their findings with the People Service HR Business Partnering team and the Commissioning Manager
 - after completion of the investigation retain the report for an appropriate period of time
- 10.13 If the matter progresses to an appeal hearing the Investigating Officer will:
- arrange the “bundle” of all the documents and evidence they have acquired in the investigation to be relied upon in a hearing for the Commissioning Manager to present

- attend the appeal hearing as a witness and in a fact giving capacity. They should not be there to give their opinion or present the case for the management side.
- make any additional management recommendations if appropriate and requested to be considered separate to the appeal hearing, confirming details of whom and how the recommendations will be reviewed

Please refer to Appendix 1 for details of the role of an Investigating Officer, Appendix 4 on how to conduct an investigation and Appendix 5 Investigation Report Template. Please refer to Appendix 10 for the Appeal Hearing process and the ACAS guidance below on conducting an investigation.



ACAS Conducting
Workplace Investigati

10.14 The Commissioning Manager will;

- Confirm their decision in writing in respect of the outcome of the investigation to the complainant and the respondent along with a copy of the investigation report – to uphold, partially uphold or not uphold their grievance.
- However, if there are concerns about confidentiality (for example servicer user names), this should be discussed with the HR Services Officer. This may lead to part of the investigation report being redacted or not being sent to both parties. In this case, both parties will be informed of the findings of the report during the individual outcome meetings.
- Offer the opportunity to the complainant and respondent to meet to discuss the outcome, any recommendations and to explore further support and pastoral care that may be helpful within 10 days of notification of the outcome
- The complainant will also be notified of the right and process to appeal
- Please note, there is no right of appeal for the respondent
- Present the management case to the appeal hearing panel if the matter progresses to this stage

Please refer to Appendix 1 for the role and responsibilities of the Commissioning Manager.

10.15 Possible Outcomes

After due consideration of the findings, conclusions and recommendations of the investigation, the Commissioning Manager may not uphold, partially uphold or uphold the grievance;

- **To uphold or partially uphold the grievance.**

If such a finding is made it will normally be appropriate for the manager to recommend actions to remedy the situation. This could include further informal resolution, performance management, or formal disciplinary action. Due to confidentiality, the complainant may not be given details of the remedy; it will be sufficient that they are made aware that appropriate action has been taken.

- **To not uphold the grievance.**

It may also be appropriate with such a finding to also recommend actions, although it may be the case that no further action is required.

- **To find that the grievance is vexatious.**

The Council is confident that the very large majority of grievances raised by employees are not vexatious and would not deter any individuals from raising a grievance that is genuine and made in good faith. However, if it is found that the grievance is vexatious, then the next-in-line manager should also conclude whether they would recommend disciplinary action against the complainant which will be dealt with under the Council's Disciplinary Policy & Procedure. In this event a separate formal process may commence which may draw upon the information gathered as part of the grievance process.

11. FORMAL STAGE 2 APPEAL

11.1. If the complainant is dissatisfied with the decision and outcome of Stage 1 they must complete the **Grievance Appeal Form attached in Appendix 8** and deliver to their employing Executive or Associate Director as appropriate (the Director they report to) within 5 working days of the receipt of the letter confirming the outcome of Stage 1. They must fully explain their grounds for appeal and why they feel the issues have not been resolved. This should include an explanation of what factors the employee felt should have been taken into consideration and what factors they felt were not taken into consideration. No new aspects of grievance or new evidence will be accepted.

11.2. The Appeal Hearing will consider the grounds for appeal. The grounds for appeal should cover one or more of the reasons below and evidence must be provided to support the grounds:

- ☐ the grievance policy and procedures were not followed and was not taken into consideration by the panel
- ☐ the grievance was not properly investigated
- ☐ non-compliance with statutory policy, procedure and legal rights
- ☐ acts of discrimination, bullying and harassment in the process
- ☐ the grievance investigations and evidence which was not considered by the panel

11.3 The Employing Executive/Associate Director will not be able to progress the matter to the Appeal Hearing until sufficient evidence and grounds for appeal are provided.

11.4 The appeal will be acknowledged in writing within 5 working days of the employing Executive/Associate Director receiving the Grievance Appeal Form.

Grievance Appeal Hearing

11.5. The Appeal Hearing is not a re-hearing of the Stage 1 hearing. An Appeal Hearing will be scheduled in diaries within 15 working days to take place within 25 working days and the panel will normally comprise of an Associate Director/Senior Manager from another service who has not been associated with the case and a HR Representative. The appeals process is attached as **Appendix 8 and 10**.

- 11.6 Possible outcomes of an Appeal Hearing are as set out in Section 10.15 of this policy.

12. OUTSTANDING DISCIPLINARY/PERFORMANCE MATTERS RELATING TO GRIEVANCE

- 12.1. If the grievance is raised during the course of a disciplinary or managing performance process and is related to the case / allegations then it should be looked into as part of that process. If the grievance is about another unrelated matter then the grievance procedure should be invoked and run concurrently (this would not impact on any outcome of the disciplinary or capability process as that would be dealt with on its own merit).
- 12.2 Where an employee subject to the disciplinary or managing performance procedure raises a grievance, advice should be sought from Human Resources. The employee must submit their grievance, using the appropriate forms, to the line manager/manager's manager who will determine the appropriate route for the grievance to be heard.
- 12.3 If the grievance relates to the disciplinary process then it will be heard under the disciplinary procedure. If it relates to the managing performance process then it will be heard under the managing performance policy and procedure.

