

NOTICE OF MEETING

GENERAL PURPOSES COMMITTEE

Tuesday, 2nd July, 2024, 7.00 pm - George Meehan House 294 High Road N22 8JZ (watch the live meeting, [Here](#))

Councillors: Amin (Vice-Chair), Carroll, Cressida Johnson (Chair), Dawn Barnes and Erdal Dogan

Quorum: 3

1. **FILMING AT MEETINGS**

Please note that this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual or may lead to the breach of a legal obligation by the Council.

2. **APOLOGIES FOR ABSENCE**

To receive any apologies for absence and substitutions.

3. **URGENT BUSINESS**

The Chair will consider the admission of any late items of Urgent Business. (Late items of Urgent Business will be considered under the agenda item where they appear. New items of Urgent Business will be dealt with under agenda item 9 below.

4. **DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is

considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct.

5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

To consider any requests received in accordance with Part 4, Section B, paragraph 29 of the Council's constitution.

6. MINUTES (PAGES 1 - 6)

To agree the minutes of the previous meeting held on 8th February 2024 as a correct record.

7. PEOPLE REPORT - MAY 2024, MARCH 2024 DATA (PAGES 7 - 12)

8. HR POLICIES - PROPOSED CHANGES AND TIMETABLE FOR FUTURE CHANGES (PAGES 13 - 50)

9. NEW ITEMS OF URGENT BUSINESS

Ayshe Simsek
Democratic Services and Scrutiny Manager
Tel – 0208 489 2929
Fax – 020 8881 5218
Email: ayshe.simsek@haringey.gov.uk

Fiona Alderman
Assistant Director of Legal & Governance (Monitoring Officer)
George Meehan House, 294 High Road, Wood Green, N22 8JZ

Monday, 24 June 2024

MINUTES OF THE GENERAL PURPOSES COMMITTEE MEETING HELD ON THURSDAY 8TH FEBRUARY 2024, 7:00PM – 7:40PM

PRESENT:

Councillors: Reg Rice (Chair), Cressida Johnson (Vice-Chair), Dawn Barnes and Erdal Dogan

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (IF ANY)

Apologies for absence were received from Ellen Matheson Harley and Haydee Nunes De Souza.

3. URGENT BUSINESS

There were no items of urgent business.

4. DECLARATIONS OF INTEREST

Cllr Dogan declared a personal interest in item 9 and would recuse himself from the meeting for this item.

He clarified that this was not a prejudicial interest but is taken forward further to considering Part 5, section A part 1 & 2 of the Council's Constitution and with an abundance of caution.

5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

There were no deputations/petitions/presentations or questions.

6. MINUTES

RESOLVED:

That minutes of the meeting of 21 December 2023 be agreed as a correct record.

7. PEOPLE REPORT

Tanya Patchett, Head of Employee Relations, Business Partners & Reward, introduced the report as set in the agenda pack at pages 5 -10.

The People Report combined key workforce data and analysis including headcount, the cost of both the permanent workforce and off payroll arrangements, starters/leavers, sickness absence and Apprentices as shown in Appendix A.

The following was noted in response to questions from the Committee:

- In terms of the plans around reducing agency staffing, Officers advised that the aim was to reduce the number of agency staff by the end of this financial year. The Council had contracts with Matrix which was the organisation that provided agency workers. Directors had set out a plan which reduced their use of agency spend over the remainder of this contract. This was also monitored by Directors and Cabinet Members in regular meetings to ensure this was on track with continual reductions. Targets had been reviewed to focus on areas where larger reductions would need to be made.
- In response to a follow up question, the Committee noted that there was no set time limit for an agency worker and they could continue as an agency worker indefinitely. However, the preference was to reduce the number of agency contracts.
- Officers added that the Council had aimed to provide all agency workers a fair income and benefits. Regular checks would be carried out when there was an increase in pay rates to ensure that no agency worker would be falling below their pay grade and to also ensure they were receiving equal treatment to permanent employees where the law requires it.
- There was a drive to convert agency workers to permanent employees to reduce costs and increase stability in the workforce.
- There were currently around 607 agency workers within the Council. There was a higher number of agency workers within the Children, Adults and Housing services due to difficulties in recruiting to permanent roles. This issue was widespread and not limited to Haringey.
- It was also difficult to recruit permanent staff into specialist roles in technology and legal.
- In response to a question from the Committee regarding comparison of agency workers in Haringey and its neighbouring boroughs, it was noted that it was difficult to compare this on a like for like basis.
- In response to a question regarding the drop in the number of apprenticeships, Officers advised that there had been concerted efforts across the organisation to increase the number of apprenticeships specifically recruiting people externally, as one of the targets was to drive the number of young people coming into the organisation. It was also noted that there would always be fluctuations in apprenticeship rates.
- The Committee heard that the percentage of people that came out of their apprenticeship and retained by the Council was high. In addition, the vast majority of that 132 apprentices in December 2023 were existing employees undertaking apprenticeship qualification with the Council.

RESOLVED:

To note the report.

8. HR POLICIES - PROPOSAL AND REVISED FORWARD PLAN

Tanya Patchett, Head of Employee Relations, Business Partners & Reward, introduced the report as set out in the agenda pack at pages 11-18.

The report sets out a new proposal for approaching the revision of policies in Haringey council and presented a forward plan for policy review in 2024/25.

The report was presented following extensive feedback the Employee Relations team and managers in respect of the use of our current policies. This had been discussed at length with Trade Unions who agreed with the revised approach and suggested priority policies for the forward plan.

The vast majority of HR casework in the Council was related to one of the following five policies below and these were the policies proposed for review in 2024/25.

The policies included:

- Disciplinary Policy
- Capability Policy
- Grievance Policy
- Dignity at Work Policy
- Sickness Absence Policy

HR policies had developed over a number of years and required review to be shorter, easier to understand and operate. Due to the complexity of policies, each of the policies had an accompanying set of practice notes so managers, employees and ER specialists would need to be versed in both documents. By simplifying existing policies, the aim was to remove the need for separate practice notes.

An example template of a simplified policy was presented to the Committee at pages 14-17 in the agenda pack. This document would be used as a basic template and would be amended to reflect the Council's Policies.

The Committee sought clarification around the Council's Disciplinary Policy. The Committee was advised that if an employee receives any sanction other than dismissal, they would need to submit an appeal which would be heard by a senior manager. If the employee was dismissed, then the process of appeal would come to Members, this was regardless of the employee's grade.

RESOLVED:

The Committee considered the proposal and approved the approach and the policy forward plan for the coming Municipal Year.

9. TRADE UNION FACILITY TIME AGREEMENT

Cllr Dogan left the meeting room at 19.25, in accordance with his earlier declaration of interest.

Dan Paul, Chief People Officer, introduced the report as set out in the agenda pack at pages 19 – 32.

This report updated the Trade Union Facility Time agreement, which dated from 2011. It updated facility time allowances for each union, modernises the agreement and included a mechanism for dispute resolution.

Between 2011-2024, there had been substantial changes to the way the Council operated, the services that were delivered and the way they were delivered, for instance the insourcing of Homes for Haringey and the profile of Union membership.

The Council had been in a period of austerity from 2010 onwards, so there had been some reductions in the Council's workforce and union membership.

The Teaching and non-teaching unions would each appoint an Employee Side secretary. The role of the Employee Side Secretary was to co-ordinate responses from all the trade unions they represented and to convey them to the Council. The Employee Side Secretary for the Teacher unions would be representing the NEU, ASCL, NAHT & NASUWT unions and for the non-teacher unions would be Unison, GMB and Unite.

The main changes highlighted in terms of facilities was the increase for the NAU based on membership and workload, and a decrease for Unite based on low levels of membership.

The report also highlighted the transitional agreement where, at an aggregated total level for each Trade Union, increases to facility time were proposed, they would take effect on the first day of the month after the agreement had been approved by General Purposes Committee and Schools Forum. This would be the Implementation Date. Where decreases were proposed, they would be delayed for 6 months after the Implementation Date to allow for a transitional period.

RESOLVED:

The Committee approved the Facility Time Agreement.

10. ORGANISATIONAL CHANGE POLICY (AMENDMENT)

Cllr Dogan returned to the meeting room at 19:29

Dan Paul, Chief People Officer, introduced the report as set out in the agenda pack at pages 33 – 36.

This report recommended a change to the wording of section 8.2 of the Organisational Change Policy – Redeployment.

The following was noted in response to questions from the Committee:

- In order to maximise redeployment opportunities and minimise redundancies, it was considered beneficial to widen the grade band at which redeployment was likely to be appropriate, from the current three grades (one up and one down) to five grades (three up and one down).
- The Committee noted that this policy does not include teachers who were employed by the Council. Teachers would have their own terms and conditions for employment.
- Pay protection was in place for 18 months if the job was at a lower grade to the substantive job to allow the employee to adjust to new circumstances.

RESOLVED:

The Committee approved the following change in Section 8.2 of the Organisational Change Policy:

Current wording:

A vacancy will only be considered a suitable alternative post if it is either at the same grade, at one grade up, or one grade down, from the redeployee's substantive grade.

New proposed wording:

A vacancy will only be considered a suitable alternative post if it is either at the same grade, at up to three grades up (two in the case of those on Senior Manager terms and conditions of Employment), or one grade down from the redeployee's substantive grade.

11. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

12. DATES OF FUTURE MEETINGS

The Committee noted that the dates of future meeting were to be confirmed.

CHAIR: Councillor Reg Rice

Signed by Chair

Date

This page is intentionally left blank

Report for: General Purposes Committee 2nd of July 2024

Title: People Report – May 2024, March 2024 data

Report authorised by: Dan Paul, Chief People Officer

Lead Officer: Tanya Patchett, Head of Employee Relations, Business Partners and Reward

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** N/A

1. Describe the issue under consideration

The People Report is designed to give officers and members relevant workforce data in an easy to understand format in order to support informed strategic decision making.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

The Report is for information and for the Committee to note.

4. Reason for Decision

Not applicable.

5. Alternative Options Considered

Not applicable.

6. Background information

The People Report combines key workforce data and analysis including headcount, the cost of both the permanent workforce and off payroll arrangements, starters/leavers, sickness absence and Apprentices as shown in Appendix A.

