



Bob Coomber

Interim Chief Executive

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Date: 13 July 2012

Please ask for: Helen Wright, Democratic Support Officer
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EMPLOYMENT LIAISON COMMITTEE

Date: Monday 23 July 2012

Time: 10 am

Venue: Council House, Plymouth (next to the Civic Centre)

Members:

Assistant Director for Human Resources and Organisational Development, Chair.

Councillors Mrs Beer, Browne, Fox, Parker and Peter Smith.

Staffside representatives.

Members are invited to attend the above meeting to consider the items of business overleaf.

Members and officers are requested to sign the attendance list at the meeting.

Bob Coomber

Interim Chief Executive

EMPLOYMENT LIAISON COMMITTEE

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

To receive apologies for non-attendance submitted by committee members.

2. DECLARATIONS OF INTEREST

Councillors will be asked to make any declarations of interest in respect of items on this agenda.

3. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

4. TERMS OF REFERENCE (Pages 1 - 8)

The committee will be asked to agree its terms of reference.

5. GUIDANCE FOR DIRECTORATE JOINT CONSULTATIVE COMMITTEES (JCCS) (Pages 9 - 12)

The committee will receive a report on guidance for directorate Joint Consultative Committee (JCCs).

6. CAPABILITY POLICY AND PERFORMANCE MANAGEMENT POLICIES (Pages 13 - 32)

The committee will receive a report on the capability policy and performance management policies.

7. EMPLOYEE HANDBOOK (Pages 33 - 66)

The committee will receive a report on the employee handbook.

8. APPRAISING TEACHER PERFORMANCE POLICY (Pages 67 - 78)

The committee will receive a report on appraising teacher performance policy.

9. PROPOSED CHANGES TO THE LOCAL GOVERNMENT PENSION SCHEME (LGPS) 2014 (Pages 79 - 86)

The committee will receive a report on the proposed changes to the local government pension scheme (LGPS) 2014.

10. PENSION AUTO-ENROLMENT (Pages 87 - 90)

The committee will receive a report on the pension auto-enrolment.

11. PAY CLAIM UPDATES (Pages 91 - 100)

The committee will receive pay claim updates.

12. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 4 of Part I of schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

13. PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the committee is entitled to consider certain items of business in private. Members of the public will be asked to leave the meeting when such items are discussed.

14. ACADEMIES AND TRUSTS UPDATE (E4) (Pages 101 - 106)

The committee will receive an update on academies and trusts.

15. LEGAL, POLICY AND NEGOTIATIONS UPDATE (E4) (Pages 107 - 112)

The committee will receive a legal, policy and negotiations update.

16. DRAFT VOLUNTEERING SCHEME (E4) (Pages 113 - 118)

The committee will receive a report on the draft volunteering scheme.

17. TIME BACK SCHEME (E4) (Pages 119 - 128)

The committee will receive a report on the time back scheme.

18. DRAFT WORKPLACE LEARNING AGREEMENT (E4) (Pages 129 - 134)

The Trade Unions and HR will make a presentation on the draft workplace learning agreement.

19. HEALTH, SAFETY AND WELLBEING REPORT (E4) (Pages 135 - 140)

The committee will receive a report on the health, safety and wellbeing.

**20. MINUTES OF DEPARTMENTAL DIRECTORATE
JOINT CONSULTATIVE COMMITTEES (E4) (Pages 141 - 150)**

The committee will receive the minutes of the departmental directorate Joint Consultative Committees.

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|-----|--------------------------------|--------------|
| (a) | Directorate for People | 18 June 2012 |
| (b) | Directorate for Place | 21 June 2012 |
| (c) | Director for Corporate Support | 18 June 2012 |

PLYMOUTH CITY COUNCIL

Subject: Employment Liaison Committee Terms of Reference
Committee: Employment Liaison Committee
Date: 23 July 2012
Cabinet Member: Councillor Peter Smith
CMT Member: Mark Grimley
Author: Mark Grimley (Assistant Director for HR and Organisational Development)
Contact: Tel: 01752 398111
 Email mark.grimley@pymouth.gov.uk

Ref:

Key Decision: No

Part: I

Purpose of the report:

To agree the Employment Liaison Committee Terms of Reference.

Corporate Plan 2012 – 2015:

Supports commitment to be an employer of choice where people feel that they can develop and realise their full potential.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

None.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

Recommendations and Reasons for recommended action:

To agree the Employment Liaison Committee Terms of Reference.

Alternative options considered and reasons for recommended action:

N/A

Background papers:

Sign off:

Fin		Leg		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											
Have you consulted the Cabinet Member(s) named on the report? Yes											

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EMPLOYMENT LIAISON COMMITTEE TERMS OF REFERENCE

Human Resources & Organisational Development



PLYMOUTH
CITY COUNCIL

TITLE

The Employment Liaison Committee incorporates the former Corporate Joint Consultative Committee and the Health, Safety and Welfare Committee (as formed under the Safety Representatives and Safety Committees Regulations 1977).

TERMS OF REFERENCE

(a) OBJECTIVES/SCOPE

1. To act as a liaison body for two-way communication, information and consultation to take place between the Council and employees, with the aim of maintaining an efficient and effective service through harmonious employee relations.
2. To promote the co-operation between management and employees in the development and implementation of measures to ensure the health, safety and wellbeing at work of employees and others who may be affected by the Council's work activities.
3. To consider performance statistics/trends, in order to make recommendations for corrective action and proactive interventions to continuously improve the employment, health, safety and wellbeing performance of the Council.
4. To be presented with policies, guidance and standards proposed by the employer. This includes drawing attention to the need to establish them for a particular work activity and/or consideration of any major implications arising out of or in connection with new or revised health and safety or employment legislation that will affect the Council.
5. To consider employment, health, safety and wellbeing matters in the organisation or structure of the council, including those related to terms and conditions, which have not been resolved at directorate Joint Consultative Committees (JCCs), or at the monthly meeting of Lead Representatives, without conflict to the statutory duties of the Head of the Paid Service.
6. To consider safety audit and/or inspection reports provided by the employer, trade union health and safety representatives and inspectors of the Health and Safety Executive or other enforcing bodies.
7. To make recommendations to the Head of the Paid Service on employment matters escalated to the Employment Liaison Committee.
8. To make recommendations to the Executive on matters delegated to them in relation to Policy.
9. To receive verbal notification at committee or be notified in writing, of intended/current negotiations and then receive signed collective agreements for noting, after conclusion of negotiations.
10. To instigate the failure to agree mechanism.

(b) CONSTITUTION

1. The Committee shall be composed of representatives of recognised Staff Side Unions and the Council. Council representatives will be nominated at the Annual Meeting of the Council. The Trade Union representatives will be selected by the Trade Union side of the Employment Liaison Committee (ELC). All members of the committee must have a named substitute for the municipal year.
2. The Committee will be composed of five elected Members of the Council, and one lead representative from each of the recognised trade unions listed at paragraph 3. Regional Officers of each union will receive a courtesy invitation to the meeting and can participate in the meeting.
3. The Trade Unions side will be represented by:-
 - GMB
 - UNISON
 - UNITE
 - Association of Teachers and Lecturers (ATL)
 - Association of Educational Psychologists (AEP)
 - Association of School and College Leaders (ASCL)
 - National Association of Headteachers (NAHT)
 - National Union of Schoolmasters Unions and Women Teachers (NASUWT)
 - National Union of Teachers (NUT)
 - VOICE
4. Each side shall appoint its own secretary. From the employer's side the Secretary will be provided by Democratic Support who will convene meetings, provide agendas and minutes.
5. The Committee will be chaired by the Assistant Director for Human Resources & Organisational Development on behalf of the employer or a Head of Human Resources as his/her representative. The staff side secretary will be nominated by staff side.
6. The Committee shall be empowered, at the request of either side, to invite additional persons with specialist knowledge to advise the committee.
7. The Directors (or their representatives) should be permanent members of the committee.
8. The Head of Health Safety & Wellbeing and Head of Capital and Assets shall be permanent advisors to the Committee. The Head of Corporate Risk & Insurance shall advise the committee at least every 6 months.
9. The Cabinet member with responsibility for staffing matters will be invited to attend each meeting as an observer and will be able to speak to the Committee or be addressed by committee members with the agreement of the Chair.

(c) MEETINGS

1. Meetings will be held quarterly.
2. The Chair may convene special meetings as and when necessary, and in accordance with the committee procedures.

(d) PROCEDURES

1. Agenda

- a) Agenda items will be submitted to the Council Side Secretary (Democratic Support) at least ten clear working days in advance of the meeting, other than in the case of urgent business, and circulated electronically in accordance with the Constitution.
- b) No business other than that appearing on the Agenda may be considered unless the Chair agrees it as urgent business prior to its introduction.
- c) Minutes of each of the Directorate JCCs will be a standing item on the Agenda, for noting.
- d) Matters escalated from Directorate JCCs, will be considered at a monthly meeting of Lead Representatives, and only submitted to the Employment Liaison Meeting, if still unresolved.
- e) Disputes - should a matter remain unresolved, the Chair shall establish a proportional subgroup composed of relevant officers and lead representatives to examine the matter and recommend methods of resolution to the next meeting.
- f) Where Members of the Committee fail to agree this shall be recorded in the minutes. The Cabinet Member with responsibility for the workforce will be made aware of failure to agree by submission of the relevant Employment Liaison Committee Minutes to him/her.
- g) Matters arising from health and safety audits and inspections, from employer, employee and external agencies, will be a standing agenda item
- h) To receive reports, at least every six months, relating to employer's risk and liability.

2. Quorum

The minimum attendance will be:

- three elected Members including at least one Councillor from the largest political group on the council.
- three lead trade union representatives
- the Chair or representative
- each Director or their representative

3. Pre-Meetings

Facilities time shall be provided for a 30 minute pre-meeting for staff side representatives prior to meetings of the Employment Liaison Committee, unless a longer pre-meeting is agreed with the Chair in advance.

4. Minutes

The Council Side Secretary (Democratic Support) shall prepare, and issue to each member one electronic copy of the minutes of Committee proceedings not later than ten working days after the meeting.

5. Constraint

The Committee will not have the power to make recommendations at variance with either National or Regional Assembly agreements.

6. Representatives and Secretaries Appointments

- a) Representatives must be employees of the Council/Schools with membership of trade unions recognised for provincial and national negotiations and shall be lead representatives for those unions.
- b) Representatives shall be appointed for a municipal year, and may be subsequently re-appointed.
- c) If for any reason a vacancy occurs, a successor should be appointed.

7. General

- a) The staff representatives attending Committee should be paid in line with the Trade Union facility agreement.

(C) DIRECTORATE JOINT CONSULTATIVE COMMITTEES (JCCs)

- a) Directorate JCCs will reflect the senior management structure of the council. Under the current structure, directorate JCCs will be:-

- Place JCC
 - Corporate Services JCC
 - People JCC (Education, Learning and Families and Schools)
 - People JCC (Children & Adult Social Care, Homes and Communities)

- b) Directorate JCCs will be chaired by the relevant Director.
- c) Sub groups will also be set up for particular staff groups, as necessary and chaired by the relevant Assistant Director. A sub group will be in place for Environmental Services.

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PLYMOUTH CITY COUNCIL

Subject: Guidance for Directorate Joint Consultative Committees
Committee: Employment Liaison Committee
Date: 23 July 2012
Cabinet Member: Councillor Peter Smith
CMT Member: Mark Grimley
Author: Mark Grimley (Assistant Director for HR and Organisational Development)
Contact: Tel: 01752 398111
 Email: mark.grimley@plymouth.gov.uk
Ref:
Key Decision: No
Part: I

Purpose of the report:

The Employment Liaison Committee to note the report on the purpose and principals of Joint Consultative Committees.

Corporate Plan 2012 – 2015:

N/A.

**Implications for Medium Term Financial Plan and Resource Implications:
 Including finance, human, IT and land**

None

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

None

Recommendations & Reasons for recommended action:

For noting purposes only

Alternative options considered and reasons for recommended action:

N/A

Background papers:

N/A

Sign off:

Fin		Leg		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											
Have you consulted the Cabinet Member(s) named on the report? Yes											

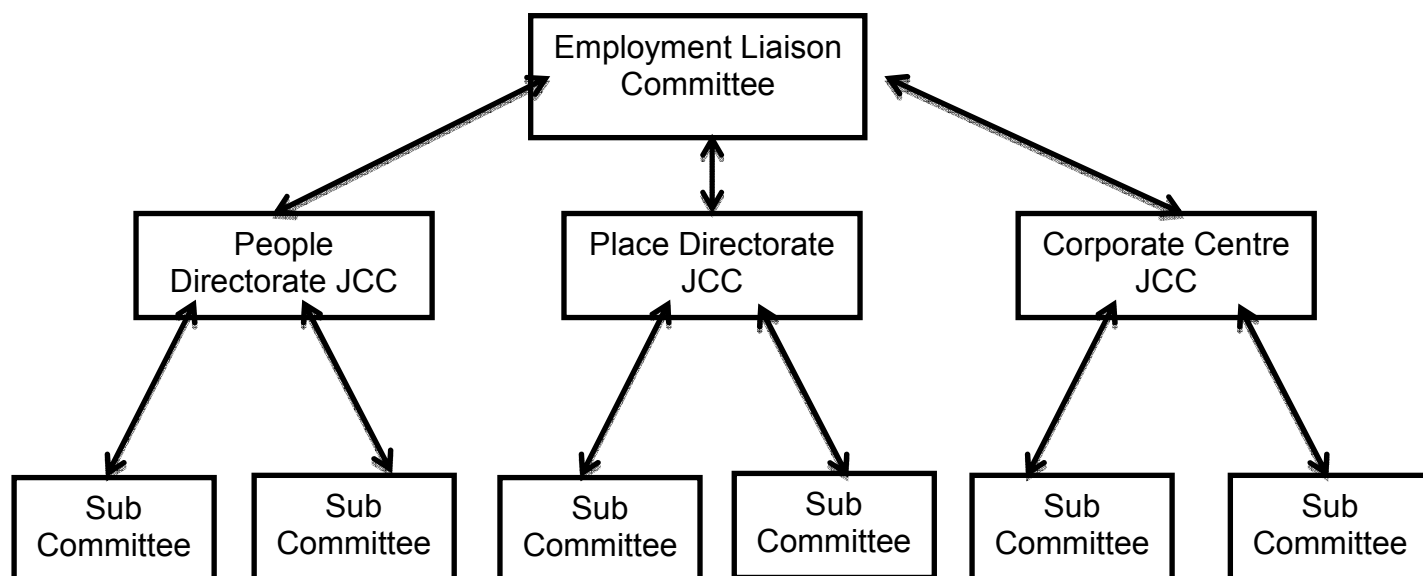
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DIRECTORATE JOINT CONSULTATIVE COMMITTEES (JCCS)

Meeting purpose and outline



Plymouth City Council has a number of committees in place to consult with trade unions and staff. A summary of these committees and how they fit together is shown below.