Appendix 1

ROLES AND RESPONSIBILITIES

THE COUNCIL

The Council will ensure that:

- ☐ Formal training to support this policy is provided to appropriate employees, in particular people who will facilitate, mediate or hear grievance hearings and those who support and advise individuals who complain or are complained about
- ☐ All employees are informed about the contents of this policy and procedure
- ☐ Policy provisions comply with UK law and regulations
- ☐ Trained Mediators are available to conduct the informal mediation process

MANAGERS

Managers have a particular duty to ensure that their own behaviour is beyond reproach at all times. Managers are essential in implementing this policy. They do this by:

- ☐ Ensuring employees know about this policy and know how to raise a grievance
- ☐ Dealing with any complaints fairly, thoroughly, quickly and confidentially, respecting the feelings of all concerned
- ☐ Getting advice from Human Resources as quickly as possible following the receipt of a grievance
- ☐ Ensuring that there is no retaliation against the employee who made the complaint
- ☐ Complying with the timescales set out in this policy
- ☐ This can be a stressful and difficult process and so managers must ensure the complainant and parties involved in the process receive support if required through the EAP provider/other agreed action

EMPLOYEES

All members of staff are responsible for adhering to this policy. They are required to:-

- ☐ Seek to resolve matters informally as much as possible
- ☐ Ensure that they understand the policy and the consequences of vexatious complaints and abuse of this policy
- ☐ Comply with the requirements of this policy when setting out a grievance, including the provision of evidence and compliance of timescales set out in this policy
- ☐ If it is found that the grievance is vexatious, then the next-in-line manager should also conclude whether they would recommend disciplinary action against the complainant which will be dealt with under the Council's Disciplinary Policy & Procedure. In this event a separate formal process may commence which may draw upon the information gathered as part of the grievance process.

COMMISSIONING MANAGER

The Commissioning Manager is the Executive Director/Associate Director or line manager where appropriate of the employee (complainant) who has raised the grievance. The responsibilities of the Commissioning Manager will include:

- a. Appointing and informing the Investigating Officer of the details of the grievance to be investigated, terms of reference and scope of the investigation (along with the relevant HR Service Officer);
- b. Keeping up to date with the progress of the investigation by regularly checking with the Investigating Officer that they are adhering to the timing schedule agreed in the investigation plan and terms of reference;
- c. Ensuring the complainant is kept up to date with the progress of the investigation
- d. Making a decision in respect of the outcome of the investigation (whether the grievance is upheld/partially upheld or not upheld) and any action that may be required subsequently;
- e. Advising the complainant and respondent in writing of the outcome of the investigation, with a copy of the investigation report
- f. Advising the complainant of their right to appeal if they are not satisfied with the outcome;
- g. Ensuring any recommendations that come out of the investigation are implemented where possible and in a timely manner with input from the relevant HR Service Officer;
- h. Presenting the management case at an appeal hearing.

INVESTIGATING OFFICER

The Investigating Officer is commissioned to undertake to investigation into the grievance. They produce a report for the Commissioning Manager to confirm their findings and conclusions based on the balance of probability and the outcome of their investigation but it is the Commissioning Manager who will make the decision in respect of whether the grievance is upheld/partially upheld or not upheld. They also attend appeal hearings as a witness to provide facts in respect of the investigation. They should aim to complete their investigation in 4-6 weeks and keep the Commissioning Manager and the employee advised of progress and any cause for delay.

PEOPLE SERVICE HR BUSINESS PARTNERING TEAM

The HR Business Partnering team provide advice and guidance in the operation and application of this policy and its associated procedures. An HR representative may also be a member of an appeal hearing panel and in this role will be part of the decision making process.

The HRBP team duties include:

- ☐ Advising managers on the application of the policy.
- ☐ Ensuring the effective implementation of the policy.
- ☐ Monitoring levels of grievances, identifying trends, initiating appropriate action and reviewing and amending the policy as necessary.

TRADE UNION REPRESENTATIVE

The Trade Union representative may be invited to accompany the employee making the complaint or responding to the complaint. Their role is to provide;

- Moral support
- Advice and guidance to the employee
- Make representations on behalf of the employee, challenge evidence and sum up the employee's case.

The representative cannot however answer questions on behalf of the employee.

Appendix 2

MEDIATION

Mediation can be used by anyone who is experiencing a conflict or a dispute at work. Mediation is a process of dispute resolution in which an impartial third party (the mediator) facilitates a series of private and joint meetings with the parties to identify a mutually acceptable and appropriate resolution. Mediation is a voluntary, non-binding process which addresses the underlying (root) causes of conflict or tension. Mediators create the conditions for dialogue using a non-adversarial, non-partisan approach. The final outcome of mediation is agreed by the parties, not the mediator.

Mediation tends to last for one full day. However in more complex cases or cases involving more than two parties it may last for up to two or three days. Mediation takes place in a neutral venue comprising of three rooms. Each party has their own private room for the entire day and there is a separate room for the joint meetings.

The mediator offers a structured process for the parties to make best use of in seeking mutually satisfactory solutions. The process consists of two private, individual sessions first before being brought together for a joint session.

Having separate meetings with the mediator gives all parties the chance to talk about the conflict from their point of view. The mediator listens to what all parties say and they explore how parties feel, what their concerns are and what their underlying needs are. The mediator and the parties explore the conflict from three perspectives:

- 1) the past,
- 2) the present
- 3) the future.

Having listened to all sides, the mediator will propose an agenda for the joint meeting.

At the end of mediation, the parties will hopefully have reached a resolution to the dispute including a number of points of agreement. These will be typed up and given to the parties (usually on the same day).

