

*Please ask for:*

**Lisa Young**

*Direct dial:*

**(023) 9254 5340**

*Fax:*

**(023) 9254 5587**

*E-mail:*

**[lisa.young@gosport.gov.uk](mailto:lisa.young@gosport.gov.uk)**

**3 July 2018**

## **S U M M O N S**

**MEETING:** Policy and Organisation Board  
**DATE:** 11 July 2018  
**TIME:** 6pm  
**PLACE:** Council Chamber, Town Hall, Gosport  
**Democratic Services contact:** Lisa Young

MICHAEL LAWThER  
BOROUGH SOLICITOR

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## **MEMBERS OF THE BOARD**

The Mayor (Councillor Mrs Furlong) (ex officio)  
Councillor Hook (Chairman)  
Councillor Burgess (Vice-Chairman)

Councillor Bateman	Councillor Hylands
Councillor Carter	Councillor Jessop
Councillor Chegwyn	Councillor Murphy
Councillor Mrs Cully	Councillor Pepper
Councillor Foster-Reed	Councillor Philpott
Councillor Hicks	

## **FIRE PRECAUTIONS**

(To be read by the Mayor if members of the public are present)

**In the event of the fire alarm sounding, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.**

### **IMPORTANT NOTICE:**

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

### **NOTE:**

- i. Councillors are requested to note that, if any Councillor who is not a Member of the Board wishes to speak at the Board meeting, then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off or switched to silent for the duration of the meeting.
- iii. This meeting may be filmed or otherwise recorded. By attending this meeting, you are consenting to any broadcast of your image and being recorded.

**AGENDA**

RECOMMENDED  
MINUTE FORMAT

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

*All Members are required to declare, at this point in the meeting or as soon as possible thereafter, any disclosable pecuniary interest or personal interest in any item(s) being considered at this meeting.*

3. MINUTES OF THE MEETINGS OF THE BOARD HELD ON 6 FEBRUARY 2018 AND 17 MAY 2018

4. DEPUTATIONS – STANDING ORDER 3.4

*(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Monday 9<sup>th</sup> July 2018. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*

5. PUBLIC QUESTIONS – STANDING ORDER 3.5

*(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Monday, 9<sup>th</sup> July 2018).*

6. REVIEW OF PAY SPINE

*The purpose of this report is to seek members' approval to extend the council's existing pay spine to include an additional two pay grades*

PART II

Jon Bell.

7. HR POLICY CHANGES

*The purpose of the report is to advise the Policy and Organisation Board of proposed changes to the Human Resources policies.*

Jon Bell

ANY OTHER ITEMS

8. *which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency*

**A MEETING OF THE POLICY AND ORGANISATION BOARD  
WAS HELD ON 6 FEBRUARY 2018**

The Mayor (Councillor Mrs Batty) (ex-officio), Councillors Allen (P), Bateman (P), Burgess (P), Carter (P), Chegwyn (P), Mrs Cully (P) Edgar (P), Foster-Reed (P), Hook (Chairman) (P), Hicks (P), Hylands (P), Jessop (P), Murphy (P), Philpott (P)

**28. APOLOGIES**

Apologies for inability to attend the meeting were received from The Mayor.

**29. MINUTES**

RESOLVED: That the minutes of the meeting of the Board held on 27 September 2017 be signed as a true and correct record.

**30. DECLARATIONS OF INTEREST**

Councillor Hylands declared a pecuniary interest in the additional item Discretionary Rate Relief.

**31. DEPUTATIONS**

There were no deputations.

**32. PUBLIC QUESTIONS**

There were no public questions.

**33. REVIEW OF PLANNING AND ECONOMIC PROSPERITY CULTURE & TOURISM SERVICES**

Consideration was given to the report of the Deputy Chief Executive updating members on the outcome of the review of the Planning and Economic Prosperity Culture and Tourism (EPCT) services and seeks Members' approval for a new management structure for these service areas.

The Director of HR, Legal and Performance at Portsmouth City Council introduced himself to the Board. He advised that he had been asked to undertake the review, of two important services provided by the Council, by the Chief Executive.

The Board was advised that the review undertaken was thorough and that time had been spent in both departments and discussions had been undertaken with staff before reaching the recommendations in the report.

Policy and Organisation Board  
6 February 2018

The Board was advised two services were fortunate to have dedicated staff that were knowledgeable and had helped to see the service areas through challenging times as there had been a number of staff changes within Development Control and limited resources available to the Economic Prosperity team.

The challenges presenting the Council within the areas reviewed were detailed in the report at 2.4 and it was advised that proposals would allow for proper visibility and ownership from Council staff and would allow good services and activities to be delivered under the ownership of Council officers.

The Board was advised that regeneration and the work required around the local plan required additional resources and that a gap had also been identified in the provision of applying for external funding opportunities which could be a great benefit to the Borough.

The Council's events and destination promotion had been provided using limited resources and the proposed structural changes would allow greater ownership of these areas.

The proposals were to merge the services and appoint a Head of Planning and Regeneration; the proposals would also create an Economic Development and Regeneration Manager. The proposals included growth to the Economic Development and Regeneration team in the form of a funding officer and there were also proposals for growth within the Planning Policy Team. The finance for the proposed posts had been agreed and there was a degree of recycling of posts that had been deleted to support this.

Members welcomed the proposals and recognised that existing staff had been included within the review and praised the performance of the staff in place working with limited resources. Members paid tribute to their dedication and effort commending particularly the recent Business and Employment Fair held at Gosport Leisure Centre.

Members welcomed that additional staff in these areas would, in turn, boost the economy of the Borough

A Member welcomed the appointment of an external funding officer and advised that they hoped that they would explore the opportunities available through the Armed Forces Covenant.

Members welcomed the proposals to improve the services of Economic Development, Tourism and the Event Management as it was felt that the Borough had a great history of over 800 years, including a vital role in the D-Day embarkations and that Gosport was often left out of the commemorations of this important event.

Members hoped that investigations could be made in to re-establishing a better relationship on Harbour events, similar to the Portsmouth Harbour Economic Development Forum which had worked well with the Millennium Project.

Policy and Organisation Board  
6 February 2018

In answer to a Member's question, the Board was advised that the Economic Development Manager and the External Funding Officer would be externally recruited posts, as would the Principal Planning Officer and the Planning Officer in Planning Policy.

The Tourism and Project Officers were already in place and no one had been required to reapply for their jobs.

A second Project Officer would be appointed. One of the project officer posts would be to oversee all of the Council's projects including both those on Council land, and on other sites such as Haslar, which were also a corporate priority.

The existing Events Officer post would be retained to bring together and coordinate the various events undertaken by the Council, currently delivered by various departments.

A Member reiterated the importance of the reintroduction of a lead officer for Economic Development and Regeneration, to support and promote the town and welcomed the benefits it would bring to the Borough. They also welcomed the use of a dedicated officer with expertise in applying for external funding.

Members acknowledged that the Borough had significant heritage and museums and hoped that the knowledge of the Officers could help to support and make the most of the Borough's assets. Members also welcomed the use of expertise to support the redevelopment of the Bus Station site.

In answer to a Member's question, it was clarified that it was anticipated that the External Funding Officer's role would be self-sustainable from the income generated by the post holder.

Members reiterated that they welcomed the proposal and looked forward to the results the new teams would achieve for the Borough and congratulated the officers on the report.

Members commended the work of the Tourist Information Office and welcomed that it was still an available service within the Borough. They advised that they welcomed the opportunity for the Council to work more closely with them. It was acknowledged that the remit of the Office had changed and that they played an excellent role in promoting the Borough to the Borough residents.

Members acknowledged that the Borough was host to the incredibly successful Heritage Open Days and had been the first Borough to offer these. The Tourist Information Centre was valuable in the support of this event.

Members reiterated the importance of supporting and preserving the Borough's museums and heritage.

Members were advised that the process for the recruitment for the new roles would begin immediately if the proposals were agreed by the Board and that discussions had already been ongoing between Portsmouth City Council Officers and the Head of Planning and Regeneration to explore working more closely together on destination marketing for both Portsmouth and Gosport.

Members unanimously agreed to the proposals.

**RESOLVED:** That the Board

1. Notes the outcome of the review as set out in the sections below
2. Approves the creation of a new service - Planning & Regeneration, with the proposed structure shown at Appendix B of the report
3. Approves the creation of the following new posts:
  - Head of Planning & Regeneration
  - Principal Planning Officer (Policy)
  - Planning Officer (Policy)
  - Economic Development & Regeneration Manager
  - Funding Officer
4. Approves the deletion of the following existing posts:
  - Head of Planning Services
  - Principal Economic Development Officer (vacant)
  - Admin Officer (vacant)
5. Approves the increase in Planning Fees in line with government regulations

**34. ANY OTHER ITEMS**

The Board was advised that there was an additional item for consideration on Discretionary Rate Relief.

### **35. DISCRETIONARY RATE RELIEF**

**Councillor Hylands declared a pecuniary interest and took no part in the discussion or voting thereon.**

By reason of special circumstances, the Chairman determined that the following item be considered at this meeting notwithstanding the fact that the item had not been available for public inspection in accordance with the provisions of Section 100B(4)(a) of the Local Government (Access to Information) Act 1985.

Consideration was given to the report of the Borough Treasurer requesting consideration be given to proposed amendments to the Council's Discretionary Revaluation Rate Relief policy to ensure that Local Businesses can receive the maximum amount of relief possible under the scheme over the next 4 years.

The Board was advised that to date, the Council had only allocated £31,000 of the £118,000 pot for discretionary rate relief for 2017/18.

The Board was advised that the review proposed would help small business both in 2017/18 and 2018/19 and that if the amended policy was approved it was intended to initiate immediate payments so that approximately g £100,000 of the available funding would promptly be utilised. The proposals were to reduce the qualifying increase from 10% to 5% and to increase the amount of relief awarded to 65%.

In answer to a Member's question, the Board was advised that the proposed extension to include businesses in Hampshire and the Isle of Wight would mean that businesses would now be eligible to apply for the scheme if they had businesses in multiple locations within the County, whereas previously only businesses located solely in Gosport could apply.

In answer to a further question the Board was advised that 21 businesses had claimed rate relief to date and that details of the businesses could be provided if requested. The Board was also advised that the 21 businesses would also benefit from the amended proposal, if approved.

**RESOLVED:** The Board approves:-

- (i) Amendments to the Discretionary Rate Relief Policy
- (ii) The extension of the temporary discretionary public house rate relief to 31<sup>st</sup> March 2019

### **36. ANY OTHER ITEMS**

There were none.

**CHAIRMAN**

Concluded at 18.45



**A MEETING OF THE POLICY AND ORGANISATION BOARD  
WAS HELD ON 17 MAY 2018**

The Mayor (Councillor Mrs Furlong) (ex-officio), Bateman (P), Burgess (P), Carter (P), Chegwyn, Mrs Cully (P) Foster-Reed (P), Hicks, Hook (Chairman) (P), Hylands (P), Jessop (P), Murphy (P), Pepper (P), Philpott (P)

**1. APOLOGIES**

Apologies for inability to attend the meeting were received from Councillors Chegwyn and Hicks.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. DEPUTATIONS**

There were no deputations.

**4. PUBLIC QUESTIONS**

There were no public questions.

**PART II**

**5. ELECTION OF VICE-CHAIRMAN**

RESOLVED: That Councillor Burgess be appointed Vice-Chairman of the Policy and Organisation Board for the Municipal Year 2018-19.

**6. CROSS REFERENCE FROM THE STANDARDS AND GOVERNANCE  
COMMITTEE: EY – AUDIT PLAN 2017/18**

Consideration was given to a cross reference from the Standards and Governance Committee held on Wednesday 28 March 2018 recommending that the Audit Planning Report for 2017/18 be recommended to the Policy and Organisation Board as those in charge of governance.

RESOLVED: That the Audit Plan be noted and approved

The meeting concluded at 5.28pm

**CHAIRMAN**

## AGENDA ITEM NO.6

<b>Board/Committee:</b>	Policy & Organisation Board
<b>Date of Meeting:</b>	11 <sup>th</sup> July 2018
<b>Title:</b>	Review of Pay Spine
<b>Author:</b>	Head of Human Resources
<b>Status:</b> amend as appropriate	FOR DECISION

### **Purpose**

The purpose of this report is to seek members' approval to extend the council's existing pay spine to include an additional two pay grades

### **Recommendation**

Members are recommended to approve the extension of the council's pay spine to include an additional two pay grades (13 and 14) and salaries to be attached to these pay grades as detailed in section 2.5 below

#### **1 Background**

- 1.1 The council's pay spine currently consists of 12 pay grades, which have been in place for a number of years. Previously, chief officers were paid on spot salaries above this pay spine, but there are no longer any chief officers employed by the council as a result of the officer sharing agreement with Portsmouth City Council.
- 1.2 As a result of the officer-sharing arrangement, some management roles have experienced expansion in terms of responsibility and remit. There has also been some structural change which has created management roles that are broader in scope than those that existed before. This process is likely to continue.
- 1.3 As grade 12 is the highest grade on the pay spine, it covers a wide range of senior posts, some of which are considerably broader roles than others, and this could appear unfair for some senior officers. There is also a risk that the salary paid at grade 12 will become increasingly uncompetitive for the senior professionals fulfilling those roles.
- 1.4 Some senior officers have received additional payments to reflect additional duties they have been asked to perform. Whilst this has ensured that they are being properly compensated, it is more appropriate for all duties to be properly reflected in the evaluation of their job role and therefore for those additional payments to be

absorbed into the normal pay.

## **2 Report**

- 2.1 To address the issues detailed in section 1 above, it is proposed to create two new pay grades (13 and 14), for those roles evaluated above the level of the Grade 12.
- 2.2 It is not proposed to revisit all job evaluations for those currently at grade 12. However, where those post-holders can demonstrate a significant change to their job roles since being evaluated, a re-evaluation will be considered.
- 2.3 It is proposed that grades 13 and 14 will have 4 incremental pay points each, in line with other grades. In order to attach appropriate pay levels to these pay points, the following points have been considered:
- (i) Ensuring that a fair rate of pay is provided to officers in the affected job roles
  - (ii) Comparability with similar job roles that existed in previous iterations of the council's management structure
  - (iii) Comparability with similar roles in other district councils
  - (iv) The need for reasonable incremental steps between pay points
  - (v) The need to absorb any payments for additional duties into the main pay grades
- 2.4 Having given due consideration to these points, it is proposed that the salaries for grades 13 and 14 in 2018/19 should be as follows:

### **Grade 13**

Point 53 £53,492  
Point 54 £55,097  
Point 55 £56,750  
Point 56 £58,452

### **Grade 14**

Point 57 £60,206  
Point 58 £62,012  
Point 59 £63,872  
Point 60 £65,788

- 2.5 These salaries will increase each year in line with the annually agreed national pay award.

Salary benchmarking has been carried out for similar roles in other district councils. Whilst roles in grades 13 and 14 are not chief officer roles, they do operate with considerable independence and with significant delegations. The nature of the

shared management arrangement with Portsmouth City Council means that these roles are not subject to regular supervision, nor do they all have a chief officer over-seeing their work. For this reason, the proposed salaries appear appropriate and reasonable when compared to similar roles in other councils.

The proposed salaries for grades 13 and 14 still fall below the spot salaries previously paid most recently to chief officers at the Council immediately prior to those roles being deleted.

- 2.6 There are presently six posts at the top of grade 12, two of which receive pay supplements. It is anticipated that progression into the additional grades, where applicable, will be accommodated within existing budgets

### **3 Risk Assessment**

- 3.1 Failing to maintain an appropriate pay structure creates a number of corporate risks in terms of recruitment and retention, employee motivation, and equal pay challenges under the Equality Act 2010. The recommendation contained in this report, if approved, will enable the council to better manage these risks.

<b>Financial Services comments:</b>	Paragraph 2.6 refers
<b>Legal Services comments:</b>	None
<b>Crime and Disorder:</b>	No implications arising from this report
<b>Equality and Diversity:</b>	Maintaining a fair and transparent pay structure helps to ensure equality in the treatment of staff
<b>Service Improvement Plan implications:</b>	No implications arising from this report
<b>Corporate Plan:</b>	No implications arising from this report
<b>Risk Assessment:</b>	See 3.1 above
<b>Background papers:</b>	None
<b>Appendices/Enclosures:</b>	None
<b>Report author/ Lead Officer:</b>	Jon Bell

<b>Board/Committee:</b>	Policy and Organisation Board
<b>Date of Meeting:</b>	11 July 2018
<b>Title:</b>	HR Policy Changes
<b>Author:</b>	Head of Human Resources
<b>Status:</b>	For decision

## **Purpose**

The purpose of the report is to advise the Policy and Organisation Board (P&O) of proposed changes to the Human Resources policies.

## **Recommendation**

Members are recommended to approve the new policies as detailed in the sections below and associated appendices.

### **1. Background**

- 1.1. The Council must continually review its HR policies to ensure that they are fit for purpose and adequately reflect the organisation and employment legislation.
- 1.2. Currently in the Council, local agreements are held separately on the Infonet and information and documents are sometimes difficult to locate and use. HR plan to review all policies and ensure that they are simplified and streamlined to ensure ease of use.
- 1.3. The proposed new policies are in accordance with the National Agreement on Pay and Conditions of Service (Green Book) requirements. Changes to policies have due regard to the ACAS codes of practice and the policy principles are Proportionate, Lawful, Accountable and Necessary.
- 1.4. All HR policies once adopted will be available to managers and staff via the infonet.
- 1.5. The Trade Union has been consulted about the proposed policy changes through the normal consultation process and has been provided with copies of all the draft policies and changes. The Trade Union has provided initial feedback on the proposed policy documentation and where appropriate this feedback has been incorporated into the documents. A summary of the Trade Union feedback and the response provided is shown in Appendix 1.

- 1.6. At the Local Joint Staff Committee (LJSC) meeting on 28 June 2018, the committee agreed to approve policies for onward approval at the P&O Board. No changes are needed to the draft policies as a result of the committee meeting.

## **2. Report**

- 2.1. All policies have been reformatted and simplified.

The policies are updated to reflect the changes in the organisation and employment legislation. Where this results in a fundamental change to the policy (e.g. by changing the level of authorisation), the changes are summarised below and further details are provided in Appendix 2.

All the proposed policy documents are provided in draft at Appendix 3.

- 2.2. *Formal Action Policy*

The new policy combines the disciplinary, grievance and capability information into separate sections within one policy. The oral warning has been removed from the disciplinary framework, the 2nd appeal stage has been removed and reference to the Appeal policy has been included.

The current grievance policy allows for 2 stages of appealing a grievance outcome in addition to the formal hearing of the grievance. This is felt to be excessive, and having 2 appeal stages is rarely seen as valuable in resolving grievances. The policy emphasises the importance of seeking informal resolution of grievances, and also the use of mediation.

- 2.3. *Authority to take action*

An Authority to take Action table has been drafted to summarise the level of authority required for a dismissal panel and an appeal panel. The table includes reference to 2 panel members for a first and final written warning and 3 panel members for a dismissal.

- 2.4. *Probationary Policy*

The new policy provides more detailed information and includes the process to follow for the probationary period. The new appeal process for probation no longer includes an appeal to the Chief Executive.

- 2.5. *Appeal Policy*

A number of current policies contain a procedure for making an appeal. For simplicity and consistency, the separate appeal procedure has been removed from the individual policies. It is replaced with a single Appeal Policy for all types of appeal (except probationary).

The current appeal for formal action is to the Chief Executive and/or Appeal panel of the Council (which includes 3 Members from different political groups). The new policy does not have 2 stages of appeal.

The new policy means that except for an appeal against dismissal, it is deemed appropriate to hear an appeal at the same level of management as the initial decision maker (or above) as long as those hearing the appeal have the ability to challenge the original decision, have the authority to override the original decision (where necessary), and have had no prior involvement in the case.

2.6. *Absence Management Policy*

The information in the policy has been simplified and out of date guidance documents have been removed. Some processes have been kept for recording and reporting purposes. All references to triggers have been removed and HR is no longer automatically involved at stage 1 of the policy. The policy now refers to an appeal rather than a grievance and the appeal has one stage via the Appeal Policy.

2.7. *Organisational Change Policy and Redundancy Procedure*

There is a new format for the policy and procedure and reference to the new Appeal Policy has been included. A re-employment statement has been included in the Redundancy Procedure which means that employees who receive a redundancy payment (voluntary or compulsory) are not allowed to re-join Gosport Borough Council in any capacity within 12 months of their termination date.

2.8. *Salary Protection Policy*

A full policy has been drafted instead of an individual paragraph. There is no change to the 3 year protection period.

2.9. *Employee Suggestion Scheme*

The new Employee Suggestion scheme was initially agreed at Organisation sub group in December 2016. The new scheme is less complex and the reward value is no longer varied depending on the suggestion. The new reward is fixed at £25.00.

2.10. *Flexible Working Policy*

There is a change of procedure and authorisation for flexible working requests. This has resulted in less routine administrative logging of information and more line manager responsibility to consider the request via the procedure. HR will be available to advise managers but will not be routinely attending meetings.

The policy advises that any short term temporary change, be arranged through an informal agreement with the line manager outside of the

statutory right. This is particular emphasised in terms of regular or reserve armed forces issues.

The level the appeal is heard at has changed and no longer includes the Chief Executive.

2.11. *Flexible working hours scheme and TOIL*

The scheme includes changes in authorisation level. Authorisation no longer includes the Chief Executive.

2.12. *Special Leave Policy*

The new policy is formatted to include a range of local agreements that are currently held separately. The information has been reviewed and reasonable changes included.

2.13. *Annual Leave Policy*

The annual leave documents have been condensed and simplified. It should be noted that at a future date, the policy needs further review to consider the issue of linking annual leave to length of service and the possible legal implications of this approach.

2.14. *Additional and exceptional duty payments policy*

The current policy is not clear and the proposed document simplifies the Council policy and awards. There is an option to consider removing the award of merit increments at a future date.

2.15. *Long Service Award*

The current scheme is not tax exempt. For current staff (employed prior to the implementation of the new scheme) no change is made to the scheme rules, however for these staff the award will be taxable.

For new staff, the current scheme will not apply and a new tax exempt scheme adhering to the requirements of the tax rules will apply i.e. at least 20 years' service, 10 year gap between awards and correct value.

