

NOTICE OF MEETING

GENERAL PURPOSES COMMITTEE

**Monday, 14th October, 2024, George Meehan House, 7.00 pm -
(watch the live meeting [here](#), watch the recording [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/QUESTIONS

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

6. MINUTES (PAGES 1 - 4)

To agree the minutes of the previous meeting held on 2nd July 2024 as a correct record.

7. PEOPLE REPORT JUNE 2024 (PAGES 5 - 8)

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.

8. HR POLICY REPORT (PAGES 9 - 70)

The report sets out the changes to the Grievance and Capability policies to ensure that they are in line with ACAS best practice, any legal/ statutory requirements and the Council's local requirements.

9. NEW ITEMS OF URGENT BUSINESS

10. DATE OF NEXT MEETING

The date for the next meeting is 16th January.

Kodi Sprott

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Head of Legal & Governance (Monitoring Officer)

George Meehan House, 294 High Road, Wood Green, N22 8JZ

Friday, 04 October 2024

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**MINUTES OF THE GENERAL PURPOSES COMMITTEE MEETING HELD ON
WEDNESDAY 3RD JULY 2024, 7:05PM – 7:35PM**

PRESENT:

Councillors: Cressida Johnson (Chair), Erdal Dogan, Kaushika Amin

1. FILMING AT MEETINGS

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

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Carrol.

3. URGENT BUSINESS

There were no items of urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

There were no deputations/petitions/presentations or questions.

6. MINUTES

RESOLVED

That minutes of the meeting of 8th February 2024 be agreed as a correct record.

7. PEOPLE REPORT - MAY 2024, MARCH 2024 DATA

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

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

- In regard to statistics within the report, it was noted that it was likely for the Council to have more long-term sickness absence due to the Council's workforce profile.
- The data provided within this report would be updated and relayed to members of the committee three times a year.
- It was noted by members that it would be useful to have a breakdown of the number of agency staff in each directorate. It was explained that the Portfolio

lead would receive a detailed report on agency staff. This report would not come to the committee in directorate format. The Chair agreed that further detail on this could be provided to members ahead of the committee.

- Specific information on the employment rates within each local area of the Council was not tracked, however, there was targeted recruitment in the vicinity. The recruitment policy would be brought back to the committee periodically.
- Members noted that further detail on FTE'S within each team would be useful.

RESOLVED

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

8. HR Policies – Proposed changes and revised timescales

Tanya Patchett, Head of Employee Relations, Business Partners & Reward, introduced the report as set in the agenda pack. The report sought 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.

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

- Within 3 years the second written warning stage of the disciplinary policy had been used 4 times in total. This stage was not in line with best practice from a HR perspective and despite this not being frequently used, this was clearly set out for management to use where necessary.
- Members would like to be informed of any changes made to policy, these would not be substantial changes or structural changes to policy. Officers explained that often due to changes in legislation, minor changes are required which cannot wait for these committees; this would pose a potential risk as the committee only meets 3 times a year.
- Unions had concerns in regard to the second written warning removal, this was discussed at length but an agreement could not be reached hence bringing forward to the Committee.
- Cllr Amin did not agree with recommendations 3.2 and 3.3 as written at moment. Officers reiterated that these recommendations would be reviewed thoroughly and returned to the Committee in January for an update.

RESOLVED

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

9. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

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Report for: General Purposes Committee - 14th October 2024

Item number:

Title: People Report June 2024

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:** Non-key

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 established workforce has increased further by 1.2% since March 2024, as a result our base pay bill increased slightly by 1% during this reporting quarter. The average cost per FTE has reduced by 0.3%.
- 6.1.2 The number of agency workers being utilised by the Council in June 2024 has decreased by 9.5% and subsequent costs reduced by 5.9%. The majority of roles being covered continues to be predominantly frontline posts such as Social Workers, Senior Practitioners and Craft Workers. Whilst the number of agency workers have decreased during this quarter, the Council will continue to monitor this and aim to reduce the level of agency workers where possible. This type of workforce is needed 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 its residents. The top three directorates which have the highest level of usage are Adults, Health & Communities, Children's Services and Placing and Housing.
- 6.1.3 We currently have 66 'off payroll' workers who have a day rate of over £500 across the Council. In June 2024 there has been a reduction of 1 FTE, which has resulted in costs reducing by 3.4% for this workforce group. The top three directorates which have the highest level of usage are Culture, Strategy and Engagement, Placemaking and Housing and Finance.
- 6.1.4 Overall, there has been a reduction in the Council's total workforce headcount and cost, despite an increase in FTE.
- 6.1.5 During the rolling year period July 2023 to June 2024, 55% of new starters were under 40 years old, whereas 35% of leavers were under 40.
- 6.1.6 In June 2024 both average sickness days and short-term sickness have increased slightly, whilst long term sickness has reduced since March 2024. During the last rolling year period the top three sickness reasons have been recorded as: stress/mental health, anxiety/depression and back related. HR Business Partners continue to work with Directors to address sickness rates across the Council. It is recognised that public sector has higher rates of sickness than other industries and this is a key focus for the council.
- 6.1.7 Since March 2024 there have been 18 new apprenticeships and 8 completed apprenticeships. Currently, the most popular apprenticeship standards/ frameworks are Data Technician, Project Managers, Data Analysts and Department Managers.

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 March 2024 to June 2024 and highlights progress in reducing numbers of agency staff. The impact of these changes has already been considered as part of the regular budget monitoring process and reported accordingly. There are no other financial implications arising from this report.

8.2 Head of Legal and Governance

The Assistant Director of Legal and Governance has read the report and has no comments as the report is for information only.

9. Use of Appendices

Appendix A - People Report (June 2024)

10. Local Government (Access to Information) Act 1985

Not applicable.

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Report for: General Purposes Committee - 14th October 2024

Item number:

Title: HR Policies

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:** Non-key

1. Describe the issue under consideration

The report sets out the changes to the Grievance and Capability policies to ensure that they are in line with ACAS best practice, any legal/ statutory requirements and the Council's local requirements.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

That Committee consider and approve the changes to the Grievance and Capability policies.

4. Reason for Decision

Review of policies is done on a cycle basis however 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 Human Resources (HR) has consulted/ engaged with Trade Unions, Staff Networks and other stakeholders via our policy collaboration process to ensure we have fit for purpose and legally compliant policies.
- 6.2 The new Grievance and Capability Policies have been drafted in line with ACAS best practice (with reference to XpertHR), any legal/ statutory requirements and the Council's local requirements.
- 6.3 The Grievance Policy has been updated as follows:
- 6.3.1 Principles section has been updated in line with other Council policies.
- 6.3.2 The reference to practice notes has been removed and the following contents has been amalgamated from the Grievance practice notes into the policy:
- Policy not applicable to agency workers.
 - Section 1.1 renamed to include 'Early Intervention' and included the associated wording.
 - Additional wording included on the definition of Mediation.
 - Paragraph added to section 1.3 on how to raise a formal grievance.
 - The various types of support available for employees has been added at section 4.
 - Timescales on submitting an appeal and clear explanation of the appeal hearing.
- 6.3.3 A paragraph describing the role of a Trade Union representative has been added (section 1.8).
- 6.4 The Capability Policy has been updated as follows:
- 6.4.1 Principles section has been updated in line with other Council policies.
- 6.4.2 The reference to practice notes has been removed and the following contents has been amalgamated from the Capability practice notes into the policy:
- Additional wording included with reference to the second formal meeting and notice time to be given.
 - Wording added regarding details of what must be in an invite letter to an employee. Refer to section 7.1.
 - Hearing Format, including Reasonable Adjustments & Virtual Hearings information added at section 7.2.
 - Additional wording included on the rearrangement of a meeting. See section 7.3.
 - Failure or refusing to attend added at section 9.
 - Redeployment and Capability section added at section 10.
 - The various types of support available for employees has been added at section 14.
 - Improvement Plan Guidance included at appendix 1 and flowchart of process at appendix 3 of the policy.
- 6.5 We propose to introduce a domestic abuse policy to ensure we are offering sufficient support and guidance to anybody in our workforce who may be experiencing domestic abuse. The aim of the policy is to set out a framework of support for colleagues who may be experiencing

domestic abuse; this includes both practical support including paid time off and also signposting to services.

- 6.6 HR proposes to bring the following policies to the next committee meeting in January 2025:
1. Probation Policy
 2. Organisational Change policy
 3. Ill Health Retirement Policy

7. Contribution to strategic outcomes

The review and amendments to policies are done in order to ensure we are operating within best practice for human resources and in supporting the organisation to achieve its' objectives. Policies under review are also done so in order to maximise the efficiency of workforce management.

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

8.1 Chief Finance Officer

There are no financial implications arising from the contents of this report.

8.2 Head of Legal and Governance

The AD of Legal and Governance has read the report and supplied comments to the revisions proposed to the Grievance and Capability Policies to ensure that the revisions are compliant with the legal standards of practice. Additionally, the Council's proposes to introduce a Domestic Abuse Policy. The introduction of such a Policy is consistent with current Government directions and non statutory guidance issued to employers concerning the subject.

9. Use of Appendices

Appendix A - Grievance Policy
Appendix B - Capability Policy
Appendix C - Domestic Abuse Policy

10. Local Government (Access to Information) Act 1985

Not applicable.