6.1. People Report Headlines

- 6.1.1 The council's established workforce has slightly increased by 0.4% going from 3362 in December to 3374 in March which is an increase in headcount of 12. The FTE has slightly increased by 0.6% (3111.3 to 3130.9).
- 6.1.2 There has been an increase in workforce cost from £11,198,629 in December to £11,216,824 in March, this increase is in line with the slight increase in both FTE and headcount.
- 6.1.3 Agency worker headcount is broadly unchanged (an increase of 1 headcount) but there has been an increase in FTE from 413.4 to 474.7. There has been an increase in agency cost in the period December to March with the monthly cost in December at £2,692,828 compared to £3,136,708 in March. This is to be expected as agency worker usage is lower in December due to the Christmas break, and March 2024 was a 5 week month for agency staff payments and FTE calculation.
- 6.1.4 It is acknowledged that some agency workers are likely to always be required as there will be a requirement to use this type of workforce in the event of roles which are subject to market pressures (legal/ technology/ social workers) and to help fill short term or stop gap situations where the Council needs to address an imbalance in the workforce, workload or whilst permanent recruitment is undertaken, in order to continue delivering key services to our residents. The council will continue to focus on agency reduction as part of cost efficiency work.
- 6.1.5 During the last rolling year period of 1st April 2023 to 31st March 2024, 54% of new starters were under 40 years old, whereas 32% of leavers were under 40.
- 6.1.6 Sickness rates have not seen a significant change between December 2023 and March 2024. Average sick days has slightly reduced from 11.4 days to 11.2 days, long term sickness rate (20+ days) was 8.4 in December and was 9.2 in March. Short term sickness (under 20 days) has gone from 3.0 to 2.0, which is a good reduction. The reduction in short term absence and overall slight reduction in sickness rates explains the reduction in sickness cost from £4,962,000 to £4,431,000.
- 6.1.7 There has been a slight decrease in apprentices overall from 132 to 107. It should be noted that this figure includes both new employees taken on as apprentices, and existing employees who are undertaking apprenticeship qualifications funded by the apprentice levy. This is due to 24 apprentices completing their qualifications in this period. There is a pipeline of approximately 20 apprentices due to join in the coming weeks.

7. Contribution to strategic outcomes

In order to streamline the production of timely workforce data the People Report will act as a single source of people data for the use of both officers and members.

The production of this report will complement the reports produced by Finance to give officers and members a set of management controls that will help track the reduction in the workforce, both on and off payroll; and the associated spend across the Council.

It will enable officers and members to track the progress of HR related initiatives controlling recruitment, establishment numbers, and performance management exercises.

8. Statutory Officers' comments (Chief Finance Officer (including procurement), Head of Legal and Governance, Equalities

8.1 Chief Finance Officer

This report recommends Committee to note the changes in the workforce from December 2023 to March 2024. The impact of these changes has already been considered as part of the regular budget monitoring process and would have been reported accordingly. There are no other financial implications arising from this report.

8.2 Head of Legal and Governance

This report is for information only.

9. Use of Appendices

Appendix A - People Report (March 2024)

10. Local Government (Access to Information) Act 1985

Not applicable.

This page is intentionally left blank

People Report

March 2024

Appendix A

| Measure | Data Period | Reporting Period | | | | | % Change |
|---|-------------|------------------|--------------|--------------|--------------|--------|-----------------------------|
| | | Jun 2023 | Sep 2023 | Dec 2023 | Mar 2024 | Status | |
| Established Workforce | | | | | | | |
| Headcount | M | 3343 | 3382 | 3362 | 3374 | ↑ | Dec 2023 to Mar 2024 0.4 |
| FTE | M | 3070.4 | 3115.6 | 3111.3 | 3130.9 | ↑ | 0.6 |
| Cost base pay - monthly (£000) | M | £10,435,780 | £10,543,767 | £11,198,629 | £11,216,824 | ↑ | 0.2 |
| Cost base pay - annualised (£000) | M | £125,229,363 | £126,525,204 | £134,383,547 | £134,601,890 | ↑ | 0.2 |
| Average cost per FTE (£000) | M | £40,785.7 | £40,610.2 | £43,192.1 | £42,991.4 | ↓ | |
| Off Payroll Workforce - Agency (from June 2023 excludes £500+) | | | | | | | |
| Headcount | M | 666 | 615 | 607 | 608 | ↑ | 0.2 |
| FTE | M | 436.2 | 500.5 | 413.4 | 474.7 | ↑ | 14.8 |
| Cost - monthly (£000) | M | £2,839,634 | £2,653,654 | £2,692,828 | £3,136,708 | ↑ | 16.5 |
| Cost - annualised (£000) | M | £34,075,608 | £31,843,851 | £32,313,932 | £37,640,499 | ↑ | 16.5 |
| % Agency of total workforce | M | 13.6 | 15.2 | 12.9 | 14.4 | ↑ | |
| Off Payroll Workforce - Interims & Consultants (£500+) | | | | | | | |
| Headcount | M | 78 | 76 | 75 | 67 | | |
| FTE | M | 48.1 | 57.0 | 45.8 | 53.1 | | |
| Cost - monthly (£000) | M | £760 | £731 | £731 | £834 | | |
| Cost - annualised (£000) | M | £9,121,537 | £8,769,773 | £8,775 | £10,004 | | |
| Total Workforce (Established + Agency/Consultants/Interims) | | | | | | | |
| Headcount | M | 4087 | 4073 | 4044 | 4049 | ↑ | 0.1 |
| FTE | M | 3554.8 | 3673.1 | 3570.5 | 3658.7 | ↑ | 2.5 |
| Cost - monthly (£000) | M | £14,035,542 | £13,928,236 | £14,622,693 | £15,187,173 | ↑ | |
| Cost - annualised (£000) | M | £168,426,508 | £167,138,829 | £175,472,314 | £182,246,071 | ↑ | |
| Leavers | | | | | | | |
| Headcount | RY | 396 | 396 | 376 | 416 | ↑ | |
| FTE | RY | 352.1 | 352.1 | 333.0 | 364.7 | ↑ | |
| % Resignation/ Retirement | RY | 84 | 84 | 80 | 76 | → | |
| % TUPE | RY | 0 | 0 | 0 | 0 | → | |
| % Redundancy | RY | 2 | 2 | 4 | 6 | ↑ | |
| % Other | RY | 14 | 14 | 16 | 17 | ↑ | |
| No. Leavers Aged <40 | RY | 156 | 156 | 140 | 135 | ↓ | |
| Starters | | | | | | | |
| Headcount | RY | 484 | 479 | 459 | 468 | ↑ | |
| FTE | RY | 455.4 | 452.0 | 439.3 | 448.3 | ↑ | |
| % Permanent appointments | RY | 71 | 72 | 70 | 68 | ↓ | |
| % Fixed term appointments | RY | 29 | 28 | 30 | 31 | ↑ | |
| % Temporary appointments | RY | 0 | 0 | 0 | 0 | → | |
| No. New Starters Aged <40 | RY | 238 | 241 | 241 | 253 | ↑ | |

Data Period = Period the data relates to:

M = Month (based on snapshot within the month)

RY = Rolling Year (based on 12 rolling months)

People Report

March 2024

Appendix A

| Measure | Data Period | Reporting Period | | | | % Change |
|-------------------------------------|-------------|------------------|----------|----------|----------|----------|
| | | Jun 2023 | Sep 2023 | Dec 2023 | Mar 2024 | |
| Sickness Absence | | | | | | |
| Sickness rate (average days) | RY | 10.4 | 11.1 | 11.4 | 11.2 | ↓ |
| Long term sickness rate (20+ days) | RY | 7.8 | 8.3 | 8.4 | 9.2 | ↑ |
| Short term sickness rate (<20 days) | RY | 2.6 | 2.8 | 3.0 | 2.0 | ↓ |
| Sickness cost (£000) | RY | £4,019,723 | £4,551 | £4,962 | £4,431 | ↓ |
| Apprentices | | | | | | |
| Adults, Health & Communities | M | 26 | 25 | 26 | 20 | ↓ |
| Children's Services | M | 14 | 16 | 17 | 19 | ↑ |
| Culture, Strategy & Engagement | M | 36 | 36 | 27 | 13 | ↓ |
| Director of Finance | M | 15 | 14 | 13 | 10 | ↓ |
| Environment & Resident Experience | M | 18 | 18 | 17 | 15 | ↓ |
| Placemaking & Housing | M | 35 | 33 | 32 | 30 | ↓ |
| No. Apprentices | M | 144 | 142 | 132 | 107 | ↓ |

Data Period = Period the data relates to:

M = Month (based on snapshot within the month)

RY = Rolling Year (based on 12 rolling months)

Report for: General Purposes Committee, 2nd July 2024

Item number:

Title: HR Policies – Proposed changes and revised timescales

Report authorised by: Dan Paul, Chief People Officer

Lead Officer: Tanya Patchett, Head of Employee Relations, Business Partnering and Reward

Ward(s) affected: None

Report for Key/ Non-Key Decision: Non-key

1 Describe the issue under consideration

The report sets out a new proposal for approaching the revision of policies in Haringey council and presents some timescales when further changes will come forward in 2024/25.

2 Cabinet Member Introduction

Not applicable.

3 Recommendations

3.1 To approve the attached updated Sickness Absence Policy at Appendix 1 and Disciplinary Policy at Appendix 2.

3.2 To delegate authority to the Chief People Officer to remove the second written warning stage of the Disciplinary Policy if by 31 December 2024 it has not been used as a disciplinary sanction

3.3 To delegate authority to the Chief People Officer to make any changes as considered minor.

3.4 To note the timescale listed at paragraph 6.8 for further HR policy updates

4 Reason for decision

Review of policies is done on a cycle basis but priority has been given this year to reviewing the key policies in most frequent use as part of our improvement to managing employee relations cases and simplifying the policies for all managers and employees. The change to policies is to make the management of people more effective.

5 Alternative Options Considered

Not applicable.