Mediators do not tell parties what to do. Mediators do not judge who is right or wrong nor do they impose a settlement or solution. However, mediators may ask all parties challenging and difficult questions during mediation relating to the nature of the conflict, the impact of the conflict and the steps required to reach a resolution.

Whilst we recognise that parties may wish to have someone with them, the mediators will create an environment where parties do not need to bring anyone else to support them. If parties do wish to bring someone with them, this is only possible during the first meeting with the mediators.

Appendix 3

Grievance Notification Form – Stage One

Stage One of the formal grievance procedure should only be invoked if the informal process has not been successful.

This form must be completed and sent to the individual's line manager and if the grievance is related to the line manager then it should be sent to the next-in-line manager, within 5 working days of the date of the outcome letter of the informal stage.

An employee registering a formal grievance should complete Parts 1 and 2 of this form.

PART 1 – EMPLOYEE DETAILS

Name: **Job Title:**

Department: **Location:**

Telephone No. **Email:**

PART 2 – DETAILS OF THE GRIEVANCE

Please summarise your grievance below and attach any supporting documentation. Please confirm whom your grievance is against (if this applies). You may continue on a separate sheet if necessary.

1. In your own words summarise what you are aggrieved about. If appropriate you should provide details such as dates and times of events, the names of any witness, where events took place and any relevant background information leading up to the grievance.

2. Why was your grievance not resolved at the informal stage? (Please include the outcome letter from the informal stage).

3. What outcome are you looking for?

Signature **Date:**

Received by:

Name: **Date:**

(Manager)

Signed

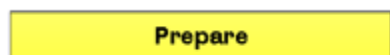
Appendix 4

How to carry out an Investigation

For the Disciplinary/Grievance Procedures

The below checklist is for guidance purposes only, as it is recognised that a manager will need to determine how best to manage any investigation given the individual circumstances of each case.

Please ensure that all discussions during this process are fair, appropriate and above reproach.



- Clearly define the allegations/grievance in need of investigation.
- Consider the nature and likely scope of the investigation based on the allegation/issue(s) of concern. In the case of a formal grievance, the scope of the investigation should be discussed with the employee who has submitted a formal grievance.
- Decide how best to conduct the investigation - In many cases this can be a very simple/quick process, however, this will depend on the specific circumstances of the case e.g. whether the facts are disputed or clear and the seriousness of the matter. An investigation can simply be the gathering of facts looking at existing documentation e.g. relating to the previous in/formal management processes undertaken to address an issue. In other instances it may require the planned and systematic gathering of data, interviewing of relevant witnesses and analysing relevant documents, records, policies, etc. to determine next steps.
- Consider what information you need to gather, from whom and how this will be obtained.
- Consider the timescales of the investigation. Taking into consideration, where appropriate, the need to conduct interviews, collate witness statements, gathering information and write the investigation report etc.
- Identify if there are any potential barriers to obtaining information and how these can be addressed.
- If appropriate, identify any witnesses who could help with investigations, determining whether these should be interviewed or whether a written statement should be sought, Initial contact with a potential witness is often in the form of a telephone conversation or email to: explain the situation; check their potential relevance; seek their agreement to participate in the process etc.
- Consider other resources you may need during the investigations e.g. note taking, specialist advice/guidance.

- If appropriate, prepare interview plan(s) and consider the specific issues that need to be explored during these interviews.
- Prepare the questions you may wish to ask, ensuring that the questioning (open, closed and probing questions) is appropriate e.g. for obtaining information/facts, exploring feelings or opinions. Avoid using leading questions.
- If appropriate, provide regular updates to those involved.
- **PLEASE NOTE:** It may be necessary to continually consider the need to amend your plan depending on the findings throughout the investigation.

Write to Employee*

*and Witness(s) if applicable

- Any employee subject to an investigation should be made aware that an investigation will be undertaken, and should be provided with a brief summary of the reasons for this and the practical measures involved.
- Include any paperwork/information which will be needed to be seen or considered prior to the interview.
- Advise and if necessary assist the employee (*and any witnesses) to access the counselling and support available to them.
- Take appropriate steps to ensure the confidentiality of the investigation process.
- If applicable, notify the witness' manager of their involvement in the investigations, so that they can attend any relevant meetings.

Hold Interview(s)

(Only if appropriate)

- Thank the interviewee for attending and make any necessary introductions (include an explanation of roles). Please note that employees have the right to be accompanied to the investigative meeting by a Trade Union representative or workplace colleague.
- Confirm that it is a fact-finding meeting. It is important to remain objective.
- Explain the need for confidentiality/implications for breaching this e.g. potential impact on investigation/disciplinary action.
- Explain that the SBC prohibits the electronic recording of meetings and that written notes will be taken throughout the interview.
- The investigator officer should confirm notes will be shared/signed by the interviewee to agree they are an accurate reflection of the meeting. Where the interviewee disagrees with an aspect of the record they will be able to annotate the notes before returning to the investigator.
- Confirm the area/allegation around which the employee or witness will be asked to comment. (When interviewing the employee under investigation ensure they understand the allegations being made against them and provide details of the allegations/grievance).
- Explain that the evidence/information may be used in a subsequent formal hearing/grievance meeting and that they may be required (or in the case of witnesses requested) to attend, depending on the outcome of the investigation.
- Check if interviewee has any questions regarding the process.

- Seek evidence/information using any prepared and supplementary questions.
- In questioning the employee under investigation, explore possible explanations/special circumstances. Ask them to respond to any allegations and if they are able to produce any evidence/information to support their response.
- Check if the interviewee wishes to provide any further information or raise any questions before the interview concludes.
- Explain next steps and indicative timescales and that it may be necessary to hold additional interviews should further evidence arise.