Over-arching principles

- Open, honest and timely communication.
- Joint working and co-operation.
- Active participation and commitment to delivering agreed actions.
- Delivering the best outcomes for citizens and staff.

Directorate Joint Consultative Committees (JCCs) - purpose

The JCC meetings are a discussion forum for management and trade unions. They are an important mechanism for getting information and feedback to and from staff. The meetings are an opportunity to share information, discuss directorate and corporate performance (present and / or future), discuss directorate and corporate issues (present and / or future) and to work jointly to resolve any issues that arise.

Any issues tabled for discussions at the JCC need to be raised in a timely manner and be relevant to the directorate or the departments it contains.

Directorate Joint Consultative Committees (JCCs) - logistics

- Frequency - these meetings are held quarterly and feed in to and from the Employment Liaison Committee.

- Chair – the meeting is normally chaired by the relevant Director or one of the Assistant Directors.
- Attendees –
 - Management - the senior management team for the directorate, Finance lead, Health and Safety Adviser, Head of HR / Senior HR Adviser, other management attendees as required.
 - Trade unions – the Lead Representative for each main recognised trade union (Unite, GMB and Unison + Schools unions for People directorate), one local trade union representative per union per department.

Directorate Joint Consultative Committees (JCCs) – standing agenda items

1. Welcome and apologies
2. Actions and matters arising from the last meeting
3. Issues escalated from sub-committees (if applicable)
4. Directorate and department updates (including financial and performance updates as appropriate)
5. Health, Safety and Wellbeing update
6. Other agenda items as requested
7. Any items to escalate / carry forward to the Employment Liaison Committee.

Department sub-committee(s)

- Directorate JCCs may decide there is a need for departmental sub-committees to meet separately and more frequently to discuss local issues (eg. health and safety issues, operational issues).
- The establishment of any sub-committees should be discussed and agreed at the directorate JCC meetings held in June 2012.
- Frequency - departmental sub-committees should be scheduled to take place between directorate JCCs. Suggested timing is between monthly to 6 weekly, but to suit the needs of the department.
- Sub-committees should be chaired by the relevant Assistant Director or a nominated deputy (normally a Head of Service). At the first meeting a framework for discussions and attendees should be agreed. The sub-committee should feedback to the Directorate JCC on an 'as and when basis'.

Subject: Capability Policy and Performance Management Policies
Committee: Employment Liaison Committee
Date: 23 July 2012
Cabinet Member: Councillor Peter Smith
CMT Member: Mark Grimley
Author: Mark Grimley (Assistant Director for HR and Organisational Development)
Contact: Tel: 01752 398111
Email: mark.grimley@plymouth.gov.uk
Ref:
Key Decision: No
Part: I

Purpose of the report:

Members of Employment Liaison Committee to recommend to the portfolio holder the implementation of new performance management policies:

- Capability Policy
- Disciplinary Policy
- General Appeals Policy
- Dismissal Appeals Policy

Corporate Plan 2012 – 2015:

We will have clear and transparent leadership and sense of direction, with an enabling management culture where staff are empowered to act and make decisions.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

None.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

None

Recommendations and Reasons for recommended action:

For recommendation to the portfolio holder the implementation of new performance management policies.

Alternative options considered and reasons for recommended action:

N/A

Background papers:

N/A

Sign off:

Fin		Leg		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											
Have you consulted the Cabinet Member(s) named on the report? Yes											

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CAPABILITY POLICY

Human Resources and Organisational Development



PLYMOUTH
CITY COUNCIL

1. Policy	Approved by
<p>Plymouth City Council is committed to continuous improvement to ensure excellent service delivery. Improvement is dependent on the ability of employees to achieve and maintain expected standards of performance. Employees are expected to be competent and able to undertake the duties of the post for which they are employed.</p> <p>This document provides a formal framework to encourage improvement amongst employees whose performance or attendance is regarded as unsatisfactory or unsustainable. It also sets out the steps to follow where consideration may need to be given to terminating employment on the ground of capability.</p>	<p>HR and OD Management Team</p> <hr/> <p>Date</p> <p>December 2011</p>
2. In Scope	
<p>Situations covered by this policy are:</p> <ul style="list-style-type: none"> ▪ unsatisfactory performance related to skills / abilities; ▪ unsatisfactory performance related to health, whether due to inability to meet the required standards of performance for the role or due to attendance (sickness absence) 	
3. Out of Scope	
<ul style="list-style-type: none"> ▪ Employees in their probationary period: please refer to the probation policy and procedure. ▪ Action or Dismissal on the ground of Some Other Substantial Reason. ▪ Action or Dismissal on the ground of the employee's conduct: please refer to the Disciplinary Policy. 	
4. Key Principles	
<p>In the first instance and where appropriate, capability issues should normally be dealt with informally under the Managing Individual Performance Guide or Managing Attendance (Sickness) Guide.</p> <p>There are three stages to the formal capability procedure:</p> <p>STEP 1: Investigation, recommendation and if appropriate, preparation for hearing.</p> <p>STEP 2: The hearing, which can relate to:</p> <p style="padding-left: 40px;"><i>Unsatisfactory performance related to skills: (section 2.1) and / or</i> <i>Unsatisfactory performance related to health: (section 2.2).</i></p>	

STEP 3: The right to appeal

Consideration of suspension

In exceptional circumstances it may be necessary to consider suspending an employee, for example, where their attendance or performance at work is placing them or others at risk, is affecting the delivery of service, or where there is a risk that these things may happen. In such circumstances, suspension may be deemed necessary or desirable whilst an investigation and / or hearing is conducted. Any decision to suspend will normally be made by the Assistant Director or delegated officer in consultation with an HR Adviser.

Suspension is always on normal contractual pay and is not itself any form of sanction, nor does the fact of suspension give rise to any implication that formal action will or should be taken against the employee on the ground of capability. The reasons for suspension must be stated in writing to the employee using the [standard suspension letter](#). This letter should set out the reasons for the suspension and any restrictions which apply to the employee during the period of suspension.

The right to be accompanied

Suspension and Investigatory Meetings: the manager will normally permit the employee to be accompanied at such a meeting, provided it is practical and reasonable to do so in the circumstances and it does not cause undue delay to the process.

Formal Hearings: the employee has the right to be accompanied by a companion who is either a trade union representative or a workplace colleague.

The companion can:

- Put forward the employee's case, by making representations, questioning management witnesses and calling evidence on behalf of the employee, sum up the employee's case at the conclusion of the evidence, and respond on the employee's behalf to any view expressed at the hearing.

The companion is not permitted to answer questions posed directly to the employee in relation to the capability issues under consideration.

Conflict of interest

If any person involved in the formal process (whether at the investigatory, hearing or appeal stages) believes that they may have a conflict of interest or that there is any good reason why they should not be involved in the process, they should seek immediate guidance from a HR advisor.

5. Step 1 – Investigation, Recommendation and Preparation

Investigation and Recommendation

An investigation will be conducted by an appropriate manager (often the line manager), to gather evidence relating to the capability issues, to compile a report and to make a recommendation as to next steps. Managers should refer to the [Managing Investigations Guide](#).

Following the preparation of the investigation report, the case will be reviewed by a more senior manager and a decision will be reached as to whether a formal hearing is necessary.

The employee must co-operate with the investigation process. Willful refusal to do so may be regarded as a disciplinary offence and may result in disciplinary action being taken. If the employee wishes to submit any evidence during the process, they should do so during the course of the investigation so that this information can be taken into account. If the employee fails to submit such evidence at the investigation stage, it is possible that the Chair of the formal hearing will refuse to accept it, unless there are extenuating circumstances which adequately explain why evidence was not submitted earlier or the Chair takes the view that due its relevance, the evidence must be heard in any event.

If, at any stage during the investigation process, it appears that the matter is one of conduct rather than capability, the investigation should transfer to the [Disciplinary Policy](#).

Preparation for hearings

Formal hearings are normally chaired by a senior manager, supported by a HR Adviser. A note taker will be in attendance.

The employee will be notified of the specific capability issues, the potential gravity of the situation (and specifically whether dismissal may be a consideration), the arrangements for the hearing, and provided with a copy of the investigation report and any supporting evidence no less than 5 working days in advance of the hearing. The employee should be told which witnesses management have asked to attend. Similarly, the employee should notify management in advance of the hearing of any witnesses he intends to call to give evidence.

Management will endeavour to set the meeting for a mutually convenient date within a reasonable timescale. Once the date has been set, an application by the employee to change the date of the meeting may be accepted if there is good reason. A second and final date will be offered, usually not more than five working days after the original date. Save where there are particular extenuating circumstances, no further changes to the timing of the meeting will be offered and the employee will be informed that if they do not attend, the meeting may go ahead in their absence.

If the employee fails to attend the hearing, advice from a HR Adviser should be sought. A decision may be made to proceed without the attendance of the employee, on the basis of the evidence available. In cases where the employee has trade union representation, they may present the employee's case in the employee's absence (provided the employee has given them authority to do so) and in any case, the employee will be permitted to make written representations.

6. Step 2 – The Hearing

Hearing outcomes

The potential outcome of a capability hearing is one of the following:

- No formal action, first advisory notice, final advisory notice, dismissal (with notice)

2.1 Unsatisfactory performance related to skills

Formal hearings are held where an employee has failed to reach the required standards of performance following a performance improvement plan and/or where an employee's level of performance amounts to a serious shortfall, often involving a risk to themselves, their colleagues, service users or other third parties or to members of the public.

The purpose of the hearing is to:

- Consider the evidence as to the employee's standards of performance against targets and objectives.
- Consider the impact of the individual's performance on the service, colleagues, customers, service users and other relevant third parties.
- Consider the extent of any support provided to date and whether and to what extent it would be reasonable to provide further support.
- Consider any mitigating circumstances.
- Determine what, if any action should be taken.

A further outcome of a capability hearing (save where the outcome is dismissal) will normally be to issue an appropriate advisory notice, detailing matters such as the following:

- How and why the employee has underperformed.
- Any targets, standards and/or competencies to be achieved by the employee and details of the applicable timescales for such improvement.
- Information as to any adjustments, training, supervision or support to be offered to the employee.
- Details of any performance monitoring arrangements and information as to the dates on which any further performance reviews will take place
- The likely consequences of failing to meet the required standards of performance.

A performance capability hearing will not normally result in a dismissal unless one or more previous advisory notices have been given. While the standard process will be to issue a first and a final advisory notice before dismissal is a consideration, it may not be appropriate to do so in every case. If dismissal is a potential consideration without having first issued a first and a final advisory notice, advice should be sought from a HR adviser.

In cases of very serious performance issues which appear to be the result of misconduct as opposed to capability, or gross negligence (misconduct) the case should be dealt with under the Disciplinary Policy.

2.2 Unsatisfactory performance or attendance relating to health

Formal hearings are likely to be held in the following circumstances:

- Where an employee has been absent from work due to long term sickness and is unable to return to work, either in the foreseeable future or at all.
- Where an employee's high levels of sickness absence (in terms of frequency or duration, or both) and has therefore not met the required levels of attendance and / or performance.
- Where an employee is able to attend work regularly but is unable to perform to the required standards due to issues relating to his health.

The purpose of the hearing is to:

- Consider the evidence as to the employee's standards of attendance and / or performance.
- Consider the impact the employee's health may have had on their levels of attendance and / or performance.
- Consider the extent of any adjustments or support provided to date, the effectiveness of such measures and whether and to what extent it would be reasonable to provide further adjustments or support to encourage or enable the employee to meet the required standards.

- Where appropriate, consider any medical advice (eg from Occupational Health or the employee's medical advisors).
- Consider the wider impact of the employee's attendance or performance issues, such as the effects on the employee's colleagues, department or service, clients, service users or other relevant third parties.
- Determine whether the employee has a medical condition which amounts, or is likely to amount to a disability. If so, consider whether and to what extent reasonable adjustments have been put in place to accommodate the needs of the employee, the effectiveness of such adjustments and whether and to what extent further adjustments may reasonably be made.
- Where appropriate, discuss with the employee the possibility of redeployment.
- Determine what, if any, action should be taken.

A further outcome of a capability hearing (save where the outcome is dismissal) will normally be to issue an appropriate advisory notice, detailing matters such as the following:

- How and why the employee has failed to meet the required standards of attendance and / or performance.
- Any targets, standards and / or competencies to be achieved by the employee and details of the applicable timescales for such improvement.
- Information as to any adjustments, training, supervision or support to be offered to the employee.
- Details of any attendance or performance monitoring arrangements and information as to the dates on which any further reviews will take place
- The likely consequences of failing to meet the required standards of attendance and / or performance.

A health-related capability hearing will not normally result in a dismissal unless one or more previous advisory notices have been given. While the standard process will be to issue a first and a final advisory notice before dismissal is a consideration, it may not be appropriate to do so in every case. If dismissal is a potential consideration without having first issued a first and a final advisory notice, advice should be sought from a HR adviser.

An example of a case where consideration may be given to dismissal without prior advisory notices having been issued is where there is clear medical evidence that the employee will not be able to return to work in either the short or longer term and that no adjustment or support is likely to change this.

In cases of very serious performance issues which appear to be the result of misconduct as opposed to capability, or gross negligence (misconduct) the case should be dealt with under the Disciplinary Policy.

Further Guidance as to Hearing Outcomes

In addition to the four main outcomes set out above, the following guidance should be noted:

- Where there is no underlying health condition which could be considered to be a disability, a first or final advisory notice may be issued in the first instance, depending on the circumstances. The employee will be advised as to how their absences and / or performance will be monitored in the future and under what circumstances consideration may be given to further action being taken under the this policy.
- Where the employee has or is likely to have a disability and reasonable adjustments have not improved attendance or performance, an advisory notice can be issued which details

any alternative measures agreed at the hearing (e.g. a reduction in hours, amendments to duties or transfer into an alternative position within the department). The effectiveness of such further measures will be monitored and the employee advised under what circumstances consideration may be given to further action being taken under this policy.

- A further potential outcome of a capability hearing for a disabled employee may be that they wish to seek alternative employment or early/flexible retirement. If the employee wishes to be considered for alternative roles they will be placed in the redeployment register for at least one month to seek alternative employment. Failure to find alternative employment will normally lead to a further capability hearing.
- An employee may be dismissed on the ground of capability where appropriate. Examples of such cases will include the following:
 - The employee is unfit / unsuitable due to medical reasons to fulfil the duties of his post and is likely to remain so for the foreseeable future, even, in the case of disabled employee, with reasonable adjustments being made.
 - The employee is unfit / unsuitable due to medical reasons to fulfil the duties of any suitable alternative role which is available to him and is likely to remain so for the foreseeable future, even, in the case of a disabled employee, with reasonable adjustments being made.
 - All reasonable attempts to support the employee in their role have been unsuccessful in enabling the employee to meet the required standards of attendance and / or performance.