6 Background information

- 6.1 At the last GPC it was agreed that a new approach would be adopted when reviewing and amending existing policies. This approach means that when reviewing policies, we will use a baseline policy from ACAS or XpertHR to ensure legal compliance and then add in anything agreed under our collective agreement with unions.
- 6.2 The process for consulting with unions, staff networks and other stakeholders has also changed from being a paper based circulation exercise to an in person collaboration meeting, this is the first time bringing policies to GPC having adopted that approach and it has been successful.
- 6.3 The Disciplinary Policy has been based on the ACAS best practice template, the principles section has been updated to bring in line with other Haringey policies. We have expanded the section on suspension to ensure it is clear that suspension is a last resort option and not a punitive action; this is particularly important with the way Employment Tribunals consider the act of suspension. We have included that the line manager can be the investigating officer if appropriate; often they are able to do this in the most timely way. We have defined the simplified process and included agreed outcomes. There are now appendices; Suspension risk assessment, examples of Gross Misconduct and examples of Reasonable adjustments.
- 6.4 There are no practice notes to accompany the policy, these have been incorporated and the policy simplified to make it easier to follow.
- 6.5 The Unions have been consulted on this policy, it was proposed to remove the second written warning from the policy; it has only been used as a sanction 4 times in the last 3 years, there is no legal reason for it to be included and there is a risk of inconsistency in the issuing of sanctions if it remains. The unions have objected to the removal of the second written warning from the policy; it is requested that this is reviewed in 6 months time and in the event a second written warning hasn't been issued as a sanction, that the decision to remove can be taken by the Chief People Officer.
- 6.6 The sickness absence policy has been based on ACAS best practice with reference to XpertHR. The introduction is in line with other Haringey policies, information was taken from the previous practice notes to confirm who the policy applies to.
- 6.7 Reference to the Council's Health & wellbeing approach has been included and the dates changed to the present year (examples of rolling sickness year). Short and Long term absence has been outlined more thoroughly in this policy and the process for recording on the system; this should lead to better management of sickness absence. Sick pay details have been added.
- 6.8 There are no practice notes to accompany the policy, these have been incorporated and the policy simplified to make it easier to follow.
- 6.9 The Unions have been consulted and contributed to the policy.
- 6.10 The following policies are proposed to be brought to GPC in this financial year:
- October; Grievance policy (to incorporate Dignity at Work), Capability Management policy, Ill health retirement.
 - January; Probation policy, Organisational Change policy.

7 Statutory Officers' comments (Chief Finance Officer (including procurement), Legal and Governance.

7.1 Finance

There are no direct financial implications arising from the revisions to the Sickness Absence Policy and Disciplinary Policy.

7.2 Head of Legal and Governance

The remit of the General Purposes Committee covers the approval of new and revised HR policies

8 Use of Appendices

Appendix A- Disciplinary Policy

Appendix B- Sickness Absence Policy

9 Local Government (Access to Information) Act 1985

Not applicable.

This page is intentionally left blank



Sickness Absence Policy

Version 1.0 March 2024

Table of Content

| | |
|-----------|--|
| | Introduction |
| 1 | Principles |
| 2 | Recording an Absence 2.1- Recording a sickness absence whilst on Annual Leave 2.2- Recording an absence- hybrid working 2.3 Recording an Absence - Elective Surgery & Surgery Abroad |
| 3 | Reporting Sickness Absence 3.1- First day 3.2- Fit notes |
| 4 | Short Term and Long Term Sickness 4.1- Short term sickness 4.2- Long term sickness |
| 5 | Other Types of Sickness Absence 5.1- Accidents At Work 5.2- Pregnancy Related Absences 5.3- Disability Leave 5.4- Medical Suspension 5.5- Time off for medical appointments |
| 6 | Return to Work |
| 7 | Entitlements 7.1- Sick pay entitlement 7.2- Annual Leave entitlement |
| 8 | Sickness Absence Triggers |
| 9 | Management Tools for supporting employees 9.1- Reasonable Adjustments 9.2- Occupational Health referrals 9.3- Phased return 9.4- Medical Redeployment 9.5- Stress Questionnaires & EAP support 9.6- Ill health retirement |
| 10 | Sickness Absence Stages 10.1- Attendance Review & Standard setting 10.2- Formal Process Introduction |
| 11 | The Right To Be Accompanied |
| 12 | Roles and Responsibilities |
| | Appendix 1- Examples of Reasonable adjustments |

Sickness Policy & Procedure

Introduction

The purpose of this policy is to set out actions and procedures which enable managers to manage employee sickness absence. The approach is intended to be based on sympathy, understanding and compassion whilst managing an employee's sickness absence as well as balancing the operational needs of the council.

Haringey Council is committed to providing a working environment that promotes employee well-being in order to deliver our values.

This policy meets the legislative requirements of the Employment Act 2002 and the Equality Act 2010.

This policy applies to all employees of Haringey Council with the exclusion of teachers directly employed by the Council who have their own procedure.

The Employment Relations (ER) team are there to give advice in particularly complex cases. You will need to raise an enquiry through the Halo system for any sickness absence case that requires HR input. For fit notes showing dates and help with sickness inputting onto SAP this would need to be directed to the HR Operations Team via Halo.

1. Principles

- To monitor employee sickness absence against the trigger points.
- To take into account and understand personal circumstances to be able to provide support.
- That both the manager and employee are aware of their responsibilities regarding the sickness absence procedure.
- To deal effectively and within the framework with absence when it affects the achievements of work and the Council's objectives.
- To understand and implement the policy.
- Employee sickness entitlements are calculated one rolling year from the most recent date of sickness. For example, if an employee is off sick on 25th May 2024, their entitlement will include all previous sicknesses within the previous 12 months (e.g. back to 26th May 2023).
- Reasonable adjustments will be accommodated for colleagues throughout the process to ensure they are able to participate in the process fully and equally.

It is imperative that line managers, Heads of Service, Assistant Directors and Directors look at absence trends and identify potential triggers within the workplace that would contribute to an employee being away from the workplace. Obviously not all sickness is down to workplace issues but as part of the Council's Health and Wellbeing approach in

managing sickness absence, identifying, and managing trends is an essential part of this. Trends may include a higher-than-average level of absence for work-related stress, or in a role where manual work is involved, musculoskeletal injuries of a specific nature.

2. Recording an Absence

All sickness absences need to be recorded on SAP. Once an employee has reported an absence then it is the line manager's responsibility to record the absence via the Managers Desktop tool on SAP. For guidance on how to input an absence please see the training guide [SAP Training Page | Intranet](#) This will ensure that the employee is receiving their correct entitlements for sick pay. Sick pay entitlements are shown in the table in Section 8.

2.1 Recording a Sickness Absence whilst on Annual Leave

If you become sick whilst on annual leave, then you will need to let your line manager know and it will then be recorded as sickness absence if you provide a fit note covering the whole length of absence (not just after 7 calendar days). You will then be recorded as sick and not on annual leave for however long the period of sickness lasts and be subject to any processes within the Sickness Absence Policy.

If annual leave is booked and an employee falls sick before their planned leave, then the employee should report in as sick. The employee must be allowed to take their annual leave at a later date.

If an employee is on nil or half pay, then they can request to take annual leave during their sickness period to mitigate any financial hardship. Annual leave requests must be made to the line manager in accordance with the leave and time off policy. During that period, their sickness absence will continue but they will receive paid annual leave for the booked period.

If an employee is abroad and falls sick and is not able to return to work, then they will need to provide documentation showing their travel itinerary including the dates that they left and were due to return to the UK within a reasonable period. Failure to provide this documentation could result in being considered Absent Without Leave and could be subject to the Council's Disciplinary Process. Any fit notes that are provided regardless of country of origin must be translated into English.

2.2 Recording an Absence - Hybrid Working

If an employee is in a role that incorporates working from home, we realise that it would be easy to fall into the habit of working when they are not well enough to do so, simply because they can do so from home. The Council does not support this approach and is keen to ensure that if employees are not well enough to work, they contact their manager in the same way as if they were physically coming in to work at the Council. This should then be recorded by the manager in the usual way. If an employee is not well enough to physically attend the office, this should be recorded as sickness absence and the employee advised not to work. This does not replace any individual reasonable adjustments that have been agreed to assist in managing conditions.

2.3 Recording an Absence - Elective Surgery & Surgery Abroad

If an employee chooses to have elective surgery that is not medically recommended this should not be recorded as sickness absence but should be taken as annual leave. For details on how to apply for annual leave please see the leave and time off policy. [annual leave and time off policy.pdf](#)

If an employee is going abroad for surgery that **is medically recommended**, then they need to provide information to their line manager of the dates of travel and follow the sickness absence policy as normal.

Following planned time off, if the employee suffers from any complications relating to the elective surgery and becomes unwell then the employee needs to follow the sickness absence procedure in the usual way. Normal sickness triggers and procedures will apply.

3. Reporting Sickness absence

3.1 First day

All employees should speak to their line manager as soon as they are aware that they will not be attending work. This should be no later than 1 hour after their usual start time. For employees who work to a shift pattern or within a service that requires a minimum statutory number of staff present then managers should be notified as soon as is practically possible but as a minimum 3 hours before the start of their shift. If the hours are unsociable i.e. before 8am and after 6pm an email or text message is sufficient notification, but it is expected they will call the manager later in the day to discuss the absence. Employees are expected to give an idea of how long the absence is expected to last as much as is reasonably possible. Should the absence continue longer than expected the employee has the responsibility to keep the manager updated regularly, the frequency of contact will be agreed.

3.2 Fit Notes

If an employee is off sick for more than 7 consecutive calendar days then a fit note from a doctor is required. The fit note must cover the period of the absence from day 8 and must be sent directly to the line manager via email. A clear photograph of the whole fit note is acceptable. Fit notes must be provided within a reasonable time frame. If fit notes are not received and there is no satisfactory reason as to why, then the council reserve the right to withhold sick pay entitlement and to claim back any entitlements that have been paid.

4 Short Term and Long Term Sickness Absence

4.1 Short term sickness

This is defined as absence that is less than 4 weeks in duration. This is the same for all employees whether full time or part time. Short term absence is still subject to sickness monitoring and managers are required to address any concerns that activate triggers (please see section 10 on absence triggers). This is the same for both full time and part time.