Seek Further Information**

** If appropriate

- Seek any relevant supporting information/evidence to substantiate information provided by the employee/witnesses.
- Consider whether other documentation may be helpful for the investigation. For example: Work rotas, attendance records, medical reports, incident reports, minutes from meetings, appraisal/training/development records, emails, letters etc (permission of the employee may be required for some of these examples). Also consider any wider documentation that may feed into informing expectations e.g. local agreements,
- Check as to whether the employee(s) is under investigation, employment record may provide any background or special/mitigating circumstances.
- Should you identify any information that may warrant immediate action please raise this with the manager who instigated the investigation as a matter of urgency.

Record

- After each interview forward the record, as appropriate, for signing, to the interviewee.
- If the interviewee disputes the accuracy of the record, asked them to: identify what is in dispute; offer their interpretation/recollections of the discussions by annotating the record provided, before signing and returning the record.
- In the case of witness statements gain the individual's consent to share this with other relevant parties.
- Maintain a record of all evidence gathered.

Investigation Report

- **See Investigation Report Template in Appendix 5**
- Ensure all documentation associated with the investigation is retained securely and only shared with discretion and confidentially. Tone/Style should be considered as all relevant information will be shared with key parties including the employee under investigation.

Appendix 5: Investigation Report Template

CONFIDENTIAL INVESTIGATION REPORT- <NAME>	
Allegation/Issue	Grievance/Disciplinary
Name/Designation of employee subject to investigation (if appropriate)	<Name, Job title>
Name of complainant (if appropriate)	
Investigator	<Name, Job title, Service area>,
HR Support/Link	<Name, Job title, contact number>

Background

- *Identify how the situation came to light (based on the factual information provided by the instigating manager); what actions have already been taken prior to the investigation commencing; what communications have taken place.*
- *Provide brief details of the 'subject' of the investigation, their employment history, current role and how long held etc.*
- *Note if employee suspended and when, whether redeployed for duration of investigation or if there are any specific changes in place to allow the investigation to take place i.e. line management responsibility removed, budget responsibility suspended, taken off usual duties but still within service area etc.*

Executive Summary (Optional - delete if appropriate)

- *This may be suitable for complex investigations and should provide a brief summary of the main findings/conclusions.*

Remit of Investigation

- *Agree terms of reference and remit of investigation, i.e. what allegations/concerns were identified as in need of investigation (provide concise bullet points list of all allegations, that will be expanded upon in "Findings" section).*
- *State policy under which the investigation was carried out (e.g. SBC Grievance Policy and Procedure)*

Investigation Process

Explain how the investigation progressed, including reasons for decisions which were made and the direction the investigation went including:

- *A brief description of the method(s) used to gather information.*
- *Use table template 'Appendix 6' to record what interviews/statements were undertaken, when, and their appendix number within the bundle of evidence*
- *If the investigator has not interviewed all individuals suggested by the 'subject' of the investigation the decision should be recorded in this section*

(including reasons e.g. character reference only).

- *A timetable of events. (Detailing any delays in the investigations).*
- *What documents/evidence were reviewed (Appendix 7: Record of Evidence)*

Findings

Provide a summary of the findings and observations:

- *Present the findings separately for each point/allegation/issue of concern in turn, by confirming the facts established by the investigation, identifying the sequence of events, cross-referencing any documentation and highlighting any mitigating factors e.g. lack of procedural guidance, management action or expected documentation and any other actions / behaviours which may have compounded or aggravated the situation*
- *Avoid using vast extracts from statements - only quote directly from the statements where it is necessary. It is the investigator's responsibility to analyse all the statements and draw out all corroborative evidence. Interviewees are not always articulate during interviews and the investigator should therefore use their own words to concisely convey the findings.*
- *If the evidence is inconclusive or there is no evidence to substantiate an allegation - say so. The instigating manager wants to know whether there is any evidence to support the allegations - it is also the investigator's responsibility to explain how significant the evidence is - this should come across throughout the report.*
- *Note any specific actions that demonstrate a breach of policy or standards of conduct/performance that did not meet those normally expected.*
- *Refer back to the agreed remit of investigation, ensuring that you cover all the points.*

Conclusion

NOTE: *When reviewing the evidence, investigators need to aim to demonstrate a reasonable belief as to what happened, based on their assessment of the evidence available. The standard of proof for internal investigations and any subsequent disciplinary hearing or grievance meeting is based on the "balance of probabilities", i.e. that on the basis of the evidence it was more probable than not that the alleged misconduct was committed. Investigators are not required to demonstrate beyond reasonable doubt, unlike in criminal investigations, but do need to act reasonably on behalf of the employer.*

- *For each allegation/concern/issue provide an overall fact based opinion on a) whether there is any evidence to support the allegations and b) the strength of the evidence.*
- *Support the conclusions with the strongest evidence without repeating the text in the main body of the report (where possible) - the conclusions should be clear and concise.*
- *Identify to the reader the strengths and weaknesses in the evidence - emphasising the importance of any issues and where evidence can be open*

to different interpretation / scenarios.

- *Draw out key facts which demonstrate particular breaches of policy e.g. Code of Conduct, Harassment, Financial Regulations, service policies & procedures etc*
- *If there are any special circumstances/mitigating factors ensure that they are clear within the conclusions and it is important to explain their significance.*

Appendices

- *Chronology of events; witness statements; investigatory interview notes; about the Job documents; organisational structure; medical advice etc.*

Signed by Investigatory Officer	
Date	

Appendix 6: Record of witnesses

The following table gives the names of the people who provided statements for this investigation.