Employees in the pension scheme can be considered for capability ill-health retirement if they meet the relevant criteria.

7.

RIGHT OF APPEAL

All employees have the right to appeal against the outcome of a formal capability hearing. Please refer to the Appeals Policy (General) and Appeals Policy (Dismissal).

8. Other relevant guide/policies

Relevant legislation

- | | |
|---|---|
| <ul style="list-style-type: none"> ▪ Probation Policy ▪ Individual Performance Management Guide ▪ Managing Attendance (Sickness) Guide ▪ Disciplinary Policy ▪ Redeployment Support Pack ▪ Appeals Policy (General) ▪ Appeals Policy (Dismissal) | <ul style="list-style-type: none"> ▪ Employment Rights Act 1996 ▪ Equality Act 2010 |
|---|---|

DISCIPLINARY POLICY

Human Resources and Organisational Development



1. Policy	Approved by
<p>The overriding aim of the Disciplinary Policy is, where possible, to encourage improvement amongst employees whose conduct is unsatisfactory. It also seeks to promote fairness and consistency of treatment across the Council.</p> <p>This document provides a procedural framework and information as to the steps to follow where suspected unsatisfactory conduct needs to be addressed, including circumstances where the employment contract may need to be terminated.</p>	Human Resources and Organisational Development
	<p>Date</p> <p>December 2011</p>
2. In Scope	
<p>Situations covered by this policy are:</p> <ul style="list-style-type: none"> ▪ Misconduct: where it is suspected that the expected standards of behaviour may have been breached. ▪ Gross misconduct: where it is suspected that there may have been a serious breach of expected standards of behaviour which may, if proven, justify consideration of summary dismissal. 	
3. Out of Scope	
<p>Employees in probationary periods: please refer to the probation policy.</p> <p>Termination of a fixed term or temporary contract.</p> <p>Termination by reason of redundancy or reorganisation.</p> <p>Retirement / early retirement.</p> <p>Issues relating to Capability (whether health or skills related)</p> <p>Termination for some other substantial reason.</p> <p>Termination for breach of a statutory enactment.</p>	
4. Informal Process	
<p>In the first instance and where appropriate, minor disciplinary issues relating to conduct may be dealt with informally.</p> <p>The advantage of this approach is that it may allow management to resolve any problem or correct any unacceptable behaviour as quickly as possible, thus reducing the risk of disruption to the team, the department and its clients, demotivation of the employee and absenteeism.</p> <p>Where the manager takes the view that the informal process is likely to be appropriate, they should meet with the employee to discuss the issues. The manager should keep notes of such discussions.</p> <p>There is no statutory right to be accompanied at an informal meeting. However, reasonable requests for accompaniment may be considered in the case of employees who may appear to fall within a vulnerable group or those who may, due to exceptional individual circumstances, require support.</p>	

If, at any stage of the informal process, the manager takes the view that the matter should more appropriately be dealt with under the formal process, they should terminate the informal process, instigate the formal process and explain to the employee why they are doing so.

Potential Outcomes of the Informal Process:

There are a range of possible outcomes, including the following:

- No case to answer.
- No action necessary.
- Objective setting: to improve the employee's conduct, normally including specific, measurable, achievable, relevant and time-specific objectives set by the manager and discussed and where possible, agreed with the employee.
- Further Training: training needs may be identified and a programme of learning and development may be implemented, with consultation and support from appropriate training resources. The timescale for any training programme will depend on the individual circumstances of each case and may be extended if appropriate.
- An occupational health referral for consultation, counselling or medical assessment.
- Informal reprimand: the manager will usually confirm any continuing steps he intends to take, such as monitoring and reviewing the situation, often done as part of normal supervision and performance management processes. The manager will also ensure that the employee is notified that if there is little or no improvement in his conduct, formal action may be taken.

Informal action may not always be practical, possible or appropriate. Where the matter is potentially of a more serious nature a formal investigation may be invoked in the first instance, without prior recourse to the informal procedure.

5. The Formal Process

Key Principles

Where management takes the view that the informal process is unsuitable or inappropriate, the matter should be dealt with under the formal process. There are three key stages to the formal procedure:

STEP 1: Investigation, recommendation and if appropriate, preparation for hearing.

STEP 2: The disciplinary hearing.

STEP 3: The right to appeal.

Prior to commencing the formal process, managers should consider the following:

Do the Circumstances Warrant the Suspension of the Employee?

In certain circumstances it may be necessary or desirable to suspend or temporarily redeploy an employee pending a disciplinary investigation and / or disciplinary hearing. The decision to suspend will normally be made by the Assistant Director or delegated officer in consultation with an HR Adviser.

The decision to suspend will depend on the nature of the allegation and the specific circumstances of the case but reasons for suspending may include the following:

- The employee's continued presence in the workplace may put himself or others at risk.
- The employee's continued presence in the workplace may hamper, compromise or lead to a less effective investigation.
- The employee's continued presence in the workplace may be detrimental to the interests of the Council or relevant third parties.
- There appears to have been a breakdown in relationships.
- The allegations raise particularly serious issues and it is likely that, if proven, dismissal is a realistic option.

Suspension is always on normal contractual pay and is not itself a disciplinary sanction, nor does the fact of suspension give rise to any implication that the employee is guilty of the alleged misconduct. The reasons for suspension must be stated in writing to the employee using the [standard suspension letter](#). This letter should set out the broad nature of the alleged misconduct, the reasons for the suspension and any restrictions which apply to the employee during the period of suspension.

During any period of suspension, the employee must remain available to co-operate with any part of the formal process which requires their attendance or response.

Suspension due to allegations of theft or misappropriation of Council property must be reported to audit within 24 hours of the suspension taking effect. Where external investigations are being pursued, for example by the Police, legal services should be notified immediately.

Where possible and appropriate, managers should consider temporary redeployment of the employee as an alternative to suspension.

The right to be accompanied

Suspension Meetings: there is no legal right to be accompanied at a suspension meeting; however the manager may permit the employee to be accompanied if their representative is available and this will not cause delay to the process.

Investigatory Meetings: there is no legal right to be accompanied at investigatory meetings. However, the manager will normally permit the employee to be accompanied at such a meeting, provided it is practical and reasonable to do so in the circumstances and it does not cause undue delay to the investigation process.

Disciplinary Hearings: the employee has the right to be accompanied by a companion who is either a trade union representative or a workplace colleague.

The companion can:

- Put forward the employee's case, by making representations, questioning management witnesses and calling evidence on behalf of the employee.
- Sum up the employee's case at the conclusion of the evidence.
- Respond on the employee's behalf to any view expressed at the hearing

The companion is not permitted to answer questions posed directly to the employee in relation to the disciplinary allegations.

Conflict of interest

If any person involved in the formal process (whether at the investigatory, hearing or appeal stages) believes that they may have a conflict of interest or that there is any good reason why they should not be involved in the process, they should seek immediate guidance from a HR adviser.

6. Step One – Investigation, Recommendation and Preparation

Investigation and Recommendation

An investigation will be conducted by an appropriate manager (often the line manager). The purpose of the investigation is to gather evidence relating to the alleged misconduct, to compile a report and to make a recommendation as to next steps. Managers should refer to the [Managing Investigations Guide](#).

Following the preparation of the investigation report, the case will be reviewed by a more senior manager and a decision will be reached as to whether a disciplinary hearing is necessary.

The employee must co-operate with the investigation process. Willful refusal to do so may be regarded as a disciplinary offence in itself and may result in further disciplinary action being taken. If the employee wishes to submit any evidence during the process, he should do so during the course of the investigation so that this information can be taken into account. If the employee fails to submit such evidence at the investigation stage, it is possible that the Chair of the disciplinary hearing will refuse to accept it, unless there are extenuating circumstances which adequately explain why evidence was not submitted earlier or the Chair takes the view that in view of its relevance, the evidence must be heard in an event.

If, at any stage during the investigation process, it appears that the matter is one of capability rather than conduct, the investigation should transfer to the [Capability Policy](#).

Preparation for hearings

Disciplinary hearings are normally chaired by a senior manager, supported by a HR Adviser. A note taker will be in attendance.

The employee will be notified of the specific disciplinary allegations, the potential gravity of the allegations (and specifically whether dismissal may be a consideration) the arrangements for the hearing, and provided with a copy of the investigation report and any supporting evidence no less than 5 working days in advance of the hearing. If management intends to call witnesses to give evidence, the employee should be told which witnesses have been asked to attend. Similarly, the employee should notify management in advance of the hearing of any witnesses he intends to call to give evidence.

Management will endeavour to set the meeting for a mutually convenient date within a reasonable timescale. Once the date has been set, an application by the employee to change the date of the meeting may be accepted if there is good reason why the date is unsuitable. In such a case, a second and final date will be offered, usually not more than five working days after the original date. Save where there are particular extenuating circumstances, no further changes to the timing of the meeting will be offered and the employee will be informed that if he does not attend, the meeting may go ahead in his absence.

If the employee fails to attend the hearing, advice from a HR Adviser should be sought before a decision is made as to how to proceed. A decision may be made to proceed without the attendance of the employee, on the basis of the evidence available. In cases where the employee has trade union representation, they may present the employee's case in the employee's absence (provided the employee has given them authority to do so) and in any case, the employee will be permitted to make written representations.

7. Step Two - The hearing

Purpose of the hearing

The purpose of the hearing is to:

- Consider the evidence and representations put forward by all parties and establish the facts.
- Consider any mitigating circumstances.
- Consider whether any disciplinary action is necessary and if so, select the appropriate sanction, taking into account all the circumstances, including:
 - the seriousness of the proven allegations
 - the impact this may have had or may have on the Council, the individual, the team, work colleagues, the client and any relevant third parties
 - the steps already taken to support the employee and whether additional support is appropriate
 - whether there were any unexpired disciplinary warnings or sanctions in place in relation to the employee.

Hearing outcomes

There are a number of potential outcomes, as set out below. Summary dismissal should only be used in cases of proven gross misconduct, and can be used even if no previous warnings have been given.

The Chair will usually select one of the following outcomes:

- No case to answer: the allegations have been shown to be without foundation. No further action is necessary and any reference to the disciplinary proceedings may be removed from the employee's personal file.
- Allegations not proven. No further action is necessary and any reference to the disciplinary proceedings may be removed from the employee's personal file.
- No formal disciplinary action to be taken: however written advice will be given providing guidance as to the standards expected.
- Written warning: this will usually remain on the employee's file for 12 months, expiring after this time period if no further conduct issues arise. A longer period may be appropriate, depending on the facts of the case. Advice should be taken from a HR adviser if this is a consideration.
- Final written warning: this will usually remain on the employee's file for 12 months, expiring after this time period if no further conduct issues arise. A longer period may be appropriate depending on the facts of the case and particularly where dismissal was a potential alternative. Advice should be taken from a HR adviser if this is a consideration. In a case of serious misconduct, the employee may be issued with a final written warning even in the absence of a written warning having previously been given.
- Dismissal (with notice); this is normally used where the employee has been issued with one or more warnings previously and there has been further misconduct.
- Summary dismissal (without notice): this sanction will be only be administered in a case of

proven gross misconduct (refer to examples of potential gross misconduct at the end of this document).

The standard of proof required when considering disciplinary allegations is the balance of probabilities (is it more likely than not that the employee is guilty of the alleged misconduct?)

Where the subject matter of the disciplinary process relates to safeguarding standards, the information relating to this will be retained indefinitely on the employee's personal file, irrespective of whether or not the allegations were upheld.

Other remedies

In addition to the above sanctions, a number of other remedies may also be considered by the Chair or appeal panel in consultation with HR, for example:

- Redeployment and compulsory transfer to another role or another part of the Council
- Withholding of incremental progression
- Demotion of the employee to an appropriate role with no protection of wages
- Repayment of fraudulent claims, in accordance with the Council's financial regulations
- Mediation.

This list is not exhaustive and these options can be used in conjunction with each other or with the hearing outcomes.

Notification to professional bodies

In certain circumstances, where relevant misconduct may have occurred, it may be necessary for referrals to be made to relevant organisations or professional bodies. Examples include the Independent Safeguarding Authority, the General Social Care Council, or the General Teaching Council. This is not an exhaustive list.

If there has been or there may be a risk of harm to children or vulnerable adults, or the individual has received a caution or conviction for a relevant offence, a referral to the Independent Safeguarding Authority will be made in accordance with the Safeguarding Vulnerable Groups Act 2006.

Further guidance should be sought from your Department's HR Adviser.

Conduct matters relating to a trade union representative

The above disciplinary standards and process apply to trade union representatives as they do to other employees, however:

- No disciplinary action will take place against a branch official, steward, learning representative or safety representative until a full time official of the union concerned has been notified.

8. Step three – Right to appeal

All employees have the right to appeal against the outcome of a formal hearing. Please refer to the [appeals policy \(general\)](#) or the [appeals policy \(dismissals\)](#) for further information.

9. Examples of gross misconduct

The public are entitled to demand the highest professional standards of conduct of local government officers. Serious failure to uphold such standards may be considered as potential gross misconduct. The following are examples and this list is not exhaustive:

- Theft, fraud, deception or dishonesty, misuse of Council property, or the deliberate falsification of records.
- Assault of any kind on any person.
- Serious breach of ICT, information policies and guidelines.
- Publication and / or distribution of offensive material.
- Harassment, intimidation or bullying of any kind, including, but not limited to, serious breaches of the Equality Act 2010.
- Failure to report actual or suspected physical or sexual abuse of, or other inappropriate behaviour towards, a child or other vulnerable person by any another person.
- Serious breach of any applicable professional code of practice or professional standards.
- Serious breach of safeguarding measures.
- Serious negligence which caused or had the potential to cause loss, damage or injury to any person, including serious breached of Health and Safety policies or standards.
- Serious insubordination.
- Being under the influence of non-prescribed drugs or alcohol whilst on duty.
- Deliberate or malicious damage to Council property.
- Knowing disclosure of matters of a confidential nature, or a serious breach of trust owed to the Council, service users, the client or any relevant third party (but subject to any confidential reporting procedures which are in place to permit employees to raise concerns in good faith).
- Bringing false allegations against employees or other third parties in bad faith.
- Serious misconduct or criminal acts (whether during or outside the course of employment) which brought the employer into disrepute or had the potential to do so.
- Otherwise bringing the Council into serious disrepute.