3. **Conclusion**

The recommendation is made to reflect changes in the organisation, to streamline and simplify all policies for ease of use and to ensure that employment issues continue to be managed with a transparent and consistent approach.



<b>Financial Services comments:</b>	It is not anticipated that there will be any material cost arising from this report
<b>Legal Services comments:</b>	None
<b>Crime and Disorder:</b>	N/A
<b>Equality and Diversity:</b>	N/A
<b>EIA:</b>	Preliminary EIA screening.
<b>Service Improvement Plan implications:</b>	N/A
<b>Corporate Plan:</b>	N/A
<b>Risk Assessment:</b>	N/A
<b>Background papers:</b>	N/A
<b>Appendices/Enclosures:</b>	Appendices:
Appendix 1	Trade union feedback and response prior to LJSC
Appendix 2	Summary of policy changes
Appendix 3	Draft policy documents:  Formal Action Policy Authority to take action table Probationary Policy Appeal Policy Absence Management Policy Organisational Change Policy Redundancy Procedure Salary Protection Policy Employee Suggestion Scheme Flexible Working Policy Flexible Working Hours Scheme and TOIL Special Leave Policy Annual Leave Policy Additional and Exceptional Duty Payments Policy Long Service Award
<b>Report author/ Lead Officer:</b>	Jon Bell

Signed by:

## TRADE UNION FEEDBACK AND RESPONSE

Trade Union Feedback	Response provided from Human Resources
<p><b>Annual Leave Policy – point 5 (carry over leave)</b>            Exceptional Circumstances – are you able to expand on this. Members feel this should be clear guide lines. Also remove the term “MyView” and replace with Tensor as we no longer use MyView.</p>	<p>The information regarding Tensor has now been included.</p> <p>The statement in the draft has been checked and already contains examples in terms of exceptional circumstances. Please see extract below from draft policy:</p> <p><i>Unexpired leave in excess of one week and up to two weeks may be carried forward in <b>exceptional circumstances only</b> at the discretion of the line manager, who will take into account all the circumstances in each case (e.g. past and future workload, reasons for not taking the leave such as refusal of requests, requirement to provide cover for absence of another employee preventing the taking of leave, other operational requirements such as special projects, reasons for wishing to carry it forward such as projected long holidays).</i></p> <p><i>Staff are encouraged to take their full leave entitlement in the current leave year. The minimum statutory leave entitlement is 28 days (5.6 weeks) (pro rata for part-time work) inclusive of bank holidays, and it is important that members of staff take this minimum amount of time off work for health and safety reasons. This must be taken into account when considering authorising carry over leave.</i></p>
<p><b>Redundancy Policy - point 11 (Redundancy pay calculation)</b></p> <p><i>“The council mirrors the statutory scheme with a multiplier of 2.75 in Compulsory redundancy situations.”</i></p> <p>Can you confirm if this applies to voluntary redundancies?</p>	<p>No, it does not apply to voluntary redundancies. There is no change to the current situation.</p>

<p><b>Absence Management Policy – Point 4.7 (Return to work discussion)</b></p> <p>Can we include change of duties/reduced hours/phased return?</p>	<p>The following wording has been added due to the feedback received:</p> <p>"The manager and the employee should discuss any support available that may aid the return to work".</p>
<p><b>Point 4.9.2 (Inform the employee)</b></p> <p>Are we not able to use representation other than Trade union rep or colleague (outside organisation)</p>	<p>All references to Right to accompaniment have been changed from the employee will have "the right to be accompanied by a trade union representative or other adviser of his/her choice" to "the right to be accompanied by a trade union representative or workplace colleague".</p> <p>This is in line with the ACAS code of practice on Disciplinary Grievance.</p>
<p><b>Flexible Working Hours Scheme/TOIL</b></p> <p>Can the policy clarify flexi being accrued during a person's notice (leaving the business) period. As this is not in the policy.</p> <p>What happens if a person in their leave notice period accrues flexi – how will this be accounted for?</p>	<p><b>A paragraph has been added to provide clarification - see extract below:</b></p> <p><i>During the last month (or part month) of service with Gosport Borough Council, an employee may continue to work flexible hours on the clear understanding that they work their contractual hours only for that month and leave with a zero balance. The employee must agree with their line manager any adjustments to their working hours to achieve this.</i></p>

## SUMMARY OF POLICY CHANGES

NEW DRAFT DOCUMENT NAME	DOCUMENTS REMOVED DUE TO NEW DRAFT	SUMMARY OF MAIN CHANGES
<b>Formal Action Policy</b>	<p>Disciplinary, Grievance and Dismissal procedures</p> <p>Procedure for dismissals not related to conduct or capability</p> <p>Grievance Procedure</p>	<p>Condensed policy wording and reference to PLAN added</p> <p><i>Proportionate based upon the circumstances</i></p> <p><i>Lawful we will not break the law</i></p> <p><i>Accountable managers will be accountable for their decisions</i></p> <p><i>Necessary to achieve the right outcome</i></p> <p>New draft policy does not apply to those in their probationary period. The appendix relating to probation and the probationary interview procedure has been removed. Reference to the new formal Probationary Policy has been added.</p> <p>Removed reference to who conducts a hearing as this information is now referenced in the new draft 'Authority to take action' table.</p> <p>Right to accompaniment changed throughout the policy. Changed from the employee will have "the right to be accompanied by a trade union representative or other adviser of his/her choice" to "the right to be accompanied by a trade union representative or workplace colleague". This is in line with the ACAS code of practice on Disciplinary Grievance.</p> <p><b>Framework: Disciplinary</b></p> <ul style="list-style-type: none"> <li>• Reference to informal action included.</li> <li>• Removed reference to levels in the procedure (i.e. level 1 to 5).</li> <li>• Removed oral warning.</li> <li>• Current GBC wording regarding the length of warnings has been removed. Information will be provided in the employee outcome letter</li> <li>• Removed detailed description of what the letter will contain.</li> <li>• No longer considering seeking alternative employment as a separate level/stage. Included current statement referring to no salary protection for this alternative employment.</li> <li>• Gross misconduct examples have been removed from the policy. A short general statement has been added regarding gross misconduct.</li> <li>• Extra appeal has been removed - No longer 2 stages of appeal (Currently appeal to Chief</li> </ul>

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		<p>Executive and/or Appeal panel of council (3 Members from differing political groups).</p> <ul style="list-style-type: none"> <li>• New separate Appeal Policy added - See the Appeal Policy section of this document.</li> <li>• Removed statement regarding consulting HR and advice <b>must</b> be sought. Changed to "Advice and guidance for managers is available from Human Resources throughout"</li> <li>• Removed the section informing the employee of their right to complain to an Employment Tribunal.</li> <li>• Removed the information section on expunging written references from file, as this level of detail is not required in the policy.</li> <li>• Removed the statement regarding offences committed outside of work.</li> <li>• Removed the oral warning Appendix A, as no longer required.</li> <li>• Removed the order of proceedings Appendix B and C as these should be used as management reference documents and not included in the policy.</li> <li>• Removed the section on termination by reason of redundancy as already covered in the Redundancy Procedure.</li> <li>• Removed the separate appendix for dismissals not related to conduct or capability (i.e. expiry of fixed term contract).</li> <li>• Removed the statement on termination for statutory duty.</li> <li>• Retained the statement regarding recording: "The recording of disciplinary hearings and appeals by employees is not permitted, other than in exceptional circumstances where this is required for reasons related to disability which should be clarified at the commencement of the hearing".</li> <li>• Includes new reference to a guidance document which will cover information regarding investigations, discrimination related considerations and witnesses.</li> </ul> <p><b>Framework: Grievance</b></p> <ul style="list-style-type: none"> <li>• Condensed policy wording.</li> <li>• Removed the statement regarding ex-employees being able to use the policy for up to one month after leaving. It is not a requirement to allow this.</li> <li>• Removed the reference to having to complete a form to raise a grievance. Draft policy now includes a statement about submitting in writing to the Line Manager.</li> <li>• Set timescales have been removed and the wording - "...without unreasonable delay" has</li> </ul>

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		<p>been included.</p> <ul style="list-style-type: none"> <li>The current 2 stage appeal has been removed. Appeal to the Chief Executive and appeal to the Appeal panel (3 Members) has been removed. Policy now refers to the new Appeal Policy.</li> <li>The order of proceedings has been removed as this would be a management reference document and not included within the policy.</li> </ul> <p><b>Framework: Capability</b></p> <ul style="list-style-type: none"> <li>This section in the draft Formal Action Policy is all new as previously capability was included within the GBC disciplinary procedure (i.e. Procedure for conduct and capability).</li> </ul>
<b>Authority to take Action table</b>	N/A	<p>Separate Authority to take Action table added to summarise the level of authority required.</p> <p>Includes reference to 2 panel members at first and final written warning and 3 panel members at dismissal hearing.</p>
<b>Probationary Policy</b>	<p>Probationary service</p> <p>Interview procedure - Probationary employee where formal disciplinary procedure is not applicable</p> <p>Probationary forms (2,4 and 6 months)</p>	<p>The current document is a short paragraph with a reference to using the disciplinary and grievance policy appendix and to following a separate process (A hearing and 2 appeals - ultimately to the Chief Executive).</p> <p>The new draft is a separate policy for probationary employees only, which contains the process to follow during the probationary period and the need for regular review of the employee. The period is six months.</p> <p>The probationary form has been changed. Tick boxes have been removed and space has been provided for the manager to include further information as necessary.</p> <p>The current GBC states "In exceptional circumstances, this period may be extended to a maximum of nine months". This statement has not been changed and has been included in the draft policy.</p>
<b>Appeal Policy</b>	Separate statements and procedures removed from all policies as applicable	<p>New separate Appeal Policy drafted.</p> <p>Extra appeal removed - no longer 2 stages of appeal (Currently appeal to Chief Executive and/or Appeal panel of council (3 Members from different political groups)). New draft appeal policy does not include a Members appeal.</p>

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		<p>New draft policy covers a wide range of appeal areas and follows the same procedure for all with differences in how the panel is made up depending on whether the appeal is as a result of a dismissal hearing or not.</p> <p>The statement within individual policies that currently makes reference to an appeal process now states "...in accordance with the appeal policy".</p> <p><b>New draft:</b></p> <p><b>All appeals (Except appeal against dismissal)</b></p> <ul style="list-style-type: none"> <li>The appeal will be heard by the same level of management (or above) who made the decision that is being appealed against. Chosen from within the same service or where necessary or appropriate across the organisation.</li> </ul> <p><b>Appeal against dismissal</b></p> <ul style="list-style-type: none"> <li>The appeal will be heard by the Employee Appeal Panel (the responsibility cannot be delegated down) and will be established in accordance with PLAN. Panel members will have no previous involvement in the case.</li> </ul> <p><b>The Employee Appeal Panel (The EAP) consists of:</b></p> <p>The Deputy Chief Executive, a Section Head and Human Resources Or A Chief Officer, a Section Head and Human Resources</p> <p>Please note: In an appeal against dismissal, the employee may request that an elected Member sits on the panel, as a replacement to another panel member.</p>

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<b>Absence Management Policy</b>	<p>Absence management guidelines</p> <p>Induction checklist for staff returning from long term absence</p> <p>Statement to employees on the sickness pay/certification scheme</p> <p>Advice for managers on "Fit Notes"</p> <p>Sickness and leave document</p> <p>Sickness Payments - Accident Where Third Party Involved</p> <p>Sick pay/leave – when it is/is not appropriate - a guidance note recently agreed</p> <p>Guidance on elective surgery</p>	<p>The draft title has been changed from Absence Management Guidelines to Absence Management Policy. The information provided has been simplified.</p> <p><b>Reporting procedure</b></p> <ul style="list-style-type: none"> <li>The current GBC policy reporting procedure has been included in the draft including the reference to "no reporting via text". however, the new wording has provided clarification in terms of stating 'unless agreed with the Line Manager'. The current GBC sickness reporting procedure states: First day - report absence as soon as possible and in any case by 10 am or earlier if work starts earlier. Includes a reference to "Up to 7 days - Inform manager on daily basis".</li> </ul> <p><b>Self certification</b></p> <ul style="list-style-type: none"> <li>Retaining reference to self certification process and form. The form is used to inform payroll about an absence that requires actioning.</li> <li>The draft policy continues to state that the self certification form should be completed and signed by the employee on their return to work in the presence of their Line Manager. The new form states clearly that it should be signed in the presence of the Line Manager, however, the additional statement that currently says that the Line Manager certifies that the form was signed in their presence has been removed as this is not a required statement.</li> <li>Removed section in the form regarding access to medical information and records. This declaration is not required when completing the self-certification form. It is more appropriate to request access as and when necessary, for example due to an Occupational Health referral.</li> <li>The Doctors name and address section has been removed. This information is not required when completing the self-certification form. It is more appropriate to request doctor's details as and when necessary, for example due to an Occupational Health referral.</li> <li>The following statement has been retained "The manager must forward all self-certification forms and fit notes to payroll for recording".</li> </ul> <p><b>Fit note</b></p> <ul style="list-style-type: none"> <li>Retaining reference to fit note and manager forwarding fit note to payroll as this is used for recording purposes.</li> </ul>



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		<p><b>Return to work</b></p> <ul style="list-style-type: none"> <li>• The formal return to work interview section has been changed to a short return to work discussion paragraph. Retained return to work form as this is used as a formal record and for Human Resources analysis of absence. Form currently gets sent from manager to Section Head and Human Resources. The draft removes the copy sent to the Section Head.</li> <li>• Phased return is stated in the current guidance. The statement has been removed and will be left silent.</li> <li>• Sentence added "The manager and the employee should discuss any support available that may aid the return to work".</li> </ul> <p><b>Triggers</b></p> <ul style="list-style-type: none"> <li>• All references to triggers have been removed and the following statement included instead: "Managers will monitor absence and consider whether there is cause for concern. There are no set trigger points for formal action".</li> </ul> <p><b>Occupational Health</b></p> <ul style="list-style-type: none"> <li>• Information regarding Occupational Health has been condensed.</li> </ul> <p><b>Informal/Formal Action</b></p> <ul style="list-style-type: none"> <li>• Removal of the 'counselling' terminology as this could be misinterpreted as personal counselling rather than a discussion with the manager. Have included reference to "informal" action prior to wording about formal action.</li> <li>• As Human Resources are no longer automatically involved at stage 1, the draft policy states that the manager should send a pdf of the outcome letter to Human Resources.</li> <li>• Duration of warnings - Current GBC wording regarding length of warnings has been removed. Information will be provided in the employee's outcome letter.</li> <li>• The current GBC policy has a large section on "Acting reasonably". This section has been removed.</li> <li>• Right to accompaniment has been changed throughout the policy. Changed from the employee will have "the right to be accompanied by a trade union representative or other adviser of his/her choice" to "the right to be accompanied by a trade union representative or workplace</li> </ul>

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		<p>colleague".</p> <p><b>Appeal</b></p> <ul style="list-style-type: none"> <li>• Current GBC policy states - Formal warnings - "If the employee is aggrieved at any decision made, they may use the Councils formal Grievance Procedure". This statement has been removed and now refers to the Appeal Policy.</li> <li>• Policy draft now refers to 1 appeal using the Appeal Policy.</li> </ul> <p>Current policy wording has been removed:  <i>'At the time of dismissal, the employee should be reminded of their right to appeal initially to the Chief Executive (or a Director), and subsequently to an Appeal Panel of the Council, within 14 days of receiving notice of the decision'.</i></p> <p><b>Impact on separate appendices:</b></p> <ul style="list-style-type: none"> <li>• Current GBC wording on Third Party Accidents has been added to the draft policy.</li> <li>• Sick pay: Rights and Responsibilities - Some parts of this document have been included within the draft policy.</li> <li>• Current document named "Advice for managers on Fit notes" has been removed.</li> <li>• The Absence Management Procedure (Running order) document has been removed.</li> <li>• The Induction checklist for staff returning from long term absence, maternity, secondment, sickness etc. has been removed.</li> <li>• Letter template - Unacceptable sickness level has been removed.</li> <li>• Appendix B - Repeated short term absence - Medical referral form has been removed.</li> <li>• Sick pay/leave "When it is/is not appropriate" - Document has been removed - Sentence added to the main policy document instead: <i>"Occupational sick pay does not apply to surgery or procedures not deemed by the employee's medical advisor as required for medical reasons (and covered by a fit note where requested). Advice can be sought from Human Resources".</i></li> <li>• Section on Occupational Sick Pay and National Agreement on Pay and Conditions of Service included in the draft policy rather than as a separate statement. Document refers to when sick pay may be suspended (i.e. for not observing scheme rules) and states that a copy of the sickness scheme is available on the infonet or from Human Resources.</li> </ul>

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<b>Organisational Change and Redundancy Procedure</b>	<p>Redundancy and redeployment policy</p> <p>Rehousing of staff in tied accommodation - Statement</p>	<p>New format for policy and procedure. Draft Organisational Change Policy and appendices and Draft Redundancy Procedure and appendices.</p> <ul style="list-style-type: none"> <li>• Policy and flowcharts for organisational change now show a process with no potential redundancies and a process with potential redundancies.</li> <li>• Removed section on 'Rehousing of staff in tied accommodation' - No longer required.</li> <li>• Removed reference to Council Dispute Resolution Procedure as no longer a requirement and is covered under the termination section.</li> <li>• Included statement regarding reasonable paid time off for employees who are selected for redundancy to seek alternative employment.</li> <li>• Removed section titled 'Officers whose place of employment is changed by circumstances beyond their control' and statement regarding an allowance for a 2 year period. The issue will be considered on a case by case basis.</li> <li>• The references to suitable alternative employment and redeployment have been put within the redundancy procedure rather than having a separate redeployment policy.</li> <li>• New section included for redundancy and maternity and Regulation 10 of the Maternity and Parental Leave etc. Regulations 1999.</li> <li>• Removed list of alternatives to redundancy and methods. i.e. reference to LIFO and FIFO removed.</li> <li>• New statement included regarding continuous service for concurrent contracts being treated as separate continuous service dates.</li> <li>• The section on Human Resources support and involvement has been removed. This type of information would be contained in a consultation document.</li> <li>• New section included about support for employees and the Employee Assistance Programme. Human Resources to signpost to other suitable services and providers.</li> <li>• Pension references that are already referred to in the Early Retirement Scheme and Statement of Policy on Discretionary Payments have been removed. New sentence added - Payments are made in accordance with the Early Retirement Scheme and Statement of Policy on Discretionary Payments.</li> <li>• Included reference to the new Appeal policy.</li> <li>• New policy statement included in the Redundancy Procedure stating that employees who</li> </ul>

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		receive a redundancy payment (voluntary or compulsory) are not allowed to re-join GBC in any capacity within 12 months of their termination date. For example, they cannot re-join as a contractor, consultant, a permanent or temporary member of staff or a casual worker.
<b>Salary Protection Policy</b>	Salary grade and protection	<p>Salary Protection - Full policy drafted instead of individual paragraph.</p> <ul style="list-style-type: none"> <li>• The draft policy contains the current 3 year protection period.</li> <li>• Inserted revised pension information including clarification that the higher protected salary is pensionable (as confirmed by payroll).</li> <li>• Included clarification that the protected grade will not attract national pay awards nor increments that may have been available within the scale or additions to basic salary associated with the duties of the previous post.</li> </ul>
<b>Employee Suggestion Scheme</b>	Suggestion scheme and form	<p>Policy has been agreed at Organisation sub group in December 2016 but not as yet implemented.</p> <ul style="list-style-type: none"> <li>• The new scheme is less complex and the reward value is no longer varied depending on the suggestion.</li> <li>• Reward is now fixed at £25. An employee with a winning suggestion will be awarded a £25 shopping voucher.</li> <li>• The new document now includes "Suggestions can be submitted by completing the Employee Suggestion Scheme form (Appendix 1)". The form states "Please read the full scheme details before completing this form and returning to Human Resources.</li> <li>• The policy will continue to have suggestions coming direct to Human Resources to log. Human Resources will acknowledge receipt and reply to each individual once the suggestion is considered by the Organisation sub group. No change has been made to the recording process as the number of suggestions received is usually very low and therefore can be accommodated by the current process.</li> </ul>

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<b>Flexible Working Policy</b>	Request to work more flexibly - information and procedure	<p>New format introduced and references to individually named persons removed.</p> <p><b>Initial decision maker -</b></p> <ul style="list-style-type: none"> <li>• Current GBC document - "Return form to Head of Personnel, who will arrange for it to be considered by the unit manager".</li> <li>• New draft - "Completed application form sent to Line Manager who will consider it".</li> <li>• No longer needs to be logged with Human Resources at initial stage of the application.</li> <li>• No longer a requirement for Human Resources to be involved in all flexible working request meetings held. Human Resources no longer to be note taker at flexible working request meetings.</li> <li>• The new draft states that managers must discuss the request with Human Resources if considering refusing a request.</li> <li>• The new draft process includes the Line Manager formally confirming outcome and informing Human Resources of approved requests so that contractual changes and payroll details can be made. Information regarding rejections will be emailed to Human Resources for filing purposes only.</li> <li>• The policy advises that any short term temporary change, be arranged through an informal agreement with the line manager outside of the statutory right. This is particular emphasised in terms of regular or reserve armed forces issues.</li> </ul> <p><b>The Appeal has been changed -</b></p> <ul style="list-style-type: none"> <li>• The current GBC document has an informal appeal followed by a formal appeal. The formal appeal is heard by Chief Executive or Deputy Chief Executive. If still dissatisfied, the employee can raise a grievance.</li> <li>• The new draft states:</li> </ul> <p>An employee may submit an appeal in writing within 10 working days of the date of receipt of the outcome letter using the Appeal policy.</p> <p>The Appeal will be heard by the same level of management (or above) who made the decision that is being appealed against.</p>