4.2 Long Term Sickness

This is defined as a continuous period of sickness absence that is over 4 weeks in duration. This includes planned sickness i.e. a surgical operation & recovery period. Usually long-term sickness would require a referral to occupational health to identify any potential reasonable adjustments that may be needed to enable an employee to return to work.

In the instance of long-term sickness, the manager would need to make the HR Operations Team aware so they can take over the SAP recording of the absence. This is to ensure that employees are paid the correct entitlements at the correct times. The manager would need to send a notification through HALO no later than 1 week prior to the absence going over 4 weeks. If the employee returns to work, before the absence reached 4 weeks, they should close the absence on SAP. If the colleague has been absent for more than 4 weeks and returns, then the manager would need to notify the HR Operations team via HALO so they can close the absence on SAP regardless of the length of the absence. Where the absence is known to be a long-term absence (for example a planned operation), the line manager can make the occupational health referral in advance of the absence to ensure the employee gets the early involvement and support of occupational health.

The manager should also put in a request to IT for an out of office to be activated for the employee if the employee has been unable to do this themselves. The Out of Office should inform that the person is away from work and should include an alternative point of contact. It should not mention that the employee is off sick or mention a date of return.

An employee's account is automatically disabled after 30 days of non-login for security reasons. This is without exception. Please see return to work section on how to reactivate an employee's account.

An employee returning to work from Long Term sickness may also require a phased return back into the workplace (see section 11.3 on phased returns). This is the same for all employees including part-time employees.

5 Other Types of Sickness Absence

5.1 Accidents At Work

For the purposes of sickness absence any time off taken due to an accident suffered at work (this also includes sickness due to an assault at work or an industrial disease) is not counted towards sickness absence triggers and must not be considered for formal action under the sickness absence policy, sick pay entitlement remains as outlined in Section 8. All other procedures such as Return to Work meetings, OH referrals (as necessary) should be carried out.

5.2 Pregnancy Related Absences

Pregnancy related absences are not included as part of sickness monitoring and absence relating directly to pregnancy has to be recorded on SAP as pregnancy related sickness. If an employee is unfortunate enough to suffer a miscarriage this also needs to be recorded as pregnancy related absence. All other procedures such as Return to Work meetings, Occupational Health referrals remain the same. Please see our [Parental Leave](#) policy for further information and guidance.

5.3 Disability Leave

Disability Leave is paid additional leave for disabled employees. It can be applied when employees are fit to work but require additional leave for rehabilitation, treatment or assessment directly related to their disability.

An employee with a disability that has been confirmed by occupational health or fits the criteria as defined by the Equality Act 2010 can have an additional 5 days leave for time off related to that disability.

5.4 Medical Suspension

An employer can instigate medical suspension in the event an employees' health and safety is at risk, in circumstances such as presence of dangerous chemicals or exposure to radiation during pregnancy.

Medical suspension should be a short-term arrangement to enable us to remove the potential harm, making it safe for the employee to return.

In the event it is felt that an individual's presence at work could be a risk to their Health & Safety or that of others, the line manager can discuss the option of medical suspension with the Employee Relations Team.

Medical suspension will be on full pay.

5.5 Time off for Medical Appointments

Planned time off for medical appointments should be arranged outside of working time wherever possible. If this is not possible, annual leave or flexi leave should be booked or with the prior agreement of the manager, the time can be taken and made up at a later stage.

The Equality Act (2010) states it is discrimination to treat a trans person less favorably at work because they need time for any medical processes connected with gender reassignment, for example, due to recuperation, counselling or medical appointments. This includes all related treatments (e.g. hormone therapies, surgical procedures), and also extends to any rectification of related surgical procedures if these are required.

6 Return to Work

Once an employee has returned to work, a return-to-work meeting needs to be held by the manager with the employee and the relevant form completed. [Return to Work Form](#)

If regular short term absence or patterned absence occurs this should be recorded in the RTW addressed with the employee and if there is reoccurrence it may be appropriate to hold an Attendance Review Meeting.

7 Entitlements

7.1 Sick Pay Entitlement

Once entitlement to sick pay has been exhausted then an employee would switch to Statutory Sick Pay.

| Years of Service | Sick Pay Entitlement |
|------------------------------------|--|
| During 1st year of service | 1 month full pay and after completing 4 months service 1 months full and 2 months half pay |
| During 2nd year of service | 2 months full pay and 2 months half pay |
| During 3rd year of service | 4 months full pay and 4 months half pay |
| During 4th and 5th year of service | 5 months full pay and 5 months half pay |
| After 5 years' service | 6 months full day and 6 months half pay |

The HR Operations team will give notice via a letter when an employee is to move from full pay to half pay and from half pay to nil pay when statutory sick pay is paid. The manager should inform the employee in good time (at least 2 weeks) prior to when there is a change in pay. Managers must speak to a member of the HR Operations team if the absence is known to be over 4 weeks or is approaching 4 weeks in duration, to ensure that pay is correctly processed.

7.2 Annual Leave Entitlement

All employees continue to accrue annual leave whilst off sick in the normal way as if they were at work. However, if an employee is off sick for a significant period of time, they can only carry over the statutory entitlement into the next financial year, for full time employees that would be 28 days maximum. Employees can if they wish to, book annual leave as normal during a period of sickness (see section 2.1 for details).

If an employee has more than 28 days to carry over, annual can be used during the sickness period to help mitigate any financial impact that their sickness might be having. The manager should keep a record of the annual leave by recording it on the annual leave card and inform the HR Operations Team via Halo of the days that the employee is taking as leave so that SAP can be adjusted accordingly.

The Council cannot pay any accrued but outstanding annual leave to any employee unless they leave the organisation. If an employee does not wish to utilise their annual leave, then they will not be able to carry over any additional leave other than their statutory entitlement accrued during that absence period into the next financial year.

8 Sickness Absence Triggers

Managers are required to monitor sickness absence levels within their area, when trigger stages are reached, and/or where there are concerns about an employee's absence or health. When an absence has reached the following triggers then the informal stage needs to be enacted.

- 6 days within a 12 month rolling period
- 3 episodes of sickness absence of 2 or more days during a rolling 3 month period.
- A pattern of absence for example a regular Friday or a Monday, repetitive sick leave directly after annual leave or a bank holiday.

For part time employees trigger levels are working days that are pro-rata according to

days/hours worked. The calculation should be made based on the number of days worked, not the hours on those days. For example:

| Number of Working Days | Absence Trigger Points |
|------------------------|-----------------------------|
| 2 days per week | 3 days in a 12 month period |
| 2.5 days per week | 3 days in a 12 month period |
| 3 days per week | 4 days in a 12 month period |
| 4 days per week | 5 days in a 12 month period |

9 Management Tools for Supporting Employees

9.1 Reasonable Adjustments

DSE assessments should be carried out if there are mobility issues with somebody's work station and they may need specialist equipment such as an ergonomic chair, rise and fall desks or specialist mouse, keyboard or headset. These items can only be offered once Occupational Health determines that they are required for an employee to carry out their work. Please see intranet guidance on [Reasonable Adjustments and Access to Work Guidance](#).

Employees who work from home or in a hybrid way must ensure they carry out a Haringey Council Working from Home risk assessment.

9.2 Occupational Health Referrals

Occupational Health is a service that assists managers to manage an employee's sickness. Occupational health can provide medical interventions in helping employees return to work or by suggesting reasonable adjustments such as specialist equipment to aid in work duties.

Occupational Health referrals may be made at any stage during the sickness process including the informal management review. An Occupational Health referral must have been completed before moving to a final stage hearing. [Occupational Health | Intranet](#)

Employees have to give written consent to an OH referral before any appointment. [Occupational Health | Intranet](#)

Once an employee has completed their appointment an OH report is then sent to the line manager with recommendations/adjustments.

Please note that Occupational Health adjustments are recommendations only and have to be balanced with the needs and delivery of the service. Please speak to the Employee Relations teams for advice about any recommendations that OH might advise that may be difficult to accommodate within the service.

9.3 Phased Return

When an employee has been absent for a long period of time or has had a severe illness it may be prudent for the employee to return to work on phased return. Phased returns should last for a maximum of 6 weeks and are paid on full pay. If an employee needs longer than 6

weeks, then annual leave may be used to cover the time off. If the reduced hours are needed for a significant period of time then a reduction in hours on either a temporary or permanent basis should be discussed between the manager and employee, and the appropriate form should be submitted to the HR Operations team detailing the changes.

The Council usually limits the number of phased returns to 1 in a rolling 12 month period, although it has the discretion to increase this and will seek input from Occupational Health before making a decision.

Managers should speak to a member of the Employee Relations Team for advice before any decision regarding the extension of a phased return.

9.4 Medical Redeployment

There may be instances where an employee's illness or medical condition means that they are no longer able to continue in their current role even with adjustments. One option that may be considered is medical redeployment, and anyone who is placed on the redeployment register for medical reasons will have a 12 week period of redeployment before their employment is terminated.

Once agreed managers will need to speak to the Employment Relations Team and the Recruitment Team to facilitate the process. Medical Redeployment can be on a temporary or permanent basis. The redeployment process can be found in the [Organisational Change Policy](#).

Medical redeployees must be sent to Occupational Health prior to any alternative employment being offered and accepted to determine suitability for the role.

9.5 Stress Questionnaires & EAP Support

If an employee reports an absence for work related stress then a stress questionnaire should be offered to the employee to complete: [Return to Work Form - Stress](#)

An informal meeting would need to be held between the manager and employee to discuss any issues raised. If a referral to Occupational Health is made in relation to the absence then the employee should take the completed questionnaire with them to the appointment.

The council also offers access to an Employment Assistance Programme (EAP) that employees can use. They are a free and confidential service that can offer advice on personal, work-related, health or legal issues and can be accessed 365 days a year by phone or by website. They also offer counselling sessions (up to 6) if required. Information can be found on the Council's intranet page, [Employee Assistance Programme](#). They can also be contacted by phone on 0800 019 7831.

9.6 Ill Health Retirement

In some cases an employee's illness is such that they are not able to return to work at all and their illness/condition means that they are unlikely to be able to work in the near future. If Occupational Health has recommended that an employee is eligible for ill health retirement then please refer to the [Ill Health Retirement Policy](#).