10. Other relevant guide/policies

Relevant legislation

- | | |
|---|---|
| <ul style="list-style-type: none"> ▪ Probation Policy ▪ Capability Policy ▪ Code of Conduct ▪ Appeals Policy (General) ▪ Appeals Policy (Dismissal) ▪ Disciplinary Template Letters | <ul style="list-style-type: none"> ▪ Employment Rights Act 1996 ▪ Equality Act 2010 |
|---|---|

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GENERAL APPEALS POLICY

Human Resources and Organisational Development



PLYMOUTH
CITY COUNCIL

1. Policy	Approved by
<p>Employees have the right to appeal against any formal action or decision (other than dismissal) taken under a policy where an appeals process is permitted.</p> <p>This policy sets out the process that will be followed in dealing with any such appeal.</p> <p>This policy does not cover appeals against dismissal. In dismissal cases, the Dismissal Appeals Policy shall apply.</p>	HR & OD Management Team
	<p>Date</p> <p>December 2011</p>
2. In Scope	
<p>Appeals against any formal action or decision taken under a policy where an appeals process is permitted, save where the matter is specifically deemed out of scope (below). Such policies include: probation, disciplinary, grievance, redundancy avoidance, and flexible working.</p>	
3. Out of Scope	
<p>Appeals against any decision to dismiss</p> <p>Appraisal and Grading appeals</p> <p>Where the employee is a Chief Officer.</p>	
4. Principles	
<p>The guidance for handling Appeals includes:</p> <ul style="list-style-type: none"> ▪ If the employee wishes to appeal they must do so in writing within 5 working days of receiving the written confirmation of the decision. The letter should be sent to the Assistant Director for Human Resources and Organisational Development, unless instructions to the contrary in the letter confirming the decision. An appeal presented outside this timescale will only be accepted in exceptional circumstances and where good reason can be shown for the failure to appeal within the usual time limit. ▪ The letter of appeal should set out the grounds of the appeal. Examples are: the correct process was not followed at the investigatory and / or hearing stages, the decision was unduly harsh; additional information has come to light that was not available for the initial hearing, etc. ▪ The employee should state whether the appeal is in respect of the whole decision or relates only to part of any finding or decision. This will enable the appeal hearing to be managed more effectively. ▪ During the appeal hearing the employee will only be able to refer to and pursue the grounds of appeal specified in their appeal letter. ▪ Appeals may be submitted by Trade Union Representatives where they have the consent of the employee to do so. ▪ The Chair of the appeal hearing will be a manager not involved in the original decision, and where possible will be more senior to the manager who heard the original case. 	

- The Chair of the appeal hearing will be responsible for ensuring that appropriate arrangements are made to hold the hearing and for the proper conduct of the hearing itself. The Chair will, if necessary, make any final decision as to admissibility of evidence or the attendance of witnesses.
- The appeal hearing will be held as soon as reasonably practicable, therefore the Chair may set time-limits for each stage of the proceedings, including the hearing itself.
- The employee has a right to be represented by a trade union representative or work colleague.
- The Chair of the appeal hearing will arrange to send the appeal papers (excluding any papers used at the original hearing, which should already be in the employee's possession) to the employee at least 5 working days before the appeal hearing.
- The appeal hearing will be an opportunity for the employee and management to state their case and explain their position as to the grounds of the appeal, for the Chair to hear from witnesses (where appropriate) and to ask questions of either party.
- Following the appeal hearing, the Chair will consider the facts of the case and reach a decision. The Chair may dismiss or uphold the appeal. An appeal may be upheld in whole or in part.
- The Chair's appeal decision will be given to the employee either on the day of the hearing or subsequently in writing. All decisions will be recorded in writing by the Chair of the hearing and will give reasons for the decision.
- Decision letters will be sent by special delivery to the employee, normally within 5 working days of the hearing. If this timescale cannot be made, the employee will be informed of this.
- The above procedure can be amended by the Chair of the Appeal if it is deemed appropriate to do so, provided all parties consent to this.

The appeal decision is final and is the end of the internal process.

5. Other relevant guide/policies	Relevant legislation
Disciplinary Policy Grievance Policy Probation Policy Dismissal Appeals Policy	The Employment Rights Act 1996

DISMISSAL APPEALS POLICY

Human Resources and Organisational Development



1. Policy		Approved by
Employees have the right to appeal against any decision to dismiss them. This policy sets out the process that will be followed in dealing with any such appeal.		HR & OD Management Team
		Date December 2011
2. In Scope		
All appeals against dismissal, save where the matter is specifically deemed out of scope (below)		
3. Out of Scope		
Appeals against any action or decision other than dismissal Employees in their probation period. Please see the General Appeals policy. Where the employee is a Chief Officer.		
4. Key Principles		
These includes the following:		
<ul style="list-style-type: none"> ▪ If the employee wishes to appeal they must do so in writing within 5 working days of receiving the written confirmation of the decision to dismiss. The letter should be sent to the Assistant Director for Human Resources and Organisational Development, unless instructions to the contrary are given in the letter confirming dismissal. An appeal presented outside this timescale will only be accepted in exceptional circumstances and where good reason can be shown for the failure to appeal within the usual time limit. ▪ The letter of appeal should set out the grounds of the appeal. Examples are: the correct process was not followed at the investigatory and / or hearing stages, the decision to dismiss was unduly harsh; additional information has come to light that was not available for the initial hearing, etc. ▪ The employee should state whether the appeal is in respect of the whole decision or relates to only part of any finding or decision. This will enable the appeal hearing to be managed more effectively. ▪ During the appeal hearing the employee will only be able to refer to and pursue the grounds of appeal specified in their appeal letter. ▪ Appeals may be submitted by Trade Union Representatives where they have the consent of the employee to do so. ▪ The HR & OD Department will send a letter of acknowledgement to the employee. ▪ An appeal panel will be set up to include two Chief Officers and a HR adviser. ▪ The panel members will not have been directly involved in the decision which is subject to the appeal. ▪ The Chair of the appeal hearing will be responsible for ensuring that appropriate arrangements are made to hold the hearing and for the proper conduct of the hearing itself. 		

The Chair will, if necessary, make any final decision as to admissibility of evidence or the attendance of witnesses.

- The appeal hearing will be held as soon as reasonably practicable, therefore the Chair may set time-limits for each stage of the proceedings, including the hearing itself.
- The employee has a right to be represented by a trade union representative or work colleague.
- The dismissing manager from the original hearing, supported by HR, will arrange to send the Appeal Bundle (excluding the bundle used at the original hearing, which should already be in the employee's possession) to the employee at least 5 working days before the appeal hearing. All papers will be sent to the panel members in advance of the hearing.
- The appeal hearing will be an opportunity for the employee and the dismissing manager to state their case and explain their position as to the grounds of their appeal, for the panel to hear from witnesses (where appropriate) and to ask questions of either party.
- Following the appeal hearing, the panel will consider the facts of the case and reach a decision. The panel may dismiss or uphold the appeal. An appeal may be upheld in whole or in part.
- The panel's appeal decision will be given to the employee either on the day of the hearing or subsequently in writing. All decisions will be recorded in writing by the Chair of the hearing and will give reasons for the decision.
- Decision letters will be sent by special delivery to the employee, normally within 5 working days of the hearing. If this timescale cannot be made, the employee will be informed of this.
- The above procedure can be amended by the Chair of the Appeal if it is deemed appropriate to do so, provided all parties consent to this.
- The appeal decision is final and is the end of the internal process.

5. Other relevant guide/policies

Relevant legislation

[Disciplinary Policy](#)
[Capability Policy](#)
[Redundancy Policy](#)

The Employment Act 2008

PLYMOUTH CITY COUNCIL

Subject: Employee Handbook
Committee: Employment Liaison Committee
Date: 23 July 2012
Cabinet Member: Councillor Peter Smith
CMT Member: Mark Grimley
Author: Mark Grimley (Assistant Director for HR and Organisational Development)
Contact: Tel: 01752 398111
Email: mark.grimley@plymouth.gov.uk
Ref:
Key Decision: No
Part: I

Purpose of the report:
To note the new Employee Handbook.

Corporate Plan 2012 – 2015:

An on-line Employee Handbook which provides information for employees on procedures and terms and conditions of employment. Printed versions of the Employee Handbook will be available in sites where employees currently do not have access to work PC's.

Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land
None.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:
None.

Recommendations and Reasons for recommended action:
For noting purposes only.

Alternative options considered and reasons for recommended action:
N/A

Background papers:
N/A

Sign off:

Fin		Leg		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											
Have you consulted the Cabinet Member(s) named on the report? Yes											

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Human Resources and
Organisational Development

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SECTION I HELLO AND WELCOME TO OUR WORLD

I am incredibly proud of the achievements we are making as a Council and it is the contribution of every employee which is making all the difference.

Life is challenging enough, so we have made a commitment to keep our procedures as simple and as straight forward as possible. Your handbook gives you a summary of the key work policies and procedures we would like you to be aware of and gives you links to additional information - if you need it.

We feel privileged that you have selected us as your employer and in return you can benefit from the range of opportunities we can offer.

Whatever your job, we all play a critical role in ensuring our customers and visitors get the best service we can provide. We have an exciting future ahead of us. Thank you for being part of our team.



Mark Grimley
Assistant Director for
Human Resources
and Organisational
Development

SECTION 2 WHAT DOES IT MEAN TO WORK FOR YOUR LOCAL COUNCIL?

ABOUT THE COUNCIL

Every aspect of life in Plymouth is touched by the work of the City Council. It provides the 256,700 residents in Plymouth with more than 300 services, ranging from looking after public parks, looking after children and adults who require social care to lending books and running swimming pools.

The Council is a unitary authority, which means it is responsible for all local services in Plymouth including transport, social care and education.

Around 10,000 employees see residents through the good times at register offices for weddings, licensing for nightclubs and sports facilities and the difficult times such as helping the homeless and dealing with child welfare issues.

CONSTITUTION

The Constitution provides a framework for the democratic processes of the Council and you may find some sections of the constitution very useful.



PLYMOUTH CITY COUNCIL CONSTITUTION

POLITICAL MATTERS

Councillors are elected by the people of Plymouth to represent each of the city's 19 wards, make decisions about the policies of the Council, its budget and how services are run.

Elections are held for three years out of four, with a third of the 57 seats being up for re-election each year.

The political group with the majority of seats on the Council select a leader who is then formally elected as Council Leader by the Full Council.

A Cabinet is selected by the ruling group. The Cabinet meets in public every four weeks to make key decisions. Each Cabinet member has a special area of responsibility or 'portfolio'. Cabinet members are also given the authority to make detailed decisions that affect their area of responsibility.

The Leader and Cabinet make most of the key decisions about how the Council is run and how the budget is allocated.

Plymouth City Council has a Labour administration following the local elections on 3 May 2012.

Councillors are not to be distracted from their political duties by becoming involved in staffing issues. Please do not therefore approach elected Councillors on any employment matters or assist Councillors with any personal or party political matters. You must also declare to your manager any relationship with a Councillor which might be seen as influencing your work. If you are uncertain of how to deal with a matter which involves a Councillor, please ask your line manager.



DEMOCRACY AND GOVERNANCE BOOKLET



SECTION 3 YOUR JOB

CONTRACTS AND TERMS AND CONDITIONS

Employees of Plymouth City Council can belong to different national negotiating bodies, depending on their role, and therefore have different terms and conditions.

We have both national and local terms and conditions. Our local terms and conditions are called 'The Plymouth Book', which apply to the majority of employees. Employees on Soulbury or JNC Craft terms and conditions may have different entitlements.

All employees receive a Principal Statement (contract of employment) which sets out the contractual entitlements of your employment e.g. details about your pay, hours of work, annual leave, notice period and other rights and benefits that you might receive.

From time to time we may look to change some aspects of your terms and conditions. This is usually done using a process called Collective Bargaining. This is where we consult with relevant parties and then meet with trade unions on behalf of the workforce to negotiate changes. When negotiations have concluded and we have reached an agreement, everyone's contract of employment will change and we notify employees.

The trade unions negotiate on behalf of all the staff and collective agreements within the workplace cover both union and non-union staff.



THE PLYMOUTH BOOK

CONVICTIONS, CAUTIONS AND REPRIMANDS

You must inform your line manager if you are given a caution, reprimand or criminal conviction whilst employed with us. Failure to do so would be a breach of your contract.

EXTRA EMPLOYMENT

If you plan to take additional work (paid or voluntary), in or outside the Council, you must get written permission from your line manager. Your line manager needs to be confident that there will be no conflict of interest on your time, focus or commitment.

If additional employment is approved and at a later date that employment is

deemed to be having a negative impact on your ability to undertake your role your line manager can request that you resign from your additional employment.

GRADE

All positions have been graded in a process called job evaluation. Job evaluation measures the job, not the job holder's performance. It is used to grade new roles or existing roles which have significantly changed.

After the job has been evaluated, jobs are given the appropriate grade and each grade has a pay band. Each point in the pay band is called a spinal column point (SCP). Employees can progress up the spinal column points to the maximum of their grade subject to meeting expectations at appraisal.



PAY SCALES

JOB TITLE AND ROLE PROFILE

Everyone has a job title and yours is stated on your offer letter, Principal Statement and payslip. You will also have a role profile which sets out the duties relevant to your job. From time to time we may ask you to take on alternative or additional duties at your existing grade to support team working and achieve service objectives.

PAY

Most of us get paid on the last working day of each month. Employees on the teaching payroll get paid on the 25th of the month. We all get paid by bank transfer so if your bank details change, please remember to tell us! You can do this by completing the change of personal details form.



CHANGE OF PERSONAL DETAILS FORM

Your pay is subject to statutory deductions of income tax and employee National Insurance contributions and any other deductions that we may be obliged to take. You will receive a monthly pay statement (payslip) detailing gross pay and deductions. Annual increments are paid on 1 October each year, subject to entitlement.

Employees on Teachers and Soulbury terms and conditions receive increments in September (if applicable).

Each year we will issue you with a P60 certificate which states your total earnings and deductions for the tax year ending 5 April.

If you claiming for expenses (e.g. mileage allowances) you should submit claims on a monthly basis.



CLAIM FORMS

PAY ERRORS

If we make a mistake in your pay it is your responsibility to tell us about the error. For overpayments, we will draw up a repayment schedule, taking into account your personal circumstances.

We will make deductions from your salary or from any other monies due to you equivalent to the overpayment. This includes, but is not limited to, any overpayment of salary, other benefits, or leave taken in excess of your holiday entitlement

SAFEGUARDING AND CRIMINAL RECORD BUREAU CHECKS

As part of our commitment to ensure the safeguarding of vulnerable people in our community, we check the criminal records of people who work in certain job types. Some employees will therefore have to undergo a criminal records check.



OUR SAFER WORKING BOOKLET BOOKLET

STAFF CONSULTATION AND TRADE UNIONS

Consulting with the workforce helps us to ensure employees are committed to our goals.

We recognise trade unions and if you wish to join a trade union, please contact the local representatives. We support and engage in full and effective consultation with all employees and trade union representatives and our formal consultative body is known as the Employment Liaison Committee.

TRAVELLING EXPENSES

If you use your private vehicle on council business you may be entitled to claim a mileage allowance, subject to the production of VAT receipts.

You will also have to provide evidence to your line manager that you have a current driving licence, your vehicle insurance covers business mileage and have a valid MOT.