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<b>Flexible working hours scheme and TOIL</b>	Flexible working hours  Lieu Time (TOIL)	<p>The subject areas have been condensed into one document, combining the flexible working hour's document and the TOIL document.</p> <ul style="list-style-type: none"> <li>• Only minor changes have been made to the text.</li> <li>• In the new draft, all initial authorisations are approved by the Line Manager.</li> <li>• The current document states "Hours lost at the end of the period can only be retrieved in exceptional circumstances with unit manager and Chief Executive agreement".</li> </ul> <p>This has been changed to the Line Manager and Section Head agreement.</p> <ul style="list-style-type: none"> <li>• The current document states "Enhanced TOIL is awarded only in the most exceptional circumstances, with the prior approval of the Chief Executive".</li> </ul> <p>This has been changed to the approval of the Section Head.</p> <p>Statement added to clarify what happens on termination of employment: "During the last month (or part month) of service with Gosport Borough Council, an employee may continue to work flexible hours on the clear understanding that they work their contractual hours only for that month and leave with a zero balance. The employee must agree with their line manager any adjustments to their working hours to achieve this".</p>
<b>Special Leave Policy</b>	Service with the volunteer reserves  Interviews - time off for attendance  Jury Service  Unpaid leave  Compassionate leave	<p>The old separate policies/statements relating to special leave have been combined into one single Special Leave policy.</p> <ul style="list-style-type: none"> <li>• The amounts of time given for compassionate leave or emergency leave have not been changed. Clarified that where compassionate leave in the policy states one week it has been clarified that this is paid leave - in accordance with what happens currently in practice.</li> <li>• The "Leave for office holders in professional organisations" section has been retitled to "Time off for public duties". The list of public duties covers those in accordance with the ERA. Some rules have been removed i.e. For office holders the current policy states "The objectives of the organisation concerned shall have considerable relevance to the principal local government functions of the employee concerned" and "The organisation shall be UK based". These statements have been removed.</li> </ul>

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	<p>Leave - office holders in professional organisations</p> <p>Adverse weather and disruptions to public transport</p> <p>Parental leave section</p>	<ul style="list-style-type: none"> <li>Policy wording changed from "Managers have discretion to grant paid leave" to "Managers have discretion to grant reasonable paid leave". The policy does not specify a maximum number of days that can be approved. In addition to time off for public duties listed in the ERA, the GBC draft policy now includes time off for a member of the Gosport and Fareham Inshore Rescue Service (GAFIRS)**</li> <li>* Reasonable time off will be permitted for GAFIRS duties, however, it is subject to the needs of the business and the amount of time requested for duties will be kept under review.</li> <li>New elements of policy have been included e.g. parental leave/information regarding time off for religious leave.</li> <li>Changes to the unpaid leave section are compliant with information provided from the Pension Manager regarding the approval procedure for over 4 weeks unpaid leave.</li> <li>Time off for interviews - Wording has been changed. The current policy states that reasonable time off with pay is permitted providing service delivery will not be adversely affected (up to 5 days). New draft wording relates specifically to redundancy instead: Reasonable paid time off will be granted to employees who are selected for redundancy to seek alternative employment. The same wording is reflected in the redundancy procedure.</li> <li>Introduced more in depth section on Reserve Forces. Draft now includes new 2 weeks paid training for Reserve Forces.</li> <li>Minor change to the section on adverse weather and disruption to transport by removing "...at corporate level" from the following statement - <i>If an employee is able to get to work but will be late because of adverse weather or transport difficulties, they must explain the circumstances to their manager prior to their normal work start time so that this can be given full and fair consideration at a corporate level.</i></li> <li>The special leave application form has been adapted to reflect the policy changes.</li> </ul>
<b>Annual leave Policy</b>	<p>Leave - annual entitlement</p> <p>Leave - extra statutory and Christmas</p> <p>Carry over</p> <p>Buy back</p>	<p>Documents condensed together.</p> <ul style="list-style-type: none"> <li>Separate section on Christmas closure added to main document, with no change.</li> <li>Removal of timescales for booking leave i.e. Removed - "...at least twice as many days in advance of the earliest date specified".</li> <li>No change made to carry over of leave for 5 or 10 days. Continue to have up to 5 days as the</li> </ul>

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		<p>norm and 10 days as exceptional.</p> <ul style="list-style-type: none"> <li>• Removal of wording on carry over of 2 weeks or more. No longer approved unless related to sickness/maternity/adoption/shared parental leave circumstances.</li> <li>• No change to statement that says that during long term sickness there is an entitlement to carry over leave.</li> </ul> <p><b>'Buy back of leave' Section</b></p> <ul style="list-style-type: none"> <li>• Currently - For exceptional circumstances "Where a manager wishes to approve buying out of leave, a request should be submitted via Human Resources to the Chief Executive.</li> <li>• The section on buy back of leave has been removed to avoid encouraging requests for large amounts of carry over and paying of leave as this is not necessary if it is managed correctly.</li> </ul> <p><b>'Purchase of leave (unpaid)' Section</b> (Deducted in 1 lump sum, not equally spread over the 12 month period)</p> <ul style="list-style-type: none"> <li>• Section on 'Purchase of leave (unpaid)' has been removed. Unpaid leave is included in the special leave policy and technically the 'Purchase of Leave (unpaid)' section is an alternative name for unpaid leave (as the purchase of leave is not paid over a 12 month period as the deduction is made in full at the time of the unpaid leave).</li> </ul> <p><b>Calculation of mid-year leave increases and pro rata leave</b></p> <ul style="list-style-type: none"> <li>• The wording in the current document in relation to rounding down pro rata calculations has been removed as the GBC electronic system rounds up calculations and therefore the wording is incorrect.</li> <li>• Calculations should be referred to in a separate guidance document for managers.</li> </ul> <p>At a future date, the policy needs further review to consider the issue of linking annual leave to length of service. There is no change currently to the annual leave increase based on length of service of 5, 10, 15 and 20 years. Benefits linked to length of service above five years must show that they fulfil a business need. In GBC, the entitlement has been reviewed in the past and no change was made at this time due to the Council's size and the difficulty in recruiting and retaining staff.</p>



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<b>Additional and exceptional duty payments policy</b>	<p>Guidelines for award of merit increments and honoraria</p> <p>Guidance notes - Honoraria/ Merit and performance increments for managers</p>	<p>The current guidelines document is not very clear. It shows awards in the categories as follows:</p> <ul style="list-style-type: none"> <li>• Honoraria for higher graded post (4 weeks or more) (Value not specified in document).</li> <li>• Honoraria for duties of same or lower graded post (4 weeks or more) (Max of 20% of salary saving per month).</li> <li>• Honoraria - other - (Max - 1% of salary).</li> <li>• Honoraria - Payments can be paid above these amounts in exceptional circumstances.</li> <li>• Merit increment - staff below Service Unit Manager level (Position no longer applies) - Used to award high performance/additional duties/outstanding commitment.</li> <li>• Merit increment - Award for exam pass of recognised qualification under the Post Entry Training Scheme (which is detailed in a separate Local Agreement).</li> <li>• Merit &amp; Performance increment - Service unit manager only (Position no longer applies) - Specific guidelines - Based on actions taken in support of priorities identified for the year and considered at Personal Review annually.</li> </ul> <p>The following awards are proposed in the draft policy:</p> <ul style="list-style-type: none"> <li>• Acting allowance - Duties of higher graded post (at least 4 weeks) (Salary in accordance with grade of higher post).</li> <li>• Honoraria - Additional or exceptional duties unrelated to a higher post (Value up to £999 or with Assistant Director of HR authorisation, £1000 or above).</li> <li>• Merit increment - all employees - High performance/additional duties/outstanding commitment.</li> </ul> <p>Option to consider removal of all merit increments - Currently used to award high performance/ additional duties/ outstanding commitment.</p> <p>Please note:</p> <ul style="list-style-type: none"> <li>• The award for an exam pass of a recognised qualification under the post entry training scheme is listed in a separate local agreement and is not covered under this draft policy.</li> </ul>

NEW DRAFT DOCUMENT NAME	DOCUMENTS REMOVED DUE TO NEW DRAFT	SUMMARY OF MAIN CHANGES
<b>Long Service</b>	Long Service Recognition	<p>The Long Service Recognition scheme is not currently tax exempt. If the current scheme continues, the awards all need to incur tax and national insurance contributions.</p> <p>The current scheme provides a reward at:</p> <ul style="list-style-type: none"> <li>• 15 years - £50 gift voucher and china mug</li> <li>• 20 years - £100 gift voucher and Borough pen.</li> <li>• 25 years - £125 gift voucher plus one off - week of leave</li> <li>• 30 years - £175 gift voucher plus one off - week of leave</li> <li>• 35 years - £250 gift voucher plus one off - week of leave</li> </ul> <p>Service recognised can be continuous or accumulated.</p> <p>For a long service award scheme to be tax exempt it needs to comply with the tax rules in the Income Tax Act 2003. The rules are summarised as follows:</p> <p>A organisation does not have to report or pay on a non-cash award to an employee if <u>all</u> of the following apply:</p> <ul style="list-style-type: none"> <li>• They've worked for the organisation for at least 20 years.</li> <li>• The award is worth less than £50 per year of service.</li> <li>• The organisation hasn't given the employee a long-service award in the last 10 years.</li> </ul> <p>The government website below summarises the rules:  <a href="https://www.gov.uk/expenses-and-benefits-long-service-awards">https://www.gov.uk/expenses-and-benefits-long-service-awards</a></p> <p>Therefore;</p> <p>It is recommended that for current staff (employed prior to the implementation of the new scheme) no change is made to the scheme. Aggregated service will continue to be recognised for current staff. However, for these staff, all awards will be made in accordance with HMRC tax rules and will be taxable. Although they will receive the award in December, the HMRC will be notified in the following tax year and a tax form P11d will be issued. HMRC will collect the tax by adjusting the employee tax code. For most staff the tax change will be calculated at 20% of the value of the award (or 40% for</p>

NEW DRAFT DOCUMENT NAME	DOCUMENTS REMOVED DUE TO NEW DRAFT	SUMMARY OF MAIN CHANGES
		<p>higher rate taxpayers). The letter informing the employee of the award will state the tax implications.</p> <p>For new staff, the current scheme will not apply and a new tax exempt scheme adhering to the requirements of the tax rules will apply i.e. 20 years' service, 10 year gap between awards and correct value.</p> <p><b>The scheme for new starters will be:</b></p> <ul style="list-style-type: none"> <li>• 20 years - £100 gift voucher and GBC pen.</li> <li>• 30 years - £175 gift voucher plus one off - week of leave</li> <li>• Service must be continuous with GBC, not aggregated.</li> </ul> <p>In the new draft, the length of service criterion of 20 and 30 years fulfils a business need to encourage the loyalty and rewarding the experience of staff.</p> <p>The current retirement award of a gift to the value of £15 for each completed year of service (min 20 years' service) will be kept.</p> <p>The current redundancy award of a gift to the value of £15 for each completed year of service (min 20 years' service) will be removed.</p> <p>Employees who leave (voluntarily/through redundancy/ retirement) the Council's employment having completed a minimum of 20 years' service shall receive an engraved medallion.</p>

## Contents:

Introduction  
 Scope  
 Principles  
 Framework - Disciplinary  
 Framework - Formal Grievance  
 Framework - Capability  
 Postponement of meetings/hearings  
 Support

<b>ID</b>	
<b>Last Review Date</b>	Draft 31 May 2018
<b>Next Review Date</b>	September 2020
<b>Approval</b>	P & O Board
<b>Policy Owner</b>	HR
<b>Policy Author</b>	Anna Buxcey
<b>Advice &amp; Guidance</b>	Please contact Human Resources
<b>Location</b>	Infonet
<b>Related Documents</b>	Authority to take action - Table
<b>Scope</b>	This policy applies to all employees in Gosport Borough Council, except those in their probationary period.

## 1. INTRODUCTION

When a request for formal action is received, Human Resources will provide support to managers to establish the facts and explore whether formal action is required in accordance with the principles set out below.

## 2. SCOPE

- 2.1. This policy applies to all employees in Gosport Borough Council, except those in their probationary period.

Employees in their probationary period are managed via the probationary policy.

- 2.2. This policy applies when informal action has not been able to resolve an issue or is not appropriate and relates to the following disciplinary, grievance and capability frameworks.

## 3. PRINCIPLES

Any decisions taken will be based on the circumstances of each individual employee's conduct, grievance or capability. All decisions will be:

Proportionate	based upon the circumstances
Lawful	we will not break the law
Accountable	managers will be accountable for their decisions
Necessary	to achieve the right outcome

## 4. FRAMEWORK - DISCIPLINARY

- 4.1. If an informal resolution is not successful or appropriate, the employee will be informed and a formal hearing arranged as stated in 4.7 to 4.9 below.
- 4.2. Where the allegation/incident could constitute gross misconduct, suspension may be necessary on full pay, pending investigation. Managers must seek advice from Human Resources on the application of suspension.
- 4.3. An employee should contact their trade union or another party for support and advice.
- 4.4. An act of gross misconduct is defined as an act serious enough to destroy the employment relationship between the employer and the employee and may make any further relationship and trust impossible. An act of gross misconduct may result in dismissal.
- 4.5. Whilst there is no right to accompaniment at any investigatory meetings prior to disciplinary hearings, employees can request accompaniment at this stage; any such request will not be unreasonably denied.

- 4.6. Advice and guidance for managers is available from Human Resources throughout.

A guidance document 'Workplace investigations and hearings' is available on the infonet. It includes an investigation plan template and a guide for witnesses attending a disciplinary hearing.

**4.7. Inform the employee**

The employee will be invited in writing to a hearing. The letter will state the allegations, inform the employee of their right to be accompanied by a trade union representative or workplace colleague and will include the possible consequences for the employee.

There will be an exchange of documentation. The employee will be provided with copies of all relevant evidence to be presented at the hearing and the employee will advise of any witnesses they intend to call and provide any written submissions they would like the hearing to consider. This exchange will happen at least five working days prior to the hearing (this timescale may be altered with agreement of both employer and employee).

**4.8. Hold formal hearing with the employee**

The management case will be presented and the employee will have the opportunity to state their case and answer any allegations. Both parties will have the opportunity to ask questions and call relevant witnesses.

The hearing will adjourn to consider the evidence, and decide on the outcome on a balance of probabilities. The decision will be given to all parties without unreasonable delay. Where applicable, this will include how long any sanction will apply for, the possible consequences for the employee of any further misconduct and the right of appeal and timescale.

Any individuals involved in deciding the outcome of a disciplinary hearing will not have been involved in the alleged incident or the investigation.

**4.9. Confirm outcome in writing**

The outcome of the hearing will be confirmed in writing to the employee without unreasonable delay. Where applicable, the letter will include how long any sanction will apply for, the possible consequences for the employee of any further misconduct and the right of appeal and timescale.

**4.10. Appeal**

An employee may submit an appeal in writing within 10 working days of the date of receipt of the outcome letter, using the Appeal Policy.

The outcome of the appeal hearing is final. There are no further stages.

## **5. FRAMEWORK – FORMAL GRIEVANCE**

- 5.1. Please note: Grievances relating to concerns about wrongdoing such as fraud, cover-ups etc (Whistleblowing) will be dealt with under their own separate policies and procedures. Appeals will be considered under the Appeal Policy.

### **5.2. Raising a Grievance informally**

- 5.2.1. The informal route should be used prior to raising a formal grievance
- 5.2.2. Mediation can be considered at any stage of the process. Mediation can take many forms, including using a third party facilitator. Please contact Human Resources for further information.
- 5.2.3. Where it is shown an informal route and/or mediation has been unsuccessful, a formal grievance may be raised.

### **5.3. Formal Grievance**

A formal grievance will only be considered when submitted in writing to the line manager (or the next more senior manager if the line manager is the cause of concern), setting out the nature and grounds of the grievance and what the desired outcome would be. The manager will check whether enough detail has been provided by the employee and consider whether the formal grievance route is appropriate.

An employee should contact their trade union or another party for support and advice.

### **5.4. The grievance hearing**

Where it is shown an informal resolution is not possible, a hearing will be held as soon as reasonably practicable.

At the hearing, the employee will be given an opportunity to explain their case and will have the right to be accompanied by a trade union representative or workplace colleague.

Where appropriate, the hearing may be adjourned to allow investigation to take place.

### **5.5. Confirm outcome in writing**

Once a decision has been reached, the outcome, and any action the employer intends to take to resolve the grievance, will be confirmed in writing to the employee without unreasonable delay and will include the right of appeal and timescale.

If the grievance is related to the behaviour of another employee, an outcome of the grievance hearing may be that it leads to a disciplinary hearing being convened. In these circumstances, the person raising the

grievance will be informed if action is to be taken, but not the nature of the action.

## **5.6. Appeal**

An employee may submit an appeal in writing within 10 working days of the date of receipt of the outcome letter, using the Appeal Policy.

The outcome of the appeal hearing is final. There are no further stages.

## **6. FRAMEWORK - CAPABILITY**

**Where capability continues to be a concern after appropriate management support has failed to achieve the required improvement, it may be necessary to deal with this in a formal way. The following framework will apply:**

### **6.1. Inform the employee**

The employee will be invited to a meeting to discuss the precise nature of the performance issues. The letter will inform the employee of their right to be accompanied by a trade union representative or workplace colleague and will include the possible consequences for the employee.

An employee should contact their trade union or another party for support and advice.

### **6.2. Hold formal meeting with the employee**

The purpose of this meeting is to inform the employee of the level of improvement required, the time limit for achieving that improvement, the agreed review periods and the consequences of failure to achieve or maintain the improvement. The employee will be given the opportunity to input into the meeting and any agreed additional support will be noted and implemented accordingly.

At the end of the meeting, the employee will be given an appropriate warning and informed of the length of time the warning will remain live and the right of appeal and timescale.

**Note: A Manager may wish to defer/withhold the issue of a warning where new information becomes known at the meeting that requires alternative action.**

### **6.3. Confirm outcome in writing**

The outcome of the meeting will be confirmed in writing to the employee without unreasonable delay. Where applicable, the letter will include the possible consequences for the employee if future performance does not improve as agreed and the right of appeal and timescale.



**6.4. Further action**

If significant progress is not made and sustained, further action may be taken up to and including dismissal.

**6.5. Appeal**

An employee may submit an appeal in writing within 10 working days of the date of receipt of the outcome letter, using the Appeal Policy.

The outcome of the appeal hearing is final. There are no further stages.

**7. POSTPONEMENT OF MEETINGS/HEARINGS**

In normal circumstances, only one postponement of any meeting/hearing by the employee will be considered. The meeting/hearing will be rescheduled within a reasonable period of time.

**8. SUPPORT**

In all situations, the employee is advised to contact their trade union or another party for support and advice.

Employees are also advised to contact the Employee Assistance Programme for support and advice. Details are available on the infonet.

The recording of disciplinary hearings/appeals by employees is not permitted, other than in exceptional circumstances where this is required for reasons related to disability, which should be clarified at the commencement of the hearing.

**AUTHORITY TO TAKE ACTION - DISCIPLINARY- (INVESTIGATION, HEARING AND APPEAL)  
FOR ALL STAFF  
(Except those in their probationary period)**

	<b>Investigation</b>	<b>HEARING PANEL</b> (Where the maximum sanction able to be considered is a first written warning)	<b>HEARING PANEL</b> (Where the maximum sanction able to be considered is a final written warning)	<b>APPEAL PANEL</b> (For all disciplinary appeals except an appeal against a dismissal)	<b>HEARING PANEL</b> (Where the allegation is one of Gross Misconduct, or the employee has a live final written warning)	<b>APPEAL PANEL</b> Employee Appeal Panel (The EAP) (For an appeal against a dismissal)
<b>LEVEL OF AUTHORITY REQUIRED</b>	An Officer authorised by the Section Head.	The Line Manager (or where not appropriate another Officer at the level of the Line Manager or above, authorised by the relevant Section Head), accompanied by Human Resources.	The Line Manager (or where not appropriate another Officer at the level of the Line Manager or above, authorised by the relevant Section Head), accompanied by Human Resources.	The appeal will be heard by the same level of management (or above) who made the decision that is being appealed against. Chosen from within the same service or where necessary or appropriate across the organisation. Accompanied by Human Resources.	A Chief Officer, another senior officer and Human Resources.  (An Officer who has delegated authority can take the place of a Chief Officer on this panel i.e. Section Head)	The Deputy Chief Executive, a Section Head and Human Resources Or A Chief Officer, a Section Head and Human Resources.  (The responsibility cannot be delegated down) Note: In an appeal against dismissal, the employee may request that an elected Member sits on the panel, as a replacement to another panel member.

The panel members specified in column 5 will be replicated for all potential dismissals (except employees in their probationary period) other than where it is not suitable for a panel hearing to be held for that specific dismissal, for example for an ill health dismissal.

**Contents:**

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Scope  
Policy Statement  
Framework

Appendix 1 - Probationary Progress Report Form  
Appendix 2 to 4 - Letter templates

<b>ID</b>	
<b>Last Review Date</b>	Draft - 31 May 2018
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<b>Approval</b>	P & O Board
<b>Policy Owner</b>	HR
<b>Policy Author</b>	Anna Buxcey
<b>Advice &amp; Guidance</b>	Please contact Human Resources
<b>Location</b>	Infonet
<b>Related Documents</b>	Appendix 1 to 4
<b>Scope</b>	See section 2

## **1. INTRODUCTION**

The probationary period must be linked to the formal induction process.

## **2. SCOPE**

This policy applies to all new employees in Gosport Borough Council.

The policy applies equally to temporary employees and those on fixed term contracts, other than the right to be transferred to the established staff.

The Formal Action policy and the Managing Absence policy and associated appeal do not apply to employees in their probationary period who will be managed via this probationary policy.

## **3. POLICY STATEMENT**

3.1. A probationary period gives a new employee and their manager the opportunity to discuss progress and determine suitability to the job.

3.2. All new employees of Gosport Borough Council are required to serve a probationary period of 6 months whether or not they have previously been in local government service, other than where it is stated that a longer period must apply.

In exceptional circumstances, the period may be extended to a maximum of nine months.

3.3. Regular feedback will be provided to the employee and the opportunity for review of progress and discussion about concerns. Frequency will vary according to the situation.

3.4. During the probationary period, the manager will review and confirm whether or not the employee has the required suitability to undertake their jobs, eg in terms of skills, attendance, conduct and capability. Employees will be provided with appropriate training and support.

3.5. Employees who demonstrate suitability will be confirmed in post.

3.6. Employees with temporary or fixed term contracts who have completed their probationary period do not have to serve a further probationary period if subsequently appointed to a permanent post.

3.7. If an employee is transferred from one post to another during the course of their probationary period, their employment in their previous post counts towards the probationary period.

3.8. Employment may be terminated either during the probationary period or at the end of the probationary period.

Employees facing probationary dismissal for whatever reason must have a formal meeting with the line manager and Human Resources (where appropriate) in order to establish the facts and satisfy natural justice (to ensure the basic fundamental principles of fair treatment).