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People Report

June 2024

Appendix A



Measure		Data Period	Reporting Period					% Change
Established Workforce			Sep 2023	Dec 2023	Mar 2024	Jun 2024	Status	Mar 2024 to Jun 2024
Headcount	M		3382	3362	3374	3413	↑	1.2
FTE	M		3115.6	3111.3	3130.9	3170.9	↑	1.3
Cost base pay - monthly (£000)	M		£10,543,767	£11,198,629	£11,216,824	£11,328,864	↑	1.0
Cost base pay - annualised (£000)	M		£126,525,204	£134,383,547	£134,601,890	£135,946,369	↑	1.0
Average cost per FTE (£000)	M		£40,610.2	£43,192.1	£42,991.4	£42,873.1	↓	-0.3
Off Payroll Workforce - Agency (from June 2023 excludes £500+)								
Headcount	M		615	607	608	550	↓	-9.5
FTE	M		500.5	413.4	474.7	441.0	↓	-7.1
Cost - monthly (£000)	M		£2,653,654	£2,692,828	£3,136,708	£2,951,482	↓	-5.9
Cost - annualised (£000)	M		£31,843,851	£32,313,932	£37,640,499	£35,417,784	↓	-5.9
% Agency of total workforce	M		15.2	12.9	14.4	13.5	↓	-6.7
Off Payroll Workforce - Interims & Consultants (£500+)								
Headcount	M		76	75	67	66	↓	-1.5
FTE	M		57.0	45.8	53.1	52.1	↓	-1.9
Cost - monthly (£000)	M		£731	£731	£834	£805	↓	-3.4
Cost - annualised (£000)	M		£8,769,773	£8,774,835	£10,004	£9,660	↓	-3.4
Total Workforce (Established + Agency/Consultants/Interims)								
Headcount	M		4073	4044	4049	4029	↓	-0.5
FTE	M		3673.1	3570.5	3658.7	3664.0	↑	0.1
Cost - monthly (£000)	M		£13,928,236	£14,622,693	£15,187,173	£15,085,320	↓	-0.7
Cost - annualised (£000)	M		£167,138,829	£175,472,314	£182,246,071	£181,023,841	↓	-0.7
Leavers								
Headcount	RY		396	376	416	415	↓	
FTE	RY		352.1	333.0	364.7	368.9	↑	
% Resignation/ Retirement	RY		84	80	76	78	↑	
% TUPE	RY		0	0	0	0	→	
% Redundancy	RY		2	4	6	7	↑	
% Other	RY		14	16	17	15	↓	
No. Leavers Aged <40	RY		156	140	135	144	↑	
Starters								
Headcount	RY		479	459	468	486	↑	
FTE	RY		452.0	439.3	448.3	471.1	↑	
% Permanent appointments	RY		72	70	68	67	↓	
% Fixed term appointments	RY		28	30	31	33	↑	
% Temporary appointments	RY		0	0	0	0	→	
No. New Starters Aged <40	RY		241	241	253	266	↑	

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

June 2024

Appendix A



Measure	Data Period	Reporting Period				% Change
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Sickness Absence

		Sep 2023	Dec 2023	Mar 2024	Jun 2024	Status
Sickness rate (average days)	RY	11.1	11.4	11.2	11.3	↑
Long term sickness rate (20+ days)	RY	8.3	8.4	9.2	8.5	↓
Short term sickness rate (<20 days)	RY	2.8	3.0	2.0	2.9	↑
Sickness cost (£000)	RY	£4,551	£4,962	£4,431	£4,889	↑

Apprentices

Adults, Health & Communities	M	25	26	20	33	↑
Children's Services	M	16	17	19	25	↑
Culture, Strategy & Engagement	M	36	27	13	35	↑
Director of Finance	M	14	13	10	18	↑
Environment & Resident Experience	M	18	17	15	19	↑
Placemaking & Housing	M	33	32	30	39	↑
No. Apprentices	M	142	132	107	169	↑

Data Period = Period the data relates to:
M = Month (based on snapshot within the month)
RY = Rolling Year (based on 12 rolling months)

Grievance Policy

Version 1.0 September 2024

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Introduction

A grievance is a concern or complaint raised by an employee or group of employees related to the work environment. The employee/s will not suffer any disadvantage, damage, harm, or loss by raising, supporting, or giving evidence of a grievance under this policy as this may constitute unlawful victimisation. This procedure must not be used maliciously, frivolously or in bad faith. Any misuse of the procedure may lead to disciplinary action. A grievance may not be appropriate if it is raised in direct response to the application of another procedure or where it can be raised under another procedure, for example a grievance instead of raising an appeal following a disciplinary sanction.

The grievance policy provides a framework which outlines how an employee may raise a concern regarding any aspect of their employment and seek a resolution within a reasonable timeframe.

This policy applies to all current Council employees, except all staff employed at schools operating under local management of schools, which have their own procedure. It does not apply to agency workers.

Complaints from ex-employees should be dealt with under the modified grievance process, refer to section two.

Where a grievance is raised against an individual who is not an employee of the Council but may be on secondment to the Council or working with the employee as part of a multi-disciplinary team, the grievance will be referred to the employer of that individual to investigate. All aggrieved parties will be kept informed of the process and outcome. The Council will work with the substantive organisation to ensure the grievance is managed effectively if a grievance is raised against an employee on secondment.

Instances of serious concerns including miscarriages of justice, not complying with legal requirements and criminal activity may be more appropriately dealt with under our [Whistleblowing Policy](#) which can be found in appendix two of the Council's Anti-Fraud and Corruption Strategy.

1 Principles

1.1 Early Intervention and Informal Resolution

Early intervention is essential to the maintenance of good working relationships and every effort must be made to resolve grievances informally and as soon as possible. Many grievances can be resolved quickly through informal discussion and employees are encouraged to seek informal resolution in the first instance. Therefore, it is expected that the employee, or group of employees should attempt to resolve their concerns informally by discussing the matter with their line or appropriate manager.

There is no prescribed right way to manage grievances informally, however, the manager may decide to use one of the options below:

1. Meeting with the employee/group of employees and agreeing on a resolution
2. Facilitating a conversation between the two or as a group
3. Provide recommendations such as training

The employee may request to be accompanied during the informal stages of the grievance. However, the line manager has the right to accept or decline this request as there is no automatic right for the employee to be accompanied during informal meetings. In informal meetings, any representative permitted to attend will do so in a support and wellbeing role only.

Where informal resolution is not successful or is clearly inappropriate employees should raise their grievance formally in writing using the [grievance submission form](#) as soon as is practicable and normally within three months of the cause of the grievance.

1.2 Mediation

Mediation is a voluntary and confidential process used to settle conflict and both parties must agree and take responsibility to utilise the process to resolve the problem. The focus of the mediation is to provide a safe space for employees to resolve their conflict, to encourage a good working relationship going forward and not to blame each other. If both parties decide to start a mediation process after a formal process has commenced, the mediation will take priority and the formal process will be placed on hold.

When mediation has been agreed upon, the manager must contact the Employee Relations team via HALO to request [mediation](#) and provide a brief description of the situation. This information will only be shared with the mediation provider and parties involved to give them a description of the situation.

The manager should include the following in the brief description:

- What steps have the employees taken to help resolve the situation
- Why would mediation be the right step
- What resolution are the employees seeking with mediation

The provider will then get in touch to arrange a meeting with the employee and another meeting with other parties involved ahead of the first mediation meeting. The cost of mediation will be covered by the directorate, therefore the manager has the responsibility to inform the Head of Service or Assistant Director of the mediation request and the cost before starting the mediation process. The cost of mediation will be confirmed by the Employee Relations team when the manager has requested mediation.

Mediation is a voluntary process and to proceed it is essential that both parties agree to its use. Notwithstanding this not all situations are suitable for mediation, it may be used in situations such as:

- Dealing with conflict between colleagues or between a line manager and employee.
- Addressing a range of issues such as working relationship breakdown, personality clashes or communication problems.
- Rebuilding relationships after a formal dispute has been resolved.

The mediation outcome can be used to conclude the formal grievance process instead of completing the full investigation. At the end of a successful mediation, both parties will be asked to sign a mediation agreement. The line manager or a suitable senior officer can be responsible for monitoring the mediation agreement post-mediation. The line manager or suitable senior officer will issue an outcome letter to both parties involved within **5 working days** confirming the agreed resolution through mediation as an alternative to formal process and inform the employee of their right to appeal this outcome in the event they no longer accept the mediation agreement, this must be done within 10 working days of the letter. A copy of the outcome will be circulated to both parties and a copy will be placed on the employee's HR file with their consent.

If the mediation agreement is not adhered to or either party wishes to progress to the formal stages, this should be raised with their line manager or a suitable senior officer and follow the process of a formal grievance or other appropriate process.

1.3 Formal Action

Should informal action not lead to a resolution then a formal grievance may be made in writing, detailing the nature of the complaint together with all the relevant facts, dates and names of individuals concerned using the grievance submission form on HALO.

The employee can begin the formal stage of the grievance by submitting a grievance letter to their line manager or appropriate senior officer and sending a copy of the letter to the HR Employee Relations Team via HALO. The line manager must acknowledge the grievance within **5 working days** of receipt and arrange to meet with the employee and their representative where applicable, within **10 working days** to discuss the grievance and possible resolutions.

Formal grievances should always be dealt with in a reasonable timeframe and the timescale will be given by an Investigating Officer when it is allocated or the HR Employee Relations team. If there are any delays, a revised deadline will be agreed by all parties and will be kept updated throughout the process.