Name	Post	Reason	Date	Appendix

Appendix 7: Record of Evidence

Date	Item	Appendix (attached with report)
Investigation Statements		
Supporting Documentation		

Appendix 8

Grievance Appeal Form

This form must be completed and sent to the employing Executive or Associate Director as appropriate within **5 working days** of the date of the letter confirming the outcome of Stage 1. Please refer to Section 11 of the Grievance Policy and ensure that your grounds of appeal are clearly explained. Please note that your grievance cannot be progressed to appeal until you provide sufficient evidence and grounds. You may continue on a separate sheet.

Parts 1 and 2 of this form must be completed.

PART 1 – EMPLOYEE DETAILS

Name: ***Job Title:***

Department: ***Base:***

Telephone No. ***email:***

PART 2 – DETAILS OF APPEAL

Please state in your own words the grounds on which you are basing your appeal against the decision taken at the Stage One Grievance Meeting and what outcomes you are looking for.

Signature ***Date:***

Appendix 9

Appeals Procedure

Following receipt of an appeal, an appeal panel will be scheduled in diaries within 15 working days to be convened within 25 working days

The employee must submit the Grievance Appeal Form to their employing Executive or Associate Director as appropriate within 5 working days of the date of the letter confirming the decision/outcome of Stage 1. If the notification lacks sufficient detail as to which aspects of the Stage 1 decision the complainant is dissatisfied with they may lose their right to appeal.

Upon receipt of the complainant's grounds for appeal, the employing Executive/Associate Director will within 10 working days of receipt acknowledge the grievance appeal and confirm the arrangements for an Appeal Hearing.

The Grievance Appeal Form should be forwarded by the employing Executive/Associate Director to the Responsible Manager/Commissioning Manager of stage 1 so that they can write their response ('the management case').

An Associate Director/senior manager from a different Directorate who has not been associated with the case and an HR representative should be appointed to act as Appeal Panel Chair and panel member. The Appeal Panel Chair will arrange for a note taker.

The Stage 1 Commissioning Manager will have 5 working days before the Appeal Hearing to submit their management case to the complainants employing Associate Director. This should include the investigation report, notes of any meetings, Stage 1 outcome letter, a comprehensive justification for the decision made, names of any witnesses that may be called or confirmation that none will be called to the Appeal Hearing and a response to any queries raised by the complainant. The complainant's statement of case must be submitted 5 working days before the Appeal Hearing to their employing Associate Director. No new aspects of grievance or evidence will be accepted. No other paperwork should be accepted after the deadline.

5 working days before the appeal hearing the complainant's statement of case and the Management side case will be forwarded to all relevant parties by the employing Executive/Associate Director (all appeal panel members, the complainant and their representative, Commissioning Manager at Stage 1 and who is presenting the management case and the HR Advisor).

If the employee or management case has not been submitted within the stipulated time frame, the hearing will be postponed. In exceptional circumstances, an extension of 2 working days may be granted for the submission of the paperwork which requires the agreement of all parties.

Notice of appeal hearing date

The complainant should be given at least 10 working days' notice of the date and time that the appeal hearing will be convened.

Rescheduled appeal hearing timescales

Postponed appeal hearings will be rescheduled a second time. If the reason for postponement has been non-submission of paperwork, then all relevant missing paperwork must be submitted 5 working days before the date of the second hearing. The same timescales for exchange of missing paperwork applies, i.e. 2 working days.

If the management/complainant case is not submitted 5 working days before the date of the second hearing is arranged then the hearing will go ahead. The management/complainant will be given the opportunity to present their case and question the other side. In the absence of a complainant case, the Appeal Grievance Form can be used in the hearing. No new paperwork or grievances or evidence can be presented at the hearing.

If the complainant is unable to make the date or does not turn up to the hearing, they will be given one further opportunity to attend. Failure to attend a second time will result in the Appeal Hearing being heard in their absence.

Appendix 10

Appeal Hearing

The appeal hearing is chaired by a Panel Member. At the Appeal Panel hearing the following procedure shall be observed:

1.0 Introductions

- ☐ The Chair ask all attendees to introduce themselves and should ask the complainant's representative whether they are a work colleague and if not they should state what Trade Union/Recognised body they are from
- ☐ The purpose of the hearing is explained by the Chair of the panel
- ☐ The procedure to be followed is explained by the Chair of the panel

2.0 The Complainant's' case

- ☐ The complainant and/or their representative shall put their case to the panel in the presence of the Management side. In support they may call witnesses.
- ☐ The management side will have the opportunity to ask questions of the complainant, their representative and witnesses.
- ☐ The members of the Appeals Panel shall have the opportunity to ask questions of the complainant, their representatives and witnesses.
- ☐ The complainant or their representative shall have the opportunity to re-examine their witnesses on any matter referred to in their examination by members of the Appeal Panel or the management side.
- ☐ During the course of the meeting the chair may call adjournments to either consider evidence or for natural breaks.
- ☐ The complainant or their representative or the Management Side may ask the chair to consider an adjournment at any stage of proceedings. The Panel may at its discretion adjourn the appeal at any time in order that further evidence may be produced by either party to the dispute or for any other reason.

3.0 Management's Case

- ☐ The management side (the Manager presenting the case) shall state the Council's case in the presence of the complainant and their representative.
- ☐ They will call the investigating officer as a witness to provide the facts, conclusions and recommendations of their investigation.
- ☐ The complainant or their representative shall have the opportunity to ask questions of the management side and witnesses.
- ☐ The members of the Appeal Panel shall have the opportunity to ask questions of the Management Side and witnesses.
- ☐ The Management Side shall have the opportunity to re-examine witnesses on any matter referred to in their examination by members of the Appeal Panel, the complainant or their representative.