The employee has the right of appeal.

Further information is in section 4.

## **4. FRAMEWORK**

### **4.1. Procedure**

- Provide regular feedback to the employee and opportunity for review of progress and discussion about concerns. Frequency and nature of feedback will vary according to the situation.
- Document the discussion and whether suitability is being demonstrated or not. Evidence should be kept. A probationary progress report form is available at Appendix 1.
- Seek advice from Human Resources if any issues of concern arise and consider 4.3 and 4.4 below if necessary.

### **4.2. If suitability has been demonstrated**

- Line manager to confirm in writing to the employee when the outcome of the probationary period is that suitability has been demonstrated and the employee is to be confirmed in post.
- A pdf copy of the final outcome letter should be sent to Human Resources.

### **4.3. At any point during the probationary period - If suitability is not being demonstrated**

- Identify and communicate the issue(s) to the employee at the earliest possible stage.
- Clearly state the standards/objectives the employee needs to meet.
- Support improvement – this may include training, targets and timescales.
- Inform the employee that if suitability is not demonstrated this could lead to dismissal.
- Document any informal action/meetings.
- Confirm in writing if probationary period is extended.

#### **4.4. At any point during the probationary period - If suitability is still not being demonstrated or immediate action is required due to misconduct/ gross misconduct**

4.4.1. Employees in their probationary period are not subject to the Formal Action policy or Absence Management Policy as they are managed via the probationary policy. Any dismissal will occur through the employee's unsuitability for confirmation of appointment. However the basic fundamental principles of fair treatment must still apply and the employee has the right to be accompanied at a formal meeting by a trade union representative or work colleague.

4.4.2. Please note: If at any time there are allegations of misconduct/gross misconduct, a very brief investigation must be undertaken to establish any evidence prior to the formal meeting (as detailed below).

The employee must be given a written statement of the allegations prior to the formal meeting and must be made aware of the likely consequences and given time to prepare to offer a defence. Any written or verbal evidence must be shared with the employee.

#### **4.4.3. Procedure - Formal Meeting**

- Write to the employee to outline the issues(s) and invite to a formal meeting. The employee should be made aware of the likely consequences of the meeting. The employee is entitled to be accompanied at the meeting by a trade union representative or a work colleague.
- Support and advice for managers is available from Human Resources.
- Line manager to hold formal meeting to discuss issue(s). A Human Resources representative may attend where appropriate.
- Confirm outcome in writing without unreasonable delay.
- Send a pdf copy of the outcome of the meeting to the Human Resources.
- An employee has the right of appeal against action taken.
- An appeal should be submitted in writing to the line manager within 10 working days of the date of receipt of the outcome letter stating the grounds for the appeal.

An appeal is heard by the same level of management (or above) who made the decision that is being appealed against.

#### **4.4.4. Examples of possible formal meeting outcomes**

- Review training and support, and give the employee clear objectives

and a timescale within which to improve, not exceeding the end of their probation period.

- Extend the probationary period where there are concerns and there is a belief that the employee will be able to reach the required standard within a reasonable additional time period. It is advisable to discuss any proposed extension with Human Resources. An extension may for example be because of long term absence.

Any extension will be confirmed in writing and details of the extension provided, stating that if the required standard is not reached within the set timescale, the employee will not be confirmed in post.

- Termination of employment, either during the probationary period or at the end of the probationary period.

#### **4.4.5. Templates**

Letter templates are available at Appendix 2 to 4.

**GUIDANCE FOR MANAGERS  
PROBATIONARY PROGRESS REPORT FORM**

<b>Name</b>	<b>Post title</b>	<b>Service</b>
<b>Start date in post</b>	<b>Date of meeting</b>	<b>Expected probationary period end date</b>

<b>Discussion points</b>	<b>Notes</b>
Timekeeping	
How is the employee performing the duties of the post?	
How is the employee adapting to their role?	
What has gone particularly well?	
Is the employee demonstrating suitability to the job?	
Discuss any problems/issues	
Areas of improvement	
Are special conditions being adhered to? (Special conditions attached if applicable)	
Any other comments/discussion	



**GUIDANCE FOR MANAGERS  
PROBATIONARY PROGRESS REPORT FORM**

<b>Progress/Objectives met since last review</b>

<b>Objectives set for next period/Action</b>

<b>Further information</b>

**EMPLOYEE**

Signature:

Date:

**LINE MANAGER**

Name:

Signature:

Date:

This form should be completed and retained by the manager and then sent to the Human Resources at the end of the probationary period (where a probationary period is applicable).

*Note to manager: Please see Probationary Policy re: letter templates.*

## PROBATIONARY

### LETTER TEMPLATE

*Confirming successful completion of the probationary period*

***Personal & Confidential***  
*(Name & Address)*

Dear *(Name)*

### END OF PROBATIONARY PERIOD

I am pleased to be able to confirm the successful completion of your probationary period on xxxxxxxxxx in the post of xxxxxxxxxxxxxxxxxxxx.

May I take this opportunity to thank you for your hard work and enthusiasm during this period and wish you well in your employment with Gosport Borough Council.

Yours sincerely

*Manager*

## PROBATIONARY

### LETTER TEMPLATE

*Confirming an extension to probationary period*

***Personal & Confidential***  
*(Name & Address)*

Dear *(Name)*

I am writing to confirm the outcome of our meeting held on ....., present at which were *(names/designations)*.

The purpose of the meeting was to consider your performance and/or conduct throughout your probationary period and for me to determine whether you should be transferred to the permanent establishment of Gosport Borough Council.

I began the meeting by reiterating my concerns about elements of your performance and/or conduct which I had previously explained to you.

These are: *(list the issues)*

- 
- 

Having fully discussed these matters with you and taking account of your responses which were *(set out employee's responses)*, I informed you that I considered there was some room for improvement before I could satisfy myself that you should be transferred to the permanent establishment.

I informed you that I thought you were capable of responding positively to the situation and I would extend your probation period by *(state period of extension from ..... to .....)*.

During this time I will expect to see the following improvement:

- 
- 

In order to support you during this extension I will implement the following arrangements: *(set out the arrangements)*

I hope that you will respond positively to this arrangement and I will meet with you again in *(state interval)* to review the situation.

**PROBATIONARY**

Failure to achieve these improvements within the extended probationary period (or any repetition of the issues of conduct) will leave me no alternative but to terminate your employment.

Yours sincerely

*Manager*

cc: Trade Union Representative

PROBATIONARY

LETTER TEMPLATE

*Confirming termination of employment during or at the end of the probationary period*

**RECORDED DELIVERY**

***Personal & Confidential***  
*(Name & Address)*

Dear *(Name)*

I am writing to confirm the outcome of our meeting on ....., present at which were *(names/designations)*.

The purpose of the meeting was to consider your performance and/or conduct throughout your probationary period and to decide whether you should be transferred to the permanent establishment of Gosport Borough Council, your probationary period be extended or your employment terminated.

*(set out the issues)*

- 
- 

Having fully discussed these matters with you and taking account of your responses which were *(set out employee's responses)*, I informed you that I considered it would be inappropriate for your probationary period to be extended as you had failed to establish your suitability for the post and that I therefore had no alternative but to give you notice of termination of your employment with Gosport Borough Council.

Given that you are due *(state notice period)*, your last day of employment will be .....

You have the right of appeal within 10 working days of the date of receipt of this letter. The appeal must be made in writing to *(insert)* and must state the grounds for the appeal.

I am sorry it has not been possible to offer you permanent employment with the Council and I hope you are successful in obtaining a position in due course.

Yours sincerely

*Manager*

cc: Trade Union Representative

## Contents:

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     Types of appeal  
     Authority to hear the appeal  
     Procedure

<b>ID</b>	
<b>Last Review Date</b>	Draft 31 May 2018
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<b>Policy Owner</b>	HR
<b>Policy Author</b>	Anna Buxcey
<b>Advice &amp; Guidance</b>	Please contact Human Resources
<b>Location</b>	Infonet
<b>Related Documents</b>	
<b>Scope</b>	This policy applies to all employees in Gosport Borough Council Please note: Information in paragraph 2.2 in relation to probationary periods

## 1. INTRODUCTION

When an appeal is received, Human Resources will provide support to managers in accordance with the principles set out below.

## 2. SCOPE

- 2.1. This policy applies to all employees in Gosport Borough Council.
- 2.2. Employees in their probationary period are not subject to the Formal Action policy or Absence Management policy and any associated appeal for formal action specified within this document. They will be managed via the Probationary policy, available on the Infonet.

## 3. PRINCIPLES

Any decisions taken will be based on the circumstances of each case. All decisions will be:

Proportionate	based upon the circumstances
Lawful	we will not break the law
Accountable	managers will be accountable for their decisions
Necessary	to achieve the right outcome

## 4. FRAMEWORK

### 4.1. Types of appeal

An employee can appeal under the following circumstances:

- Where they consider that action taken against them under the Formal Action policy is wrong or unjust.
- Where they consider a grievance has not been satisfactorily resolved.
- Where they consider that action taken against them under the Absence Management policy is wrong or unjust.
- Against a dismissal (including ill health retirement and redundancy dismissal).
- Where they are dissatisfied with the outcome of a request made under the Flexible Working policy or Flexible Retirement policy.
- Where they are dissatisfied with the application of the procedure followed for any of the above.

All policies are available on the Infonet.

## **4.2. Authority to hear the appeal**

### **All appeals (Except appeal against dismissal)**

- The appeal will be heard by management with no previous involvement in the case and will be established in accordance with PLAN.
- The appeal will be heard by the same level of management (or above) who made the decision that is being appealed against. Chosen from within the same service or where necessary or appropriate across the organisation.

### **Appeal against dismissal**

- The appeal will be heard by the Employee Appeal Panel (the responsibility cannot be delegated down) and will be established in accordance with PLAN. Panel members will have no previous involvement in the case

#### **The Employee Appeal Panel (The EAP) consists of:**

The Deputy Chief Executive, a Section Head and Human Resources

Or

A Chief Officer, a Section Head and Human Resources

Please note: In an appeal against dismissal, the employee may request that an elected Member sits on the panel, as a replacement to another panel member.

## **4.3. Procedure**

### **4.3.1. Submitting the Appeal**

The appeal should be submitted in writing to the manager/Chair of the panel who made the decision that is being appealed against within 10 working days of the date of receipt of the outcome letter.

The letter must clearly state why the original decision is being appealed and should include:

- What the grounds for the appeal are.
- What the employee's desired outcome is.

The manager/Chair of the panel will check that an appeal is the appropriate route. If the grounds for the appeal are not clearly stated in writing, the employee will be contacted to provide further information in order for the appeal hearing to be arranged.



**4.3.2. Inform the employee**

The appeal will be considered without unreasonable delay.

The employee will be invited in writing to the appeal hearing. The invite letter will inform the employee that they may be accompanied by a trade union representative or workplace colleague.

*Please note: Under the statutory right to request flexible working, the law requires that all requests, including any appeal, must be considered and decided on, within a period of 3 months from first receipt. Full details are available in the Flexible Working policy on the Infonet.*

**4.3.3. Hold formal appeal hearing with the employee**

The appeal hearing will be held and both sides will be given the opportunity to state their case.

**4.3.4. Confirm outcome in writing**

The outcome of the hearing will be confirmed in writing to the employee without unreasonable delay.

**The outcome of the appeal hearing is final. There are no further stages.**

**Contents:**

Introduction  
 Scope  
 Principles  
 Framework  
 Support  
 Occupational Sick Pay  
 Accident where a third party is involved  
 Sickness and leave

<b>ID</b>	
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<b>Approval</b>	P & O Board
<b>Policy Owner</b>	HR
<b>Policy Author</b>	Anna Buxcey
<b>Advice &amp; Guidance</b>	Please contact Human Resources
<b>Location</b>	Infonet
<b>Related Documents</b>	
<b>Scope</b>	This policy applies to all employees in Gosport Borough Council, except those in their probationary period.

## **1. INTRODUCTION**

This policy sets out what is expected from managers and employees with regards to managing absence from work.

## **2. SCOPE**

This policy applies to all employees in Gosport Borough Council, except those in their probationary period.

Employees in their probationary period are managed via the probationary policy, available on the infonet.

## **3. PRINCIPLES**

Any decisions taken will be based on the circumstances of each individual employee's absence. All decisions will be proportionate, lawful, accountable and necessary.

## **4. FRAMEWORK**

### **4.1. Reporting Procedure**

Employees are required to contact their manager, or nominated point of contact as soon as possible on their first day of absence, outlining what is preventing them from attending work, and giving an anticipated return to work date. Contact by text or e-mail or other such media is not acceptable (unless agreed with the line manager).

### **4.2. Certification \ Evidence**

Employees are required to self certificate for any absence of up to and including 7 days. The self certification form should be completed and signed by the employee on their return to work in the presence of their line manager. Managers may request an employee to provide evidence of any absence in the form of a fit note.

If the absence is longer than 7 calendar days, the employee will need to provide a fit note on the 8<sup>th</sup> day of absence. The manager will need sight of this and may choose to keep a copy. If the employee's absence extends beyond the period of the initial certificate, the manager will need to see sight of the fit notes that cover the relevant period of absence.

The manager must forward self certification forms and fit notes to payroll for recording.

#### **4.3. Keeping in Contact**

The manager/employee will need to keep in contact with each other during periods of sickness absence so it is important to ensure that employees contact details are accurate. If during a period of absence, the employee will be away from their registered address, they must make their manager aware of their interim contact details. The manager will agree the level and method of contact, which will be reasonable and appropriate to the individual circumstances.

#### **4.4. Unauthorised absence**

If an absence is not notified and/or no contact can be made during a period of absence, then where no explanation for the employee's absence can be established and after all reasonable attempts have been made to make contact, pay may be stopped and where necessary, disciplinary action under the Formal Action policy may be taken.

A letter would be sent to the employee's registered address prior to any action being taken.

#### **4.5. Monitoring**

Regular monitoring of attendance records should be carried out by the line manager/supervisor, and should indicate at an early stage any cases where an employee is developing an unacceptable pattern and/or level of absence. The managers will monitor absence and consider whether there is cause for concern. There are no set trigger points for formal action.

#### **4.6. Occupational Health (OH)**

Where the level of absence becomes a cause for concern, a manager may request a referral to OH to seek guidance on any reasonable adjustments that can be made to support an employee in the work place or other appropriate advice to reduce the possibility of further absence.

An OH referral and assessment may be required during any period of sickness.

The employee will be informed in advance of the intention and reason for the OH referral and on completion of OH assessment made aware of the recommendation(s) and way forward.

#### **4.7. Return to Work Discussion**

The return to work discussion will vary according to the individual circumstances. A manager should explore with the employee, the reason for the absence, and any concerns regarding the employee's overall attendance/well-being.

This discussion is also an opportunity for the employee to advise of any underlying medical conditions or mitigating circumstances which may have contributed to the level of absence.

The manager and the employee should discuss any support available that may aid the return to work.

A return to work form should be completed and a copy provided to Human Resources.

#### **4.8. Consideration of reasonable adjustments/redeployment**

Reasonable adjustments and/or redeployment will be considered in relation to disability under the Equality Act, prior to consideration of ill health retirement and where appropriate termination of employment.

#### **4.9. Formal Action - Absence management**

- 4.9.1. A manager may seek to undertake formal action with an employee whose absence continues to be a cause for concern following previous informal discussion(s) (with the line manager/supervisor). The decision to proceed to a formal meeting will be made in conjunction with Human Resources. If dismissal is contemplated, Human Resources must be consulted at the earliest opportunity before any action is taken.

The formal stages are:

Stage 1 = First written warning  
Stage 2 = Final written warning  
Stage 3 = Dismissal

The normal escalation (of Stage 1, Stage 2, Stage 3) will occur where absence continues to be a concern during monitoring periods following a Stage 1 or Stage 2 meeting, however, the circumstances of the individual case will need to be assessed and may result in moving directly to any stage of formal action (e.g. direct to Stage 2 or direct to Stage 3).

If the normal escalation of the stages (e.g. Stage 1, Stage 2, Stage 3) is not going to occur, the approach must be proportionate and reasonable and the reasons need to be formally communicated to the employee.

There is a right of appeal at each stage.

An employee should contact their trade union or another party for support and advice.

Advice and guidance for managers is available from Human Resources throughout.

The manager should forward a pdf copy of any Stage 1 outcome letter to Human Resources.

***Where a formal meeting/hearing (where a warning/dismissal may occur) is required to address absence concerns, the following will apply.***

**4.9.2. Inform the employee**

The manager will write to the employee inviting them to a formal meeting/hearing. The letter will inform the employee of their right to be accompanied by a trade union representative or workplace colleague and will include the possible consequences for the employee.

**4.9.3. Hold formal meeting/hearing with the employee**

The management case will be presented including for example, evidence of previous informal and formal meetings, absence records and evidence. The employee will have the opportunity to input into the meeting/hearing. The meeting will adjourn to consider the evidence, and decide on the outcome. The decision will be given to all parties without unreasonable delay. Where applicable, this will include how long any sanction will apply for and the right of appeal and timescale.

**4.9.4. Confirm outcome in writing**

The outcome of the meeting/hearing will be confirmed in writing to the employee without unreasonable delay. Where applicable, the letter will include the possible consequences of any further action, how long any sanction will apply for and the right of appeal and timescale.

**4.10. Informed of progress or regression**

All formal stages of the absence procedure must be documented, and a copy sent to the employee and their representative. A member of Human Resources may be present at such meetings/hearings.

Between each of the stages, the employee must be informed of their progress or regression.

**4.11. Appeal**

An employee may submit an appeal in writing within 10 working days of the date of receipt of the outcome letter using the appeal policy.

The outcome of the appeal hearing is final. There are no further stages.

**5. SUPPORT**

In all situations, the employee is advised to contact their trade union or another party for support and advice.

Employees are also advised to contact the Employee Assistance Programme for support and advice.

## **6. OCCUPATIONAL SICK PAY**

The Council applies the National Agreement on Pay and Condition of Service in relation to entitlement to sick pay; a copy of the sickness scheme is available on the infonet or by request from Human Resources.

Sick pay may be suspended if an employee fails to observe the conditions of the scheme, abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer.

Occupational sick pay does not apply to surgery or procedures not deemed by the employee's medical advisor as required for medical reasons (and covered by a fit note where requested). Advice can be sought from Human Resources.

## **7. ACCIDENT WHERE A THIRD PARTY IS INVOLVED**

An employee who is absent as a result of an accident shall not be entitled to a sick pay allowance if damages may be receivable from a third party in respect of such accident.

In this event, the Council may, having regard to the circumstances of the case, advance to the employee a sum not exceeding the sick pay allowance provided under the Sickness Pay Scheme, subject to the employee undertaking to refund to the Council the total amount of such allowance or the proportion thereof representative in the amount of damages received.

Any period of absence in such case where a refund is made in full to the Council shall not be recorded for the purposes of the scheme. Where a refund is made in part, the Council may at its discretion decide to what extent, if any, the period of absence may be recovered.

## **8. SICKNESS AND LEAVE**

An employee who falls sick during the course of annual leave (e.g. reported during the first day of annual leave onwards) shall be regarded as being on sick leave from the first date they have reported in sick in accordance with the Absence Management Policy/ date on a "fit note" (where applicable) and may reclaim their annual leave.

Entitlement to sick pay (where eligible) is subject to the employee complying with the Council's procedure for reporting absence and for observing the other requirements of the Council's sick pay scheme. This includes the reporting procedure, certification and keeping in contact. In addition to the normal sickness absence reporting procedure, the additional rules below must be adhered to:

- The employee must inform the manager on the first day that the employee wishes to be regarded as sickness absence rather than annual leave.
- The employee must provide a fit note in the normal way (including for the first 7 calendar days of sickness if the manager requests it).

Where for the purpose of qualifying for sick pay during the first 7 days, the Council will reimburse the employee the cost of a fit note on the provision of a receipt.

- Where the employee is overseas when he/she falls ill or is injured, the illness/injury must still be reported in the same way and evidence must still be provided by way of a medical certificate (or in exceptional circumstances a proof of a claim on an insurance policy for medical treatment received at the overseas location) within a reasonable time period. Human Resources can provide further advice.

### **Payment of sickness absence**

Any period that is changed from annual leave to sickness absence would then be paid in accordance with the contract of employment (i.e. depending on the employee's current entitlement to sickness pay, full pay, half pay or nil pay).



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Organisational change where there are no potential redundancies

Organisational change with potential redundancies

Consultation

Appendix 1 - Organisational Change Flowchart - No potential redundancies

Appendix 2 - Organisational Change Flowchart - Potential redundancies

Appendix 3 - Consultation

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<b>Location</b>	Infonet
<b>Related Documents</b>	Appendix 1 to 3
<b>Scope</b>	This policy applies to all employees in Gosport Borough Council

## **1. INTRODUCTION**

This policy sets out Gosport Borough Council's approach to organisational change. It does not form part of an employees' terms and conditions of employment and may be subject to change at the discretion of Gosport Borough Council.

Gosport Borough Council recognises the importance of employment security to employees and seeks to minimise the impact of organisational change and redundancy.

## **2. SCOPE**

This policy applies to all employees in Gosport Borough Council.

## **3. ORGANISATIONAL CHANGE - WITH NO POTENTIAL REDUNDANCIES**

Appendix 1 shows the process of organisational change where no potential redundancies are anticipated (e.g. proposed change to pay band and/or job profile/descriptions, change in hours, working pattern). In these circumstances, consultation with trade unions and affected employees will take place in accordance with Section 5 of this Organisational Change policy document and Appendix 1 and 3, but no other section of the policy document will apply. The length of the consultation will be reasonable taking into account the nature of the organisational change.

## **4. ORGANISATIONAL CHANGE - WITH POTENTIAL REDUNDANCIES**

Appendix 2 shows the process where organisational change may result in potential redundancies taking place.

Although the council policy is to avoid redundancies wherever possible, the needs of the business may from time to time require a reduction in the overall number of staff employed or organisational change that results in some employees being made redundant.

Where this is necessary, the organisation will ensure that:

- the total number of redundancies made is kept to a minimum;
- employees and trade unions are fully consulted on any proposals and their implementation;
- any selection process is fair, transparent and appropriate for the type of role and number of staff;
- suitable alternative employment is offered to those selected for redundancy where it exists in accordance with the Redundancy procedure and

- all new jobs created, and any jobs where the job profile/description is significantly revised as part of a restructure, are evaluated under Gosport Borough Council's job evaluation process.