10 Sickness Absence Stages

10.1 Attendance Review & Standard Setting

Once an absence trigger has been reached then an attendance review needs to be carried out in the first instance. This does not need to wait until an employee returns to work. This meeting is informal and therefore does not require HR presence or representation. The meeting should be carried out between the line manager and the employee. If an employee returns to work after the attendance review has been conducted but has further sickness that initiates a trigger (please see above) within a 3 month period then it may be appropriate to carry out a 1st formal meeting. Please seek advice from the HR Employee Relations Team.

10.2 Formal Process Introduction

Where an employee has been through the informal stage and further triggers are reached then it may be appropriate to move forward to the formal stage. Employees on Long Term Sickness will automatically reach a trigger but must go through the informal stage before commencing formal action.

10.2.1 1st Formal Meeting

If an employee has not returned to work after the attendance review, then the first formal meeting will be arranged. A meeting can be held either face to face, or, if an employee is unable to attend the office i.e. because of mobility or other issues then the meeting can be held over Microsoft Teams. The employee has the right to be accompanied by a work colleague or Trade Union representative and a minimum of 5 working days' notice must be given in writing. Employees are responsible for organising their own representation. Please note that if an employee is absent from work, an existing fit note covering absence is not sufficient as a reason for non attendance.

If the meeting needs to be rescheduled then a minimum of 24 hours notice must be given and the rescheduled meeting must take place **no later than 10 working days after the original meeting was scheduled**. Grounds for rescheduling include an employees representative not being available, an employee being admitted to hospital or if Occupational Health have deemed the employee unfit to attend management meetings at the time.

If the employee cannot attend the rescheduled meeting, the meeting may take place in the employees absence. **An outcome letter of this meeting must be sent by the line manager no later than 5 working days after the meeting was held**. Please see practice notes for how a 1st formal meeting should be conducted. This will stay on an employees file for 12 months for the purposes of any further formal action.

10.2.2 2nd Formal Meeting

If an employees sickness has still not improved after the first formal meeting or there are further periods of sickness within 12 months of the 1st formal meeting then a 2nd formal meeting would need to be arranged. If an employee is unable to attend the office i.e mobility issues then the meeting can be held over Microsoft Teams. The employee has the right to representation by a work colleague or Trade Union representative and a minimum of 5 working days written notice must be given. Employees are responsible for organising their own representation.

Please note that if an employee is absent from work an existing fit note covering absence is not sufficient as a reason for non attendance. If the meeting needs to be rescheduled then a minimum of 24 hours notice must be given and the rescheduled meeting must take place **no later than 10 working days after the original meeting was scheduled**. Grounds for rescheduling include an employees representative not being available, an employee being admitted to hospital or if Occupational Health have deemed the employee unfit to attend management meetings at the time. This will stay on an employees file for 12 months for the purposes of any further formal action.

If the employee cannot attend the rescheduled meeting, the meeting may take place in the employees absence. **An outcome letter of this meeting must be sent by the line manager no later than 5 working days after the meeting was held**. Grounds for rescheduling include an employees representative not being available, an employee being admitted to hospital or if Occupational Health have deemed the employee unfit to attend management meetings at the time.

If an employees attendance does not improve after the 2nd formal meeting it may be appropriate to hold further attendance review meetings prior to convening a final sickness meeting. Please speak to the Human Resources Employee Relations Team for advice at this stage.

10.2.3 Final Stage Hearing

If an employees absence still continues to be a cause for concern or there are more instances of absence within a 3 month period after the 2nd formal meeting then a final stage hearing may be appropriate. A final stage hearing may only be convened if dismissal is a serious consideration.

The line manager must prepare a final sickness report which includes absence periods, Occupational Health recommendations, details of any reasonable workplace adjustments/actions. If appropriate any medical history of the employee should be included. An OH referral (conducted no more than 3 months prior to the hearing) should have already been completed prior to any final stage hearing and the report made available if consent has been given by the employee.

A final stage hearing must be chaired by a head of service or above and should be somebody within the same directorate. The chair must write to the employee directly giving a minimum of 10 working days notice. The letter must state that dismissal is a possible outcome.

The Employee Relations team must be consulted before any final stage hearing is convened. Possible outcomes other than dismissal could include redeployment or ill health retirement. **An outcome letter of this meeting must be sent no later than 5 working days after the meeting was held**. Please seek advice from the Employee Relations team about these options.

10.2.4 Appeal process for Officers

All cases of sickness dismissal have the right of appeal who will review the case based on the information provided at the appeal review hearing. A member of the HR Employee Relations team will provide HR advice to the panel. The employee is entitled to be represented at the appeal hearing by a workplace colleague or Trade Union Representative. Appeals must be submitted no more than **10 working days** after the date of the final decision/dismissal letter and appeals are to be held **no more than 20 days upon receipt of the appeal**.

10.2.5 Dismissal Hearing for a Chief or Deputy Chief Officer

A Chief Officer (defined as a postholder who reports directly to the Head of Paid Service, ie. a Director) or a Deputy Chief Officer (defined as a postholder who reports direct to a Chief Officer, ie an Assistant Director or any other post that reports to a Chief Officer) may only be dismissed by a panel of Members.

When a hearing is due to take place where the realistic outcome may be dismissal, the case must be heard by a Member panel and not by an Officer panel.

The HR Employee Relations Team will liaise with the Committee Services team to arrange the date, time and venue for the hearing and will confirm the names of the Members who will form the panel.

The process and timescales for Member hearings will normally be the same as for Officer panel hearings but will be subject to the diary commitments of Members.

The hearing will be recorded and a transcript provided to the employee.

The relevant Cabinet member may be invited to attend the hearing, but they may vote only as a substitute member for one of the substantive members of their Group on the Panel (not in addition). To be quorate, there must be at least 3 members in attendance.

10.2.6 Appeal Hearing

As with other employees, an appeal lodged against the decision to dismiss must be heard by a Member panel. The dismissal appeal panel for Chief and Deputy Chief Officer hearings must be a different panel to the one involved in the original dismissal decision.

As with all other hearings, the Member appeal panel hearing will be recorded and a transcript provided to the appellant in line with the policy. An appeal must be made using the council's Appeal Form and must be received by the HR Employee Relations team no later than ten working days after the letter confirming the outcome of the hearing has been received.

11 The right to be accompanied

11.1 You have a statutory right to be accompanied by a companion at a formal meeting;

11.1.1 A formal meeting where the interviewee has been invited in writing giving sufficient notice.

11.1.2 A meeting which could result in:

- a formal warning
- some other disciplinary action

11.1.3. A formal appeal hearing

12 Roles and Responsibilities

12.1 Employees and managers

| Employees | Line Managers |
|--|---|
| Ensure that up to date contact details including telephone and email addresses are with line manager and HR Operations | Consider the Equality Act 2010 in regards to any disability related absences |
| Report an absence from work as soon as possible to your line manager via a phone call to your line manager before your normal start time or no later than 1 hour after your scheduled start time. If start time is outside 8am – 6pm hours, the contact may be made by a text message or email, however it is expected a call will follow later in the day to discuss the absence. | Ensure that a healthy workforce is promoted by utilizing workplace risk assessments, occupational health (as necessary) and wellbeing initiatives |
| Provide documentation as required in a timely manner to cover absence i.e fit notes, appointment letters | Ensure that an attendance review meeting is held as soon as a trigger point is reached |
| Attend occupational health appointments as necessary either face to face or via the telephone as required, to promote attendance at work and provide consent for reports to be released to line manager | Ensure consistency and fairness and the use of empathy and understanding when applying the policy |
| Complete associated paperwork such as stress questionnaires, DSE assessments in a timely manner as necessary | Respect employee's rights to confidentiality |
| Keep managers updated on absence and maintain regular contact with line manager | Ensure appropriate HR and OH advice is sought (see practice notes) |
| Attend formal meetings if required relating to absence | Ensure regular contact is made during the absence from day one of absence (see practice notes) |
| | Ensure SAP is updated with employee absence before payroll deadlines each month |

12.2 Heads of Service

| |
|---|
| To be available to chair panels for final sickness meetings |
|---|

| |
|--|
| Ensure that the policy is applied fairly and consistently across their service areas |
|--|

| |
|---|
| To engage with the HR Employee Relations Team and to identify any potential issues or triggers that maybe causing high levels of sickness and to work on reducing sickness absence within their service |
|---|

12.3 Human Resources Employee Relations Team

| |
|--|
| To provide advice on how to implement the policy |
|--|

| |
|--|
| To provide support at final sickness meetings to the chair |
|--|

| |
|---|
| To provide support and advice to line managers on how to implement the various stages of the policy |
|---|

| |
|---|
| To provide advice on medical redeployment processes as required |
|---|

| |
|--|
| To provide advice on ill health retirement process as required |
|--|

12.4 Role of the Union Representative/ Workplace Colleague

| |
|---------------------------|
| To attend formal meetings |
|---------------------------|

| |
|---|
| To provide advice and support to the employee |
|---|

Appendix 1

Examples of Reasonable Adjustments

The sickness absence policy already includes reasonable adjustments that are made for employees with disabilities in respect of disability related illness, some examples of adjustments that can be made to enable employees to participate in the process are as follows, these are examples and not exhaustive.

- Arranging a suitable room for any meetings- consider accessibility, travel and environment
- Holding meetings on teams rather than in person, in the event this is beneficial for health reasons
- Ensuring sufficient time for frequent breaks to allow for physical movement and to support mental health
- Scheduling meetings at times which work best in the management of a long term condition.