4.0 Summing Up

- ☐ The panel will call a brief adjournment to all parties to prepare for the summing up of their cases.
- ☐ The management side sums up their case
- ☐ The complainant or their representative
- ☐ Neither party may introduce any new matter.

5.0 Adjournment

- ☐ An adjournment is called to allow the panel to consider the evidence
- ☐ Management, the complainant and their representative shall withdraw to allow the panel to make a decision.

6.0 All parties return and the decision of the panel is communicated.

- ☐ The Panel may call all parties back into the room on the day of the appeal hearing to give their decision. However, in some cases it may be necessary to consider the case overnight where a decision may be confirmed at a later date. The decision will be confirmed in writing within 5 working days of the decision being made.
- ☐ The panel will consider all the evidence and representations carefully before them in advance of making a decision. The panel will provide reasons for any decisions that they make.

There is no further right of appeal.

Duty of staff to declare interests and outside work

The council seeks to regularly update the information held on staff in respect of

- [Register of Employee Interests](#)
- [Other \(Outside\) Employment Registration and Approval Request](#)

Legislation and the local code of conduct for employees require that staff disclose any financial or personal interests that could conflict with the council's business or interests. This ensures that potential conflicts of interest are recorded and staff are not placed in a difficult position as they undertake their duties.

New employees complete a form on commencement of employment, and thereafter all staff are required to complete and return the forms on an annual basis.

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SLOUGH BOROUGH COUNCIL

REPORT TO: Employment & Appeals Committee

DATE: 20th October 2020

CONTACT OFFICER: Surjit Nagra, Associate Director - Customer

AUTHOR/S: Taran Panesar, Organisational Development Officer

WARD(S): All

PART I
FOR INFORMATION

MEMBERS' DEVELOPMENT PROGRAMME 2020/21 UPDATE

1. Purpose of Report

This report provides an update on the current work of the Members' Development Task and Finish (T&F) Group on the Members' Development Programme framework. This includes developing and implementing an effective Members' Development Strategy, timetable and programme to meet members' corporate and individual learning and development needs.

2. Recommendation(s)/Proposed Action

The Committee is requested to note the contents of the report and to make any further suggestions for the Task and Finish Group to consider as part of the review of the Members' Development Programme.

3. Members' Development Programme – Progress Update

- 3.1 EAC on 2nd July noted the *Members' Development Programme 2020/21 Update* report stating that the Task & Finish Group's Terms of Reference had been agreed and that a refreshed approach to commissioning and delivery of a new Members' Development Programme was needed that would be aligned to the 'Our Futures' transformation and members' individual learning needs.
- 3.2 Since then the Task & Finish Group have set out the principles to inform the design of a structured plan for members' development and drafted proposals for a new *Members' Development Programme Framework 2020-2021* to meet councillors' individual learning needs and clarity on the process for completing Personal Development Plans (PDPs).
- 3.3 'Survey Monkey' was used in July 2020 to conduct a survey of members' learning and development needs. 29 from 41 members completed the survey – a 70% response rate. The survey findings recommended the programme should tailor the content to the different roles, experience levels and learning needs of members and not have a 'one size fits all' approach. They further recommended a mix of learning styles with a blended and flexible approach to the programme delivery. These

conclusions were closely aligned with the Task & Finish Group's Terms of Reference.

- 3.4 The Task and Finish Group's proposal for a new *Members' Development Programme Framework* for 2020-2021 covered training to support members in specific roles, induction for new and re-elected members, refreshers for more experienced members and soft skills for all members. The Group recommended work on planning and scheduling the programme should start as soon as possible after the phase 1 organisation restructure but to also be realistic about how much can be scheduled before March 2021.
- 3.5 No sessions have been scheduled since 2nd July 2020 due to the *Our Futures* phase 1 restructure of the Council's leadership team, phase 2 organisation redesign and the need to draft the transitional arrangements for the new operating model next year. But these will be started in earnest by Executive and Associate Directors engaging with Cabinet to plan and schedule the 2020-21 programme.

4 Financial Implications

- 4.1 Financial plans for the budget spend 2020/21 remain unchanged since the last EAC on 2nd July.
- Budget for 2020/21 = £20,000
 - Spending plans for 2020/21 = £20,000

5 Next Steps

The Committee is asked to note the progress made by the Members' Development Task & Finish Group on developing a *Members' Development Programme framework* for 2020-21 and associated expenditure plans.

SLOUGH BOROUGH COUNCIL

REPORT TO: Employment & Appeals Committee

DATE: 20th October 2020

CONTACT OFFICER: Joe Carter, Director of Transformation

AUTHORS: Surjit Nagra, Associate Director - Customer
Belinda Collins, Interim Transformation Manager

For all enquiries (01753 875727 ext. 5727)

WARD(S): All

PART I

FOR INFORMATION

OUR FUTURES PROGRAMME – WORKFORCE UPDATE

1. Purpose of Report

This report is to update the Members of the Employment and Appeals Committee of the progress in the Our Futures programme, since the last update in June.

2. Recommendation(s)/Proposed Action

The Committee is requested to note the contents outlined in this report.

3. Supporting Information

3.1 In June Members were presented with details of the business case for change for the implementation of a New Operating Model for the Council as part of the Our Futures (OF) Programme. At that stage Phase 1 of the OF programme was being actioned.

3.2 The original delivery plan entailed creating a new operating model for the Council which was prompted by the rising demand for Slough's key services in the context of reduced Government funding. The business case also reflected the Council's ambition to be a 'world class' organisation, with a sustainable cost base and a 'one council' staff team.