A formal grievance cannot be progressed if the nature of the resolution is not within the control of the Council. Neither will it be recognised as a grievance if the purpose of the submission is to disrupt or confound another internal procedure such as disciplinary, investigation or audit etc. Whilst grievance procedures are under way it is expected that work shall continue normally. The circumstances which gave rise to the grievance will continue until the grievance process is concluded, unless there is, in the judgement of the Council, a danger to the health, safety or wellbeing or any member of staff, resident or member of the public. In exceptional circumstances it may be necessary to redeploy a staff member to another area whilst an investigation is on-going.

Where a grievance is raised against another member of staff, they will be informed of this at the time the formal grievance is acknowledged.

In the event an employee does not have access to HALO or is unable to raise the grievance in writing, they can seek support from a colleague or union representative in being able to raise a grievance.

1.4 Investigation

The extent of any investigation required will depend on the nature of the allegations and will vary from case to case. The purpose of an investigation is to establish the facts relating to the grievance. It may involve interviewing and taking statements from the employee and any witnesses and/ or reviewing relevant documents. In some cases, it may be necessary to hold a further grievance meeting with the employee after the investigation and before a decision is reached. As these meetings are considered formal, a trade union representative or work colleague can attend to accompany.

Grievances will normally be investigated by the immediate line manager except that, if the grievance is against that person it should be addressed to a more senior manager within the department.

In exceptional circumstances it may be necessary to use an external investigator or a manager from another department. They will carry out the investigation and report back to the Commissioning Manager in the department, who will review recommendations and consider outcomes.

1.5 Collective Grievances

If more than one employee has identical grievances and wishes for them to be addressed in the same grievance process, a request to the Chief People Officer can be made to consider a collective grievance.

If agreed, the employees raising the collective grievance may nominate a trade union representative or an employee to raise the grievance and represent the group during formal meetings.

An appropriate representative is either:

- An official of a recognised trade union; or
- An employee with a grievance nominated from within the group, to act on the group's behalf. It would usually be expected that there would be a maximum of 1 representative for each 5 people raising the grievance. In the event there are less than 5 people all could attend.

The nominated representative will be responsible for representing the interests of all employees in the collective grievance, including presenting the case at any meetings. Only the appropriate representatives will be invited to any meetings with the Council regarding the collective grievance unless the Council requests to speak to the employees with a grievance.

The procedure outlined for individual grievances will also apply to collective grievances. In this way if any individual grievance becomes a collective grievance, it will not be necessary to revert to the beginning of the grievance procedure.

1.6 Grievance Meeting

A grievance meeting will be arranged with the individual raising the grievance as soon as is reasonably practicable after the receipt of the formal grievance.

The primary purpose of the meeting will be to:

- Allow the employee/ worker to present any evidence to support their grievance.
- Clarify any issues or points within the grievance.
- Identify who may have witnessed the issues or have supporting documentation.
- Set out the process to be followed.
- Agree the scope of the investigation (if required).

1.7 Right to be Accompanied

An employee/ worker has the right to be accompanied at a grievance meeting or appeal hearing. The statutory right is to be accompanied by a workplace colleague, a trade union representative, or an official employed by a trade union.

1.8 Trade Union Representative

The representative is allowed to address in the formal grievance meeting, hearing and appeal hearing on behalf of the employee, including presenting evidence, summing up the employee's case and questioning the investigator and/or witnesses if required.

The employee should let the Council know in advance the name of the companion where possible and whether they are a workplace colleague, trade union official or representative.

1.9 Outcome

The Investigating Officer must submit the report including any recommendation for resolution to the Commissioning Manager for consideration by the end of the **28 working days** given to complete the investigation, where reasonably practicable. The Commissioning Manager will decide the outcome of the grievance and communicate it in writing to the complainant without unreasonable delay. Where appropriate, the outcome will set out what action the employer intends to take to resolve the grievance. A copy of the investigation report and appendices will

be provided.

The manager will decide whether to:

- Uphold the grievance
- Partially uphold the grievance.
- Not uphold the grievance.

Where the complaint is upheld or partially upheld, consideration should be given to the outcomes sought by the employee who raised the grievance, and, where similar grievances have been raised before, how they have been resolved to allow for consistency.

If appropriate any recommendations made will be sent to the employee's line manager for follow up and any wider recommendations will be sent to the Head of Service for consideration.

The Commissioning Manager will review the final report and send an outcome letter with the investigation report to the employee within **5 working days** of the date the investigation is completed. The letter will state the outcome, the reason for the outcome and how the employee can appeal the decision.

In cases where the grievance is against another member of staff the outcome will be communicated to that individual within the same time frame.

1.10 Right to Appeal

If the grievance has not been resolved to the employee's satisfaction, the employee has the right to appeal the grievance decision on the following criteria:

- Procedural inaccuracies or perceived bias in the process which has had a material effect on the decision.
- Decision – the evidence did not support the conclusion reached or is inconsistent.
- Action – any proposed action was inappropriate given the circumstances of the case.
- New evidence has come to light since the original decision was made and was not available at the grievance meeting hearing. Where new evidence is raised, further investigations may need to be carried out which may require the appeal hearing to be delayed pending the outcome of these investigations and to give the employee an opportunity to consider any new information obtained.

Where a grievance appeal is raised against another member of staff, the member of staff will be informed of this at the time the formal grievance is acknowledged.

The employee must be specific about the grounds of the appeal as these will form the agenda for the appeal hearing. They should also be specific around the remedy or outcome sought.

The appeal will be heard by a 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 later than **10 working days** after the date of the final decision stated on the Grievance Outcome Letter, through HALO, to the Employee Relations team and appeals are normally to be held **no later than 20 working days following receipt of the appeal**.

A panel of two senior managers (Reviewing Officers), one from the Employee Relations Team and one from outside the individual's own directorate, will convene to consider the appeal and



reach a decision. Appeals should be heard without unreasonable delay and at a time and place which should be notified to the employee in advance.

The hearing consists of the following steps:

- The Chair will start by introducing the meeting, explaining its purpose and how it is in line with the formal process
- The employee will state their case and the grounds for the appeal against the decision regarding their grievance, including stating the outcome that they are seeking and why
- The employee will have the opportunity to present all the documents and new evidence they wish to use
- The Chair will have the opportunity to ask questions to the employee and if applicable any witnesses about the circumstances of the grievance
- The manager will state the reasons for the grievance outcome
- When all the points have been made, the Chair will sum up the key points
- The chair will inform the employee when they can expect to receive the outcome. In some cases, it may be possible to give the outcome at the end of the meeting.

The Chair must ensure there are reasonable adjustments for attendees of the meeting with disabilities and long-term conditions. If required, all parties should inform the Chair, or the Employee Relations Specialist of any reasonable adjustments needed for the appeal hearing at a minimum of **3 working days** before the appeal hearing is to take place.

The Council's preferred approach to Grievance Appeal Hearings is to conduct all hearings in-person. However, in exceptional circumstances, where it would be beneficial to conduct the hearing virtually or ensure reasonable adjustments are in place for the in-person hearings. The employee must submit a request to the Chair at least **3 working days** explaining the mitigating circumstances and benefits to hold the hearing virtually. The Chair will consider whether it is reasonable to change the location of the Hearing, explore any reasonable adjustments in the current location or decide to conduct the hearing virtually. The decision will be given to the employee as soon as possible and within a reasonable timescale so the hearing can take place on the original date scheduled.

The outcome of the appeal will be communicated to the employee in writing and without unreasonable delay.

2 Modified Procedure for Ex- Employees

Wherever possible, a grievance should be dealt with under this policy before an employee leaves the Council. However, where an employee has left the organisation and wishes to raise a grievance; they may do so under the modified procedure.

- The employee must set out their full grievance in writing as soon as possible after leaving and in any case within 3 months of the alleged incident(s). The grievance should be sent to the Employee Relations team.
- The individual will receive written acknowledgement of their grievance within 5 working days from the date the grievance letter is received.
- An appropriate manager will be assigned to investigate the individual's grievance. The appropriate manager will normally respond to the individual in writing with their findings within 28 days of receipt of the grievance letter. There is no right of appeal.

3 Confidentiality

Grievances will be dealt with sensitively and with due respect for the individuals involved. Any information communicated during an investigation or as part of a grievance must be treated as confidential.

No detriment will be suffered by anyone raising a grievance in good faith, however, any matter raised with malicious intent may be dealt with under the disciplinary policy.

Where an external investigator is commissioned, a signed data processing agreement will be in place.

4 Support for Employees

This section will cover the support that employees can access during a grievance process. The support can be accessed at any time during the process including in the informal stage of grievance and mediation.

4.1 Trade Union

As previously mentioned, the employee has the option to contact their trade union representative for support and advice on the grievance case. The trade union representative will be able to go with their members to formal meetings, however there is no legal right to be accompanied during investigation meetings, the employee may request their representative to attend an investigation meeting. Further information can be found [here](#).

4.2 Employee Assistance Programme (EAP)

This service is confidential which provides counselling services related to personal, work-related, health or legal issues and can be accessed 365 days a year. When accessing this service, the employee will only be asked which directorate they work in and this is not part of the grievance procedure. The EAP service is only available for employees who are employed on a permanent, fixed term or temporary contract. Further information can be found [here](#).

4.3 Other support

For employees requesting a virtual meeting or hearing, it can be found on the intranet under user guides and training - [Microsoft teams](#). Also, employees can be referred to the Occupational Health



team for additional support when managing physical or mental health.

The manager has the option to refer the employee to Occupational Health with the employee's consent for additional support in managing any physical or mental health during the grievance process. In addition, the manager can conduct a stress risk assessment to ensure that the employee experiencing stress due to the grievance can be offered support. The Council has dedicated Mental Health First Aiders (MHFA) who are colleagues that have been trained to identify, understand, and support staff during their employment and with any employment issues.