Document Control

| Key Information | |
|----------------------------|---|
| Title | <i>Sickness Absence Policy v0.1</i> |
| Document Type | <i>Policy</i> |
| Document Status | <i>Reviewed and amended</i> |
| Author | <i>Senior HR Specialist- Policy</i> |
| Owner | <i>Head of Employee Relations, Business Partners & Reward</i> |
| Contact | <i>HR Policy Specialist</i> |
| Approving body | <i>General Purposes Committee</i> |
| Date of Publication | <i>2nd July 2024</i> |

| Revision History | | | |
|-------------------|-----------|---|----------------|
| Version | Date | Summary of Changes | Name |
| V0.2 | 9/3/23 | Inclusion of hearing and appeal process for Chief & Deputy Chief Officers | DP |
| V0.3 | 3/5/2023 | Updated job title on the document control section | AL |
| V0.4 | 26/5/2023 | Updated on the general purpose | AL |
| V0.1 (new policy) | May 2024 | New policy, using agreed process for policy revision. | Tanya Patchett |

Disciplinary Policy

Version 1.0 March 2024

Table of Content

| | |
|--------------|--|
| | Introduction |
| 1 | Principles |
| 2 | The right to be accompanied |
| 3 | Informal Action |
| 4 | Suspension |
| 5 | Investigation |
| 6 | The Formal Process |
| 6.1 | The Hearing |
| 6.2 | Disciplinary Sanctions |
| 6.2.1 | • First Written Warning |
| 6.2.2 | • Second Written Warning |
| 6.2.3 | • Final Written Warning |
| 6.2.4 | • Dismissal/Demotion/Re-deployment |
| 6.2.5 | • Gross Misconduct/Summary Dismissal |
| 6.3 | Dismissal of a Chief Officer |
| 7 | Disciplinary Appeals |
| 7.1 | Officers |
| 7.2 | Chief or Deputy Chief Officer |
| 8 | Simplified Process & Agreed Outcomes |
| 9 | Summary Dismissal |
| 10 | Retention of Disciplinary Records |
| 11 | Further Information |
| | Appendix 1- Suspension Risk Assessment |
| | Appendix 2- Examples of Gross misconduct |
| | Appendix 3- Simplified Process and agreed outcome |
| | Appendix 4- Examples of Reasonable adjustments |

Disciplinary Policy & Procedure

Introduction

This policy will be used in situations where employee conduct falls below what we would reasonably expect and addresses situations which could be deemed to constitute misconduct and/or gross misconduct whilst ensuring that employees are treated fairly and consistently.

The Council's [Code of Conduct](#) (available on the intranet) and this procedure apply to all employees, with the exception of teachers directly employed by the council and all staff appointed by schools operating under local management of schools, which have their own policy.

We recognise that a disciplinary process can be stressful for everyone involved and that different people might respond differently to stressful situations. We understand the prospect of disciplinary action might cause distress and affect your mental health.

We will support you throughout to help avoid this happening to you. Please talk to your manager or named point of contact about how we can support your wellbeing and access the Employee Assistance Programme and other wellbeing tools available on the [intranet](#).

1. Principles

- Except in cases of gross misconduct, this policy and procedure is primarily concerned with helping and encouraging employees to improve rather than just being a way of imposing disciplinary sanctions. It aims for an outcome that is fair, reasonable and constructive.
- We will consider informal action, where appropriate, to resolve problems.
- No formal disciplinary action will be taken without a prompt and appropriate investigation, this will be by a trained investigating officer or a manager supported by the Employee Relations (ER) Team, to establish the facts of the case.
- A decision whether or not to take disciplinary action must be made with the minimum delay and communicated to those involved.
- Where formal action is appropriate, we will advise you of the nature of the complaint against you and we will give you the opportunity to state your case before any decision is made at a disciplinary hearing.
- You will be provided, where appropriate, with written copies of evidence and relevant witness statements before a disciplinary meeting.
- Dismissal is only likely to be considered as an outcome in cases of gross misconduct or cumulative misconduct cases where other sanctions have already been exhausted or are no longer appropriate. In cases of gross misconduct, you will be dismissed without notice and without payment in lieu of notice.
- You have the right to appeal against any disciplinary sanction.

- The procedure allows for the issuing of warnings, the severity of which will depend on the seriousness of the misconduct. The hierarchy of warnings is not, therefore, intended to be sequential, but instead a judgement will be made about the level of sanction appropriate to the circumstances by the disciplinary Chair/ Panel.
- All hearings and investigation meetings will be recorded by the Council unless the employee gives a minimum of two days' notice that they do not wish to be recorded. It is the responsibility of the employees' service area to provide a suitable notetaker in the event permission is not given to record.
- Reasonable adjustments will be accommodated for colleagues throughout the process to ensure they are able to participate in the process fully and equally.

2. The right to be accompanied

2.1. You have a statutory right to be accompanied by a companion at a formal meeting;

2.1.1 A formal investigation meeting where the interviewee has been invited in writing giving sufficient notice.

2.1.2 A disciplinary meeting which could result in:

- a formal warning
- some other disciplinary action

2.1.3 A formal appeal hearing

2.2. The right is to be accompanied by:

- another employee of London Borough of Haringey Council
- a trade union representative who has been certified by their union as being competent to accompany a worker (identification may be required)
- an official employed by a trade union

2.3 There is no general right to be legally represented during a disciplinary. Legal representation will usually only be permitted where the employee is a member of a profession and there may be potentially serious ongoing consequences as a result of a disciplinary decision in respect of the future employment or career of the employee. Requests for legal representation must be requested in advance of the hearing at a minimum of five working days. These requests will be considered by the Head of Employee Relations, Business Partners & Reward.

2.4 You should tell us as soon as possible and no less than 48 hours before the meeting, if you would like a companion and who they will be so we can make arrangements in good time.

2.5 If you need any reasonable adjustments, for example for a disability, speak to the person who has invited you to the meeting – this is likely to be either the investigating officer or the chair of the hearing panel. If for any reason they are not available and your meeting date is approaching, please contact the Employee Relations team, please do this at least 48 hours before the meeting.

3. Informal Action

In the event the misconduct is considered to be too serious to be dealt with informally, managers should seek advice from the Employee Relations team around instigating the formal process.

- 3.1. Wherever possible, managers should deal with minor shortcomings in conduct and/or behaviour informally in the first instance. Where appropriate this may be achieved by giving informal advice and coaching.
- 3.2. The purpose of the informal meeting is to allow the manager and the employee to discuss the issue or problem on a one-to-one basis and for the manager to advise as to where they are not attaining the expected standard of behaviour and/or conduct, what the expected standards are and how they will be supported to achieve them. This is known as a standard setting meeting.
- 3.3. This does not form part of the formal disciplinary process and any action taken does not constitute formal disciplinary action. As such, there is no right for the employee to be accompanied at these meetings. In exceptional circumstances, managers may allow an employee to be accompanied where they believe doing so may help to facilitate a positive outcome and where it would not cause undue delay to the process.
- 3.4. At the end of the informal meeting, the manager will check that the employee understands what needs to be done, how it will be reviewed and over what period of time. A review date or dates may be set to evaluate progress. The manager should advise the employee that if there is no improvement then the formal procedure may be initiated. Documentation confirming that the meeting took place and the outcome will be kept for reference purposes. When the actions are reviewed, if there has been improvement as agreed then this should be acknowledged by the manager and any temporary arrangements put in place to support the improvement should be reviewed to determine whether they are still required.
- 3.5. If the informal stage does not bring about an improvement, managers should seek advice from the Employee Relations team around instigating the formal process.

4. Suspension

Suspension must only be instigated in the event it is felt that the employee remaining in work could seriously impact on the investigation, the allegation is potentially gross misconduct and leaving the employee in the workplace could bring serious reputational damage and there is no alternative place of work or duties that could be carried out whilst the investigation is ongoing. Suspension is a neutral act.

- 4.1. An employee may ONLY be suspended on full pay if:
 - The employee's continued presence constitutes a risk to the Council, other staff or customers.
 - If it is felt the individual may attempt to influence an investigation either through the changing of data/ information or by attempting to influence potential witnesses.
 - To facilitate a full and proper investigation which their continued presence could prevent.

AND there is no option to change their work location or duties as a temporary measure as an alternative to suspension.

- 4.2. The line manager should complete the suspension risk assessment, a copy of which is included at Appendix 1 of this policy in conjunction with a member of the Employee Relations team before seeking a decision on suspension from their Head of Service or Assistant Director and in the absence of either of these, suspension may be approved by the Employee Relations Manager or Head of Employee Relations, Business Partners and Reward.
- 4.3. The decision to suspend can only be taken by a Head of Service or above, in agreement with the Employee Relations Manager or Head of Employee Relations, Business Partners & Reward or above. Alternatives to suspension such as a temporary change to duties or transfer of workplace should always be considered first.
- 4.4. Where it is considered appropriate, the line manager will usually conduct the suspension meeting once the decision has been made to proceed and will be supported by a member of the ER team. The employee can request to be accompanied at the meeting by a trade union representative or work colleague, but this is not a statutory right, and the meeting will go ahead if they are not available.
- 4.5. During the meeting, employees should be informed of the terms of suspension and that, whilst part of the formal process, it does not constitute disciplinary action. Whilst suspended, employees must not access any work premises or contact any work colleagues (excluding Trade Union Representatives), without the specific permission of a designated contact; the designated contact should take a pragmatic approach to ensure the employee is still able to access support.
- 4.6. Details, including the reasons for suspension, should be confirmed in writing to the employee.
- 4.7. Whilst suspended from duty, employees are able to apply for and take annual leave. In all cases, employees should inform the designated contact of any intention to take leave. Unless employees have been prevented from taking leave whilst suspended, employees will not usually be granted the carry-over of leave from one leave year to the next as a result of being suspended.
- 4.8. All employees who are suspended will receive their contractual full pay. Employees who receive regular additional payments as an addition to their pay will continue to receive the same amount as stated in their contract of employment or an average of the last 6 months' payments as applicable.
- 4.9. The continued need for suspension of the employee will be kept under constant review and will be monitored by the ER team. The period of suspension should be as brief as possible.
- 4.10. You should be aware that if you are required to be registered with a professional organisation as part of your employment e.g. as a Social Worker, Teacher, Youth Worker, the Council has a duty to advise the organisation of your suspension.
- 4.11. On any occasion when an employee is suspended under this procedure, they shall be signposted to the Employee Assistance Provider.