You are responsible for paying any fixed penalty fines and/or excess parking charges incurred whilst on council business. We recommend you read our driver safety guidance.

Other allowances for travel and subsistence can be found in the Plymouth Book.



INSURANCE DECLARATION FORM



DRIVER SAFETY GUIDANCE



THE PLYMOUTH BOOK

YOUR DATA

Don't forget to tell us when your personal details change. We may need to write to you, or contact your 'emergency contact' in the highly unlikely event that you have a mishap at work.

The data we hold about you is protected under the Data Protection Act and only authorised people have access to your personal data.

Under the Data Protection Act you can request access to personal data held about you. Read our access to personal files policy for more information about this.



CHANGE TO PERSONAL DETAILS FORM



ACCESS TO PERSONAL FILES POLICY

WHERE YOU WORK

Your Principal Statement will confirm your work location, however if at any point your work location changes on either a permanent or temporary basis we will consult with you.

We want our working environment to be as comfortable as possible, so we ensure our workplace is kept clear of clutter and paperwork is kept to a minimum or filed away. Where rooms are allocated for people to eat their lunch, we request that you do not eat at your desk.

See our ways of working induction booklet for more information about our offices.



OUR WAYS OF WORKING BOOKLET



SECTION 4 OUR EXPECTATIONS OF YOU

BEHAVIOURS

We want you to enjoy coming to work. To ensure we have a great working environment, your behaviour and attitude makes all the difference. In fact, behaviours are so important we built a behavioural appraisal process. You will get feedback on your behaviours from your line manager and may also invite members of your team or other colleagues to provide their views on your behaviour.

The behaviours we like and love to see can be found in our Competency Framework Guide. We all have a responsibility to encourage and promote these behaviours and create a positive working environment.



COMPETANCY FRAMEWORK

CODE OF CONDUCT

Without question, each of us plays a critical role in the Council therefore, when we are at work all of our working time must be devoted to carrying out our duties. We support each other to achieve goals and don't unnecessarily distract other colleagues.

Please become familiar with the Code of Conduct as it tells you about our expectations.



CODE OF CONDUCT

CONFIDENTIAL INFORMATION

You should be aware that in the course of your employment you might have access to and be entrusted with information in respect of the business and financing of the Authority, which is or may be confidential. You must not, unless it is in the proper course of your duties, divulge to anyone or use confidential information concerning the business or finances of the Council and/or customers.

All notes and memoranda of any confidential information concerning the business of the Council or any suppliers, agents, distributors or customers, received or made by you is the property of the Council and should be returned by you upon termination of your employment.



DATA PROTECTION POLICY

DRESS CODE

We have no desire to impose a strict dress code. Our workforce are from a wide range of backgrounds, cultures, ages and tastes, and you may wish to exercise your choice in the way you dress; however there will be certain standards appropriate to your service area.

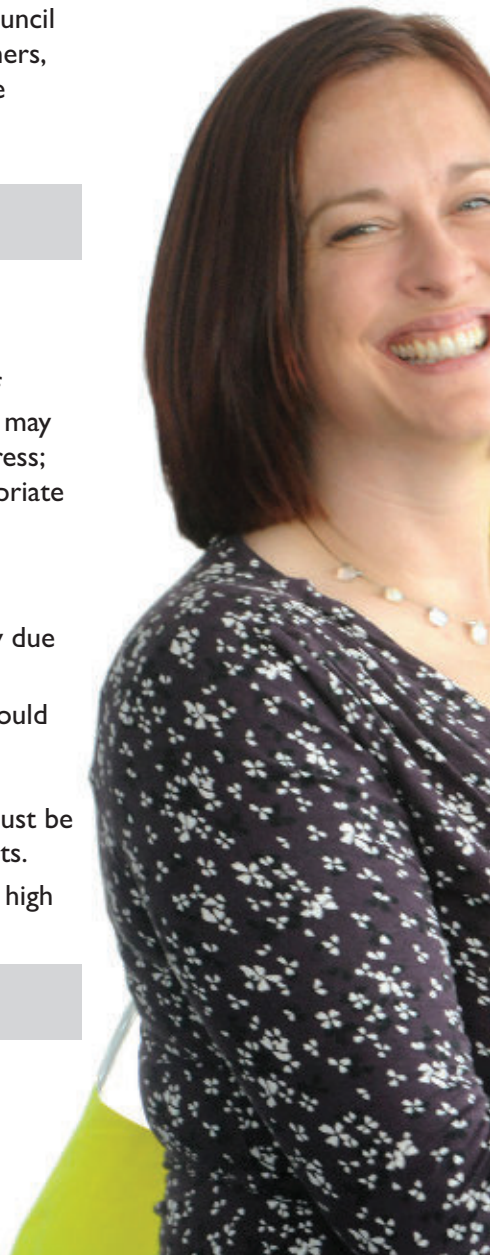
Your appearance impacts on our image so consideration should always be given to public perception. Adjustments may also be necessary due to health and safety or other reasons.

If you have been provided with a uniform, it should be worn at all times when you are at work, or representing the Council. All forms of personal protective equipment and/or clothing issued must be worn in line with health and safety requirements.

It almost goes without saying that we expect a high standard of cleanliness and personal hygiene.



DRESS CODE POLICY





EMERGENCY PROCEDURES

It is highly unlikely that we will ever have to deal with a real emergency; however you still need to know the emergency procedures for your working location. Please speak to your line manager for details.

First aid – all locations have a nominated first aider who can administer basic first aid. In serious cases the emergency services will be contacted.

Fire and evacuation – Fire procedures are laid down in a local safety document in all of our workplaces. These can be found on notice boards or visible walls.

EXCELLENT SERVICE

Delivering an excellent service is our most important goal.

The public expects high standards so we each have a responsibility to build public confidence in our services and protect the reputation of the Council. This is why delivering an excellent service is something we should all be striving for.

So what is an excellent service? It is:

- Keeping our promises by delivering what we say, we will deliver when we say we will deliver it.
- Providing honest and clear information in a professional manner by staff who show a positive attitude and who are committed to the goals of the Council.

ID CARDS

If you have an ID card it should be worn visibly at all times, unless this has been agreed as inappropriate by your line manager. ID cards must not be given or lent to anyone. If you lose your ID card, contact security to see if it's been handed in. If not, please contact the Recruitment Team to have the card cancelled and arrange for a new one.

ID cards are issued by the Recruitment Team.



ACCESS/ID CARD REQUEST FORM

MEDIA

All media enquiries should be forwarded to Corporate Communications in the first instance, even if you are on the list of officers authorised to speak to the media. Corporate Communications will contact the appropriate person to agree a response or to carry out an interview.

MOBILE PHONES

If you have a work mobile phone, please read the code of practice for mobile phone use.

If you have a personal mobile phone, we ask you to be reasonable about when you use it and to make sure that you don't misuse work time.

Some departments have a local policy on not allowing the use of mobile phones at all, especially in areas where this could be distracting to our customers. You will be advised by your line manager if this is the case.



MOBILE PHONE USE CODE OF PRACTICE

OWNERSHIP OF WORK PRODUCED

The work you produce is owned by Plymouth City Council and you have no rights, interest or claims, either during your employment or after the termination of your employment, to any such intellectual property. You cannot use such intellectual property other than during your employment with us and for the purposes of the Council.

PERSONAL RELATIONSHIPS

Many employees meet their partners and friends at work, or work with members of their family. If you meet and start a relationship with a work colleague, or work with your best friends or relatives, please let your line manager know so that they can decide whether there are any conflicts of interest. We will ensure that relatives or partners are not in a position to make important decisions regarding the person they have a relationship with e.g. appraisals, promotions or retention.

PERSONAL PROPERTY

You are responsible for the safety of your personal property that you bring into work. We recommend that you take precautions to ensure that your possessions are either safely stored or kept with you at all times. Please don't bring into work valuable personal property, as we cannot absolutely guarantee the safety of your belongings.

RECEIVING GIFTS

Our employees regularly go the extra mile to deliver excellent customer service. This can result in the customer offering a gift as a way of thanks. Gifts in most cases can be accepted, but we cannot accept a gift, service or hospitality on a scale that might be considered to affect our judgement.

If you are offered a gift or reward for doing or not doing anything in your work capacity, please include the details in your department's hospitality book.

REFERENCES

We will provide references for members of staff or former employees when we receive the request in writing. Only managers can provide a work related reference.

If you are asked to provide a personal reference you must ensure that the reference is issued on plain paper and not on the Council's headed paper. You must also make it clear that the reference you are giving is in a personal capacity not a professional one.

RESIGNATION

If you wish to terminate your employment you need to give us a period of notice. The amount of notice is determined by your grade and contract. Employees on Grade A to Grade G need to give four weeks' notice. Employees on Grade H and above need to give 12 weeks' notice.

Your resignation must be in writing and addressed to your line manager. Careful consideration should be given before submitting your notice as there is no automatic right to retain your job if you change your mind and want to continue working for us.

Before you leave us your manager will make the following arrangements; handover of on-going work, the return of our property, e.g. mobile telephone, keys, lap-top computers, identity card and clothing and ensure that all contact information is correct. You will also be given the opportunity to have an exit interview.

RETIREMENT

There is no contractual retirement age so when you plan to retire please follow the resignation procedure detailed above.

PERSONAL USE OF SOCIAL MEDIA

Many people now use social media to communicate with friends and family e.g. Facebook, Twitter etc.

Whether or not you choose to create / participate in online social networking (or similar) is your own concern and the views and opinions you express are your own. However it is important to be aware that posting information, pictures or views about the Council, your work colleagues or customers cannot be isolated from your working life.

You have the right to freedom of expression and we equally have the right to protect our reputation. We also have the responsibility to protect our employees, customers and contractors' information so please carefully consider what you say.

When using social media in a personal capacity remember the following:

- In social media the boundaries between professional and personal can sometimes become blurred - so it's important to be particularly careful and do not disclose Council business.
- Social media is a public forum and the same rules apply as if you were speaking in public about the Council or writing something for publication e.g. a newspaper article.
- When you post something on the internet it is very difficult to have it removed.
- Use common sense and if you are unsure about a particular post/comment/picture and how it will affect you at work don't post it.

Remember you are personally responsible for any content you publish. Posting anything that is considered inappropriate may result in disciplinary action.

TEAM WORK

What's unique about you? We believe your mix of knowledge, skills and experiences are an important contribution to the team you work in. We also have a competency called 'Works with Others' which focuses on team work.

Teams usually consist of people doing a wide variety of roles working together sharing ideas, experiences and talents. Having people working together with a range of different skills makes for better results.



COMPETENCY FRAMEWORK

USE OF THE INTERNET, INTRANET AND EMAIL

We have an intranet site called Staff Room which is our main communication channel contains details of all our policies and procedures. You can also access this site from your home computer if you don't have a computer at work.

If you do have a computer at work, it is for business use, however, limited personal use of email and internet facilities is fine in certain circumstances e.g. use it in your own time (lunch times, before or after work). If we have reason to believe that this privilege is being abused we will conduct an audit on the employee's use of our PC equipment.

The personal use of the internet must not incur additional expense to the Council, and must not interfere with employee productivity. The playing of internet computer games or watching TV programmes via the internet is not allowed.



WWW.PLYMOUTH.GOV.UK/STAFFROOM



ICT INTERNET POLICY



USE OF TELEPHONES

Personal use of council phones and council mobile phones is permitted in emergency situations only or if the call has been agreed by your line manager. Incoming personal calls on council phones are permitted, but again, only in emergency situations.



SECTION 5 OUR SUPPORT TO YOU

WHEN YOU JOIN US

Induction

Induction is the first stage of your personal development with us. We would like all of our staff to fully engage in the induction programme as it will help you achieve a positive start to your new role and future career with us.



INDUCTION

Probation for new staff

Probation lasts for the first six months of joining the Council and is an opportunity for both you and your line manager to determine whether you have the necessary skills, knowledge and abilities to meet the minimum requirements of the job.



PROBATION POLICY

DURING YOUR EMPLOYMENT

Appraisals

Time flies, but twice a year we stop the clock so you can spend time with your line manager to discuss your achievements. This is called your appraisal. During your appraisal you will agree objectives, and discuss development opportunities. The appraisal process is important as you can only receive an incremental pay increase if you have met or exceeded expectations.

Health safety and wellbeing

You are our most valuable resource. Your health, safety and wellbeing is very important to us and risks to the health and safety of our employees and visitors will be identified and effectively controlled.



HEALTH AND SAFETY

Occupational health

Occupational health aims to protect, promote and enhance the health of employees at work. Occupational health is professional, confidential and impartial. Our Occupational health provider, IMASS, provides advice on the prevention of work related health problems including advice on reasonable adjustments to help staff stay well at work.

Resilience

We believe that employees work best when they are working at a level which is appropriate for their talents and skills.

If you believe that you are suffering from stress-related ill health, please let us know as soon as possible so we can do all we can to help you. We will conduct a stress risk assessment to determine the cause of the stress and where possible, put in place control measures.

Sickness or injury

Contact us as early as possible, at least 20 minutes before your normal start time to explain why you cannot attend work.

If you are off sick we will continue to pay your contractual pay for a limited period of time, depending on your length of service.

Attendance is monitored and all sickness absence is pro-actively reviewed by line managers, offering support where relevant. Absences of five days or more triggers the employee having a wellbeing meeting with their line manager to determine what support (if any) can be offered to support the employee.

The wellbeing of our employees is vitally important and we have an on-line Employee Assistance Programme called Workplace Options which offers practical information, resources, and counselling to help you balance your work, family and personal life. A user name and password is required to access this service which can be obtained by emailing: healthandsafety@plymouth.gov.uk



WWW.WORKPLACEOPTIONS.CO.UK

Lone working

If you work alone without direct supervision we will undertake a risk assessment to establish if there are any risks to you. If risks are identified, control measures will be put in place to minimise those risks.

Any employee who believes themselves to be in serious and/or imminent danger should immediately cease or postpone the work activity and remove themselves to a place of safety.

If it is likely you will be working alone please familiarise yourself with our lone working guide.



LONE WORKING GUIDE

BENEFITS

Career development

There are excellent opportunities in the Council for career development as we have such a wide variety of roles. We will encourage you to share your skills, talents and aspirations as this helps us to work with you to identify a suitable career path.

Responsibility for your development is shared between you and your line manager. By working together you can identify your strengths and development needs.

We learn in different ways so development options are varied and flexible.

Confidential personal support

A professionally qualified counselling service is available through the Employee Assistance Programme. Or, if an occupational health doctor/adviser recommends that you would benefit from speaking to a counsellor face to face, they will speak to your line manager to make arrangements. Alternatively, line managers can contact occupational health to arrange counselling on behalf of their employee.