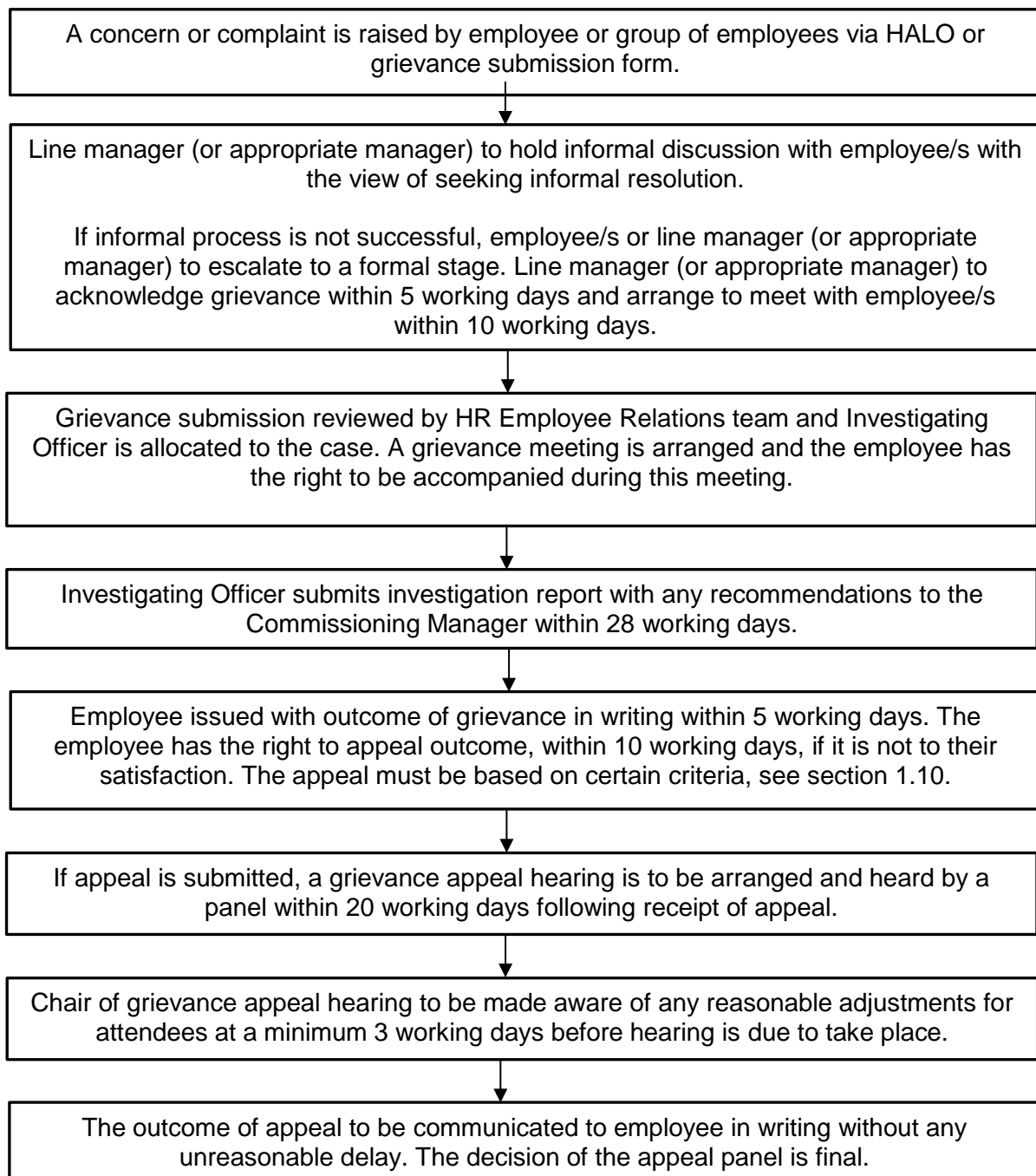
Further guidance on EAP, Occupational Health, MHFA, and stress risk assessment can be found on the Council's intranet under the Public Health section.

5 Further References

Disciplinary Policy

ACAS Code of Practice on Disciplinary and Grievance Procedure

Appendix 1 - Grievance Overview



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Capability Policy

Version 1.0 September 2024

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Capability Policy and Procedure

Introduction

This policy is to be used when the performance of an employee has been identified as falling below an acceptable standard. The capability policy aims to enable managers to address capability concerns with employees by stating clear standards and providing an improvement plan, so performance can be improved. This policy provides a framework to support the employee to resolve performance concerns in a fair and supportive way. In circumstances where performance does not improve, even with reasonable measures and support from managers, guidance on how to progress with the formal stage of the capability process including the hearing stage and any potential outcomes that may be considered at a capability hearing are outlined below.

This policy applies to all council employees except for teachers and employees working in schools who have their own local management and policies. Capability concerns for agency workers should be addressed through Matrix, the Council's temporary staffing system to inform the locums agency or directly to an alternative agency provider.

Managers should use the [probation policy](#) for employees who are currently on probation and have capability concerns. Managers should refer to the [sickness policy](#) when managing sickness absence during the capability procedure.

1 Principles

The following principles should be followed when dealing with capability concerns:

- Managers are responsible for setting standards and monitoring the progress of performance improvement as soon as performance concerns become apparent. This will include scheduling a meeting with the employee to address the concerns and provide a plan to support the employee. Where an employee has long-term condition or disability, the support plan should also include any reasonable adjustments such as alterations to the workstation and if applicable, using occupational health and/or access to work to offer a guidance for adjustments within the workplace.
- Managers are responsible for ensuring that all employees being managed under the capability policy are informed in writing of the concerns and given an improvement plan with agreed reasonable timeframes for improvement.
- Managers are expected to monitor and review performance regularly and where necessary, progress to a formal procedure if performance improvement has not been made.
- Employees are required to fully engage and work with their manager during the capability process. Refusal to do so could be considered as a conduct issue and will be managed through the disciplinary procedure.

- Employees should ensure they understand what is expected of them in relation to performance improvement and seek clarification where required.
- The Council will make every effort to deal with capability concerns as quickly as possible and at the appropriate management level.
- Any grievances raised during capability procedures will be managed in line with the [Grievance Policy](#) , see section 12 of this policy.
- All employees who are the subject of this procedure have the right to be accompanied at formal meetings (see section 4 of this policy) by a recognised Trade Union representative or work colleague. It is the employee's responsibility to make these arrangements.
- All parties involved in this procedure must ensure that they maintain the confidentiality of the process within and outside the Council.
- All capability records will be treated as confidential and will be kept in line with the data protection guidelines.
- If at any stage within this procedure, it becomes clear that the performance concern relates to misconduct, the matter will be addressed in line with the [Disciplinary Policy](#) and the capability process will cease.
- Prior to implementation of any stage of the formal capability procedure, the line manager will consult and seek advice on formal procedures from the HR Employee Relations Team.
- An employee will have the right to appeal against an outcome imposed under the formal capability procedure. Warnings issued will remain in place pending the outcome of any appeal and to be kept for a reasonable period in line with the GDPR.
- The Council will provide coaching and support related to this policy to all Head of Services, Managers and Supervisors and periodically offer training through formal learning and development training events.

2 Definition of Capability and Reasonable Measures

Capability management is the process of managing performance when the employee is unable to perform at the standard required for the role. Managers should have an informal discussion with the employee when underperformance is identified. It is important to differentiate between misconduct and underperformance to make an informed decision on how to manage the case. Underperformance related to misconduct is linked to behaviour or attitude from the employee towards the duties at work, for example not following instructions or refusing to complete tasks, when asked. Whereas capability is related to the employee not being able to complete a task because of lack of ability, health or external factors that would have a negative impact on how the employee performs at work. When it has been identified as underperformance due to capability, the manager and the employee should put a plan in place to resolve the underperformance such as offering necessary training, flexible working adjustments, refer the employee to Occupational

Health and/or request for the employee to self-refer to Access to Work for further advice and guidance.

2.1 Protected Characteristics

It is important for all council officers to be aware of the protected characteristics and to be able to identify the differences of colleagues at work in line with the legislation. The Equality Act 2010 provides a framework to protect individuals from unfair and discriminatory treatment in and out of the workplace. Being aware of the protected characteristics can help managers in identifying potential barriers at work and provide reasonable adjustments for employees.

The protected characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (gender) and sexual orientation.

2.2 Reasonable Adjustments

Reasonable adjustments are changes or adaptations which help to remove or reduce disadvantages for an employee with a known disability or long-term health condition. It is important to identify what would be a reasonable adjustment for the employee and establish the feasibility of such changes within the workplace. The manager is required to communicate with the employee, discuss with medical professionals such as the Occupational Health team and where necessary, request the employee to apply for a workplace assessment report from Access to Work. This to ensure that, where possible, reasonable adjustments are made in the workplace to enable the employee to do their role up to an acceptable standard. Further guidance on how to manage reasonable adjustments is provided in the [Reasonable Adjustment and Access to Work Guidance](#).

2.3 Occupational Health Referral

If a manager wants to refer an employee to Occupational Health (OH), this must be discussed first with the employee and the manager will need to complete and send an Occupational Health management referral form to the provider.

Employees who have been referred to Occupational Health, have a responsibility to attend the appointment or reschedule the appointment at least 48 hours before the scheduled appointment. The employee needs to prioritise the OH appointment and ensure they allow sufficient time to travel to the appointment. A charge will be incurred for each missed occupational health appointment. Further information on [occupational health referrals](#) can be found on the intranet.