## **5. CONSULTATION**

Managers should consult fully at the earliest opportunity, with recognised trade unions and directly with affected employees, where it becomes necessary to make organisational change which has staffing implications.

The length of consultation will depend on the nature of the organisational change. Advice is available from Human Resources.

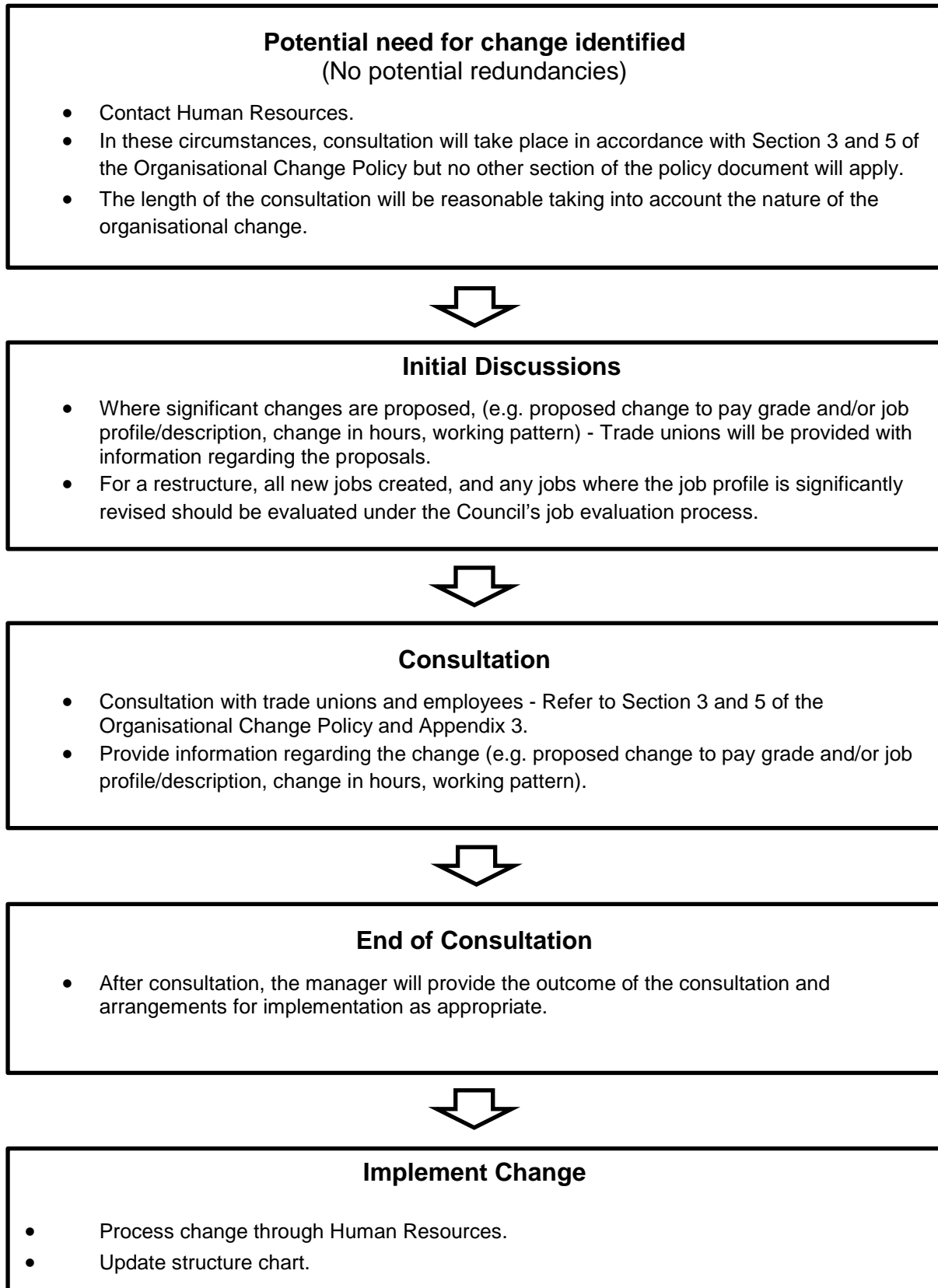
Further details regarding consultation are available in Appendix 3.

The Council's preferred option is to secure agreement with the trade unions and affected employees regarding proposed changes, however, where agreement has not been reached after consultation, the Council may decide to implement the reorganisation without this agreement.

The manager must seek HR advice if the consultation is relating to the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) 2006.

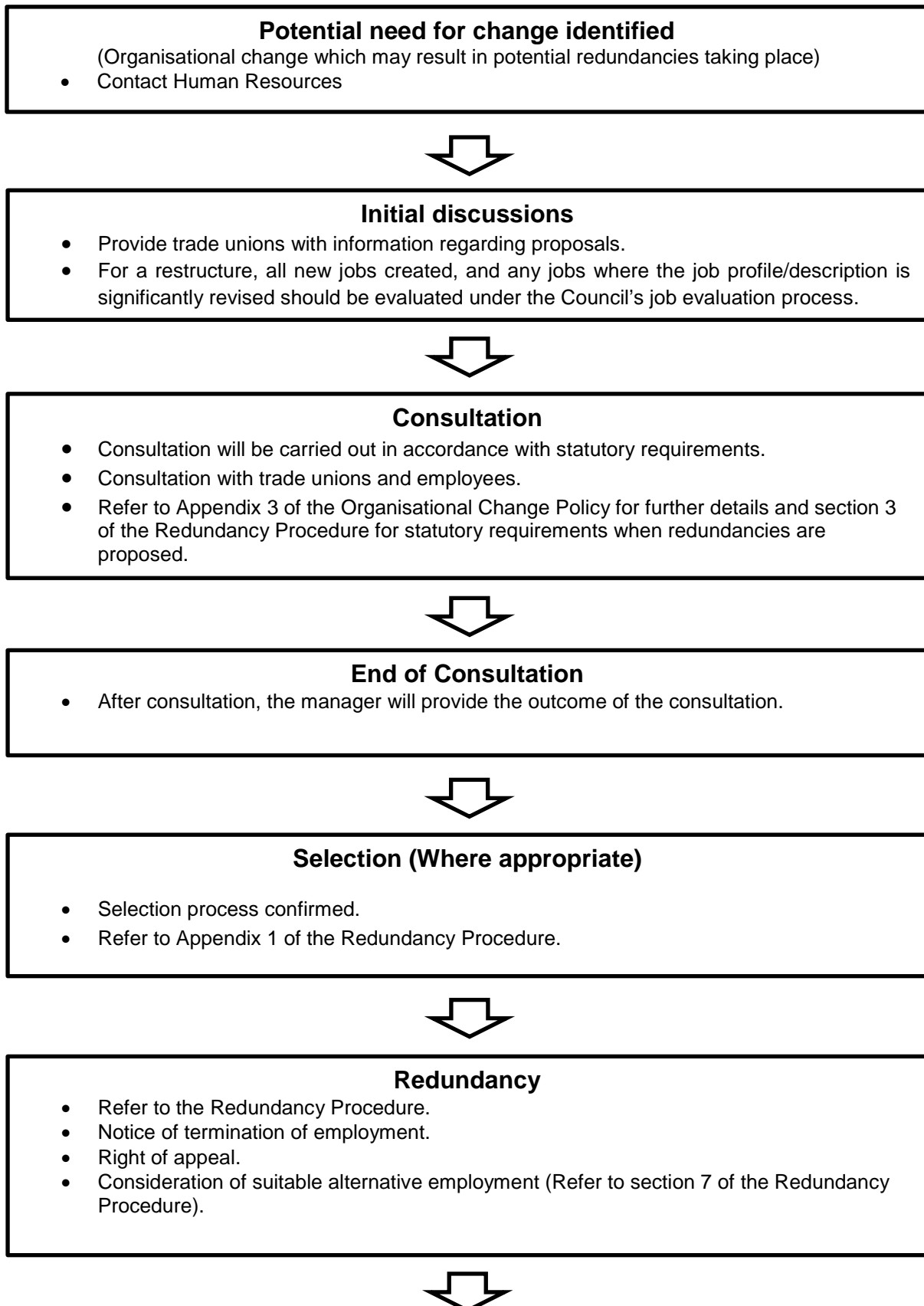
**APPENDIX 1****ORGANISATIONAL CHANGE FLOWCHART (Where no potential redundancies are anticipated)**

Please read in conjunction with Section 3 and 5 of the Organisational Change Policy and Appendix 3



**APPENDIX 2****ORGANISATIONAL CHANGE FLOWCHART (With potential redundancies)**

Please read in conjunction with the Organisational Change Policy and Appendix 3



### **Implement Change**

- Process change through Human Resources.
- Update structure chart.

## **APPENDIX 3**

### **CONSULTATION**

#### **1. CONSULTATION**

Managers should consult fully at the earliest opportunity with recognised trade unions and directly with affected employees, where it becomes necessary to make organisational change which has staffing implications.

The length of consultation will depend on the nature of the organisational change.

Further information regarding statutory timescales for consultation when redundancies are proposed is available in the Redundancy Procedure and statutory information to disclose to the trade unions when redundancies are proposed is shown at Appendix 2 of the Redundancy Procedure.

The designated manager must ensure that employees are kept informed of the progress of discussions with the trade unions.

Advice is available from Human Resources.

#### **2. CONSULTATION AND TIMELINE**

A consultation document will be prepared and issued at the start of consultation which will include a timeline.

#### **3. TIME OFF**

Arrangements should be made to allow the relevant trade union representatives to be granted reasonable time off with pay to enable them to participate fully in the consultation process.

#### **4. CONFIDENTIALITY**

Where sensitive information is to be given to the unions on a strictly confidential basis, trade union representatives should be aware that it must not be shared with anyone unless written consent has been given by management.

#### **5. INDIVIDUAL DISCUSSION AND CONSULTATION WITH EMPLOYEES**

The manager responsible for handling the consultation process will meet as required, all employees directly affected by the proposed changes.

Employees may be accompanied by a trade union representative or workplace colleague if they wish.

The manager will formally record any feedback from the employee.

The Council's preferred option is to secure agreement with the trade unions and affected employees regarding proposed changes, however, where agreement has not been reached after consultation, the Council may decide to implement the reorganisation without this agreement.



Contents provided on page 2

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<b>Location</b>	Infonet
<b>Related Documents</b>	Appendix 1 - Selection Appendix 2 - Statutory information Early retirement scheme and statement of policy on discretionary payments
<b>Scope</b>	This procedure applies to all employees in Gosport Borough Council, whose continued employment is at risk due to redundancy (including the non-renewal of a fixed term contract, as appropriate)

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- Consultation
- Voluntary redundancy
- Formal notification of termination of employment
- Right of appeal
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- Redeployment or employment with an associated employer
- Re- employment with Gosport Borough Council
- Entitlement to redundancy payments
- Redundancy pay calculation
- Calculation of a week's pay
- Information to be given to the redundant employee
- Pay in lieu of notice
- Support for employees

Appendix 1 - Selection

Appendix 2 - Statutory information

## 1. INTRODUCTION

This procedure sets out Gosport Borough Council's approach to redundancy. It does not form part of an employees' terms and conditions of employment and may be subject to change at the discretion of the Council.

### Definition of Redundancy

Under Section 139 of the Employment Rights Act 1996;

*“an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is attributable wholly or mainly to:*

- the fact that his employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed by him, or has ceased, or intends to cease, to carry on that business in the place where the employee was employed*  
*or*
- the fact that the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where he was so employed, have ceased or diminished or are expected to cease or diminish”.*

## 2. SCOPE

This procedure applies to all employees in Gosport Borough Council, whose continued employment is at risk due to redundancy (including the non-renewal of a fixed term contract, as appropriate).

## 3. CONSULTATION

### 3.1. Statutory Requirements

3.1.1. Consultation will be carried out in accordance with statutory requirements.

3.1.2. Where redundancies are proposed, consultation with the appropriate representatives must begin ‘in good time’ and in line with statutory requirements.

The Trade Union and Labour Relations (Consolidation) Act 1992 (as amended), requires the Council to consult about redundancies in circumstances where it is proposed to dismiss as redundant 20 or more employees across the Council within a 90 day period. The statutory minimum consultation period is as follows:

- Where an employer is proposing to dismiss as redundant 100 or more employees within a 90 day period, the consultation must begin at least 45 days before the first dismissal takes effect.

- Where an employer is proposing to dismiss as redundant between 20 and 99 employees within a 90 day period, the consultation must begin at least 30 days before the first dismissal takes effect.
  - Where an employer is proposing to dismiss as redundant 19 or less employees, within a 90 day period – there is no statutory minimum consultation period.
- 3.1.3. If it is proposed to make 20 or more employees redundant in one establishment within a 90 day period, the relevant government department will be informed within a set time period.
- 3.1.4. Managers will consult fully at the earliest opportunity, with recognised trade unions and directly with affected employees, where it becomes necessary to make organisational change which has staffing implications.
- 3.1.5. Statutory information to disclose to the trade unions is shown at Appendix 2.
- 3.1.6. The designated manager must ensure that employees are kept informed of the progress of discussions with the trade unions.
- 3.1.7. The manager must seek HR advice if the consultation is relating to the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) 2006.

### **3.2. Outcome of Consultation**

The Council's preferred option is to secure agreement to the proposed changes with the trade unions and affected employees, however, where agreement has not been reached after consultation, the Council may decide to implement the reorganisation without this agreement.

The selection process is outlined at Appendix 1 of the Redundancy Procedure.

Further details regarding consultation are available in Appendix 3 of the Organisational Change Policy.

## **4. VOLUNTARY REDUNDANCY**

- 4.1. Provided that there is a genuine redundancy situation in the first place, the employer may invite employees to volunteer themselves for redundancy\*.
- \*For a redundancy situation to exist, there must be a reduction in the need for employees to carry out work of a particular kind. Therefore managers should not label an employee's termination as voluntary redundancy if no genuine redundancy situation exists. This is because a termination following an employee's application for redundancy constitutes a dismissal in law and, should the employee bring a claim of unfair dismissal before an employment tribunal, the onus would be on the employer to prove the*

*reason for dismissal. If the reason given was not the true reason, the dismissal is likely to be ruled unfair.*

- 4.2. If more than the required number of volunteers come forward, volunteers will be selected up to the required number. As the circumstances of each area being reorganised will be different, the rules of selection may vary accordingly, but must be agreed with the Assistant Director of HR (or nominated manager).
- 4.3. The relevant Section Head (or nominated manager) will retain the right to make the final decision.
- 4.4. Gosport Borough Council reserves the right to refuse to accept individual offers of voluntary redundancy and there is no right of appeal.
- 4.5. The Section Head (or nominated manager) must communicate the final decision in writing individually to each employee who volunteered and those who are rejected must be given reasons.
- 4.6. Where an individual does volunteer, and is accepted by the employer for redundancy, they are thereafter in the same legal position as employees selected compulsorily.
- 4.7. The identification of sufficient volunteers does not remove the legal obligation to continue consultation with the Trade Unions.
- 4.8. Transferred redundancy as a means to reduce the numbers of compulsory redundancies may be considered where appropriate.

## **5. FORMAL NOTIFICATION OF TERMINATION OF EMPLOYMENT**

- 5.1. Employees who have been selected for redundancy must be notified at the earliest opportunity.
- 5.2. The employee will be formally notified in writing of the cessation of their employment on the grounds of redundancy.
- 5.3. The employee must be given written notice of at least the contractual or statutory minimum (whichever is the longer). If this is not possible, pay in lieu of notice must be paid (See section 14 for further information).

## **6. RIGHT OF APPEAL**

- 6.1. An employee who is dismissed on the grounds of redundancy has the right of appeal against the decision.
- 6.2. An employee may submit an appeal in writing within 10 working days of the date of receipt of the written notice confirming redundancy, using the Appeal Policy.

## **7. SUITABLE ALTERNATIVE EMPLOYMENT**

- 7.1. The organisation has a duty to offer suitable alternative employment to those selected for redundancy if it exists. Reasonable steps will be taken to achieve this.
- 7.2. The suitable alternative employment process should also be used to support the redeployment of employees with disabilities or long term health problems which affect their ability to carry out their current job role as determined by GBC under a recommendation made by the Council's Occupational Health Service.
- 7.3. Suitable alternative employment (commensurate with the employee's experience, skills and abilities and at a status and level of remuneration comparable with the former position) will normally be to a permanent position, however, where only temporary posts are available as suitable alternative employment to redundancy, individuals appointed to that post will retain redundancy rights.
- 7.4. Efforts to secure redeployment will be carried out in conjunction with the employee to minimise the distress and adverse impact of change.
- 7.5. An employee selected for redundancy who unreasonably refuses an offer of suitable alternative employment will not be entitled to a redundancy payment.
- 7.6. Access to reasonable additional training, mentoring or other support (such as opportunities to work shadow) will be provided where this will assist in successful redeployment to another role.
- 7.7. Reasonable paid time off will be granted to employees who are selected for redundancy to seek alternative employment, in accordance with the special leave policy.
- 7.8. Employees are also made aware of jobs that may not immediately be seen as alternative employment (e.g. a lower grade post or less working hours) as the employee may decide that the post on offer is worth considering and be willing to accept to keep in employment. This is called a non-equivalent post.
- 7.9. Where an employee is redeployed to alternative employment the employee's basic salary is protected in accordance with the Salary Protection Policy.
- 7.10. Action against suitability of alternative employment**

If an employee disagrees that a post, which they are offered, constitutes suitable alternative employment as they would suffer a detriment as a result, or would wish for salary protection to apply, they may ask for a review by a different manager (or the relevant Section Head).

### **7.11. Action against not being considered for a vacancy as suitable alternative employment**

If an employee believes that they have been overlooked for or unreasonably refused a vacancy as suitable alternative employment they may ask for a review by a different manager (or the relevant Section Head).

### **7.12. Statutory trial period**

Where an employee accepts suitable alternative employment, the 'trial period' provisions in section 138 (3) of the Employment Rights Act 1996 will apply. A 4 week statutory trial period will be used to allow managers and employees to test out the suitability of alternative employment.

### **7.13. Regulation 10**

Regulation 10 of the Maternity and Parental Leave etc. Regulations 1999 provides that an employee on maternity leave who has been selected for redundancy must be offered a "suitable alternative vacancy" (where it exists) before any other employee. Employees on adoption leave and shared parental leave share the same right.

In relation to Regulation 10, the right to be offered the "suitable alternative vacancy" arises when the person is selected for redundancy. **Employees and managers should contact Human Resources for specific advice regarding what stage of the organisational change process an individual employee's right will come into force.**

## **8. REDEPLOYMENT OR EMPLOYMENT WITH AN ASSOCIATED EMPLOYER**

The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 (as amended) lists those employers considered to be "associated".

A consolidated list of "associated" employers is available from Human Resources.

If an employee who is under notice of redundancy receives an offer of a job from another Modification Order body before the termination of his or her employment and takes it up within 4 weeks of the end of the old employment, there will be no dismissal for redundancy payment purposes. If this is the case and a redundancy payment has been made, the individual is responsible for notifying their new and previous employer and compensation will need to be repaid.

The individual may not unreasonably delay the start of a new job to accommodate this.

## **9. RE- EMPLOYMENT WITH GOSPORT BOROUGH COUNCIL**

- 9.1. Employees who receive a redundancy payment (voluntary or compulsory), offered on an individual basis or as part of a work-force wide scheme, will not be able to re-join GBC within 12 months of their termination date.

A former employee cannot re-join the organisation in any capacity including as a contractor, consultant, a permanent or temporary member of staff or a casual worker within 12 months of their termination date. This also includes being re-employed on a different pay band or within the same or a different directorate.

Exceptions can only be made with the express agreement of the Assistant Director of HR (or nominated manager).

- 9.2. After 12 months from the date of termination, a former employee who re-joins GBC will be subject to a new employment contract.

## **10. ENTITLEMENT TO REDUNDANCY PAYMENTS**

- 10.1. Employees, who are dismissed on the grounds of redundancy and who have a minimum of two years' continuous local government service at the date of termination of employment, will be entitled to a redundancy payment. What constitutes local government service is defined by The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 (as amended). Continuous service for concurrent contracts will be treated as separate continuous service dates. Guidance is available from Human Resources and details are provided in the Statement of Particulars.
- 10.2. If an employee at risk of redundancy is successfully redeployed the employee will not be entitled to a redundancy payment.
- 10.3. An employee will also lose the potential entitlement to a redundancy payment and the opportunity to be considered for further redeployment if they;
- Refuse an offer of alternative employment considered suitable by Gosport Borough Council, without good reason; or
  - Are dismissed for misconduct during the trial period; or
  - Resigns during the notice period without giving adequate "counter notice".
- 10.4. The suitability of alternative employment will be determined, if necessary, by the relevant Section Head (or nominated manager) in conjunction with Human Resources taking into account all the relevant characteristics of the post, the location of the post, and the circumstances of the individual employee.



## 11. REDUNDANCY PAY CALCULATION

Redundancy payments are based on the period of continuous local government service as a whole and not merely the period of service relating to a specific post. Continuous service for concurrent contracts will be treated as separate continuous service dates. Guidance is available from Human Resources and details are provided in the Statement of Particulars.

For each year of service up to a maximum of 20 years, the employee is entitled to pay as follows:

- for each year of service aged 21 or under – half a week's pay,
- for each year of service at age 22 or older but under 41 – one week's pay,
- for each year of service at age 41 and over – one and a half weeks' pay.

Redundancy payments are currently tax free below a threshold of £30,000.

The Council uses actual weeks' pay rather than the statutory maximum.

The Council mirrors the statutory scheme with a multiplier of 2.75 in **compulsory** redundancy situations.

Local Government Pension Scheme members who are made redundant and are aged 55 or over with at least 2 years' membership in the Scheme are automatically entitled to early release of their pension without reduction.

Payments are made in accordance with the Early Retirement Scheme and Statement of Policy on Discretionary Payments.

## 12. CALCULATION OF A WEEK'S PAY

- 12.1. A week's pay is the pay which the employee is entitled to under their terms and conditions at the 'calculation' date. This does not include backdated national pay settlements that are agreed after the 'calculation' date. The 'calculation' date is the date on which the employee is formally given notice.