WORKPLACE OPTIONS GUIDE

Employee benefits discount scheme

We know that you work hard and care about the work that you do – delivering services with pride, passion, pace and professionalism – and we want to say thanks for a job well done.

iCHOOSE is an exciting employee benefits discount scheme that has been designed to make your money go further, offering you significant savings on everyday goods and services including weekly shopping, leisure, entertainment, holidays, motoring, clothing, eating out and much, much more.

You can enjoy discounts of up to 20 per cent at online and high street stores including Sainsbury's, Morrison's, Marks & Spencer, Apple, Boots, Thomas Cook, Debenhams and Comet to name a few. There are also specially negotiated discounts with local businesses and retailers making the scheme even more beneficial to both you and the local economy.

Access to the scheme is on a self-service basis from your work or home PC or alternatively over the telephone.



iCHOOSE GUIDE

Flexi time – time back

Your line manager will advise you of the working hours for your department and the level of flexibility that is permitted around those hours. The time back scheme gives some employees flexibility when they work and accrued hours can be taken back at another time.

All staff working more than six hours a day must record a minimum period of 30 minutes for a meal break (which is unpaid).



FLEXI-SCHEME/TIME BACK SCHEME

Holidays

A significant benefit of working here is the excellent annual leave entitlement, which increases the longer you work for us. When you join us you are entitled to 25 days. After five years service this increases to 30 days (based on full time entitlements).

In addition, you also benefit from bank holidays. Annual leave, including public holidays are always pro-rata for part time employees. Please remember that all leave must be approved by your line manager.

You can also bank leave to save up time for an extended holiday. The maximum you can bank is up to ten days over two years. This will allow you to take up to 20 days, plus your annual leave entitlement, when you go on your travels. You need to get your manager's approval to bank leave.

Pension

It's important to start saving for retirement, and we have a very generous pension scheme which is a significant benefit to all our employees.

You will be advised on which pension scheme is appropriate to your role and will be automatically enrolled. Most people will be on the Local Government Pension Scheme, and some are eligible to join the Teachers Pensions Scheme.

If you leave our employment and you have been a member of the Local Government Pension Scheme you will have several options in relation to your accrued pension rights. Depending on the length of scheme membership, this could include a refund of contributions, preserved benefits or transferring your benefits to another scheme. Alternatively, if you are at the relevant age, payment of pension benefits may be available.



WWW.DEVON.GOV.UK/PENSIONS



WWW.TEACHERSPENSIONS.CO.UK

EQUALITY AND DIVERSITY

We will never accept discriminatory behaviour. Everyone within the Council is expected to know, understand and comply with equality standards.

Our Equality and Diversity Policy is our commitment to reducing inequalities. We will work hard to keep this promise even when we face challenges. We will respond to any concerns or complaints, and do our best to put things right.



EQUALITY AND DIVERSITY POLICY



SECTION 6 OTHER POLICIES AND PROCEDURES

POLICIES AND PROCEDURES

From time to time we need to ensure that staff have received particular policies and procedures. To do this we may ask you to sign a declaration that you have seen, read and understood the information you have been given.

ABSENCES FROM WORK

Public duties – Paid time off will be given for some public duties. Please refer The Plymouth Book for more information.

Bad weather – if you can't get to work, or have to leave early due to bad weather lost time can be counted against the time back scheme or annual leave. You may also be able to work from home if your role is suitable for home working. Read our policy on attendance at work during bad weather for more information.



THE PLYMOUTH BOOK



ATTENDANCE AT WORK DURING BAD WEATHER POLICY

ALCOHOL AND DRUGS AT WORK

The misuse of alcohol, drugs and other substances can have serious consequences when it impairs safety critical work activities or the professional ability of employees.

If you become dependent on either drugs or alcohol, or you would like support/help in reducing your use of drugs or alcohol, please discuss with your line manager to determine what help is available.



DRUGS AND ALCOHOL AT WORK POLICY

CAPABILITY

We will offer you appropriate support and training to achieve your objectives, however if your performance does not meet our expectations, or you have high sickness absence which prevents you from fulfilling your role, we will use the Capability Policy to manage the situation.

Please let your manager know at the earliest opportunity if you have a personal situation or medical condition which is affecting your performance at work. Your wellbeing is important to us and we will do all that we can to offer support and assistance.

DISCIPLINARY

If during your employment you do not behave to the standards we expect, we will use our Disciplinary Policy to address the situation.



DISCIPLINARY POLICY

FAMILY FRIENDLY POLICIES

We all have a life outside of work and we have a wide range of policies to support you if you need to take leave from work to attend to matters in your personal life such as maternity leave and time off for dependents care.



LEAVE AND TIME OFF

FORMAL EMPLOYMENT PROCEDURES

Formal procedures are normally used to deal with capability, disciplinary and grievance cases where informal attempts have not resolved the issue. These procedures all follow a three step approach as follows:

Investigation

An appropriate manager will conduct an investigation. At the end of the investigation, a report of the findings will be produced which is shared with relevant parties prior to a formal hearing.

Formal hearing

A hearing is very similar to a meeting, in that it is usually held in one of our meeting rooms and everyone sits around the table to discuss the matter. At the hearing there will be a chairperson (manager) who is in charge. At the end of the hearing the chairperson will make the decision on what action is to be taken.

Appeal

Employees have the right to appeal the decision. Appeals must be specific in detail and clear on the grounds of the appeal. An appeal hearing is a similar procedure to the first hearing. The chairperson makes their decision, which is final, and there is no opportunity to appeal again.

Our procedures are designed to be fair and transparent. If you are involved in any of these formal procedures, we encourage you to be honest and open so that management can make appropriate decisions.

GRIEVANCES

If during your employment you feel that we have not behaved appropriately towards you please let us know so we can discuss your concerns informally. If you feel it cannot be informally resolved you can raise a grievance using our Grievance Policy.



GRIEVANCE POLICY

MEDICAL APPOINTMENTS

You will be given unpaid leave to attend medical, dental or optician appointments. If you to leave work to attend these appointments you will need to make up the time.

If you are pregnant we will give you paid time to attend ante-natal appointments. Partners/fathers are eligible to receive paid time off to attend up to three ante-natal appointments.

NO SMOKING

Smoking is not permitted in any council building and workplace, or in the majority of grounds associated with our buildings. You can't smoke when you are contracted to work, and you cannot use the flexi/time back scheme for short smoking breaks.

The only exception is during your unpaid meal break, but again you can't smoke on or near our premises.



SMOKEFREE POLICY

SUSTAINABLE TRAVEL

Employees are encouraged to use sustainable methods of transport to travel to and from work, and between meetings. This may include public transport, walking, cycling or other low carbon-emission options. Where individual's private cars are the only available option, car sharing should also be considered.

In limited cases parking is available at the employee's work location however; there is no contractual right for an employee to receive parking. If you have to use your car to attend a meeting on Council business and you incur parking costs (for the duration of that meeting), this can be reclaimed in line with mileage expenses. Employees are expected to manage their diaries, as far as possible, to minimise parking costs. You will need to have parking receipts if you are claiming reimbursement of parking expenses.

TIME OFF FOR TRADE UNION DUTIES

If you carry out trade union duties, you will be given paid or unpaid time in accordance with our Trade Union Facilities Agreement.



TRADE UNION FACILITIES AGREEMENT

WHISTLEBLOWING

We encourage employees to raise any serious concerns they have regarding fraud, corruption and health and safety issues. If you have any concerns, please notify us by using the Whistleblowing Policy.



WHISTLEBLOWING POLICY

Employee Handbook
June 2012

CONTACT

Human Resources and
Organisational Development
Civic Centre
Plymouth
PL1 2AA
T 01752 398114
E hrpolicyteam@plymouth.gov.uk

PLYMOUTH CITY COUNCIL

Subject: Appraising Teacher Performance Policy

Committee: Employment Liaison Committee

Date: 23 July 2012

Cabinet Member: Councillor Peter Smith

CMT Member: Mark Grimley

Author: Mark Grimley (Assistant Director for HR and Organisational Development)

Contact: Tel: 01752 398111
Email: mark.grimley@plymouth.gov.uk

Ref:

Key Decision: No

Part: I

Purpose of the report:

Members of Employment Liaison Committee to note the new Appraising Teacher Performance Policy.

Corporate Plan 2012 – 2015:

We will have clear and transparent leadership and sense of direction, with an enabling management culture where staff are empowered to act and make decisions.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

None.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

None.

Recommendations & Reasons for recommended action:

For noting.

Alternative options considered and reasons for recommended action:

N/A

Background papers:

N/A

Sign off:

Fin		Leg		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											
Have you consulted the Cabinet Member(s) named on the report? Yes											

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APPRAISING TEACHER PERFORMANCE

Education Learning and Family Support



CHANGES

June 2012 New policy

Contacts

If you have any questions regarding this policy please contact the Schools HR Adviser or Advisers in Education Learning and Family Support.

CONTENTS

I Introduction

2 Model Policy

- Purpose
- Application of the policy

3 Appraisal

- Appraisal period
- Appointment of appraisers
- Setting objectives
- Pay progression
- Reviewing performance
- Appraisal observation
- Development and support
- Feedback
- Annual assessment
- Transition to capability
- Confidentiality
- Equality and consistency
- Retention of statements

I

INTRODUCTION

Revised appraisal arrangements come into force with effect from 1 September 2012. They are set out in the Education (School Teachers' Appraisal) (England) Regulations 2012 (the Appraisal Regulations) which replace the Education (School Teacher Performance Management) (England) Regulations 2006 (the 2006 Regulations). The 2006 Regulations continue to apply to any performance management cycle which is in progress on 1 September 2012, unless the governing body or local authority decides to end that cycle early and to begin a new appraisal period starting on or after that date.

The Appraisal Regulations set out the principles that apply to teachers in all maintained schools and unattached teachers employed by a local authority, in each case where they are employed for one term or more. They retain the key elements of the 2006 Regulations but allow schools more freedom to design arrangements to suit their own individual circumstances. They provide the minimum national framework within which schools should operate and say nothing, or very little, on many subjects on which the 2006 Regulations made detailed provision. If they wish, schools may include in their own policies details that are no longer covered by the Appraisal Regulations.

Schools and local authorities must stay within the legal framework set out in the Appraisal Regulations and in other relevant legislation that affects all employers (for example legislation on equality, employment protection and data protection).

Schools and local authorities must have an appraisal policy for teachers and a policy, covering all staff, which deals with lack of capability. This model policy applies only to teachers, including head teachers, but schools might wish to adapt it for use with all staff. It has been written in the context of schools, but the same principles apply to unattached teachers. It is good practice for schools to consult staff on their appraisal policy. This model policy has been provided as an optional resource for schools and others to which they can refer as they wish as they review and develop their own policies.

On 1 September 2012 it supersedes the previous performance management model policy and guidance, which had been designed to support the 2006 Regulations.

In the model policy:

Text in bold indicates statutory requirements contained in the Appraisal Regulations or the School Staffing Regulations.

2

MODEL POLICY FOR APPRAISING TEACHER PERFORMANCE

The Governing Body of _____ School adopted this policy on _____

It will review it in *(insert date or number of years)*

Purpose

This policy sets out the framework for a clear and consistent assessment of the overall performance of teachers, including the head teacher, and for supporting their development within the context of the school's plan for improving educational provision and performance, and the standards expected of teachers.

The appraisal procedure will be used also to address any concerns that are raised about a teacher's performance. If concerns are such that they cannot be resolved through the appraisal process, there will be consideration of whether to commence the capability procedure.

Application of the policy

The policy covers appraisal, applies to the head teacher and to all teachers employed by the school or local authority, except those on contracts of less than one term, those undergoing induction (i.e. NQTs)

3

APPRAISAL

Appraisal in this school will be a supportive and developmental process designed to ensure that all teachers have the skills and support they need to carry out their role effectively. It will help to ensure that teachers are able to continue to improve their professional practice and to develop as teachers.

3.1 The appraisal period

The appraisal period will run for twelve months from September to August.

Teachers who are employed on a fixed term contract of less than one year will have their performance managed in accordance with the principles underpinning this policy. **The length of the period will be determined by the duration of their contract.**

There is flexibility to have a longer or shorter appraisal period when teachers begin or end employment with a school or local authority or when unattached teachers change post within the same authority.

Where a teacher starts their employment part-way through a cycle, the head teacher or, in the case where the employee is the head teacher, the governing body shall determine the length of the first cycle for that teacher, with a view to bringing his/her cycle into line with the cycle for other teachers as soon as possible.

Where a teacher transfers to a new post within the school part-way through a cycle, the head teacher or, in the case where the employee is the head teacher, the governing body shall determine whether the cycle shall begin again and whether to change the appraiser.

3.2 Appointing appraisers

The head teacher will be appraised by the Governing Body, supported by a suitably skilled and experienced external adviser who has been appointed by the Governing Body for that purpose.

In this school the task of appraising the head teacher, including the setting of objectives, will be delegated to a sub-group consisting of three members of the Governing Body.

Where the head teacher is of the opinion that any of the governors appointed by the governing body is unsuitable to act as his/her appraiser they may submit a written request for that governor to be replaced, stating the reasons for the request.

The head teacher will decide appropriately trained and experienced staff who will appraise other teachers. The head teacher and nominated senior leaders will monitor the performance management process and objectives for equality and fairness.

Each appraiser will be responsible for no more than five teachers in each cycle.

Where a teacher is of the opinion that the person to whom the head teacher has delegated the appraiser's duties is unsuitable for professional reasons he/she may submit a written request to the head teacher for that appraiser to be replaced, stating the those reasons.

Where it becomes apparent that the appraiser appointed by the head teacher will be absent for the majority of the appraisal cycle, the head teacher may perform those duties or delegate to another teacher for the duration of that absence.

If the head teacher appoints an appraiser who is not the teacher's line manager then the appraiser to whom she/he delegates those duties will have an appropriate position in the staffing structure, together with the necessary background knowledge, skills and training to undertake the role.

3.3 Setting objectives

The head teacher's objectives will be set by the Governing Body in consultation with the external adviser normally within a 3 part meeting consisting of the external adviser meeting with the head teacher, the external adviser meeting with the responsible governors and lastly the formal review meeting with all parties.

Objectives for each teacher will be set before or as soon as practicable after, the start of each appraisal period. The objectives set for each teacher will be linked to the relevant standards, will be Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the teacher's role and level of experience. The appraiser and teacher will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. Objectives may be revised if circumstances change.

Under normal circumstances both head teachers and teachers will have a maximum of 3 objectives.

The objectives set for each teacher, including the head teacher will, if achieved, contribute to the school's plans for improving the school's educational provision and performance and improving the education of pupils at that school. This will be ensured by the school's self-evaluation process and equality duties.

The performance management cycle is annual but on occasions it may be appropriate to set objectives that will cover a period over more than one cycle. In such cases, the basis on which the progress being made towards meeting the performance criteria for the objective will be assessed at the end of the first cycle and will be recorded in the planning and review statement at the beginning of the next cycle.