5. Investigation

- 5.1. No formal disciplinary action will be taken without a timely and reasonable investigation to establish the facts.
- 5.2. Investigations can be carried out by the line manager when this is the most efficient approach to take and is appropriate. Investigators will have undertaken the investigation training or been provided with detailed guidance from the Employee Relations Team.
- 5.3. In the case of a suspected financial irregularity, the Employee Relations Specialist will notify the S151 Officer and Head of Audit of all allegations or suspicions at the earliest opportunity. This may lead to audit undertaking a review to provide evidence for the management investigation or, in serious cases a concurrent audit investigation may take place.
- 5.4. The investigation may require employees and witnesses to be interviewed to establish the facts. As far as possible, all witness statements should be in the form of Q&A by the investigating officer and should be signed and dated. In some circumstances, this meeting may be recorded and then transcribed. A copy of the transcription will be provided to the person who was interviewed, it may also be used as part of the documents in the event a formal hearing is convened.
- 5.5. Employees should be given reasonable notice of any investigation meetings / interviews and be made aware of the nature of the allegations or concerns being expressed in writing in advance of the meeting.
- 5.6. All investigations will be concluded in a timely manner as far as is reasonably practicable, usually within 28 working days unless a revised timeline has been agreed by all parties. The investigating officer will seek advice from the ER team before determining whether formal disciplinary action is to be recommended, based on the findings of their report.
- 5.7. In cases where formal disciplinary action is recommended, the ER team will seek to arrange a disciplinary panel chaired by an appropriate manager.
- 5.8. In the event that an investigation concludes there is a case to be considered and the accused colleague has admitted the action/ behaviour, it is possible to consider using the simplified process to reach an agreed outcome. This option can only be considered if the level of sanction is to be short of dismissal.
- 5.9. In cases where it is decided that either informal action or no further action at all is recommended, the investigating officer should inform the individual in writing as soon as possible, they may also inform their line manager.

6. The formal procedure

6.1. The Hearing

- 6.1.1. Before any formal disciplinary outcome is issued, the employee will be given the opportunity to hear the allegations and to explain their actions to a hearing panel in the form of a disciplinary hearing.

- 6.1.2. The panel may be chaired by the employee's manager (unless they have carried out the investigation), one of their managers, peers or a more senior manager, depending on the circumstances of the case. A member of the ER team will be present at the meeting to provide advice and guidance on policy and process. They will also advise on the appropriateness of the panel members.
- 6.1.3. The employee will be given reasonable written notice of no less than five working days of the disciplinary hearing, detailing the nature of the allegation, any witnesses to be called and the employee's right to be accompanied as set out in section 2.2 of this policy. A copy of the investigation report and details of any witnesses to be called by the investigating officer will also be supplied. In cases where dismissal could be an outcome, the employee should be informed that the hearing may result in dismissal.
- 6.1.4. Any documentary evidence to be used and details of any witnesses to be called at the time of the disciplinary hearing by the employee in their defence should be submitted to the panel at least two calendar days prior to the hearing.
- 6.1.5. If the employee or their representative cannot attend at the time specified for a hearing, the employee must inform the Employee Relations team immediately and an alternative time will be arranged. The employee must make every effort to attend a hearing. If the employee fails to attend without good reason, or is unable to attend the re-arranged hearing, the hearing may be heard in their absence on the available evidence.
- 6.1.6. In the event a person is unable to attend due to illness or disability, reasonable adjustments can be considered and offered. It may still be necessary to hold the meeting in the absence of the employee as long as all reasonable adjustments have been considered and further delay is not appropriate.
- 6.1.7. The Hearing Chair will review all documents prior to the hearing, the purpose of the hearing is for the chair to consider the evidence presented by the investigating officer, hear the employee's point of view and any mitigating evidence before making a decision on whether a formal sanction should be applied. The hearing chair may request witnesses if needed.
- 6.1.8. New allegations are not normally introduced at the hearing which have not been part of the investigation. If any new matters that come to light in the course of the hearing and are completely unrelated to the existing allegations, it may be necessary to adjourn the hearing for further investigation to take place.
- 6.1.9. The employee will be able to set out their case, have an opportunity to ask questions, present evidence, call relevant witnesses and raise points about any information provided by witnesses.
- 6.1.10. Once all evidence has been considered, the hearing should be adjourned to allow the Chair to consider the information put before them. Once a decision has been reached, the hearing should be reconvened or a letter written to the employee to inform them of the outcome (see below).
- 6.1.11. The potential outcome of the hearing could be no formal action (there could still be recommendations and standards setting required as well as any action deemed reasonable and appropriate outside of the disciplinary procedure (e.g. training)), first written warning, final written warning, or dismissal.

6.1.12. Following the hearing, the employee should be sent written confirmation within five working days, detailing the outcome of the hearing (including any sanction imposed), the consequence of any further misconduct and their right to appeal. The manager will also be notified of the outcome.

6.2. Disciplinary Sanctions

The level of sanction applied will take account of all relevant factors; in particular the seriousness of the employee's alleged misconduct.

6.2.1. First Written Warning

A first written warning will be appropriate when issues previously addressed have not been resolved or in more serious breaches of rules or standards of conduct whether or not they have been addressed previously.

It will be live on file for a period of between six and 12 months but disregarded for disciplinary purposes after this time.

This warning will be taken into account if any further acts of misconduct or failure to satisfactorily improve during the period that it is live. In the event of repeated misconduct of a similar nature, previous expired sanctions may be taken into account.

6.2.2. Second Written Warning

A second written warning may be issued if the misconduct is considered more serious than to warrant a first written warning and in the event of repeat misconduct. Sanctions do not have to be applied sequentially in the event the misconduct is considered serious enough to warrant a second written warning without a first written warning being present, this is available to the hearing chair as a sanction.

6.2.3. Final Written Warning

A final written warning will be appropriate where misconduct of a more serious nature arises but on the merits of the case it is decided that dismissal is not appropriate or where issues that have previously been addressed have not been resolved.

Sanctions do not have to be applied sequentially in the event the misconduct is considered serious enough to warrant a final written warning without any previous written warning being present, this is available to the hearing chair as a sanction.

It will be live on file for a period of 12 to 24 months but disregarded for disciplinary purposes after this period of time.

In exceptional circumstances, it may remain on file as a point of information in cases where it is necessary for such information to be shared (for example in the case of safeguarding), retention of records will be in line with our policy, outlined at section 10.

In the event of more than one allegation being substantiated, it is possible to issue a final written warning as an outcome.

6.2.4. Dismissal/Demotion/Re-deployment

Dismissal will be appropriate where there has been an instance of misconduct of any kind in situations where a Final Written Warning is still live.

An employee dismissed in this way is entitled to be paid in lieu of the appropriate period of notice as set out in their contract of employment.

Other options such as demotion or redeployment (where possible) will be explored prior to a decision to dismiss being made if this is deemed appropriate.

Where a colleague is deemed to have acted in a way that constitutes misconduct which results in it not being appropriate to remain at the same level of seniority, they could be moved to a role at a lower grade as an alternative to dismissal. This would be subject to available vacancies.

It is also possible to temporarily change or remove duties to enable a colleague to receive training and development prior to returning to their substantive post.

Redeployment could be considered appropriate in the event conduct means they can no longer work within a particular team or service area but could be retained to take alternative work in another service; this would be subject to available vacancies.

6.2.5. Gross Misconduct/Summary Dismissal

Summary dismissal is a potential outcome of a disciplinary process, it will usually be appropriate in cases which constitute gross misconduct, examples of which are detailed in Appendix 2, although this list is not exhaustive.

6.3. Dismissal of a Chief Officer

6.3.1. A Chief Officer (defined as a postholder who reports directly to the Head of Paid Service, ie. a Director) or a Deputy Chief Officer (defined as a postholder who reports direct to a Chief Officer, ie an Assistant Director or any other post that reports to a Chief Officer) may only be dismissed by a panel of Members.

6.3.2. When a hearing is due to take place where the realistic outcome may be dismissal, the case must be heard by a Member panel and not by an Officer panel. The Employee Relations Team will liaise with the Committee Services team to arrange the date, time and venue for the hearing and will confirm the names of the Members who will form the panel.

6.3.3. The process and timescales for Member hearings will normally be the same as for Officer panel hearings but will be subject to the diary commitments of Members.

6.3.4. The hearing will be recorded and a transcript provided to the employee.

6.3.5. The relevant Cabinet member may be invited to attend the hearing, but they may vote only as a substitute member for one of the substantive members of their Group on the Panel (not in addition).

6.3.6. To be quorate, there must be at least 3 members in attendance.

7. Disciplinary Appeals

7.1. Officers

- 7.1.1. If the employee wishes to appeal against the outcome of a disciplinary hearing, they should do so in writing to the Employee Relations Manager via HALO stating the reasons for their appeal no later than 10 working days from the date of the disciplinary outcome letter. In the event of dismissal or where the employee does not have access to HALO, this can be done in writing or by email to the Employee Relations team.
- 7.1.2. An appeal is not a re-hearing of the original case but instead should be based upon one or more of the following principles:
- Any part of/the whole process of the investigation was unreasonable
 - The level of disciplinary sanction imposed is disproportionate to the offence or inconsistent with sanctions imposed on other employees in similar circumstances
 - New evidence has come to light since the original hearing which needs to be considered
 - The Council has failed to follow its disciplinary policy and procedure
- 7.1.3. Appeals against a sanction less than dismissal will be chaired by a manager more senior than the chair of the disciplinary hearing, depending on the circumstances of the case. An HR representative will provide advice and guidance on policy and process, including on the appropriateness of panel members.
- 7.1.4. Appeals against dismissal will be considered by a panel of members.
- 7.1.5. The appeal hearing will be arranged in a timely and reasonable manner.
- 7.1.6. The employee will be given reasonable notice in writing of no less than five working days of the appeal hearing detailing who will be conducting the hearing, arrangements in relation to any documents to be forwarded prior to the hearing (if not already enclosed) and the employee's right to be accompanied by either a trade union representative or workplace colleague.
- 7.1.7. At the hearing the employee will be asked to give their reasons for appealing, referring to any relevant evidence and the chair of the disciplinary meeting may be asked to attend the hearing to explain the rationale for their decision.
- 7.1.8. Once all evidence has been considered, the hearing should be adjourned to allow the Chair to consider the information put before them. If the Chair requires further information or clarification prior to making the decision, this should be sought as a matter of urgency and the employee advised that there will be a delay in reaching an outcome.
- 7.1.9. The outcome of the appeal could be that the appeal is upheld (the disciplinary sanction is dismissed or decreased) or is not upheld (the disciplinary sanction remains the same). The appeal Chair cannot increase the disciplinary sanction as it is not a rehearing. This will be confirmed in writing within three working days of the hearing unless there has been a delay due to additional evidence or clarification being sought.