A week's pay is defined as the contractual monetary payments made in return for work done. This would include salary (including any protected element) and contractual allowances (such as shift allowance, contractual overtime).

- 12.2. Gosport Borough Council will pay the full contractual weekly earnings equivalent. Where contractual pay varies, the amount of a week's pay is averaged over a twelve week period prior to the calculation date.
- 12.3. When calculating a redundancy payment for staff on term time contracts, Gosport Borough Council must use the actual weeks of the contract for those purposes rather than a 52 week multiplier i.e. if the contract is for 49.5 weeks per annum, the calculation will be based on that figure i.e. 1/49.5 not 1/52.

### **13. INFORMATION TO BE GIVEN TO THE REDUNDANT EMPLOYEE**

The law requires an employee to be provided with a statement explaining how their redundancy payment has been calculated, setting out the number of weeks at a half, one or one and a half weeks' pay and multiplier (where applicable) which should be provided by Human Resources/management.

A redundancy estimate and pension estimate (if appropriate) must be requested by Human Resources from Payroll, and provided to the employee. It must be emphasised to the employee that these are only estimates and that they do not guarantee final figures. Payments will be made under the Early Retirement Scheme and Statement of Policy on discretionary payments.

### **14. PAY IN LIEU OF NOTICE**

Payment in lieu of notice is deemed to be compensation for not providing the employee with sufficient contractual notice and may be subject to tax, National Insurance or other deductions. It should only be paid where there is a clear reason for not allowing the employee to work his/her notice and must never be used to enhance the termination payment, as there is no statutory power to do this.

### **15. SUPPORT FOR EMPLOYEES**

Gosport Borough Council understands that any process of change is a concern, especially to those personally affected. Human Resources can help signpost employees to other suitable services and providers; for example;

- CV preparation, guidance on interview skills, general advice and redeployment support.
- Union support.
- Access to the Employee Assistance Programme.
- Access to training.
- Time off with agreement to attend relevant training and interviews.
- Access to a computer and the internet.

**APPENDIX 1****SELECTION****1. CONSULTATION**

- 1.1. The criteria/selection process used will be determined by the nature of the reorganisation or redundancy situation and will be available for the consultation period. Failure to agree will not preclude Gosport Borough Council from applying a criteria/selection process which it considers fair and appropriate in the circumstances.

**2. PROCESS**

- 2.1. The process will be fair and transparent and appropriate for the type of role and number of staff which could include;

- Job matching
- Ring fence / Recruitment process (i.e. interview/assessment)
- Redundancy selection matrix

- 2.2. Where individual and specific posts are identified as redundant there will be no need for a selection process; the postholder(s) will be deemed to be redundant.

**3. ADVICE**

Advice for managers regarding job matching, ring fencing and selection matrix is available from Human Resources. All decisions will be proportionate, lawful, accountable and necessary.

**4. JOB MATCHING**

Job matches will be determined by the manager with Human Resources advice. This will occur before any recruitment activity.

As new structures are drawn up for organisational change, the posts should be compared to existing posts to determine if there are any 'job matches'. Job matching focuses on the purpose of the role, taking into account broad criteria - skills, experience, knowledge and level of responsibility.

**5. RING FENCE**

- 5.1. Ring fencing only applies when using recruitment as the selection tool.
- 5.2. A ring fence will include those employees who are vulnerable to redundancy in a particular reorganisation if their existing posts are deleted.

- 5.3. The ring fence will be determined by the manager with Human Resources advice.

## **6. REDUNDANCY SELECTION MATRIX**

- 6.1. The following criteria may be used as a basis for consultation with the trade unions; skills and competencies, experience, relevant qualifications, attendance records (non-discriminatory) (exclude disability related absence), disciplinary records, length of service (up to five years).
- 6.2. Selection for redundancy would be by extracting data from records held and any other information volunteered by the employee on a skills and experience summary sheet (completed in consultation with Human Resources support if necessary). The information gathered will be used to assess a score for the individual against each selection criterion.

## **7. REVIEW OF DECISION**

- 7.1. In relation to job matching and ring fence recruitment, each decision should be reviewed by a different manager (or the Section Head).

The outcome of a job match review is required prior to the commencement of the ring fence recruitment process.

- 7.2. It should be noted that any employee who is dismissed as a result of the reorganisation will have a right of appeal against dismissal using the Appeal Policy.

## APPENDIX 2

### STATUTORY INFORMATION TO BE DISCLOSED TO THE TRADE UNIONS IN RELATION TO REDUNDANCY

Section 188(4) of the Trade Union and Labour Relations (Consolidation) Act 1992 provides that the information for the purposes of consultation must be in writing and state:

- the reasons for the proposed redundancies;
- the numbers and descriptions of employees whom it is proposed to dismiss as redundant;
- the total number of employees of that description employed;
- the proposed method of selecting the employees who may be dismissed;
- the proposed method of carrying out the dismissals, having due regard to any agreed procedure, and the proposed timing of them; and
- the proposed method of calculating the amount of any contractual redundancy payments to be made to employees who may be dismissed;
- number of agency workers working temporarily for, and under the supervision and direction of, the employer;
- parts of the employer's business in which the agency workers work; and
- type of work that the agency workers carry out.

**Contents:**

Policy Statement

Framework

Pay protection

More than one redeployment in any 3 year period

Procedural guidelines

Pension

<b>ID</b>	
<b>Last Review Date</b>	Draft 31 May 2018
<b>Next Review Date</b>	September 2020
<b>Approval</b>	P & O Board
<b>Policy Owner</b>	HR
<b>Policy Author</b>	Anna Buxcey
<b>Advice &amp; Guidance</b>	Please contact Human Resources
<b>Location</b>	Infonet
<b>Related Documents</b>	
<b>Scope</b>	This policy applies to all employees in Gosport Borough Council

## **1. POLICY STATEMENT**

Where an employee is redeployed to alternative employment in accordance with the policy conditions the employee's basic salary as at the date of change will be frozen and protected for a period of 3 years.

The protected salary will not attract national pay awards nor increments that may have been available within the grade or additions to basic salary associated with the duties of the previous post.

After 3 years, the postholder will revert to the substantive grade of the new post.

This policy does not apply to alternative employment accessed due to disciplinary under the Formal Action Policy. No protection applies in this situation.

A change in hours will affect pay protection and the postholder should contact Human Resources for guidance.

## **2. FRAMEWORK**

### **2.1. Pay protection**

When as a result of a reorganisation within the authority a post is re-evaluated and downgraded or a postholder is redeployed to a post attracting a lower grade, the authority will provide basic salary protection for 3 years.

Where there is no alternative but for the employee to take a lower graded post in consequence of a medically confirmed long term disability or incapability due to ill health, the employee's salary will be similarly protected.

### **2.2. More than one redeployment in any 3-year period**

Where an employee is already subject to basic salary protection and a further reorganisation results in a second redeployment to a lower graded post deemed as suitable alternative employment, then the original 3 years pay protection will run its course following which the balance of the second 3 years of pay protection will apply.

### **2.3. Procedural guidelines**

Full consultation with staff and their trade union representatives must have taken place prior to a salary protection policy being applied.

The postholder must be served with appropriate notice under their current contract and be offered the alternative employment under the revised conditions. The postholder must be given up to a period of 4 weeks to become familiar with the requirements of the new post.

Should the postholder successfully apply for another post within the organisation then the terms and conditions of that post will apply and the salary protection will be withdrawn.

In the event of the need to redeploy a postholder to another service and having to apply the salary protection policy, the original service will be responsible for the salary protection of pay for the 3 year period.

In the event that the agreed arrangements for redeployment are not successful and the statutory 4 week period has expired the normal procedures will be applied.

A request for a change in hours will affect pay protection and the postholder should contact Human Resources for guidance.

## **2.4. Pension**

When an employee has salary protection, the higher protected salary is pensionable for the 3 year period.

The postholder must be advised to take advice about the effect on their pension of the salary protection arrangement, particularly in respect of the availability of a "Certificate of Protection of pension benefits" or the application of deferred benefits.

Due to the changes from 1 April 2014, pension benefits are now calculated on the employee's actual pay, however if an employee has pre April 2014 service, these benefits will be calculated on the full time equivalent pay. Further information can be found here:

<http://www3.hants.gov.uk/pensions/lgps/current-member-homepage/2014-scheme-overview.htm>

Pension benefits in respect of service prior to 1 April 2014 are usually based on the final 12 months of employment. If an employee has had a reduction in pensionable pay, an employee can instead ask their employer to use the better of:

- Either of the previous two years' pay.
- The best average of any 3 consecutive years (ending 31<sup>st</sup> March) within the last 10 years of the employment.

The employee will need to ask the Pensions Team at Portsmouth City Council for the option of using a previous year's pay when they leave or retire. The protections are only effective if the employee leaves their employment within 10 years of the drop in pay.

An employee can find further information on the Hampshire Pensions website on the following link or by contacting the PCC Pension Section.

<http://www3.hants.gov.uk/pensions/lgps/current-member-homepage/2014-changes-to-my-circumstances/2014-changes-to-my-job.htm>



**Contents:**

Introduction  
Scope  
Aim  
Suggestion process  
Review process and reward

<b>ID</b>	
<b>Last Review Date</b>	Draft 31 May 2018
<b>Next Review Date</b>	September 2020
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<b>Policy Owner</b>	HR
<b>Policy Author</b>	Anna Buxcey
<b>Advice &amp; Guidance</b>	Please contact Human Resources
<b>Location</b>	Infonet
<b>Related Documents</b>	Appendix 1 - Employee suggestion scheme form
<b>Scope</b>	The scheme is open to all employees of Gosport Borough Council

## **1. INTRODUCTION**

The employee suggestion scheme is designed to encourage employees to put forward their ideas.

## **2. SCOPE**

The scheme is open to all employees of Gosport Borough Council (GBC).

## **3. AIM**

- 3.1. The scheme provides a structure for recognising and rewarding employees for their suggestions.

Suggestions should be financially viable and be centred on the need to create efficiencies and improve service to customers. The scheme aims to:

- Improve staff morale through ownership and engagement.
- Encourage innovation.
- Improve performance, efficiency, and customer service.
- Reduce costs.

- 3.2. The Council encourages ideas that are original and carefully considered. Suggestions do not have to result in cashable savings, but must show efficiencies or greater effectiveness.

- 3.3. Suggestions can cover the full range of council activities. An award will not be made for suggestions within the scope of the employee's normal duties or relating to work that is already being undertaken within the Council.

- 3.4. If a suggestion falls under any other GBC policy such as whistleblowing or complaints, it will be treated as such.

## **4. SUGGESTION PROCESS**

- 4.1. Suggestions can be submitted by completing the Employee Suggestion Scheme form (Appendix 1) and sending to Human Resources.

- 4.2. Suggestions should be no more than 300 words in length. If more information is required, it will be requested at a later date.

- 4.3. Suggestions may be submitted individually or jointly as a group.

- 4.4. Suggestions may be made anonymously, but the employee will not be considered for an award in these circumstances.

- 4.5. Suggestions made previously or via other means may be resubmitted, however, reasons why they weren't taken up previously should be carefully considered beforehand.
- 4.6. By submitting an idea, the employee accepts that it may be implemented.

## **5. REVIEW PROCESS AND REWARD**

- 5.1. Human Resources will receive all forms, log and acknowledge all suggestions, and forward for consideration by the Organisation sub group. Human Resources will inform the employee of the outcome.
- 5.2. An employee with a winning suggestion will be awarded a £25 shopping voucher.
- 5.3. The chosen winning suggestion is final.
- 5.4. If a winning suggestion is from a group submission, the £25 shopping voucher will be split amongst the group members, individuals will not be awarded a £25 voucher each.
- 5.5. The £25 award is exempt from tax and national insurance contributions.
- 5.6. The Council is under no obligation to implement/fully implement any winning suggestion.
- 5.7. In the case of the submission of identical suggestions, the first submission received will be deemed eligible for award consideration.
- 5.8. Suggestions may be subject to disclosure under the Freedom of Information Act, however, any personal data would be removed before release.

**EMPLOYEE  
SUGGESTION SCHEME  
FORM**

Please read the full scheme details before completing this form and returning to Human Resources.

If a suggestion is jointly submitted, please provide details of the other person(s) involved.

<b>Name</b>		<b>Post title</b>	
<b>Service</b>		<b>Payroll number</b>	
<b>Email</b>			

**SUGGESTION**

**Brief title:**

**Description:**

*The description should be no more than 300 words in length (If more information is required, it will be requested at a later date)*

(Please continue on another page if necessary)

Signed.....

Date.....

Please complete and return this form to Human Resources

## Contents:

Introduction  
 Scope  
 Policy Statement  
 Types of Flexible Working Available  
 Time limited requests  
 Procedure - Statutory Right to Request Flexible Working  
  
 Appendix 1 - Application Form  
 Appendix 2 - Flowchart

<b>ID</b>	
<b>Last Review Date</b>	Draft 29 June 2018
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<b>Policy Owner</b>	HR
<b>Policy Author</b>	Anna Buxcey
<b>Advice &amp; Guidance</b>	Please contact Human Resources
<b>Location</b>	Infonet
<b>Related Documents</b>	Appendix 1 and 2
<b>Scope</b>	This policy applies to all employees in Gosport Borough Council. The statutory right to request flexible working applies to employees with at least 26 weeks continuous service with Gosport Borough Council at the date of making an application.

## **1. INTRODUCTION**

The flexible working policy in Gosport Borough Council helps to respond to the needs of employees in balancing their commitment to work with their life outside of work. The policy helps develop and maintain a committed, loyal and healthier workforce and to further facilitate the achievement of equality.

## **2. SCOPE**

This policy applies to all employees in Gosport Borough Council.

In accordance with the Flexible Working Regulations, the statutory right to request flexible working applies to all employees with at least 26 weeks continuous service with Gosport Borough Council at the date of making an application.

## **3. POLICY STATEMENT**

- 3.1. Flexible working provisions are available to employees subject to the needs of the Service and job.

The procedure to be followed for requests made by employees under the statutory right to request flexible working is shown at paragraph 6.

- 3.2. The council may also review workforce requirements as a result of organisational development, on a team, Service or council wide scale without any individual requests being made by employees.

- 3.3. In exceptional circumstances, where an employee does not meet the statutory eligibility criteria (i.e. an employee with less than 26 weeks continuous service with the organisation at the date of making the application or previous application during the last 12 months), an employee can make an informal request to their line manager, however, the organisation reserves the right not to be bound by the same statutory process and timescales as those under the statutory right.

## **4. TYPES OF FLEXIBLE WORKING AVAILABLE**

There are a variety of types of flexible working that may be requested by an employee, subject to the needs of the Service and job. For example, part time working, job sharing, change of hours, home working and flexi-time. What is operationally feasible for one Service or job may not be for another.

## **5. TIME LIMITED REQUESTS**

- 5.1. If a time limited change under the statutory right to request is agreed, the employee must remember that once reverting to the original contract they would have no statutory right to make an alternative request within 12

months of the original request, nor the statutory right to request for it to become permanent within 12 months of the original request. Any subsequent requests would be subject to the same qualifying criteria.

- 5.2. It is advised that any short term temporary change, for example, for the short term care of a relative who has a terminal illness or a fluctuating chronic illness or due to the needs of a child, be arranged through an informal agreement with the line manager outside of the statutory right, rather than through the formal process. It may be possible to reach an agreement for an employee to work flexibly for a limited period. Any informal agreement should still be agreed in writing and any information should be recorded.
- 5.3. Where the reason for requesting flexible working relates directly to the deployment of a spouse or civil partner serving in either the Regular or Reserve Armed Forces, line managers are encouraged to work with staff to accommodate their needs informally in the first instance, in the acknowledgement that these needs may be short term or subject to change during the period of deployment. These staff should also be directed to other support available to the Armed Forces community on the council's website.

## **6. PROCEDURE - STATUTORY RIGHT TO REQUEST FLEXIBLE WORKING**

### **6.1. Application Criteria**

- 6.1.1. Under provisions set out in the Employment Rights Act 1996 and regulations made under it, all employee's with at least 26 weeks continuous service with Gosport Borough Council at the date of making an application have the statutory right to request to work flexibly.
- 6.1.2. Once a line manager has received a written request, it must be considered.
- 6.1.3. The employee must not have made an application under this statutory right during the last 12 months. The 12 month period starts from the date that an application was made.
- 6.1.4. Under the statutory right to request, the law requires that all requests, including any appeal, **must** be considered and decided on, within a period of three months from first receipt, unless the line manager makes an agreement with the employee to extend this period.
- 6.1.5. An accepted application will mean a permanent change to the employee's terms and conditions. There is no right to revert back to the original arrangement, unless otherwise agreed by the line manager.

### **6.2. Making a Request**

- 6.2.1. The employee must complete the application form at Appendix 1 and give it to the line manager.

- 6.2.2. Employees have a responsibility to think carefully about their desired working pattern/condition when considering making a request for flexible working.
- 6.2.3. The application should be made well in advance of when the employee would like the desired working pattern/condition to take effect. The employee should also allow enough time to put the arrangements in place for flexible working if the change is granted.
- 6.2.4. Please note, if an employee is making this request in relation to the Equality Act 2010 (for example, in respect of a reasonable adjustment for a disability), they should indicate this on the application form and inform their line manager.

### **6.3. Considering a Request to Work Flexibly**

- 6.3.1. The line manager should consider the request objectively and carefully, looking at the benefits of the requested change for the employee and the Service and weighing these against any adverse impacts of implementing the change.
- 6.3.2. The ACAS guidance states that requests should be considered in the order they are received and when an employer receives more than one request, they are not required by the law to make value judgements about the most deserving request. An employer should consider each case on its merits looking at the business case and the possible impact of refusing a request.
- 6.3.3. In considering the request, the line manager must not discriminate unlawfully against the employee. Consideration must be given where a request for flexible working may relate to the Equality Act 2010, for example, in respect of a reasonable adjustment for a disability. Advice is available from Human Resources.
- 6.3.4. If the line manager is going to reject the request, it must be for one of the business reasons as set out in the legislation (these are listed in 5.5 below). The statutory code of practice requires employers to do this.

The line manager must discuss the request with Human Resources if they are considering refusing a request for flexible working.

### **6.4. Discuss the request**

The line manager should meet with the employee to discuss the request as soon as possible after receiving the written request.

If the line manager intends to approve the request they do not need to hold a meeting.

The employee may be accompanied at the meeting by a representative from their trade union or a work colleague and the employee should be informed about this prior to the discussion.



## 6.5. Reaching a decision

Once a decision is made, the line manager must inform the employee in writing as soon as possible and must communicate the outcome to Human Resources as stated below.

### Approving a request

If the line manager accepts the employee's request, or accepts it with modifications, they should discuss with the employee how and when the changes might best be implemented.

The letter notifying the employee of the outcome must detail the new working pattern/condition and state the date on which it will start.

The line manager must also ensure that payroll details and contracts are changed as necessary by informing Human Resources.

The line manager should forward a pdf copy of the completed application form and approval letter to Human Resources.

### Rejecting a request

If the line manager rejects the request, the letter notifying the employee of the outcome **must** state which of the listed business reasons below apply and why, and state the appeal process.

Business reasons for rejecting a request as set out in the legislation:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to your business

The line manager should forward a pdf copy of the completed application form and rejection letter to Human Resources.

## 6.6. Trial Periods

If a line manager or employee is uncertain about the impact the requested change of working arrangements will have, it is possible to agree a trial period of the working arrangement, before a final decision is made. The letter will need to specify the change to the employee's terms and conditions during the trial period and the date the employee will revert back to the original terms and conditions if the final decision is to reject the request.

**6.7. Appeal**

An employee may submit an appeal in writing within 10 working days of the date of receipt of the outcome letter, using the Appeal Policy.

**6.8. Failure to attend**

If an employee fails to attend 2 meetings to discuss an application, the line manager can consider the request as withdrawn. The line manager must inform the employee of the decision to consider it as withdrawn.

**APPLICATION FORM - STATUTORY RIGHT TO REQUEST FLEXIBLE WORKING**

**CONFIDENTIAL**

Name:	Payroll Number:
Service:	Job title:

**Please read in conjunction with the flexible working policy and flowchart**

**I would like to make a request to work flexibly under the statutory right in the Employment Rights Act 1996. I confirm that I meet the eligibility criteria by ticking the boxes below:**

- I confirm that I have worked continuously as an employee of Gosport Borough Council for the last 26 weeks. [ ]
- I confirm that I have not made a request to work flexibly under the statutory right during the past 12 months. [ ]
- The date of previous request/s to work flexibly under this right is .....