3 Manager's Responsibilities

The line manager should manage any performance concerns in the first instance by:

- Privately talking to the employee and explaining the concerns they are having
- Point out areas that require improvement
- Listen to the employee's point of view and any mitigating circumstances
- Agree on improvements to be made and a reasonable timescale to achieve this (appendix 1 Improvement Plan Guidance and [SMART Objectives setting](#))

- Discuss reasonable adjustments, if needed
- Offer additional training, if needed

The improvement plan must have achievable SMART objectives that the employee and manager are able to discuss and review regularly. For guidance on the SMART objectives and Improvement plan see appendix 1 Improvement Plan Guidance and the [SMART Objectives setting guidance](#) on the intranet. The timescale for monitoring an improvement plan is 1 to 3 months, however if the employee fails to improve, the manager may invite the employee to a second formal meeting before the end of the review period.

At the end of the meeting, the improvement plan should be completed and agreed by the manager and the employee including timescale for the targets to be achieved, which will be considered as a review period. At the end of the review, the manager may decide on the following next steps:

- Progress to the formal capability process
- Take no formal action, monitor informally for up to 12 months

In circumstances where it is identified the issue is conduct rather than capability, the manager will manage this concern under the disciplinary policy. This is assessed on a case- by-case basis and managers should consult with the HR Employee Relations Team before making the decision. The manager must communicate all agreed outcomes verbally to the employee during the meeting. The manager should also take notes of the conversation and agreed actions, this should be included in the supervision notes or in a separate email/ letter following the outcome of the meeting. The supervision meeting should continue regularly to monitor the employee's progress.

Appendix 2 outlines what managers should also consider as part of the capability procedure.

4 Right To Be Accompanied

The employee has the statutory right to be accompanied at any formal stage of a capability process, they may be accompanied by a work colleague, a Trade Union representative or an official employed by a Trade Union.

For the informal capability processes, the employee does not have the right to be accompanied but may be accompanied by a work colleague for support. Legal representation is not appropriate or allowed for the capability process.

5 Standard Setting

Capability concerns may be resolved through day-to-day management interventions, this is part of the informal process. The line manager should take every opportunity to promptly raise concerns informally by discussing with the employee to establish the reasons for underperformance. It is important for managers to keep notes of meetings where such discussions have taken place and share a summary with the employee. By providing examples of where performance has been unsatisfactory it helps to clarify the standard required for performance and manage any challenges that the employee may be facing at work.

If it is identified that the performance concern is related to the employee's personal life, the manager should encourage the employee to contact the Employee Assistance Programme and agree on a timescale with the employee in which expected performance will be restored and provide reasonable adjustments such as flexible working, where appropriate.

5.1 Outcome of the standard-setting meeting

The employee should be given sufficient time to demonstrate performance improvement. The manager should confirm the agreed outcomes of any discussions in writing to the employee; a form should be obtained from the HR Employee Relations team. The improvement plan should include measurable objectives, expectations and timescales for review. The timescale for the standard setting is a minimum of 1 month and a maximum of 3 months before proceeding with the formal capability process.

5.2 Regular meetings

Managers are required to have regular supervision meetings with the employee during the standard setting stage and formal stages of the capability process. The recommendation is weekly supervision meetings within the 1 to 3 months timeframe depending on the nature of the work and the requirements.

At the end of the standard setting, managers must schedule a meeting to discuss progress and next steps. The manager may progress to the formal stage earlier than expected if the employee has not achieved their performance requirement during the review period or do so if the employee does not maintain their performance within 12 months after the capability standard has been achieved. The manager must keep all the written notes and documentation of all the meetings they have with the employee and provide copies to the employee of what has been agreed.

If the employee's performance has improved to the standard required, then this period of regular performance monitoring will end.

Should the employee's performance fail to improve after reasonable support and adjustments (if needed) are made, the manager will notify the employee during supervision meeting that the capability process will move to the formal stage and invite the employee for a first formal capability meeting with a minimum of **5 working days** notice.

5.3 Underperformance due to misconduct

If it becomes apparent that the performance concern is conduct-related issue rather than capability, the manager should refer to the [Disciplinary Policy](#) and start the preliminary investigation before proceeding with the formal disciplinary process. Managers are recommended to check the [code of conduct](#) for behaviours and actions that would be managed under the Disciplinary Policy instead of Capability.

6 Formal Capability Process

6.1 First Formal Meeting

If the employee has not improved their performance after the standard setting meeting, the next step would be to invite the employee to a first formal meeting with **5 working days** notice. The invitation letter must include what was agreed during the standard setting meeting, what was not achieved, the reason for the first formal meeting and the right to bring a representative. The employee can provide evidence or documents they wish to refer to in the meeting, which must be provided at least **2 working days** before the meeting.

The meeting will only be postponed once for exceptional circumstances such as illness or another emergency. The meeting should be scheduled for a suitable day that the employee is able to attend with a Trade Union representative or a work colleague. The manager must schedule an alternative date for the meeting as soon as practically possible. If the employee fails to attend, the meeting may be held in their absence and the outcome confirmed to them in writing.

During this meeting, the manager will outline the areas of concern/underperformance, the improvement plan, any support and reasonable adjustments provided in the standard setting stage. The manager will inform the employee why they do not feel performance has reached an acceptable standard. The employee and their representative will have the opportunity to respond and outline any contributing reasons.

During this meeting, the manager should discuss the following:

- Notes from the standard-setting meeting and what was not achieved
- Identify the causes of continuing poor performance and if any further support can be provided
- Targets and what needs to be achieved or improved
- If there is any, the impact the underperformance has on the service and other colleagues
- Reasonable adjustments
- Setting review periods for the employee to reach the required standard
- Considering redeployment for employees with permanent medical conditions, in consultation with Occupational Health
- The employee should be made aware of possible outcomes if they fail to achieve and maintain the required standards.

6.2 Outcome of First Formal Meeting

During the meeting, the manager will consider whether the employee has made improvements in the areas set out within the standard setting meeting, taking into account any support or reasonable adjustments which have been made.

The manager will review progress and decide whether the performance has improved sufficiently to be taken out of the formal capability process, or where there has not been sufficient improvement, the formal capability process will continue.

The manager must complete the meeting template document, which can be obtained from the HR Employee Relations team, and a copy be provided to the employee and HR.

In the event the formal capability process continues, the manager will agree a further review period. During the review period, the manager is required to have regular meetings with the employee to review performance and provide regular feedback, this should be completed weekly. At the end of the review period, the manager must review performance and decide if they will proceed with the second formal meeting or conclude the capability process, depending on whether performance has reached the required standard. However, If the employee continues to underperform during the review period, the manager, in consultation with the HR Employee Relations team, can invite the employee for a second formal meeting before the end of the review period. The employee will be invited to a second formal meeting with a minimum of **5 days'** notice.

If the case closes after the review period due to the employee improving their performance, they will be monitored for 12 months and if their performance falls below the standard required, they will be invited to a second formal meeting.

6.3 Second Formal Meeting

If the manager decides to proceed with the second formal meeting, they will inform the employee during the supervision meeting and send out the invite for the meeting. The invitation letter must include what was agreed during the first formal meeting, what was not achieved, the reason for the second formal meeting and the right to bring a representative. The employee can provide evidence or documents they wish to refer to in the meeting at **least 2 working days before** the meeting. A member of the HR Employee Relations team will attend this meeting, and the employee has the right to be accompanied.

During second formal meeting, the manager will provide feedback on what was agreed in the first formal stage and why the employee has been invited to a second formal meeting. The employee and their representative will have the opportunity to comment on any feedback given by the manager and discuss any challenges, support and training needed to support the employee's performance improvement.

During the second formal meeting, the manager will discuss the following:

- The previous plan and targets
- What was not achieved
- Setting review periods for the employee to reach the required standard
- What, if any, impact the underperformance has on the service and other colleagues
- Consider redeployment for employees with permanent medical conditions, in consultation with Occupational Health.
- Further reasonable adjustments, if needed
- The employee should be made aware of possible outcomes if they fail to achieve and maintain the required standards.

The timescale for monitoring an improvement plan is a minimum of 2 weeks and wouldn't be expected to last longer than 6 weeks, however if the employee fails to improve, the manager may invite the employee to a capability hearing before the end of the review period.

This meeting must be prioritised by the employee, and the second capability meeting will only be rescheduled once for exceptional circumstances such as illness or another emergency. The second formal meeting should be scheduled for a suitable day that the employee is able to attend with a Trade Union representative or a work colleague. If the employee requests to reschedule the meeting, the manager must give an alternative date as soon as practically possible.

6.4 Outcome of the Second Formal Meeting

During the meeting, the manager will consider whether the employee has made improvements in the areas set out within the standard setting meeting, taking in to account any support or reasonable adjustments which have been made.

The manager will review progress and decide whether the performance has improved sufficiently to be taken out of the formal capability process, or where there has not been sufficient improvement, the formal capability process will continue.

The manager must complete the meeting template document, which can be obtained from the HR Employee Relations team, and a copy be provided to the employee and HR.

During the review period, the manager is required to have regular meetings with the employee to review performance and provide regular feedback, this should be completed weekly. At the end of the review period, the manager must review performance and decide if they will proceed with the capability hearing or conclude the capability process, depending on whether performance has reached the required standard. However, If the employee continues to underperform during the second review period, the manager, in consultation with the HR Employee Relations team, can invite the employee for a capability hearing before the end of the review period.