4. Phase 1 – Update

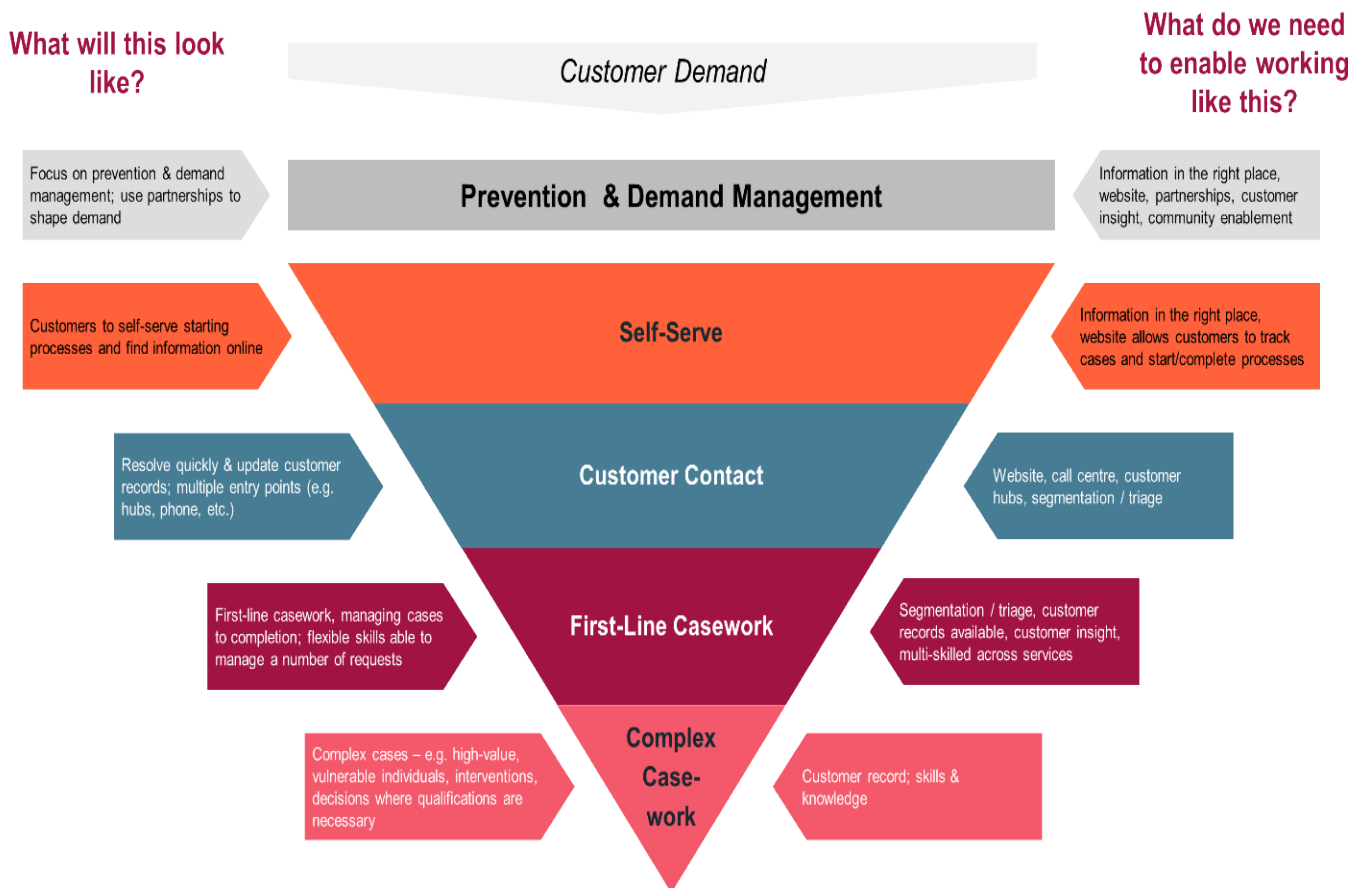
4.1 The Council launched the senior leadership team consultation for a reorganisation on the 3rd June 2020 which has now concluded.

4.2 The proposals of the consultation have been implemented which included a selection process for the newly created Associate Directors roles and the two vacant Executive Director posts.

- 4.3 8 of the 12 Associate Directors have been recruited and the remaining 4 roles are being recruited externally. All the Executive Directors posts have been recruited through the consultation process.

5. Phase 2

- 5.1 As highlighted previously, Phase 2 of the OF programme (formation of a new operating model) is a much larger programme affecting all staff below the Senior Leadership Team created in Phase 1. It is not anticipated that there will be large scale redundancies as the Council has vacant posts. Within Phase 2, as we have done in Phase 1, the council is implementing a new 'job family' framework. This will remove the need for individual job descriptions to be created and ensure that there is consistency of terms and conditions across the council.
- 5.2 The report in June also outlined the main thrust of this OD programme is also to centralise the business delivery operations of internal administration as far as is possible and to create a more robust front-end service for customer facing roles. The latter is intended to deal with the majority of first point of contact enquiries from our residents, after the initial offer of self-help via our online service portals. See diagram below.