Before, or as soon as practicable after, the start of each appraisal period, each teacher will be informed of the standards against which that teacher's performance in that appraisal period will be assessed. With the exception of those who are qualified teachers by virtue of holding and maintaining Qualified Teacher Learning and Skills (QTLS) status, all teachers must be assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011. The head teacher or governing body (as appropriate) will need to consider whether certain teachers should also be assessed against other sets of standards published by the Secretary of State that are relevant to them.

For teachers who are qualified teachers by virtue of holding QTLS status, it is for the governing body or head teacher to decide which standards are most appropriate. Such teachers may be assessed against the Teachers' Standards, against any other sets of standards issued by the Secretary of State, against any other professional standards relevant to their performance or any combination of those three.

3.4 Pay progression

Where teachers are eligible for pay progression, the recommendation made by the appraiser will be based on the assessment of their performance against the agreed objectives. The decision

made by the relevant decision-making body will be based on the statutory criteria and guidance set out in the STPCD¹ and the relevant teacher standards.

The Governing Body has agreed the pay policy of the school and has considered the implications of the appraisal policy with respect to the arrangements relating to teachers' pay in accordance with the STPCD. The Governing Body will ensure that decisions on pay progression are made by 31 December for head teachers and by 31 October for other teachers.

3.5 Reviewing performance

Appraisal Observation

This school believes that observation of classroom practice and other responsibilities is important both as a way of assessing teachers' performance in order to identify any particular strengths and areas for development they may have and of gaining useful information which can inform school improvement more generally. All observation will be carried out in a supportive fashion and will include feedback in accordance with school practice.

In this school teachers' performance will be regularly observed but the amount and type of classroom observation will depend on the individual circumstances of the teacher and the overall needs of the school. Classroom observation will be carried out by those with QTS. In addition to formal observation, head teachers or other leaders with responsibility for teaching standards may "drop in" in order to evaluate the standards of teaching and to check that high standards of professional performance are established and maintained. The length and frequency of "drop in" observations will vary depending on specific circumstances.

Teachers (including the head teacher) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

Detailed arrangements for the observation of classroom and leadership practice are set out in the attached Appendix (**SCHOOLS TO ATTACH DOCUMENT TO THIS POLICY**)

Development and support

Appraisal is a supportive process which will be used to inform continuing professional development. The school wishes to encourage a culture in which all teachers take responsibility for improving their teaching through appropriate professional development. Professional development will be linked to school improvement priorities and to the on-going professional development needs and priorities of individual teachers.

At the end of the cycle, assessment of performance against an objective will be on the basis of the performance criteria set at the beginning of the cycle. Good progress towards the achievement of a challenging objective, even if the performance criteria have not been met in full, will be assessed favourably. There must be evidence of having grown professionally.

Feedback

Teachers will receive constructive feedback on their performance throughout the year and as soon as practicable after observation has taken place or other evidence has come to light. Feedback will highlight particular areas of strength as well as any areas that need attention. Where

¹ School Teachers' Pay and Conditions Document

there are concerns about any aspects of the teacher's performance the appraiser will meet the teacher formally to:

- give clear feedback to the teacher about the nature and seriousness of the concerns;
- give the teacher the opportunity to comment and discuss the concerns;
- agree any support to restore professional effectiveness, that will be provided to help address those specific concerns;
- make clear how, and by when, the appraiser will review progress (it may be appropriate to revise objectives, and it will be necessary to allow sufficient time for improvement. The amount of time is up to the school but should reflect the seriousness of the concerns);
- explain the implications and process if no – or insufficient – improvement is made.
- to discuss a programme of support and how this would be put into place.

When progress is reviewed, if the appraiser is satisfied that the teacher has made, or is making, sufficient improvement, the appraisal process will continue as normal, with any remaining issues continuing to be addressed through that process.

Detailed arrangements for informal support are set out in the attached appendix (**SCHOOLS TO ATTACH DOCUMENT TO THIS POLICY**)

3.6 Annual assessment

Each teacher's performance will be formally assessed in respect of each appraisal period. In assessing the performance of the head teacher, the Governing Body must consult the external adviser.

This assessment is the end point to the annual appraisal process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the year in interim meetings which will take place (*once, twice, three times*) a year.

The teacher will receive as soon as practicable following the end of each appraisal period – and have the opportunity to comment in writing on - a written appraisal report. In this school, teachers will receive their written appraisal reports by 31 October (31 December for the head teacher). **The appraisal report will include:**

- details of the teacher's objectives for the appraisal period in question;
- **an assessment of the teacher's performance of their role and responsibilities against their objectives and the relevant standards;**
- **an assessment of the teacher's professional development needs and identification of any action that should be taken to address them;**
- **a recommendation on pay where that is relevant** (NB – pay recommendations need to be made by 31 December for head teachers and by 31 October for other teachers);
- any other relevant comments that reflect the teacher's professional contribution to school life.

The assessment of performance and of professional development needs will inform the planning process for the following appraisal period

3.7 Transition to capability

If the appraiser is not satisfied with progress, the teacher will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the capability procedure, and will be invited to a formal capability meeting.

3.8 Confidentiality

Access to the written appraisal report will normally be limited to the appraisee, the appraiser, the head teacher and / or nominated member of the senior management team.

3.9 Equality and consistency

The Governing Body is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation

3.10 Retention of statements

The Governing Body and head teacher will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.

PLYMOUTH CITY COUNCIL

Subject: Proposed Changes to the Local Government Pension Scheme (LGPS) 2014

Committee: Employment Liaison Committee

Date: 23 July 2012

Cabinet Member: Councillor Peter Smith

CMT Member: Mark Grimley

Author: Mark Grimley (Assistant Director for HR and Organisational Development)

Contact: Tel: 01752 398111
Email: mark.grimley@plymouth.gov.uk

Ref:

Key Decision: No

Part: I

Purpose of the report:

This report is for noting and outlines the latest proposals for changes to the Local Government Pension Scheme (LGPS) 2014.

Corporate Plan 2012 – 2015:

N/A

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Information report

Once proposals are agreed, financial implications for the council will be considered.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

Recommendations and Reasons for recommended action:

That the report is noted and further reports be presented to this committee.

Alternative options considered and reasons for recommended action:

Changes to national scheme.

Background papers:

Sign off:

Fin		Leg		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											
Have you consulted the Cabinet Member(s) named on the report? Yes											

Proposed Changes to the Local Government Pension Scheme (LGPS) 2014

1. Introduction
2. The situation surrounding public sector pensions is well-known. Affordability and sustainability remain central considerations for Government, together with balancing the external view of public sector pensions.
3. The Local Government Association (LGA) and trade unions recently announced the outcome of their negotiations on the new LGPS proposals to take effect from 1st April 2014.
4. The proposals are in the process of being communicated to scheme members, employers and others with an interest, with Unions consulting their members and the LGA consulting the employers. Subject to the outcome of the consultations, the intention is to move directly to a statutory consultation in the Autumn to implement the proposals
5. Main Proposals
6. There are seven main features of the proposed scheme.
7. The basis of pension benefits will move from final salary to career average revalued earnings (CARE), using the Consumer Price Index (CPI) as the revaluation factor. [CPI in April 2012 was 3.0%, in March 2012 it was 3.5%, in February 2012 it was 3.4%. The April 2012 figure was lowest at any stage between April 2010 and April 2012]. The recent Office of National Statistics announcement shows a further fall in CPI for May 2012.
8. The accrual rate would be 1/49th (the current scheme is 1/60th). This is a more advantageous rate than originally expected and may go some way to compensate for the decision to use CPI as the measure to increase career average calculations as outlined above. The pension benefit calculation will be as follows :-

Earnings in year divided by 49. Value increased annually by CPI through life of employees membership of scheme.

Calculation completed at the end of each year and cumulatively built, with CPI, to produce final benefits at the time that employee retires.

The lump sum trade off will be £1 of annual pension X 12.

An example is shown at Appendix B. It is very difficult to show a worked example comparing the proposed scheme against the 2008, final salary scheme, because circumstances will be specific to each individual scheme member.

9. Member's Normal Pension Age would not be set at 65 but will relate to each individual's State Pension Age, which would be a minimum of 65.
10. The average member's employee contribution would remain at 6.5%, with the rate determined by actual pay rather than the relative full-time pay for part-time employees. Someone earning £15,000 as a 0.6FTE will pay at 5.8% as opposed to 6.5% as an equated full-time equivalent salary of £25,000. Whilst the average will remain the same, the lowest paid will pay the same or less whilst higher earners will incur a large increase in employee contribution as shown in the attached table. Appendix A provides details of the banding rates. It can be seen that for staff on salaries up to £43,000, employee contribution rates remain stable or even face reductions. However, from this salary point forwards, staff face significant increases to pension contributions. The percentage increase remains constant for both gross contributions and the amount to be paid after tax relief.

Salary	LGPS 2014		LGPS 2008		Change % Cont After Tax Relief	Change £ Cont After Tax Relief
	Gross Contribution	Cont After Tax Relief	Gross Contribution	Cont After Tax Relief		
£13,500	5.50%	4.40%	5.50%	4.40%	0.00%	£ -
£18,000	5.80%	4.64%	5.90%	4.72%	-1.69%	-£ 14.40
£22,000	6.50%	5.20%	6.50%	5.20%	0.00%	£ -
£38,000	6.80%	5.44%	6.80%	5.44%	0.00%	£ -
£47,000	8.50%	5.10%	7.20%	4.32%	18.06%	£ 366.60
£63,000	9.90%	5.94%	7.20%	4.32%	37.50%	£ 1,020.60
£75,000	9.90%	5.94%	7.20%	4.32%	37.50%	£ 1,215.00
£95,000	10.50%	6.30%	7.50%	4.50%	40.00%	£ 1,710.00
£105,000	11.40%	6.84%	7.50%	4.50%	52.00%	£ 2,457.00
£150,000	11.40%	6.84%	7.50%	4.50%	52.00%	£ 3,510.00
£175,000	12.50%	6.88%	7.50%	4.13%	66.67%	£ 4,812.50

11. Members who have or are considering opting out of the scheme could elect to pay half contributions for half pension, whilst retaining the full benefits accrued up to the point of opt out.
12. For current scheme members, benefits accrued up to 1st April will be protected, with past service based on final salary and current normal pension age applying. Appendix C provides details.
13. An "underpin" will apply to members who were within 10 years of age 65 in April 2012, which will ensure that their pension benefits will be the better of either the 2008 or 2014 scheme.
14. Pensionable pay will now include non-contractual payments, such as overtime.
15. Broad details have been published and further information will be issued in the near future.

Details of Proposed LGPS 2014 Employee Contribution Rates

LGPS 2014				LGPS 2008			
From	To	Gross Rate	Cont After Tax Relief	From	To	Gross Rate	Cont After Tax Relief
Up to £13,500		5.5%	4.40%	Up to £13,500		5.5%	4.40%
£13,501	£21,000	5.8%	4.64%	£13,501	£15,800	5.8%	4.64%
£21,001	£34,000	6.5%	5.20%	£15,801	£20,400	5.9%	4.72%
£34,001	£43,000	6.8%	5.44%	£20,401	£34,000	6.5%	5.20%
£43,001	£60,000	8.5%	5.10%	£34,001	£45,500	6.8%	5.44%
£60,001	£85,000	9.9%	5.94%	£45,501	£85,300	7.2%	4.32%
£85,001	£100,000	10.5%	6.30%	More than £85,300		7.5%	4.50%
£100,001	£150,000	11.4%	6.84%				
More than £150,000		12.5%	6.88%				

Note – higher tax rate commences at annual salary above £34,370 (£42,470 including standard personal allowance) and additional rate on salaries exceeding £150,000. Taking 2014 pension contributions into account the additional rate is reached at an annual salary of approximately £171,000.

Employees Contribution Increases

LGPS 2014				LGPS 2008		Increase %
From	To	Gross Rate	Cont After Tax Relief	Gross Rate	Cont After Tax Relief	
Up to £13,500		5.50%	4.40%	5.50%	4.40%	0.00%
£13,501	£15,800	5.80%	4.64%	5.80%	4.64%	0.00%
£15,801	£20,400	5.80%	4.64%	5.90%	4.72%	-1.69%
£20,401	£21,000	5.80%	4.64%	6.50%	5.20%	-10.77%
£21,001	£34,000	6.50%	5.20%	6.50%	5.20%	0.00%
£34,001	£43,000	6.80%	5.44%	6.80%	5.44%	0.00%
£43,001	£45,500	8.50%	6.80%	6.80%	5.44%	25.00%
£45,501	£60,000	8.50%	5.10%	7.20%	4.32%	18.06%
£60,001	£85,000	9.90%	5.94%	7.20%	4.32%	37.50%
£85,001	£85,300	10.50%	6.30%	7.20%	4.32%	45.83%
£85,301	£100,000	10.50%	6.30%	7.50%	4.50%	40.00%
£100,001	£150,000	11.40%	6.84%	7.50%	4.50%	52.00%
More than £150,000		12.50%	6.88%	7.50%	4.13%	66.67%

Calculation of Career Average Pension Benefit

Earnings in Year 1 = £15,000.

Career Average earning = £306.12 ($£15,000 / 49$)

If CPI at 3% at end of second year, this moves to £315.30

Earnings in Year 2 = £15,600, with annual increment but no pay award

Career Average earning = £318.37 ($£15,600 / 49$)

This is added to the career average calculation from year 1 and provides a cumulative value of £633.67. CPI interest is added, together with the career average earning for subsequent years as outlined below.

Date	Transaction			Total
Year 1	Deposit	$£15,000 \times 1/49$	£306.12	£306.12
Year 2	Interest	$£306.12 \times 0.03$	£9.18	£315.30
	Deposit	$£15,600 \times 1/49$	£318.37	£633.67
Year 3	Interest	$£633.67 \times 0.03$	£19.01	£652.68
	Deposit	$£16,000 \times 1/49$	£326.53	£979.21
Year 4	Interest	$£979.21 \times 0.03$	£29.38	£1,008.59
	Deposit	$£16,000 \times 1/49$	£326.53	£1,335.12

The pension benefits build up with each annual calculation adding to the value and CPI increasing the annual value.

As increments, pay awards and promotions arrive through the employee's career, the annual calculation will increase and the CPI measure will hold the value of earlier calculations.

The effect will be that late significant promotions will not appreciably increase employee pension benefits.

At the time that the employee retires, a total calculation will be produced. The employee will have the option of taking the value as a single annual pension or converting part of the figure as a lump sum, using a conversion rate of 12:1.

Therefore, if an employee's calculation arrives at a pension value of £42,500 and they elect to use £12,000 to convert to a lump sum, the annual pension received will reduce to £30,500, and they will receive a lump sum of £144,000.

Calculation for Previous Service

Person A retires in 2017 with 16 years service.

7 years service was under the 1997 scheme.

6 years service was under the 2008 scheme.

3 years service was under the 2014 scheme.