If the case closes after the review period due to the employee improving their performance, they will be monitored for 12 months and if their performance falls below the standard required during that period, they will be invited to a capability hearing.

7 Formal Capability Hearing

In the event that an employee fails to make sufficient improvement after the second capability hearing, they will be invited to attend a final, formal capability hearing.

7.1 Invitation to Hearing

The employee will be informed verbally during the supervision meeting and notified in writing of the date of the Capability Hearing. The invitation will be sent at least **5 working days** before the hearing date.

The invitation will include:

- Date, time and location of the hearing
- Details of who will be attending the hearing
- Details of the performance concerns
- Details of the first formal and second formal stage
- Any reasonable adjustments given by the manager
- Any workplace assessments including work desk assessment, access to work report, occupational health reports, any other assessments the manager has completed or actioned on
- Information on the deadline for the employee to submit any documentation to support their capability case
- Information on how the employee can inform the Chair of any reasonable adjustment required on the day of the hearing
- Information on the employee assistance services that the employee can access for additional support

A member of the HR Employee Relations team will be present at the hearing. The manager chairing the formal capability hearing must be senior to the manager who carried out the first and second formal meeting. The capability hearing must be chaired by an Assistant Director if one of the potential outcomes of the hearing is dismissal. The employee will be invited to submit evidence and/or written statements to the HR Employee Relations Team at least **2 working days** before the Capability hearing.

7.2 Hearing Format, including Reasonable Adjustments & Virtual Hearings

The Hearing is attended by the Chair, the employee, their representative, the manager, and a member of the Employee Relations Team.

The hearing will be conducted in line with the Council's Capability Hearing Procedure, which consists of the following steps:

- The manager will present the capability case and the documents related to it.
- The employee and their representative will have an opportunity to ask questions.
- The employee will be allowed to set out their case, present documents related to the capability case to support their case and answer any questions from the manager and hearing officer in order.

The Chair needs to ensure that there are reasonable adjustments for all parties attending the hearing. All parties attending the hearing must inform the Chair or the Employee Relations Specialist of any reasonable adjustments needed a minimum of **3 working days** before the hearing is to take place.

The Council's standard approach to capability hearings is to conduct all hearings in person. However, if the employee has any exceptional circumstances that would be beneficial to conduct the hearing virtually then all requests must be submitted to the Chair a **minimum of 3 working days** before the hearing date. The employee must explain the mitigating circumstances and the difficulties with attending the hearing in person. The Chair will consider whether it is reasonable to change the location of the Hearing or decide to conduct it virtually. The decision will be given to the employee as soon as possible but within a reasonable timeframe to be able to continue with the original date.

7.3 Rearranging Hearings

If an employee and/or their Trade Union representative are unable to attend the Hearing or if there is an emergency, the employee must inform the Chair with the reason they cannot attend at least **1 day before the hearing or on the same day** in case of an emergency so an alternative date can be given.

The hearing can only be rescheduled once, and it is important for the employee to prioritise the date scheduled. It is advisable to consider the availability of the employee and their representative to ensure fairness in the process and for the new hearing date to be rescheduled as soon as practically possible. If the employee is off sick, the Chair may pause the Capability Hearing until the employee returns to work. However, If an employee is on long-term sick leave, the capability process will be put on hold, sickness management will begin, and the employee will be managed under the sickness policy instead.

If the employee is refusing to attend, then the Chair has the right to review all the documentation presented and make a reasonable decision in the employee's absence. In exceptional circumstances. With prior employee consent the Trade Union representative may act on behalf of the employee during the hearing.

7.4 Recordings & Reviews

The Council has the right to record the capability hearing to ensure the accuracy of the Hearing notes. The recording device used for capability hearings is a voice recorder and it will only capture the voices in the Hearing. A copy of the transcript will be available to the employee and a copy will be kept securely on the casework file.

If the employee wishes not to have the Capability Hearing recorded, then a written request must be submitted to the Chair at least **2 working days** before the hearing to give reasonable amount of time for the Chair to allocate a note taker. If the hearing is conducted virtually then the manager can use a voice recorder which will be provided by the Employee Relations Specialist or alternatively a note taker can be allocated. This also applies to hybrid meetings where a manager

can use a voice recorder or allocate a note taker.

If the employee wishes to review the recording from the Capability Hearing, then the employee with their representative can review the recording of the Hearing from any Council Building. This recording cannot be copied or recorded with another device such as a phone. A member of the HR Employee Relations Team will be present throughout.

7.5 Capability Hearing Outcomes

The Chair will consider all the information given by the manager such as the improvement plan, the meeting notes from the capability hearing meetings, support, training and any agreed reasonable adjustments that were implemented. Also, the Chair will consider any mitigating factors to support the employee's evidence.

After reviewing all the evidence, the Chair will decide on the capability case outcome, the outcome may include:

- A decision to take no further formal action
- Issue a capability warning active for six to twelve months with an extended improvement plan to be followed (in the event improvement is not made a further final formal capability meeting will be instigated)
- Relegation to a less senior role; this will only be possible in the event of a suitable vacancy
- Termination of employment on the grounds of capability

The employee can refuse to be redeployed, however, the only alternative available is usually dismissal. Any dismissals will be with full notice in line with the employee's contract and payment will be made in lieu of notice. In cases where an employee has had a previous hearing and breached the outcome such as a warning, a second formal capability hearing can be scheduled.

The outcome of the capability hearing will be communicated to the employee in writing within **5 working days** of the decision. The outcome letter will set out what was discussed, the reason for the decision, why other options were not appropriate including any mitigation and the outcome of the hearing. It will also give information on how the employee can appeal the decision. Enclosed with the outcome letter will be a transcript of the hearing recording or a copy of the meeting notes.

7.6 Second Formal Capability Hearing

If the employee continues to underperform after the first capability hearing, a second capability hearing will be scheduled. The manager must notify the employee that they will be called for a second hearing and must follow the procedures outlined in section 7.1. The employee should be informed in the letter that all outcomes, including dismissal, will be considered during the second hearing.

The second hearing must be chaired by an Assistant Director, who will review the outcome of the first hearing as well as any new information given for the second hearing. The employee must provide any supporting paperwork to the HR Employee Relations Team a minimum of **2 working days** before the hearing date. If there is a need to reschedule this hearing, the Chair must follow

the steps in section 7.3.

The possible outcomes for this hearing are as follows:

- No formal action (continue to manage informally and monitor for 12 months)
- Issue another warning for maximum of 12 months
- Offer redeployment if it has not been previously considered (for employees with disability or long-term conditions)
- Termination of employment

The offer to redeploy will be made at the discretion of the Chair, who will determine whether the employee will be able to perform successfully in the alternative role. If the employee refuses to be redeployed, the only option to consider is termination of employment. The Chair must seek advice from the HR Employee Relations team when considering redeployment to an alternative role or if the outcome may be dismissal.

7.7 Capability Hearing for a Chief or Deputy Officer

A Chief Officer (defined as a postholder who reports directly to the Head of Paid Service, e.g. a Director) or a Deputy Chief Officer (defined as a postholder who reports direct to a Chief Officer, e.g. 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.

8 Negligence and Capability

Negligence can be an action undertaken by an employee, which could result in harm or injury, this may be due to inadequate training, mistakes, or deliberate action of refusing to follow instructions. It is important to identify if the negligence was linked to capability (unable to do something) or misconduct (unwilling to do something). All negligence actions that are related to misconduct must be referred to the [Disciplinary Policy](#). Managers must contact the HR Employee Relations team to assess the case.

9 Failure or Refusing to Attend

If an employee refuses to attend any capability meetings including standard settings, this may be regarded as a misconduct issue, and it will be managed through the disciplinary policy. Employees are reminded that informal and formal capability meetings are a reasonable management request and should be prioritised. The manager should try to figure out why the employee is unable or having difficulties in attending the meeting. It may be useful to refer the employee to Occupational Health to assess their suitability to attend the meeting and if any adjustments are needed.

Also, the manager may consider having the meeting virtually if the employee's main workplace is from home. It is important to have a discussion with the employee and consult with the HR Employee Relations team for further advice on adjustments to formal meetings.

9.1 Sickness during capability procedure

If an employee is absent due to illness, the manager may reschedule the meeting once to enable the employee to recover before holding the meeting on a convenient day. If an employee is on long-term sick leave, the capability process will be put on hold, sickness management will begin and the employee will be managed under the sickness policy instead.

10 Redeployment and Capability

If the employee reports a health condition during any part of the capability procedure, which means they are no longer able to fulfil their substantive post, the manager may consider the option to redeploy the employee to a suitable post, if it is appropriate and reasonable. The manager should refer to [Organisational Change policy](#) for further information on redeployment for medical reasons.

If the employee continues to underperform after the redeployment and adjustments in the new role then the next step would be to proceed with the capability hearing.

11 Appeal Process

11.1 Appeal Hearing for Officers

The employee may appeal the outcome of the final, formal capability hearing. Appeals lodged against an outcome less than dismissal will be reviewed by an officer of more senior level than the officer who chaired the capability hearing. Appeals against dismissal will be heard by a panel of members.

11.2 Grounds of Appeal

The written appeal must clearly state the grounds for the appeal, and it should be sent to the Employee Relations Manager through [HALO](#) **within 10 working days from date stated on the Capability Outcome letter**. In the event of dismissal, the appeal should be sent by email to Employee Relations Manager.