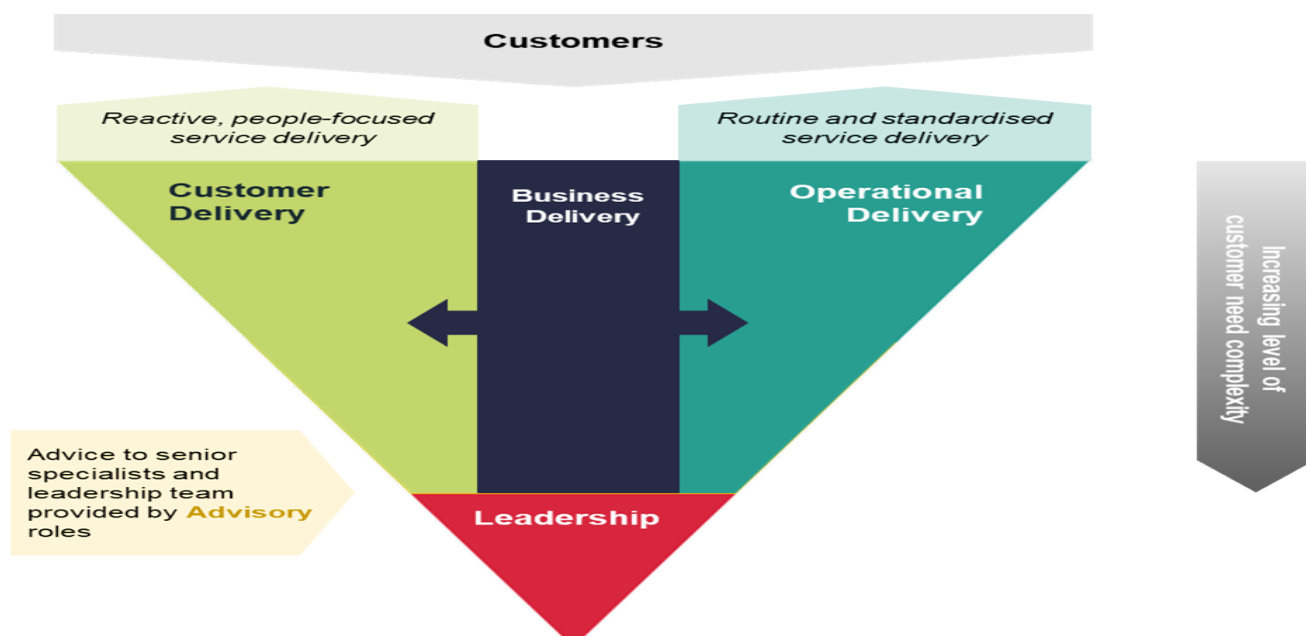


- 5.3 The consultation process for Phase 2 is scheduled to be launched on Wednesday 21st October. Managers are being briefed by the Senior Leadership Team on the consultation process and their roles and responsibilities of supporting their team members' through the process.

- 5.4 Workshops have been designed to support managers who will be experiencing significant change and provide them with tools and techniques to successfully manage it. These managers will also have an additional element which will be around leading their teams through this change period. A further workshop has been designed to support staff preparing to apply for roles and interviews providing them with tools and techniques to increase success.
- 5.5 At the meeting in June, the committee was advised that there were five job families that were proposed as detailed below.



- 5.6 However, this has been revisited and the 'specialist' family has been removed. This was following a review that highlighted the "cross-over" between the other Delivery Groups that was leading not only to duplication and repetition, it was also reducing the opportunity for staff development and progression within these delivery groupings.
- 5.7 In addition, there will be a small pool of senior advisory specialists who will not be allocated to a job family; their remit is to provide high level expertise and advice to specific business areas and the Leadership Team. Below is a diagram which shows how the job families will support the new Operating Model.



6 **Competency Frameworks**

- 6.1 As part of the overall framework the council will introduce a competency framework to support the organisational design and the job families and identify a similar framework for the rest of the Council to the Leadership Framework that was part of Phase 1 consultation.

7 **Agency Workers**

- 7.1 Agency workers are not included in the main reorganisation of the council and although Agency workers will have access to information about job roles, the council will provide job access and redeployment opportunities to all permanent employees first. The Council remains committed to reducing reliance on agency usage that will form part of the work in the coming months. Agency workers will be welcomed and encouraged to apply for permanent vacancies after permanent employees have all been considered for roles.

8 **Timescales**

The Phase 2 timeline is already in action and the key dates are noted in the table below:

Preparation for Phase 2	Ongoing
Consultation period	Launched proposed Wednesday 21st October 2020
Implementation of proposals	December to March
Embedding and review of the New Operating Model	During the financial year 2021/ 2022

9 Costs and savings

Phase 2 will help to deliver towards the Our Futures savings target, approximately £4.3m. The majority of these savings will be made through the OD programme, from a reduction on agency revenue expenditure and revenue expenditure. Most of these savings will be achieved by efficiencies in managing processes and ways of working; this will not be achieved by large scale headcount reductions by redundancies. However, there are vacancies which will be reviewed and will, be taken out of the establishment where possible, the council may also reduce headcount through redeployment into vacancies and through natural attrition rates.

There will be some redundancy costs which will be reported separately, as the costs emerge.

10. Background Papers

None

11. Appendices

None

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MEMBERS' ATTENDANCE RECORD 2020/21**EMPLOYMENT AND APPEALS COMMITTEE**

COUNCILLOR	02/07/20	20/10/20	21/01/21	06/04/21
Ajaib	P			
Ali	P			
Bains	P			
Chaudhry	P			
Gahir	P			
*N Holledge	P			
Hulme	P			
*Mohammad	P			
**Sabah				
**A Sandhu				
Smith	P			

P = Present for whole meeting P* = Present for part of meeting Ap = Apologies given Ab = Absent, no apologies given

*Councillor N Holledge and Mohammad no longer members of the Committee from 24th September 2020.

**Councillors Sabah and A Sandhu appointed to the Committee from 24th September 2020.

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