**My current working pattern/condition is (e.g. days/hours/times worked):**

**The working pattern/condition I would like to undertake in the future is (e.g. days/hours/times worked):**

**Any other information regarding the request:**

**I would like this working pattern/condition to commence from:**

Date:

**Impact of the request** - I think this request will impact on GBC and my colleagues in the following way:

**APPLICATION FORM - STATUTORY RIGHT TO REQUEST FLEXIBLE WORKING**

**Accommodating the new working pattern/condition** - I think the impact on GBC and my colleagues can be dealt with in the following way:

Please note, if you are making this request in relation to the Equality Act 2010, for example, in respect of a reasonable adjustment for a disability, please tick this box and inform your line manager. [ ]

**Employee – Please complete, sign below and forward to your line manager**

Employee signature		Date	
--------------------	--	------	--

**Line manager approval or rejection:**

*Please note: The law requires that all requests, including any appeal, must be considered and decided on within a period of three months from first receipt, unless the employer and employee agree to extend this period.*

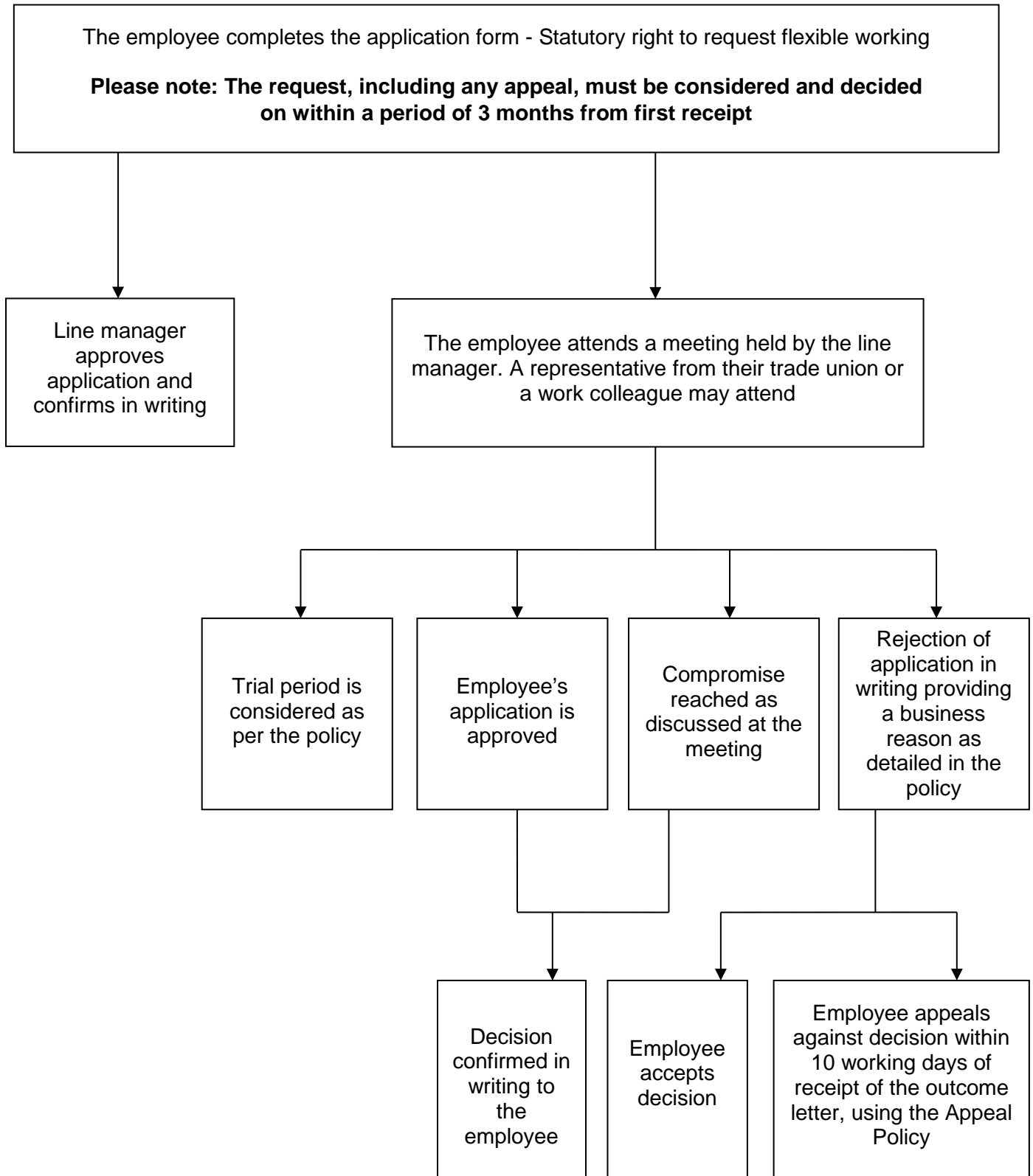
<b>The request is approved</b>			
Line manager signature		Date	

**OR**

<b>The request has been rejected</b>			
Line manager signature		Date	

The line manager should forward a pdf copy of the completed application form and approval/rejection letter to Human Resources

## STATUTORY RIGHT TO REQUEST FLEXIBLE WORKING FLOWCHART



# FLEXIBLE WORKING HOURS SCHEME AND TIME OFF IN LIEU (TOIL)



## Contents:

Introduction

Scope

Framework

- Flexible working hours scheme
- Time off in lieu
- Overtime and TOIL

<b>ID</b>	
<b>Last Review Date</b>	Draft 31 May 2018
<b>Next Review Date</b>	September 2020
<b>Approval</b>	P & O Board
<b>Policy Owner</b>	HR
<b>Policy Author</b>	Anna Buxcey
<b>Advice &amp; Guidance</b>	Please contact Human Resources
<b>Location</b>	Infonet
<b>Related Documents</b>	
<b>Scope</b>	The scheme applies to all staff located at the Town Hall with the exception of those who are required to work set hours in view of organisational requirements and the nature of their posts.

## **1. INTRODUCTION**

- 1.1. Flexible working hours were introduced as a staff benefit, but it must be clearly understood that work requirements will always take priority over any individual flexibility.
- 1.2. Service to the public is considered of the utmost priority. Staff will need to liaise with each other and confirm work arrangements with their line manager to ensure adequate cover in offices.
- 1.3. The official office opening times to the public are 9 am to 5 pm from Monday to Friday. During these hours it is essential that no service to which the public might require access be left uncovered, without approval from the manager.
- 1.4. Where staff commence work before 9 a.m. and finish after 5 p.m., a full service must be provided, for example by using/answering the telephone, e-mail communication.

## **2. SCOPE**

The scheme applies to all staff located at the Town Hall with the exception of those who are required to work set hours in view of organisational requirements and the nature of their posts.

## **3. FRAMEWORK**

### **3.1. Flexible working hours scheme**

- 3.1.1. Flexible working hours is a scheme whereby employees can vary their working hours on a daily basis within the limitations set out below (for those on a standard full-time working pattern) or as otherwise agreed for staff working different hours. In simple terms, individuals can choose to arrange with their supervisors/line managers:

- the time they commence work,
- the length of lunch hour,
- the time they finish.

In general, hours worked for full-time staff should average out at 37 per week, or 7 hours 24 minutes per day. This reflects the contractual hours of work, on which pay is based.

### **3.1.2. Limitations**

There are certain limitations on choice, however:-

CORE TIME	All members of staff must be at work during core time hours (for most full- time staff, this is between 10 am and 12 noon, and 2 pm and 4 pm; core time will vary for those working different hours)
BAND-WIDTH	Staff cannot gain credit for work which starts before or finishes after band width hours (for most full-timers, 8 am and 6 pm) unless engaged on pre- approved duties. (They can, with approval, start and finish outside these hours, but this will not count against the normal working week and credit will not be gained on the system.)
LUNCH-TIME	Staff must clock out during this period and will be able to take a <u>minimum</u> of half-hour and <u>maximum</u> of two hours' lunch break at any time between 12 noon and 2 pm (or as otherwise provided for those working different hours).

Staff who fail to clock out at all during the lunch period will automatically have two hours deducted.

### 3.1.3. Office opening hours - minimum staffing levels

Normal office hours of opening to the public are 9 am to 5 pm. Core-time is shorter than normal office opening hours. This means, for example, that theoretically all staff could choose to commence work at 9.30 am, and that between 9 am and 9.30 am the offices would not be covered. For this reason, line managers reserve the right to determine times of attendance to maintain an adequate service to cover requirements of the public during such times.

### 3.1.4. Flexi-leave

Staff will be allowed to accumulate credit of up to 16 hours (pro rata for part-time workers) which can be carried over to the following accounting period if desired. All credit in excess of the 16 hours will be lost, and must not be added back to the system or to the TOIL record. Flexi-leave can only be taken where sufficient credit has already been accumulated because of the need to work extra hours – it is not an additional leave entitlement, but a means of taking time off to compensate for the requirement to work over and above normal contractual hours. The timing of flexi-leave must be suitable for business needs, and is subject to the usual process for approval of leave. Up to four half days or two separate full days' flexi-leave may be taken in any one accounting period subject to the provisions above; this entitlement is pro rata for part-time staff.

### 3.1.5. Special circumstances

Where exceptional circumstances apply (e.g. unavoidable home/family problem/ commitment), additional flexibility may be permitted, subject to the approval of the line manager (*Please also refer to the Special Leave Policy for further advice*).



### 3.1.6. Debit

The maximum debit allowed for a full-time member of staff is 2 hours (pro rata for a part-time staff member) at any time unless there are legitimate reasons, e.g. pre-booked leave or credit from previous period not yet added. Flexi-leave is not permitted where the taking of such leave would result in a debit on the system.

### 3.1.7. Method of recording and accounting

To avoid excessive clerical work, a system of electronic time accumulation is used. The system operates as follows:

#### Recording

1. Each officer is provided with an individual card.
2. He/she will present the card at one of the terminals at the beginning of the day, at the end of the morning period (for most patterns, after 12 noon), at the end of the lunch period (for most patterns, before 2 pm) and at the end of the day.
3. Staff must key out when they leave the premises for any reason which is not business-related (including medical appointments, smoking breaks etc.) and key in again when they return. Staff must obtain permission from the line manager for any absence for personal reasons.
4. The machine accumulates time for the individual and this information can be viewed at the terminal when clocking, or accessed from each individual's computer.

#### Accounting

The following are simple accounting rules:-

1. Accounting period - this will be four weeks which will not necessarily coincide with the calendar month.
2. One day represents 7 hours 24 minutes for those on the standard full-time pattern.
3. A half-day represents 3 hours 42 minutes for those on the standard full-time pattern.
4. Adjustments – where there is a need to credit or debit hours (e.g. holiday or sickness absence, clocking error) an adjustment sheet should be used and authorised by the line manager.

### **3.1.8. Sickness**

Sickness will be credited at the daily rate of 7 hours 24 minutes (or the normal daily target hours) or, if occurring part-way through the day, credited as the difference between hours actually attended and the standard daily rate. All non-urgent medical treatment should, if possible, be arranged outside working time, or during the lunch-break, for which a maximum allowance of one hour will be credited. Any time in excess of one hour must be justified. Visits to the hospital as an out-patient will be credited in full, subject to the normal daily target hours.

### **3.1.9. Abuse of system**

The scheme was introduced primarily for the benefit of the staff, and can only operate with the good will and co-operation of the staff. Anyone found abusing the system will be subject to disciplinary action under the Formal Action policy if appropriate.

Keying in or out for another employee, or fraudulently claiming time on an adjustment sheet, will be considered serious misconduct.

## **3.2. Time off in lieu (TOIL)**

TOIL is a facility which can be used where work is required outside normal working time (e.g. to carry out a specific task required by a deadline, or to represent the Council at an outside event/meeting), which has not been compensated for in any other way, e.g. by committee attendance allowance or overtime payment. Additional hours must be agreed in advance by the line manager who will determine whether these may be added to the TOIL record or recompensed in any other way. TOIL reflects the hours worked and is not enhanced.

A record of additional time worked, which has been approved for TOIL purposes, should be maintained and checked regularly by the line manager. Any request for TOIL must be made using the leave card, and is subject to the same approval process, with the need to ensure that there is adequate cover in each service. TOIL, as is the case with all other leave, may only be taken in half or full days, but can in exceptional circumstances be used in conjunction with flexi leave (for example, where accrual of extra time is small and it would not otherwise be possible to take the time at all). Any such action would need the line managers approval, and would need to be authorised as both TOIL and flexi leave for recording purposes.

Carry over of lieu time will be permitted from one leave year to the next, but each period of TOIL must be taken within 12 months of it being accrued. Where this is not done, the TOIL will be lost.

Any TOIL outstanding at the date of leaving should be taken or will be lost. Payment will not be made for outstanding TOIL.

TOIL should not be used for hours which have been accrued on the flexi clock - the flexi time system exists for that purpose. Hours lost at the end of

that period may only be retrieved in exceptional circumstances, with the line manager's agreement and approval from the relevant Section Head.

Enhanced TOIL is awarded only in the most exceptional circumstances, with the prior approval of the relevant Section Head.

Where staff volunteer for duties outside their usual job (e.g. civic events), a lump sum payment will apply. This will be applied fairly and consistently, taking into account the nature of the duties, the amount of time involved, the day of the week and time of day. Staff volunteering will be advised of the payment in advance of undertaking the voluntary duty. Human Resources will advise on the correct payment for each event, no other amount should be paid. TOIL will not be applicable in these circumstances.

### **3.3. Overtime and TOIL**

Overtime and/or TOIL will be paid/applied in accordance with the rules and with normal prior approval. In **exceptional** circumstances where overtime or TOIL is permitted within band-width (outside normal office hours), the individual must key out.

Where the individual is in debit, no overtime will be allowed. In any event, excess debit above two hours will be deducted before overtime is paid.

### **3.4. Termination**

During the last month (or part month) of service with Gosport Borough Council, an employee may continue to work flexible hours on the clear understanding that they work their contractual hours only for that month and leave with a zero balance. The employee must agree with their line manager any adjustments to their working hours to achieve this.

Contents provided on page 2

<b>ID</b>	
<b>Last Review Date</b>	Draft 31 May 2018
<b>Next Review Date</b>	September 2020
<b>Approval</b>	P & O Board
<b>Policy Owner</b>	HR
<b>Policy Author</b>	Anna Buxcey
<b>Advice &amp; Guidance</b>	Please contact Human Resources
<b>Location</b>	Infonet
<b>Related Documents</b>	Appendix 1 - Special Leave Application Form
<b>Scope</b>	This policy applies to all employees in Gosport Borough Council.

## **Contents:**

Introduction

Scope

Policy Statement

Framework

- Compassionate leave
- Emergency leave
- Unpaid leave
- LGPS Pension Implications - Unpaid leave
- Time off for job interviews
- Leave for jury service
- Time off for public duties
- Leave for religious holidays
- Time off for service in the reserve forces
- Parental leave
- Adverse weather and disruption to transport

## **1. INTRODUCTION**

The policy provides details of special leave available. An employee should make the request to their manager and complete the Special Leave application form (Appendix 1).

## **2. SCOPE**

This policy applies to all employees in Gosport Borough Council.

## **3. POLICY STATEMENT**

The policy provides a framework that enables eligible employees to request time off for special leave.

The leave amounts described in the framework must be applied on a pro-rata basis for part-time employees.

## **4. FRAMEWORK**

### **4.1. Compassionate leave**

4.1.1. Compassionate leave is granted at the discretion of the manager.

4.1.2. Where an employee has suffered a bereavement of an immediate family member, the manager may authorise up to one week paid leave and up to two days for a more distant relative. Any special circumstances should be considered on its merits for extending the period of compassionate leave beyond one week. The amount of leave granted will depend on the degree of personal involvement of the bereaved, e.g. making funeral arrangements, caring for members of the family, whereas the duty solely to attend a funeral service would attract sufficient leave for that purpose only.

4.1.3. The amount of compassionate leave granted for other reasons, such as serious ill health of an immediate family member, should be considered in the light of all the circumstances of the particular case. It is suggested that a maximum of one week paid leave would normally apply, but with discretion to extend this in exceptional cases.

4.1.4. Any further leave should be taken as annual leave, TOIL, flexitime or unpaid leave, to be agreed between the manager and the employee.

### **4.2. Emergency leave**

4.2.1. Emergency leave allows employees unpaid time off to deal with personal crises which fall outside the scope of sickness and other leave schemes. Such crises may include serious illness of a partner or dependant, an urgent childcare problem, or home emergencies such as fire or burglary. A dependant includes an employee's husband, wife, partner, child or parent

and any person (such as an elderly grandparent, aunt or uncle) who lives in the same household as the employee and who is dependant on the employee for care or assistance when taken ill, injured or assaulted. It also includes a person who reasonably relies on an employee either for assistance if s/he is taken ill (or is injured or assaulted) or to make arrangements for the provision of care in the event of illness or injury. An elderly neighbour living alone could be classed as a dependant if the employee is the only person who can help them in an emergency - each case will need to be judged on its merits. A dependant does not include a lodger, tenant or boarder or any person employed by the employee and living in the same household (i.e. a nanny).

- 4.2.2. In deciding how much time off to authorise, managers should assess each individual case on its merits. What is reasonable in each case will vary greatly, dependent on many factors, including the exact circumstances of the emergency and the availability of other people (e.g. partners/relatives) to provide assistance.
- 4.2.3. For pension implications and action to take, please see section 4.4 (LGPS pension implications - Unpaid Leave).

#### **4.3. Unpaid leave**

- 4.3.1. Where other leave provisions do not apply but an employee wishes to take time off work outside of annual leave entitlement, flexitime or TOIL, unpaid leave of up to and including 4 weeks may be authorised by their line manager where this would not be detrimental to the needs of the service. This may be added to annual leave where for example an extended visit is planned.
- 4.3.2. A period in excess of 4 weeks may be authorised in exceptional circumstances. In order to authorise it, the line manager needs to secure written permission from the Assistant Director of HR and Head of Finance. This is to ensure that the pension implications have been fully considered and that the employee and the manager understand the implications.
- 4.3.3. During unpaid leave, pension and NI contributions will be affected.

#### **4.4. LGPS Pension Implications - unpaid leave**

- 4.4.1. The LGPS pension implications relate to any length period of authorised unpaid leave. With effect from April 2014, authorised unpaid leave is not pensionable unless an employee elects to cover the period as pensionable. If an employee elects to cover a period of authorised unpaid leave as pensionable they must complete the election process within 30 days of returning to contractual pay after the period of authorised unpaid leave. The 30 day time limit is for the whole process, therefore the employee must contact the Pension Section at PCC immediately in order to adhere to the time limit set. The pension contributions will then be paid under a shared cost arrangement where the regulations require the employer to pay 2/3rds of the cost and the employee pays 1/3rd (A Shared Cost Additional Pension Contribution (SCAPC)). Elections that are made after the 30 day deadline

will be at full cost to the employee. Buying lost pension is important if an employee has pre 2014 membership and they wish to protect their benefits in a number of different circumstances (including if they are a member to whom the underpin or Rule of 85 apply). Full information is available on the Hampshire Pension website <http://www3.hants.gov.uk/pensions/lgps.htm>

The maximum period of absence an employee can elect to buy back by a SCAPC is a period of 3 years.

#### **4.5. Time off for Job interviews**

Reasonable paid time off will be granted to employees who are selected for redundancy to seek alternative employment.

#### **4.6. Leave for jury service**

- 4.6.1. An employee receiving a summons for jury service must report the fact to their manager who will grant leave of absence unless exemption is obtained. The manager will need to inform the employee at this stage if they permit the employee to attend a long trial if needed (i.e. more than 10 days). If a trial is likely to last longer than 10 days, the employee will be asked, at court, if it is difficult for them to stay.
- 4.6.2. The manager should notify Pay and Administration when leave for Jury Service has been granted and the likely starting date.
- 4.6.3. The employee will receive an allowance for loss of earnings from the Court, in accordance with the Juror's Allowances Regulations currently in force. The allowance paid is deducted from pay.
- 4.6.4. With the summons, the employee will receive a claim form for loss of earnings (known as the Certificate of Loss of Earnings or Benefit (Jury Service) form) which should be submitted to Pay and Administration for completion and certification. This will be returned to the employee so that a claim can be made.
- 4.6.5. Pay and Administration will also provide the employee with an 'Attendance at Court as a Juror' form which the Clerk of the Court should be asked to complete on the last day of Jury Service. This form will specify the period of Jury Service and the rate or amount of allowance paid. The completed 'Attendance at Court as a Juror' form should be returned immediately to Pay and Administration and will be used as the basis for the deduction of the allowance from pay.

#### **4.7. Time off for public duties**

- 4.7.1. The Employment Rights Act 1996 states that employees who hold certain public positions have a right to reasonable unpaid time off during working hours.
- 4.7.2. In Gosport Borough Council, subject to the following conditions, managers have discretion to grant reasonable paid leave in addition to normal annual



leave entitlement, where an employee holding office in their professional organisation is required to attend certain meetings in an official capacity, including the following roles:

- a Justice of the Peace
- a member of a local authority
- a member of a statutory tribunal
- a member of a relevant health body
- a governor of an educational establishment
- a member of an independent monitoring board for a prison, a prison visiting committee or a board of visitors for , remand centres and young offenders institutions
- a member of the Environment Agency
- a member of a housing association board
- a member of a youth offending panel
- a member of the Gosport and Fareham Inshore Rescue Service (GAFIRS)\*

\* Reasonable time off will be permitted for GAFIRS duties, however, it is subject to the needs of the business and the amount of time requested for duties will be kept under review.

4.7.3. Managers are encouraged to allow time off for such duties wherever operationally practical and reasonable, and likewise employees are expected to ensure the time off does not have a detrimental affect on the performance of their job wherever this can be avoided. Wherever possible, applications must be submitted in writing to the manager as soon as possible and not later than five working days prior to the commencement of such leave. The application must give full details of, and reasons for, the request.

#### **4.8. Leave for religious holidays**

Leave for religious holidays not celebrated by a bank holiday will not be unreasonably refused and should be taken out of the annual leave entitlement, flexitime or TOIL, as appropriate.

#### **4.9. Time off for service in the reserve forces**

4.9.1. The Volunteer Reserve Forces covers the Territorial Army, the Royal Navy Reserve, the Royal Marine Reserve and the Royal Auxiliary Force.

Reservists bind themselves to a legal call-out liability and to undertake training in their spare time.

4.9.2. Reservists must inform their manager and relevant Section Head that they are a reservist on appointment or when an existing member of staff becomes a reservist. Reservists will not be disadvantaged because of this.

4.9.3. Reservists should declare the activity in accordance with the Employees' Code of Conduct.

- 4.9.4. The MoD will also notify the employer and follow this up annually to ensure their records are correct.

**4.9.5. Main types of Reservists:**

- Standard Volunteer Reservists have an on-going training commitment and can be mobilised.
- Regular Reservists – ex regular servicemen who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.
- High Readiness Reservists (HRR) - Some reservists may come under the category of HRR who have specialist skills and are subject to short notice mobilisation (7 days' notice or less). The MoD state that in order to be an HRR, if the employee works for more than 2 days per week, the employer's written consent will be required in order for the Reservist to hold HRR status. This consent takes the form of an agreement that is renewed annually.

Employees require the consent of their Section Head to accept this liability for call out.

Further details are available by contacting Human Resources or <https://www.gov.uk/government/groups/defence-relationship-management>

**4.9.6. Mobilisation**

Reservists may be mobilised for up to one year in every three years.

Although reservists train over many years for active duty, they are only mobilised when absolutely necessary.

In most circumstances, the Ministry of Defence (MoD) uses 'Intelligent Selection', which is the process of identifying willing and available individuals for specific appointments. This may include consulting with the reservist's employer.

However, there may be circumstances in which the MoD cannot meet its requirement using intelligent selection. In such circumstances a reservist may be mobilised without taking account of personal, welfare or employment issues.

The notice period for mobilisation is usually 28 days but can be less. The MoD aims to provide 28 days' notice but there is no legal minimum notice period. For a High Readiness Reservist the notice period for mobilisation is 7 days' notice or less.

The MoD provides an information pack to each employer of a mobilised reservist. This will either be sent directly to the employer or given to the employer by the employee.