The ground/s of appeal are as follows:

- The process is unfair.
- Any part or the overall process of the formal capability was unreasonable.
- The evidence presented in the hearing is not substantiated.
- The employee believes the decision at the capability hearing is unduly harsh.
- New evidence to be presented by the employee.
- Failure to implement reasonable adjustments.

Appeals are to be held normally no later than **20 days upon receipt of the appeal**. Details on how to appeal will be provided in the outcome letter. The decision of the appeal panel is final. 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. The appeal hearing is structured in a similar way to the Capability hearing as referred at section 7.2 Hearing Format including Reasonable Adjustments and Virtual Hearings.

11.3 Appeal Hearing for a Chief or Deputy Chief Officer

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 from 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.

Details on how to appeal will be outlined in the outcome letter, an appeal must be received by the HR Employee Relations team **no later than 10 working days** after the letter confirming the outcome of the hearing has been received.

11.4 Outcome

After the appeal hearing, the employee will be notified in writing of the outcome of their appeal **within 5 working days**. The appeal outcome can confirm the original capability outcome or decrease it, but not increase it as it is not a rehearing of the case. There is no further right to appeal.

12 Grievance During Capability

A grievance lodged during a capability process will be considered in line with the [Grievance Policy](#).

The manager has three options that they can follow to ensure that the grievance is responded to:

- Dealing with the grievance separately from the capability process
- Temporarily placing the capability process on hold whilst responding to the grievance
- Managing both the Grievance and Capability together

Managers should consider that temporarily placing the capability process on hold can give them enough time to properly investigate and consider the grievance. However, underperformance is likely to persist while the grievance is investigated. Depending on the nature of the grievance and

its relationship to the capability process, it may be appropriate to handle both at the same time. It is important to ensure that both processes are managed properly, and that the manager keeps a written record of all processes followed. Managers are required to contact the HR Employee Relations team for advice in managing capability and grievance. In the event a grievance is raised against the manager carrying out the capability management process, the employee relations team can advise on next steps.

13 Other Considerations

Any attempts to hinder the capability process will be considered a conduct issue and dealt with appropriately under the [disciplinary procedure](#). Should an employee choose to resign to circumvent the capability process, they may be required to serve a notice period. In this case, all efforts should be made to conduct and conclude the capability process before the end of their notice period. In the event the process is not concluded, it may be taken into account in the event the colleague applies to re-join Haringey Council as an employee within 12 months.

Where it is not possible to hold a face-to-face meeting under this procedure, the Council will conduct the process remotely. The employee and their representative will have to access [MS Team guidance](#) on the intranet to be able to access the meeting and hearing remotely. Their rights will not be affected, and the Council will ensure that the procedure remains fair and reasonable.

Capability concerns must be dealt with sensitively and with due respect for the employee involved. Any information communicated during the capability policy must be treated as confidential.

14 Support For Employees

This section covers the support employees can access during a capability procedure. The support schemes stated in this section can be accessed at any time during the process including the standard settings stage.

14.1 Trade Union

If an employee is member of Trade Union, they have the option to contact their Trade Union representative for support and advice on the capability case. The Trade Union will be able to accompany their members to formal meetings. Further information can be found [here](#).

14.2 Employee Assistance Programme

This service is confidential, and they provide counselling services related to personal, work-related, health or legal issues and can be accessed 365 days a year. When accessing this service, any questions asked by the EAP are not part of the capability procedure. The EAP service is only available for employees who are employed on a permanent, fixed-term or temporary contract. Further information can be found [here](#).

14.3 Other support

Employees who requires support for a virtual meeting, can follow the user guides and training on the intranet - [Microsoft teams](#). Also, employees can be referred to Occupational Health team for additional support when managing physical or mental health during the capability procedure.

In addition, the manager can conduct a stress risk assessment to ensure any stress related risk during capability can be managed. The Council also have a group of Mental Health First Aiders (MHFA) who are colleagues that have been trained to identify, understand, and support staff who may be facing with difficulties at work.

Further guidance on EAP, Occupational Health, MHFA, and stress risk assessment can be found on the Council's intranet under Service Area, [Public Health](#). For further information on Trade Union, members should contact their union directly using the details on the Councils intranet.

15 Person In Position Of Trust (PIPOT)

Where an allegation has been made against a person in a position of trust (PIPOT) you are required to refer to and follow the [protocol and practice guidance](#) on the internet.

16 Further References

Reasonable Adjustments and Access to Work
Flexible working policy
Sickness Absence Policy

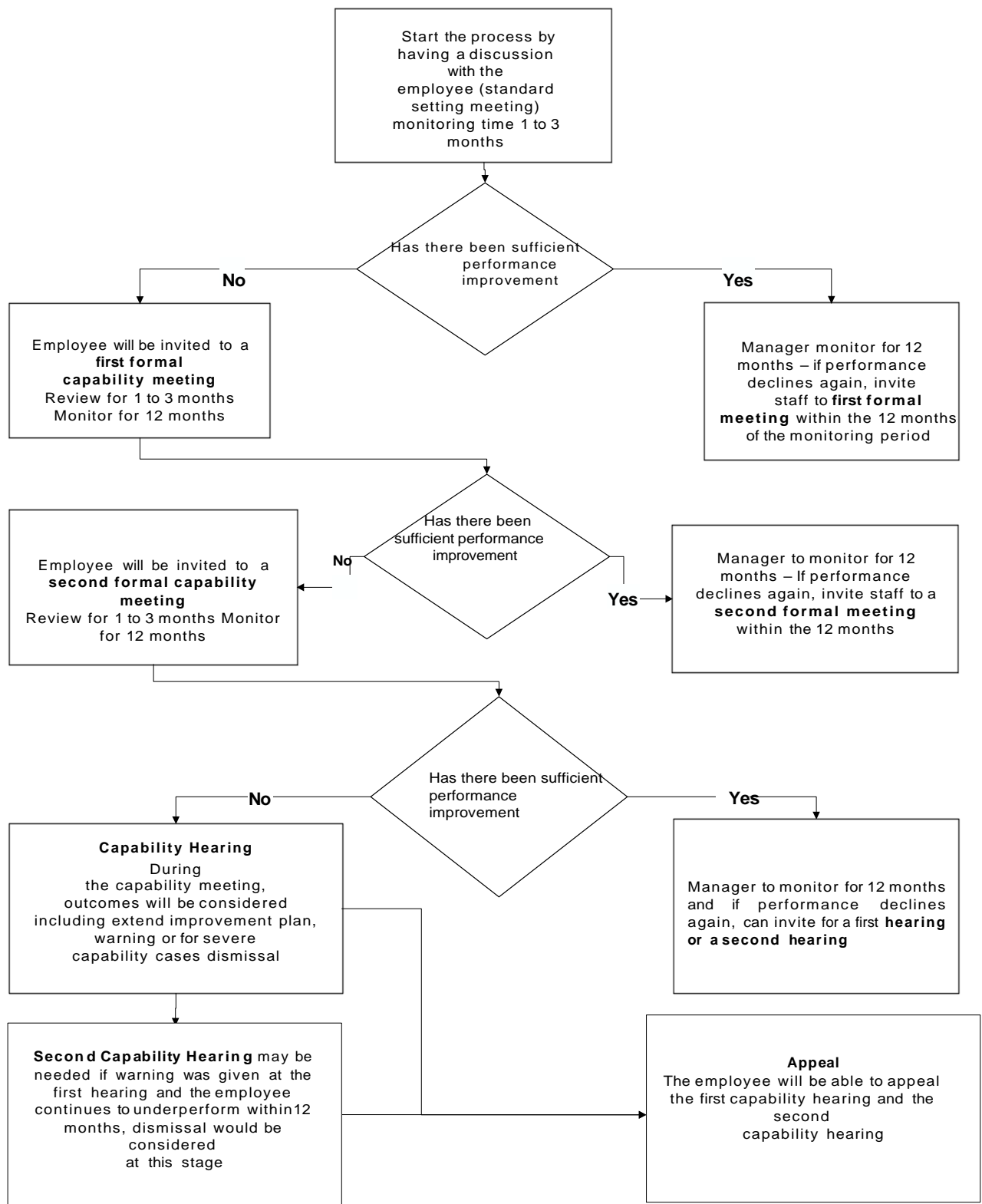
Appendix 1 - Improvement Plan Guidance

Targets	Targets for improvement areas
Timescale	A specific timescale needs to be given to the employee as a target to achieve the objectives set in the improvement plan – recommended time is 1 month to 3 months.
Measures	Identify the support and aims that the employee is required to achieve. For example, type of training given, how regular supervision will be scheduled, additional support from colleagues and manager, what the employee needs to achieve and adjustments if needed.
Feedback	Information on how the manager will deliver feedback to their employee and if at any stage, there is an indication that performance is not improving then the manager can hold another meeting to discuss the performance so far and extend the timescale, if needed.
Review	At the end of the improvement plan, the performance should be reviewed and if an improvement has been made then the case can be closed with a monitoring period of 12 months. If the employee has not made any improvement, then the manager can proceed to the next stage, which a warning will be considered.
Ongoing review (Informal and first formal)	If the employee successfully improves their performance, they will continue to be monitored for 12 months. Any decline in the performance during this monitoring period, the manager may invite the employee to the next formal meeting or hearing if it is the second formal hearing.

Appendix 2 - What managers should consider

- The timescale of the capability will depend on the case and if a manager would like further information on this, they should get advice from the HR Employee Relations Team
- Reasonable Adjustments should be applied at any stage within the process and if needed, the capability case can be placed on hold whilst the reasonable adjustments or reasonable measures are put in place for the employee.
- Personal situations can have a negatively impact in the workplace and performance, so it is important for managers to consider this when managing capability at the standard setting.
- Make sure that the underperformance is being managed under the correct policy.