Final pensionable pay was £15,320 and Career Average Earnings “pot” totalled £933.67.

Pension benefits calculation is as follows

1997 Calculation

Pension Sum	$£15,320 / 80 \times 7 =$	£1,340.50
Lump Sum	$£15,320 / 80 \times 7 \times 3 =$	£4,021.50

2008 Calculation

Pension Sum	$£15,320 / 60 \times 6 =$	£1,532.00
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2014 Calculation

Career Average Pension	£933.67
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Total Annual Pension	£3,806.17
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Total Lump Sum	£4,021.50
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An element of the annual pension sum could be converted by a factor of 12:1, to increase the lump sum value.

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PLYMOUTH CITY COUNCIL

Subject: Pensions Auto-Enrolment
Committee: Employment Liaison Committee
Date: 23 July 2012
Cabinet Member: Cllr Peter Smith
CMT Member: Mark Grimley
Author: Mark Grimley (Assistant Director for HR and Organisational Development)
Contact: Tel: 01752 398111
Email: mark.grimley@plymouth.gov.uk
Ref:
Key Decision: No
Part: I

Purpose of the report:

To note the legal requirement from the Pensions Act 2008 for all employers to offer a qualifying pension scheme that workers must automatically be enrolled onto.

Corporate Plan 2012 – 2015:

These are nationally negotiated changes.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

N/A.

**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk
Management and Equality, Diversity and Community Cohesion:**

None

Recommendations & Reasons for recommended action:

For noting purposes only

Alternative options considered and reasons for recommended action:

N/A

Background papers:

N/A

Sign off:

Fin		Leg		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											
Have you consulted the Cabinet Member(s) named on the report? Yes											

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PENSIONS

AUTO- ENROLMENT

Human Resources and Organisational Development



1. OVERVIEW

1.1 The Pensions Act 2008 will make it a legal requirement for all employers to offer a qualifying pension scheme to their workers. Legislation states that in accordance with specific criteria, the workers must be automatically enrolled into a 'qualifying' pension scheme, as set out in the Pensions Act, on the employers 'staging date'. This will have an impact on employees not currently in a pension scheme who meet specific criteria, and re-enrolment will occur every third anniversary from the implementation date where the employee has already opted out of a scheme.

1.2 Plymouth City Council has been issued a staging date of 1st April 2013. The council will now consider the implications of this staging date, and consider whether to request a change to the staging date in accordance with the 'postponement rule' and the 'Transitional Period' in the guidance.

1.3 Any change to the staging date must be notified to all workers prior to April 2013, or the actual staging date, whichever is earlier.

1.4 The Payroll Team at Plymouth City Council also provides payroll services to other employers such as the Academies and the Agencies. These employers will be issued with their own staging date which has not yet been notified.

1.5 Local Authority employers can only offer the Local Government Pension Scheme or the Teachers' Pension Scheme to employees who are eligible for either scheme, however other employers may be able to offer other qualifying schemes, such as NEST (National Employment Savings Trust).

2. EMPLOYER DUTIES

2.1 The responsibility for implementation of auto-enrolment, and the Pensions Act, lies with the employer of the workers.

2.2 Plymouth City Council is therefore not responsible for undertaking any measures in relation to auto-enrolment for the other employers for which it provides a payroll service. It is for those employers to contact the Pensions Regulator and undertake the statutory duties required of them.

2.3 Under the Pensions Act 2008, employers must define their workforce. The first step is to identify who are their 'workers'. A 'worker' is any individual who:

- Works under a contract of employment (an employee), or
- Has a contract to perform work or services personally and is not undertaking the work as part of their own business.

It is important to understand that a person classed as 'self-employed' by the HMRC tax rules may still be a 'worker' under this legislation and the council will have to provide a pension scheme for these individuals.

2.4 Plymouth City Council can only offer the LGPS or Teachers Pension scheme, as statutory legislation prevents the offer of any other scheme to employees.

2.5 Once an employer has identified who a worker is, they then must ascertain which type of worker they are, based on the legislation. There are 3 types of worker, all of whom must be working, or ordinarily working in the UK:

- Entitled Workers
- Eligible jobholders
- Non-eligible jobholders

3. COMMUNICATION WITH EMPLOYEES

3.1 A Communications Strategy is being developed to ensure that there is regular communication to employees in the run up to the implementation of auto-enrolment.

3.2 Trade unions will also be updated at the monthly Lead Officers' Meetings.

3.3 All workers must be written to on the staging date informing them of essential information regarding auto-enrolment and their pension position. Standard letters are currently being prepared by the Local Government Employers and Devon Pension Services for future use. The information contained in the letters will be individual to the employee, therefore a 'blanket' letter cannot be sent.

4. OTHER

4.1 There are currently a few issues still to be resolved under the various pension schemes. Both the LGPS and TPS are still consulting on scheme changes to align with the Pensions Act.

4.2 This briefing note is based on information known at 28th May 2012, and as with the Pensions Act to date, is still subject to change.

PLYMOUTH CITY COUNCIL

Subject: Pay Claim Updates
Committee: Employment Liaison Committee
Date: 23 July 2012
Cabinet Member: Councillor Peter Smith
CMT Member: Mark Grimley
Author: Mark Grimley (Assistant Director for HR and Organisational Development)
Contact: Tel: 01752 398111
 Email: mark.grimley@plymouth.gov.uk

Key Decision: No

Part: I

Purpose of the report:

To share recent updates on national pay claims for noting.

Corporate Plan 2012 – 2015:

N/A.

**Implications for Medium Term Financial Plan and Resource Implications:
 Including finance, human, IT and land**

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

Recommendations & Reasons for recommended action:

For noting

Alternative options considered and reasons for recommended action:

Changes to national scheme.

Background papers:**Sign off:**

Fin		Leg		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											
Have you consulted the Cabinet Member(s) named on the report? Yes											

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Heather Wakefield, Brian Strutton, Peter Allenson
Trade Union Side Secretaries
NJC for Local Government Services
UNISON Centre
130 Euston Road
London
NW1 2AY

28 February 2012

Dear Heather, Brian and Peter

ARBITRATION

When we met last week the National Employers informed you that they were unable to make a pay offer in response to your 2012 pay claim. The Trade Union Side subsequently made a formal request that the matter be referred to arbitration. I have now had the opportunity to consult the Employers' Side and am writing to confirm that they cannot accede to your request.

Arbitration can take place only where both parties are prepared to commit themselves to accepting that the outcome is binding. The National Employers are not able to give such an assurance as it would be irresponsible to leave councils exposed to potential expenditure that they have told us they could not afford. It would be equally unfair to raise the expectations of the workforce that there might be a pay award for 2012 when that is not the case.

The difficult decision to not make a pay offer was made in response to the unprecedented financial situation facing councils. Nevertheless the Employers are keen to stress how much they appreciate the hard work and commitment of the local government workforce and understand that asking them to accept a third year without a nationally-determined pay increase will come as a disappointment.

As we explained when we met, the National Employers are keen to avoid a fourth year of a pay freeze in 2013 and therefore wish to begin discussions with you now rather than wait until the autumn when you next submit a pay claim, and to that end we shall be in touch in the next few days to make arrangements for a meeting.

Yours sincerely,

A handwritten signature in black ink that reads "Sarah Messenger".

Sarah Messenger
Employers' Secretary

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**The Soulbury Committee
Inspectors, Organisers and Advisory Officers of Local Authorities**

April 2012

Dear Sir/Madam

JOINT EDUCATION SERVICES CIRCULAR NO 183

SOULBURY AGREEMENT: PAY FOR 2011-12 & OTHER MATTERS

Soulbury Pay Scales for 2011-12

As in 2010-11, no pay offer has been made in the Soulbury Committee pay negotiations for 2011-12. Following consultation with local authorities, the Employers' Side has stated that, in its view, the financial position in local government is such that it is unable to offer any pay increase for September 2011. The Officers' Side has expressed extreme disappointment with that position.

The Soulbury pay scales therefore remain unchanged from those published in JESC 174 (2009).

Soulbury Structure

The pay and conditions structures set out in the Soulbury Report remain in place as nationally-agreed arrangements which local authorities and others should use to employ education improvement professionals, educational psychologists and young people's/community service managers as defined in the Report.

Consultation and Negotiation at Local Level

In recent months, several situations involving complaints about a lack of consultation with Soulbury trade unions or employees on proposals to alter the contractual terms and conditions of officers have led to legal proceedings involving authorities, unions and employees.

Therefore, authorities are asked to note that the Soulbury Report national agreement recommends full recognition by local authorities of the professional associations represented on the Soulbury Committee, including "regular consultation with representatives on all questions affecting their conditions of service" (para 11.1).

While there is no agreed national prescription for local arrangements to give effect to this, both Sides of the Soulbury Committee believes it is important that employers consult with all of the recognised Soulbury trade unions on such proposals and do not confine consultation to those trade unions recognised in respect of the main local government employee groups.

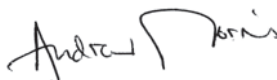
Therefore, where local authorities are considering any change in contractual terms and conditions which would affect Soulbury-paid officers, the Soulbury Committee recommends that authorities should consult the representatives of the Soubury unions about the proposed changes which might affect them.

In addition, where local authorities have already implemented changes in this area which have affected Soulbury-paid officers adversely in comparison with other employee groups within the authority and there is evidence that Soulbury officer representatives were not part of the original consultation process, the Soulbury Committee recommends that authorities should consider the impact of these changes upon Soulbury officers and where appropriate consult their representatives. The Soulbury Officers and Employers encourage local authorities to establish, or maintain existing Soulbury consultation groups to ensure that the relevant parts of the workforce are included in all discussions.

Yours sincerely



Simon Pannell
Employers' Side Secretary



Andrew Morris
Officers' Side Secretary

To: Chief Executives of County Councils and Metropolitan Districts and Unitary Authorities in England;
Chief Executives of London Boroughs;
Chief Executives of County Councils and County Borough Councils in Wales;
(Copy enclosed for Treasurers)
Directors of Children's Services/Directors of Education of County Councils, Metropolitan Districts and Unitary Authorities in England;
Directors of Children's Services/Directors of Education of London Boroughs;
Directors of Children's Services/Directors of Education of County Councils and County Borough Councils in Wales;
Members of the Soulbury Committee
Subscribers

To: Local Authorities in England and Wales
Employers' Side of the JNC for Youth and
Community Workers

4 July 2012

Dear Colleague

**JNC YOUTH AND COMMUNITY WORKERS – STAFF SIDE PAY CLAIM
2012**

The National Employers have formally responded to the Staff Side's pay claim for 2012. Following a consultation with local authorities it was clear that the majority of authorities across the country were of the view that they could not support a pay increase from 1 September.

There was genuine sympathy for the position of the lower-paid but authorities told us that the economic situation is such that any pay award could only be met through further job losses and cuts to services. The National Employers are clear that the priority must be to continue to seek to protect jobs and services in light of the huge budgetary pressures councils are facing. Consequently, they have informed the Staff Side that there will be no pay offer for 2012.

A letter has been sent to the Staff Side Secretary which outlines our position (copy attached). This letter also includes our response to the other elements of the Staff Side's claim which we have also rejected.

You will be aware that this will be the third consecutive year that the youth and community workforce has not received a pay offer. The National Employers have informed the Staff Side that they would wish to avoid a situation of not being able to make a pay offer for a fourth year in 2013-14 and have therefore invited the Staff Side to commence discussions on reform of the national negotiating machinery and conditions of service with a view to reaching agreement for implementation on 1 April 2013. Clearly some elements of this reform agenda are linked to any progress that can be made in taking forward discussions with the Union Side of the NJC for Local Government Services.

The Employers' decision to not make a pay offer this year will obviously come as a disappointment to the workforce but we hope that staff will understand the reasons why we think this is the appropriate decision.

Yours faithfully



Simon Pannell
Employers' Side Secretary

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Mr Mike Robinson
Staff Side Secretary
JNC for Youth and Community Workers
Unite
Unit 1, Kings Chambers
Hertford Place
Coventry
CV13JZ

29 June 2012

Dear Mike

JNC for Youth and Community Workers - 2012 Staff Side Pay Claim

Following the meeting of the JNC on 20 June, I am writing to confirm the Employers' response to the 2012 pay claim.

- **A substantial rise on all grades and allowances for the year 2012-13**

The Employers' Side has considered the Staff Side's claim for a substantial rise on all grades and allowances for the year 2012-13. The Employers' Side maintains that the financial position in local government continues to be challenging in light of the reduction in the central government grant of 28% over the current funding period. The view is therefore that any increase would be unaffordable.

Furthermore, local authorities have signalled that there should be a consistent approach across the whole of the local government workforce and there should not be an exception for the youth and community workforce. Accordingly, the Employers are unable to offer any pay increase for 2012-13.

- **A joint comparative review of all London and area allowances to be completed by December 2012**

The Employers' Side is unable to agree to undertake a review of London and area allowances within current budgetary constraints and in isolation from other terms and conditions.

- **A joint working party to establish a Joint Job Security Agreement**

The Employers' Side believes that to reach an agreement to protect one group of local government employees over another would be divisive and is neither desirable nor sustainable. Job security in the current climate cannot be guaranteed and local authorities require flexibility at local level to manage their resources as appropriate. Therefore the Employers' Side do not agree to the establishment of such an agreement.

- **The introduction of longer periods of notice as follows**

The Employers' Side believes that arrangements for notice should be broadly consistent with other groups of local government employees. Since this is the case we reject this element of your claim.

- **A joint agreement to promote long term funding arrangements for voluntary sector projects.**

This element of the 2012 claim is not within the remit of the JNC.

- **The commitment of the government to pay at least £250 to those earning £21,000 or less should in any event be honoured.**

As you are aware the Government's pay policy does not apply to local government and our view is that such an increase would be unaffordable in the current climate. At the JNC meeting on 20 June you reported that the previous Employers' Side Chair, Cllr David Simmonds, had stated that the Employers' Side would make this payment. We dispute your assertion that he had given an undertaking at the JNC or any other forum that this payment should apply at a national level.

- **The removal of the bottom two pay points, so that the starting point salary for a Youth Support Worker would be Pay Point 3.**

The Employers' Side feels that such a removal would reduce the flexibility for local authorities to appoint staff at this level, incur additional cost and could impact upon other local government pay spines. We are therefore unable to support this element of your claim.

The Employers' Side recognises that you and your members will be disappointed by this response. However, as we have said, this decision has been taken in the light of the extremely serious financial position authorities have to deal with. While these circumstances are likely to continue for some time we also recognise that the current economic climate is placing pressure on the living standards of youth and community service employees and that this is the third year without application of a national pay award.

With all this in mind the Employers' Side believes it would be helpful and constructive to undertake discussion at Joint Secretary level to see if it could be possible to justify a different position in 2013 in line with a wide discussion on reform of the JNC and national machinery in local government.

Yours sincerely



Simon Pannell
Employers' Side Secretary

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