#### **4.9.7. Exemption, Deferral or Revocation**

In all cases of mobilisation, employers have the right to seek exemption, deferral or revocation if the reservist's absence is considered to cause serious harm to service delivery. Details of the procedure to follow are available in the employer pack that the employer is given when they are notified of the call out. The application must reach the Adjudication Officer within 7 days of the reservist being served with a call-out notice.

The reservist also has the right to apply for exemption or deferral.

Further information regarding exemption, deferral or revocation is available from Human Resources or on the website:

<https://www.gov.uk/government/groups/defence-relationship-management>

#### **4.9.8. Return to work**

Reservists must be offered their original job back, or a reasonable equivalent, on return from service. It is an offence to dismiss someone for having a call-out or recall.

#### **4.9.9. Recouping costs**

Where an individual's mobilisation results in additional costs to the Authority, the Reserve Forces (Call out and Recall) (Financial Assistance) Regulations 2005 provide for payments to be made to employers to cover additional costs up to certain limits.

Costs may cover agency fees or advertising costs, overtime costs and temporary replacement subject to specific rules and a training award if the reservist has to undertake additional training as a direct result of their mobilisation (excluding routine training).

Further details are available from Human Resources or on the website <https://www.gov.uk/government/groups/defence-relationship-management>

#### **4.9.10. Training commitments**

All reservists have a yearly training commitment. Employees who are reservists are eligible for two weeks additional leave with pay, in addition to their normal leave entitlement, in order to attend training. Proof of attendance may be required. Employees should notify their manager as soon as they are made aware of any time off needed.

#### **4.10. Parental leave**

- 4.10.1. All employees who have parental responsibility for a child under 18 years of age and who have at least one year of continuous service are entitled to take up to 18 weeks' unpaid leave before the child's 18th birthday.

- 4.10.2. The entitlement is per parent and for each child. The entitlement is pro rata for part time workers.
- 4.10.3. Parental leave may be taken in amounts from half a day up to a maximum of 4 weeks in a year per child.
- 4.10.4. The employee should give at least 21 days' notice except where the leave is to be taken immediately following the birth of a child or date of placement (i.e. immediately following ordinary paternity leave), in which case notice should be given at least 21 days' before the expected date of birth or date of placement.
- 4.10.5. Except where leave is to be taken immediately following the birth of a child or date of placement, if for genuine business reasons it cannot be authorised at the time requested, the manager may postpone the leave for up to 6 months from the requested start date of parental leave. Requests for leave will not be unreasonably postponed but, in the event that business would be unduly disrupted, the employee will be notified in writing of the postponement and the reason for it within 7 days of their request.
- 4.10.6. Contractual benefits such as annual leave continue to accrue during parental leave although the usual rules apply with regards to authorisation and carry over of leave.
- 4.10.7. During unpaid leave, pension and NI contributions will be affected. For pension implications and action to take, please see section 4.4 (LGPS pension implications - Unpaid Leave).

#### **4.11. Adverse weather and disruptions to transport**

- 4.11.1. Employees are required, in accordance with their contract of employment, to make themselves available for work. However, it is recognised that adverse weather conditions and disruptions to transport can be outside of their control. Gosport Borough Council does not expect employees to put themselves at unnecessary risk.
- 4.11.2. If an employee is unable to get to work due to adverse weather or disruptions to transport, they must notify their manager of this prior to their usual work start time. The employee will need to have considered all reasonable alternative options for getting to work.
- 4.11.3. Where an employee is unable to attend work for such reasons, there is no entitlement to pay. Unless alternative arrangements are agreed with their manager, the unworked time will be classed as unpaid leave.
- 4.11.4. Alternative arrangements to unpaid leave would need to be discussed and agreed by the employee with their manager, but could include taking annual leave, time off in lieu or flexi-leave, depending on the circumstances. If the employee does not have sufficient leave or flexitime, they must agree with their manager about how the time will be made up. It may be possible in exceptional circumstances and at the manager's discretion for agreement to

be reached on making the time up over a period of weeks (if this is feasible, given the employee's duties/responsibilities), or where there is no other alternative, for leave to be brought forward from the next leave year.

- 4.11.5. Where there is sufficient advance warning of significant weather or transport disruption, it may be possible to work from home, but this is only likely to apply in a limited number of cases due to the nature of many employees' positions. An employee must have the prior agreement of their manager to work from home and agree the work to be undertaken and time to be spent on it. The employee will be required, using the Special Leave application form, to confirm the actual hours worked and the specific work undertaken. The employee's plantime adjustment sheet must reflect the actual hours of work.
- 4.11.6. If an employee is able to get to work but will be late because of adverse weather or transport difficulties, they must explain the circumstances to their manager prior to their normal work start time so that this can be given full and fair consideration. The manager will take into account the seriousness of the conditions prevailing at the time, the time the employee would normally report for work, the availability of transport, any alternatives which may have been available, the amount of time involved and the length of time over which the situation continues.
- 4.11.7. If a school is closed due to adverse weather and an employee is unable to attend work because they are obliged to remain at home to take care of their children (or other dependants), the same principles apply as section 4.1 if the employee wishes to request paid leave. Alternatively, an employee is entitled to unpaid emergency leave to make appropriate arrangements for their children to be cared for and to take any necessary action in that regard. This is designed to be short term to put the appropriate care arrangements in place. See Section 4.2, 'Emergency Leave' for further details.
- 4.11.8. If an employee is prevented from working because of an office closure or disruption to their normal work location, they will receive normal pay for that day. This is regardless of whether the employee has attempted to attend their workplace or not. In the event that the employee works from an alternative place of work e.g. home or alternative office, the employee will be expected to undertake their duties or those reasonably requested by their manager.
- 4.11.9. If an employee is required to work outside and/or drive as part of their job and is prevented from doing so, e.g. due to adverse weather or traffic conditions, the manager will discuss this with the employee and the situation given careful consideration. A risk assessment will be undertaken in view of the conditions/circumstances and the employee should discuss any concerns with their manager at this stage.

**GOSPORT BOROUGH COUNCIL - SPECIAL LEAVE APPLICATION FORM**

EMPLOYEE NAME		PAYROLL NUMBER	
SERVICE		DATE OF APPLICATION	

LEAVE REQUEST	DATE(S)	HOURS
Compassionate leave		
Emergency leave		
Unpaid leave		
Time off for job interviews		
Time off for public duties		
Leave for religious holidays		
Leave for service with the reserve forces - Training		
Adverse weather and disruption to travel - Time off		
Parental Leave		
Other - please specify		

**APPROVAL BY LINE MANAGER**

NAME	SIGNATURE	DATE APPROVED

If no, please provide reason(s) for refusal of leave/time  
off.....  
.....

**APPROVAL BY SECTION HEAD, ASSISTANT DIRECTOR OF HR AND HEAD OF  
FINANCE (FOR PERIODS OF UNPAID LEAVE IN EXCESS OF 4 WEEKS)**

JOB TITLE	NAME	SIGNATURE	DATE APPROVED
Section Head			
Assistant Director of HR			
Head of Finance			

If no, please provide reason(s) for refusal of leave/time  
off.....

.....

**Contents:**

Introduction  
Scope  
Annual leave entitlement  
Extra statutory days and Christmas leave  
Carry over leave  
Sickness during annual leave

<b>ID</b>	
<b>Last Review Date</b>	Draft 31 May 2018
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<b>Policy Owner</b>	HR
<b>Policy Author</b>	Anna Buxcey
<b>Advice &amp; Guidance</b>	Please contact Human Resources
<b>Location</b>	Infonet
<b>Related Documents</b>	
<b>Scope</b>	This policy applies to all employees in Gosport Borough Council



## 1. INTRODUCTION

- 1.1. All employees have a leave year commencing on 1 April.
- 1.2. Leave may only be taken after prior authorisation by management. An employee may have incorporated within the letter of appointment a paragraph advising them that there may be restrictions on taking leave at specified times of the year.
- 1.3. Leave must be approved by the line manager or Section Head and should be applied for using Tensor (or the leave card) as appropriate.

## 2. SCOPE

This policy applies to all employees in Gosport Borough Council.

## 3. ANNUAL LEAVE ENTITLEMENT

### 3.1.

Spinal Column Points	No of days' leave for 5 day working week- basic	After 5 years' service	After 10 years' service	After 15 Years' service	After 20 Years' service
Local 4 -10 (Ntl 4 -11)	21	25	26	27	28
Local 11-20 (Ntl 12-21)	22	27	28	29	30
Local 21-32 (Ntl 22-34)	23	28	29	30	31
Local 33-36 (Ntl 35-40)	24	29	30	31	32
Local 37 -52 (Ntl 41-57)	25	30	31	32	33

Pro rata for part time employees

- 3.2. Service is defined as completed years' continuous Local Government Service with any Local Authority at the start of the leave year (1<sup>st</sup> April) and also includes any continuous service covered by the Redundancy Payments (Local Government) (Modification) Order.
- 3.3. An employee who is promoted during the leave year to a higher salary which increases his/her leave entitlement, shall receive the increase pro

rata to the remaining months in that leave year. The leave will be expressed in whole or half days.

- 3.4. From the date that an employee completes 5 years' service, the additional days will be granted pro rata. The leave will be expressed in whole or half days.
- 3.5. Part time employees have the entitlement applied on a pro-rata basis.
- 3.6. Those whose working hours/times vary from day to day or week to week will have their leave calculated in hours.

#### 4. **EXTRA STATUTORY DAYS AND CHRISTMAS LEAVE**

The Town Hall and No. 1 High Street will be closed during the week from 25 December to 1 January. The two extra-statutory days, plus one day's leave in addition to the normal entitlement, are to be taken during this week.

Employees who are required to work on any of the days between Christmas and New Year will receive additional pay for the hours worked, and time off in lieu.

#### 5. **CARRY OVER LEAVE**

Unexpired leave of up to one week may, under normal circumstances, be carried over from one leave year to the next.

Unexpired leave in excess of one week and up to two weeks may be carried forward in **exceptional circumstances only** at the discretion of the line manager, who will take into account all the circumstances in each case (e.g. past and future workload, reasons for not taking the leave such as refusal of requests, requirement to provide cover for absence of another employee preventing the taking of leave, other operational requirements such as special projects, reasons for wishing to carry it forward such as projected long holidays, requirement to adhere to the).

Where leave is in excess of two weeks, a request must be submitted by the Manager, using the appropriate form.

Staff are encouraged to take their full leave entitlement in the current leave year. The minimum statutory leave entitlement is 28 days (5.6 weeks) (pro rata for part-time work) inclusive of bank holidays, and it is important that members of staff take this minimum amount of time off work for health and safety reasons. This must be taken into account when authorising carry over leave.

Where there is a long-term period of sickness during the year, there is an entitlement to carry over untaken leave. This should be discussed with the manager so that appropriate arrangements can be made.

Where an employee is unable to take all the annual leave and bank holiday entitlement due to the timing of maternity leave, any untaken annual leave and bank holiday entitlement will be carried over into the following year. Once carried over to the next year, the carry over must however be used up during that year.

The employee and the line manager should discuss before the maternity leave commences when the best time to take the annual leave and bank holiday entitlement would be. This is often immediately prior to maternity leave commencing or immediately after leave ends but it does not have to be.

## **6. SICKNESS DURING ANNUAL LEAVE**

An employee who falls sick during the course of annual leave (e.g. reported during the first day of annual leave onwards) shall be regarded as being on sick leave from the first date they have reported in sick in accordance with the Absence Management Policy/ date on a "fit note" (where applicable) and may reclaim their annual leave.

# ADDITIONAL AND EXCEPTIONAL DUTY PAYMENTS POLICY

**Contents:**

Council Policy  
Scope  
Procedure – Acting Allowance  
Procedure – Honoraria  
Merit increment  
  
Appendix 1 – Honoraria Payment form

<b>ID</b>	
<b>Last Review Date</b>	Draft 31 May 2018
<b>Next Review Date</b>	September 2020
<b>Approval</b>	P & O Board
<b>Policy Owner</b>	HR
<b>Policy Author</b>	Anna Buxcey
<b>Advice &amp; Guidance</b>	Please contact Human Resources
<b>Location</b>	Infonet
<b>Related Documents</b>	Appendix 1 - Honoraria Payment form
<b>Scope</b>	This policy applies to all employees in Gosport Borough Council.

## **1. COUNCIL POLICY**

### **1.1. Acting Allowance**

Where an employee undertakes all, or a proportion of the duties and responsibilities of a higher graded post on behalf of another in their absence for a period of four weeks or more.

### **1.2. Honoraria**

Where any employee undertakes additional duties e.g. Project Work unrelated to a higher graded post.

### **1.3. Merit Increments**

All employees - High performance/additional duties/outstanding commitment.

## **2. SCOPE**

This policy applies to all employees in Gosport Borough Council.

## **3. PROCEDURE - ACTING ALLOWANCE**

- 3.1. Where an employee who, for any reason other than the annual leave of another person, is required to undertake the full or a proportion of the duties and responsibilities of a higher graded post for a continuous period of at least four weeks, the relevant Section Head has the delegated power to approve an acting allowance payment and the employee is entitled to receive a salary in accordance with the grading of the higher post.
- 3.2. In exceptional circumstances payment may be made for periods of less than four weeks. This must be agreed in advance with the Assistant Director of HR.
- 3.3. The payment must be based on the percentage of the higher duties and responsibilities undertaken and on the salary that would apply were the employee promoted to the higher post (i.e. the lowest spinal column point of the higher grade).
- 3.4. Once the qualifying period of four weeks has been satisfied, the higher salary will be backdated to the first day on which the employee was required to undertake the duties and responsibilities of the higher post.
- 3.5. All acting allowances should have an end date. Where it is not possible to identify a specific end date at the commencement of the acting up period, it must be reviewed at least every 3 months or more frequently if appropriate. This will ensure that the original reason for the allowance is still valid.

- 3.6. In general, acting arrangements should be a short-term solution and should not exceed 12 months in duration. If at any point during the acting period it is anticipated that the duration will equal or exceed 12 months, advice must be sought from Human Resources on the effect this may have on the contractual rights of both the acting employee and the substantive post holder.
- 3.7. The acting allowance, reasons for, expected duration, review and/or end date must be confirmed in writing to the employee. It must also be confirmed that the allowance is subject to income tax, National Insurance and if the employee is a member of the Local Government Pension Scheme, pension deductions.
- 3.8. To avoid overpayments of salary, acting allowances must be monitored to ensure that when an individual's entitlement ceases, the acting allowance is stopped at the same time.

#### **4. PROCEDURE - HONORARIA**

- 4.1. Where an employee undertakes additional or exceptional duties unrelated to those of a higher post, for example a special project, the Section Head has the delegated power to approve an honoraria payment up to the value of £999 per annum.
- 4.2. The Assistant Director of HR must be consulted in advance and authorise the payment notification to payroll, in circumstances where the Section Head wishes to:
- Pay an honoraria payment of £1000 and above.
- Or
- A payment of any amount is to be made to 5 or more staff for the same reason.
- 4.3. The rationale for payment should be clearly documented in the employees' HR file on the Honoraria Payment form - Appendix 1. This form must be used as notification of the honoraria payment to Payroll, it must have signed authorisation, including where appropriate by the Assistant Director of HR. Notification by any other means will not be accepted.
- 4.4. In most circumstances it is more appropriate to pay an honoraria after the event. In these cases, payment should be made at the earliest opportunity and within six months of the end of the event the honoraria payment is rewarding.
- 4.5. Where payment is to be made in advance, it should be paid monthly over a defined period rather than a one-off lump sum.
- 4.6. If it is appropriate to have an on-going honoraria payment it should have an end date. Where it is not possible to identify a specific end date at the

commencement of the honoraria payment, it must be reviewed at least every 3 months, or more frequently if appropriate. This will ensure that the original reason for the allowance is still valid.

- 4.7. The honoraria payment, reason, expected duration of additional duties; review and/or end date should be confirmed in writing to the employee. It must also be confirmed to the employee that the allowance is subject to income tax, National Insurance and if the employee is a member of the Local Government Pension Scheme, pension deductions.
- 4.8. To avoid overpayments of salary, on-going honoraria payments must be monitored to ensure that when an individual's entitlement ceases the payment is stopped at that time.

## **5. MERIT INCREMENT**

Merit increments, which must not exceed the grade of the post, may be considered in the following circumstances:

- Sustained high level of performance exceeding expectations.
- Additional duties, not of a minor nature but not substantial enough to justify regrading.
- Demonstration of outstanding level of commitment or initiative.
- Successful completion of a particularly complex or challenging task using new methods/techniques.





**If the payment is ongoing, state reason(s) for this and review/end date:**

**Authorisations/Signatures:**

**Manager recommending:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Section Head:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**\*Assistant Director of HR:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*\*Payment must be authorised by the Assistant Director of HR if amount is £1000 or above or payment is being made to five or more staff for the same reason.*

## Contents:

Introduction

Scheme 1 - For staff employed prior to the implementation date of the new scheme

Scheme 2 - For staff employed post implementation date of the new scheme

Gifts

<b>ID</b>	
<b>Last Review Date</b>	Draft 31 May 2018
<b>Next Review Date</b>	September 2020
<b>Approval</b>	P & O Board
<b>Policy Owner</b>	HR
<b>Policy Author</b>	Anna Buxcey
<b>Advice &amp; Guidance</b>	Please contact Human Resources
<b>Location</b>	Infonet
<b>Related Documents</b>	
<b>Scope</b>	This policy applies to all employees in Gosport Borough Council.

## **1. INTRODUCTION**

- 1.1. The Council recognises the value of loyalty, hard work and commitment from long serving employees, and rewards such service through long service awards.

- 1.2. A new scheme introduced in 2018 has resulted in 2 schemes running parallel.

Scheme 1: For staff employed prior to the implementation date of the new scheme

Scheme 2: For staff employed post implementation date of the new scheme

- 1.3. Scheme 1 will be administered in accordance with HMRC tax rules and will be taxable. Although an employee will receive an award in December, the HMRC will be notified in the following tax year and a tax form P11D will be issued. HMRC will collect the tax by adjusting the employee tax code. For most employees the tax change will be calculated at 20% of the value of the award (or 40% for higher rate taxpayers). The employee will be sent a letter informing them of the award and will state the tax implications.

- 1.4. Scheme 2 is not taxable.

- 1.5. If staff leave after the new scheme is implemented, any return to employment with Gosport Borough Council will mean the new scheme applies.

## **2. SCHEME 1 - FOR STAFF EMPLOYED PRIOR TO THE IMPLEMENTATION DATE OF THE NEW SCHEME**

- 2.1. The service may be continuous or aggregated\*.

### **2.2. Fifteen Years' Service**

Employees who have completed a total of 15 years' service with Gosport Borough Council will be awarded gift vouchers to the sum of £50 together with a china mug with the Borough crest.

### **2.3. Twenty Years' Service**

Employees who have completed a total of 20 years' service with Gosport Borough Council will be awarded gift vouchers to the sum of £100 together with a Borough pen.

### **2.4. Twenty-Five Years' Service**

Employees who have completed a total of 25 years' service with Gosport Borough Council will be awarded gift vouchers to the sum of £125. In addition, they will be permitted – on a “one-off” basis – one week's leave to be taken during the year in which the 25 years' service is attained. This

week's leave may not be carried forward, other than in very exceptional circumstances with the approval of the Section Head.

## **2.5. Thirty Years' Service**

Employees who have completed a total of 30 years' service with Gosport Borough Council will be awarded gift vouchers in the sum of £175. In addition, they will be permitted – on a “one-off” basis – one week's leave to be taken during the year in which the 30 years' service is attained. This week's leave may not be carried forward, other than in very exceptional circumstances with the approval of the Section Head.

## **2.6. Thirty-Five Years' Service**

Employees who have completed a total of 35 years' service with Gosport Borough Council will be awarded gift vouchers in the sum of £250. In addition, they will be permitted – on a “one-off” basis – one week's leave to be taken during the year in which the 35 years' service is attained. This week's leave may not be carried forward, other than in very exceptional circumstances with the approval of the Section Head.

## **2.7. Voluntarily leaving after Twenty Years' (or more) Service**

Employees who voluntarily leave the Council's employment having completed a minimum of 20 years' service shall receive an engraved medallion.

## **2.8. Retirement or Redundancy after Twenty Years' (or more) Service**

Employees who, at the time of their retirement (or redundancy) from Gosport Borough Council, have completed a minimum of 20 years' service with the Council, shall receive an engraved medallion and a gift of their choice to the value of £15 for each completed year of service.

- 2.9. \*Where an employee has left/retired/been made redundant and received the leaving gift in recognition of their service, and then returns to work for the Gosport Borough Council, they will not be entitled to add the previous service for the purposes of this agreement. The commencement date for the accrual of long service for the purposes of this agreement in those circumstances will be the date of return to the Council following their leaving/retirement.

## **3. SCHEME 2 - FOR STAFF EMPLOYED POST IMPLEMENTATION DATE OF THE NEW SCHEME**

- 3.1. Only continuous service with Gosport Borough Council is recognised. Aggregated service is not recognised.

**3.2. Twenty Years' Service**

Employees who have completed a total of 20 years' continuous service with Gosport Borough Council will be awarded gift vouchers to the sum of £100 together with a Borough pen.

**3.3. Thirty Years' Service**

Employees who have completed a total of 30 years' continuous service with Gosport Borough Council will be awarded gift vouchers to the sum of £175. In addition, they will be permitted – on a “one-off” basis – one week's leave to be taken during the year in which the 30 years' service is attained. This week's leave may not be carried forward, other than in very exceptional circumstances with the approval of the Section Head.

**3.4. Leaving (voluntarily or through redundancy) after Twenty Years' (or more) Service**

Employees who leave (voluntarily or through redundancy) the Council's employment having completed a minimum of 20 years' service shall receive an engraved medallion.

**3.5. Retirement after Twenty Years' (or more) Service**

Employees who, at the time of their retirement from Gosport Borough Council, have completed a minimum of 20 years' continuous service with the Council, shall receive an engraved medallion and a gift of their choice to the value of £15 for each completed year of service.

**4. GIFTS**

4.1. The gift amount will be kept under review, taking into account inflation.

4.2. Staff may select the provider for long service gift vouchers from: High Street stores voucher (covering 70 retail outlets including 10 located in Gosport), Marks & Spencer, or John Lewis.