- 7.1.10. The decision of the appeal hearing is final and there is no further right of appeal.
- 7.1.11. If the employee is appealing against a decision to dismiss them, their dismissal date will be effective from the date in their dismissal letter, unless their appeal is upheld. The employee's employment will not continue while a decision regarding their appeal is reached. If the appeal is upheld, the employee will be reinstated with no break in their continuous service and their pay will be backdated to the date of dismissal.

7.2. Chief or Deputy Chief Officer

- 7.2.1. As with other employees, an appeal lodged against the decision to dismiss must be heard by a Member panel.
- 7.2.2. The dismissal appeal panel for Chief and Deputy Chief Officer hearings must be a different panel to the one involved in the original dismissal decision.
- 7.2.3. As with all other hearings, the Member appeal panel hearing will be recorded and a transcript provided to the appellant in line with the policy.
- 7.2.4. An appeal must be received by the Employee Relations Manager via HALO no later than ten working days after the letter confirming the outcome of the hearing has been received.

8. Simplified Process & Agreed Outcomes

Progressing with this process must be agreed by ER team

Where the finding and recommendations from the formal investigation are agreed by all parties or there are mitigating circumstances, and where the likely sanction will be less than dismissal, all parties can agree that the simplified process should be used to reach an agreed outcome. The Simplified process can be found at appendix 3 to this document.

9. Summary Dismissal

This procedure is to be used for dismissals such as unauthorised absence from work without contact (absent without leave) or returning to work, unsatisfactory DBS disclosures, a failure to evidence a Right to Work in the UK or in the event of gross misconduct.

Where there are disciplinary or dismissal issues under consideration the following three-step procedure will be used.

- 9.1. The employee will be written to with details about the nature of employee's conduct, capability or other circumstances that may result in dismissal or disciplinary action.
- 9.2. The employee will be invited to a meeting with the manager at a reasonable time and place where the issue can be discussed, and any evidence considered. The employee must take all reasonable steps to attend. The employee has the right to be accompanied at the meeting by a trade union representative or work colleague. After

the meeting, the manager must inform the employee in writing, summarising the evidence heard, their decision, and offer the employee the right of appeal.

- 9.3. If the employee wishes to appeal, they must inform the manager and the Employee Relations Team with reasons/ grounds for the appeal within 10 working days of the original decision. The employee will be invited to attend a further meeting to appeal against the decision. The employee has the right to be accompanied at the meeting by a trade union representative or work colleague. Where possible, a more senior manager should chair the appeal meeting. The final decision will be communicated to the employee in writing. A member of the Employee Relations Team will be present to advise the chair.

10. Retention of Disciplinary Records

A full confidential record of all notes, evidence and letters relating to the formal disciplinary procedure must be kept.

Where the investigation shows that there is no case to answer, all documentation relating to the case should be destroyed with the exception of the following scenarios:

- Where documents are required to support the informal procedure, should this subsequently be followed or;
- If it is relevant to another process involving the same employee where it would be deemed reasonable to hold this information for an extended period of time.

Lapsed disciplinary warnings will not be taken into consideration in any subsequent related acts of misconduct. However, they may be referred to in order to:

- Refute evidence by the employee that they did not know that such conduct amounted to a disciplinary offence;
- Refute representations by the employee about their previous service which are inconsistent with their disciplinary record.

In line with the Children Act 2004 (and subsequent 2014 updates), any disciplinary investigation conducted with reference to an allegation of abuse against a child (whether a disciplinary sanction is imposed or not) will be kept indefinitely and will be available for consideration should further misconduct of a similar nature occur. The Council is obliged under the Act to share relevant information with future employers on request.

This also applies to the Protection of Vulnerable Adults scheme where records will be retained for 5 years and then reviewed as to whether further retention is required.

11. Further information

Code of Conduct
Dignity at Work Policy
ACAS Code of Practice on Disciplinary and Grievance Procedures
Grievance Policy

Appendix 1

Suspension Risk Assessment Form

Date:

Manager:

HR Lead:

Name of Employee:

Employee No:

Department:

Issue/Incident: see below

Reported by:

Evidence obtained prior to Risk Assessment:

- Breach of professional conduct and concerns regarding financial practice
- Bringing the LA into disrepute
- Breach of trust and confidence

| Potential Risks | Is this a Risk? Yes/No | Explanation | Risks Likelihood 1=Rare 2=Unlikely 3=Possible 4=Likely 5=Almost Certain |
|---|---------------------------|-------------|--|
| Risk of harm to public/service users | | | |
| Risk of harm to employees | | | |
| Risk of harm to self | | | |
| Risk of harm to council property | | | |
| Risk of harm to council (e.g. reputational damage) | | | |
| Risk of Fraud | | | |
| Risk of Service Provision | | | |
| Risk of employee interfering with evidence during investigation | | | |
| Risk of employee influencing witnesses during investigation | | | |

| Potential Risks | Is this a Risk? Yes/No | Explanation | Risks Likelihood 1=Rare 2=Unlikely 3=Possible 4=Likely 5=Almost Certain |
|--|---------------------------|-------------|--|
| Does the employee hold a second job that could potentially interfere with the investigation? (<i>ensure Schools and agency roles are considered</i>) | | | |

**This information should be verified by the Employee Relations Specialist on SAP.*

Actions to be considered to reduce risk without suspending employee:

1. Employee remains at work and duties are temporarily amended and/or
2. Employee remains at work and place of work/the team in which the employee works is temporarily changed; and/or
3. Employee remains at work under increased supervision.
4. Employee remains at work under suspension.
5. Employee is suspended.

Decision following Risk Analysis

Please record the decision taken and the reasons for the decision.

The risks are assessed as high given there are significant concerns relating to social work practice, professional conduct, capacity around keeping Information safe and confidential. This has the potential to cause the council reputational damage and risk of not being able to fulfil the service provisions to CIC / care leavers due to lack of trust, confidence, and breach of professional boundaries.

Outcome of Assessment and Decision

Employee is suspended whilst arrangements are made to transfer her to another team and function within the council supporting administrative activity of a non-confidential nature

Date:

Signed:

Name:

Job Title:

Date:

Signed:

HR Lead:

Appendix 2

Examples of gross misconduct behaviour; this list is not exhaustive

- Theft or Fraud
- Physical violence, bullying, harassment
- Damage to property
- Serious misuse of an organisation's name or property
- Deliberately accessing internet sites on a work device that contain offensive material (pornographic or other offensive material)
- Publishing or engaging in social media activity which is considered inappropriate
- Setting up a competing business
- Serious insubordination
- Failing to comply with reasonable management requests
- Discrimination
- Bringing the Organisation into serious disrepute
- Offering or accepting bribes
- Serious breach of health & safety regulations
- Serious breach of trust/ confidence
- Causing loss, damage, injury or reputational damage through serious negligence
- Serious incapability at work due to alcohol or illegal drug use

Appendix 3

Simplified process and agreed outcomes

In the event it is recommended for a case to proceed, where the sanction is to be less than dismissal and the employee subject to the formal process admits to the alleged misconduct, it is possible to offer the simplified process to reach an agreed outcome.

The simplified process cannot be instigated before any period of appeal has lapsed; in the case that an investigation has taken place following a grievance complaint, the person raising the grievance has the right to appeal the outcome; the time must have passed or the appeal been heard before the simplified process can take place.

An independent manager or senior member of the HR Team will review any documents and consider an appropriate outcome. They will invite the employee to attend an agreed outcome meeting, with a minimum 5 working days' notice.

At the meeting, the reviewing manager will present the outcome they are proposing and the rationale, the employee will have the opportunity to share any further information they think is relevant and the reviewing manager will consider this and confirm the outcome, this will be confirmed in writing.

If the employee decides within 5 working days that they disagree with the process or do not feel the outcome is reasonable, the case will be referred back to the ER team to find a hearing chair for a formal disciplinary hearing.

Any disciplinary sanction issued, and accepted by the employee, will have the same status as those obtained at a hearing, except that there will be no appeal process.

There is no obligation to offer a simplified process/ agreed outcome and no obligation on an employee to accept.

If an employee receives an agreed outcome and repeats the misconduct during a warning period, they will not be offered a second simplified process/ agreed outcome and will be subject to the usual disciplinary process.

Copies of all relevant documentation will be retained in the usual manner and in line with our 'retention period for employment information guide'.

Appendix 4

Examples of Reasonable Adjustments

London Borough of Haringey Council ensures access to reasonable adjustments, we will take steps to enable employees to participate in the process as far as reasonably practicable, some examples of this are as follows, these are examples and not exhaustive.

- Arranging a suitable room for any meetings- consider accessibility, travel and environment
- Holding meetings on teams rather than in person, in the event this is beneficial for health reasons
- Ensuring sufficient time for frequent breaks to allow for physical movement and to support mental health
- Scheduling meetings at times which work best in the management of a long term condition

Document Control

| Key Information | | | |
|-----------------------------|------------|--|----------------|
| Title | | Disciplinary Policy | |
| Document Type | | Draft | |
| Document Status | | First draft | |
| Approving body | | Staffing and Remuneration Committee approved | |
| Author | | Strategic HR & OD BP | |
| Owner | | Head of Employee Relations, Business Partners & Reward | |
| Contact (Managed by) | | Employee Relations, Business Partners & Reward Team. | |
| Date of Publication | | | |
| Revision History | | | |
| Version | Date | Summary of Changes | Name |
| 1.0 | March 2024 | Following approval to amend the way policies are reviewed & amended, it was agreed that all revised policies would be based on a base legally compliant template and local provisions added. This replaces the previous approach of reviewing and adding to existing policies. This policy replaces all previous versions. | Tanya Patchett |