Appendix 3 - Capability Overview



Document Control

Key Information			
Title		Capability at Work Policy	
Document Type		Policy	
Document Status		New Policy - DRAFT	
Author		Senior HR Specialist - Policy	
Owner		Head of Employee Relations, Business Partners & Reward	
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Version	Date	Summary of Changes	Name
1.0	September 2024	New policy, using agreed process for policy revision.	Tanya Patchett

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Employee Domestic Abuse Policy

Version 1.0 September 2024

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1 Purpose

- 1.1 The purpose of this policy is to outline the Council's stance on domestic abuse, provide a supportive framework to employees experiencing domestic abuse, detail guidance for managers and outline a response to alleged perpetrators.

2 Scope

- 2.1 This policy applies to all Council employees with the exception of teachers directly employed by the council and all employees appointed by schools operating under local management of schools.
- 2.2 This policy does apply to agency workers and contractors working in the Council. There are however some Council policies and procedures referred to which do not apply to agency or contractors e.g. the disciplinary procedure and special leave policy. Managers should seek guidance from the HR Employee Relations team.

3 General Principles

- 3.1 Haringey Council takes the safety of its workforce seriously and believes everyone has the right to live free from violence, fear and abuse and be protected from harm. Under the Health and Safety at Work Act 1974 and the Health and Safety at Work Regulations 1992, employers have a duty to ensure, as far as is reasonably practical, the health, safety, and welfare of employees at work.
- 3.2 The aim of this policy is to:
- Ensure employees who may be suffering domestic abuse feel as safe and supported as possible whilst at work
 - Support employees to raise the issue confidentially with their manager, HR, and union representative
 - Signpost to sources of support, advice, and assistance
 - Ensure requests for special leave to resolve issues arising from domestic abuse are dealt with sympathetically, confidentially and promptly
 - Support managers with guidance on how to effectively manage disclosures and support employees who are experiencing domestic abuse
- 3.3 Haringey Council recognises domestic abuse as a pertinent workplace issue because as an organisation, we have responsibility for the welfare and wellbeing of our workforce. It's imperative to acknowledge that the coercive and controlling nature of domestic abuse means it can extend beyond the confines of the home, potentially infiltrating the workplace.

- 3.4 We also recognise that there are differing views on the use of the words 'victim' and/or 'survivor'. Throughout this policy, we use the term victim/survivor rather than 'victim' or 'survivor' to recognise the different stages that those who have experienced domestic abuse are at in their journey to recovery and independence.

4 Definitions

- 4.1 Domestic abuse is defined within the Domestic Abuse Act 2021 (the "Act").
- 4.2 Within the Act, domestic abuse is referred to as abusive behaviour which one person exhibits towards another. It takes place between two individuals aged 16 years or over who are personally connected to each other. This could, for example, include individuals who are (or previously have been) married or in a civil partnership or an intimate personal relationship, those who share parental responsibility for have a child together, and those who are family members. This is regardless of gender or sexual orientation.
- 4.3 The Domestic Abuse Act 2021 also recognises children as victims of domestic abuse if they hear, see, or experience the effects of domestic abuse of one parent by another party.
- 4.4 This behaviour can be a single incident, or a pattern of behaviour. Behaviour is considered abusive if it consists of any of the following:
- physical or sexual abuse
 - violent or threatening behaviour
 - controlling or coercive behaviour
 - economic abuse
 - mental, psychological, emotional, or other abuse.
- 4.5 Domestic abuse can affect anyone, regardless of their gender identity, sex, age, race, disability, sexual orientation, or background.

5 Responding to disclosure of domestic abuse

- 5.1 When responding to domestic abuse, it is important to understand that employers are not expected to become "experts" or solve the problem of domestic abuse, but to provide workplace support and signpost to specialist services. The three key steps are:
- **Recognise** and acknowledge the problem in a supportive, non-judgmental way.
 - **Respond** appropriately to employees who disclose they are experiencing domestic abuse or alleged perpetrators.
 - **Refer** the employee to appropriate help and specialist support.

5.2 Recognise and acknowledge the problem

- 5.2.1 Intervene at an early stage. If you notice changes in behaviour or work performance, or if concerns are raised by other employees, proactively speak to the employee in a private space. Begin by asking open questions to establish trust and empathy, take an open and comforting approach and avoid judgement.
- 5.2.2 If the employee does not disclose information initially, do not be discouraged. Remember, the goal is not always to elicit a disclosure but to build the rapport and trust necessary for the employee to seek support when they are ready.

5.3 Respond appropriately

- 5.3.1 The Domestic Abuse Discussion Checklist (appendix 1) should be used every time a manager is presented with a disclosure of domestic abuse from an employee. This checklist will help to structure a conversation to discuss any needs or adjustments in order to minimise risks to the employee.
- 5.3.2 When speaking with an employee who's disclosing domestic abuse:
- Have the conversation in a quiet and private space.
 - Acknowledge the courage and the difficulties they must be facing.
 - Maintain an open posture.
 - Don't be judgmental and avoid language that indicates blame or fault ("Why don't you just leave?" / "How can you let this happen?" / "Why haven't you told anyone before?")
 - Be prepared for the employee to be upset and tearful, or not outwardly emotional.
 - Allow plenty of time and space for the employee to explain matters if they wish to do so.
 - Recognise that everyone's circumstances and experiences are different.
 - Adopt a supportive tone where individuals feel safe to disclose issues.
 - Keep the language gender neutral and don't make assumptions about the gender of the employee's partner.
 - Be aware of the parameters of your role and make clear what support you can and cannot provide. Your role is to provide support, not to solve or deal with the abuse.
 - Refrain from giving advice to the employee – for example do not pressurise them into leaving without seeking appropriate specialist advice as this can significantly increase risks of harm or homicide.
 - Reassure the employee of confidentiality.
 - Signpost employees to the internal and external support services document (appendix 2)
- 5.3.3 Due to the nature of domestic abuse, situations and risk can change, develop, or escalate very quickly and therefore the discussion checklist and safety plan should be revisited on a regular basis to best help the individual and keep them safe.
- 5.3.4 It is essential that managers keep a written record of conversations with employees about domestic abuse, including any incidents within the workplace and any workplace

adjustments which have been made. These may be called upon as evidence in a civil or criminal court. These records need to be clear, accurate and should give dates, times, and locations. They should be factual and not include assumptions or the views of the person making the record. Records are to be held accurately, securely and confidentially, in an employee file.

5.4 Refer to appropriate help and specialist support

- 5.4.1 It's important that employees are referred and signposted to appropriate help and specialist services from the onset of disclosure.
- 5.4.2 A comprehensive list of support services is detailed at appendix 2 ranging from internal work-based support, local Haringey services, nationwide services, and specialist support for perpetrators.
- 5.4.3 If the manager has concerns about the wellbeing of any children or vulnerable adults, a referral must be made to social services in the employees' home local authority area. The employee should be informed of any referral that is being made but the referral should be made regardless of the views of the employee.

6 Mechanisms of support

- 6.1 The Council has a number of support mechanisms available for employees. Managers are encouraged to be flexible and open to the types of support that can be offered. This is a non-exhaustive list.

6.1.1 Special leave:

- Employees experiencing domestic abuse can request up to 10 days (pro-rata for part-time employees) of paid leave to attend relevant appointments. Examples include with support agencies, solicitors, counselling, to arrange housing or childcare, making financial arrangements, getting legal advice, or attending court proceedings.
- Alleged perpetrators seeking help to change their abusive behaviours are entitled to special leave to attend appropriate counselling or training.
- Any additional time off in excess of 10 days (pro-rata for part-time employees) can be taken unpaid or use annual leave.

6.1.2 Welfare loans:

Interest-free 'welfare loans' are available to support employees fleeing domestic abuse. Loans are to be used for supporting access to new accommodation e.g., contribution to first month's rent or buying furniture. For more information, see appendix 3.

6.1.3 Work adjustments:

Consider the suitability of making workplace adjustments to ensure a safe working environment for employees experiencing domestic abuse, such as:

- allowing temporary changes to working times, patterns, or locations
- changes to specific duties, for example to avoid potential contact with an abuser in customer facing role
- ensure employee is not visible from reception or windows
- redeployment or relocation
- changing / diverting / screening work email address or telephone number
- allocated parking close to office door
- agree with the employee, if anything, what to tell colleagues and how to respond if the abusive partner/ ex-partner contacts the workplace
- notify reception or security if the abuser is known to come to the workplace
- review any lone working arrangements that leave the employee vulnerable
- allowing time and a quiet space for the employee to contact relevant support services (using a Haringey phone to avoid monitoring if necessary)

6.1.4 Survivors Champions

We have some trained Survivors Champions in our Housing Teams who can provide support and signposting. Visit the intranet for further information.

6.1.5 Employee Assistance Programme (EAP)

Our EAP offer up to six sessions of counselling. Counselling is also available to immediate family members that have been affected e.g., children (over aged 16). Employees can also speak to qualified financial and legal advisors for free. Call 0800 019 7831 or visit the [intranet](#) for further information.

6.1.6 Support services document

We have a detailed internal and external support services document that signposts to internal, local, and national support services and resources (appendix 2).

7 When an employee is an alleged perpetrator

7.1 The Council recognises that there may be an employee who are alleged perpetrators of abuse.

7.2 The three key steps are:

- **Raise** concerns with the Employee Relations team, and the police if appropriate
- **Investigate** the facts as far as possible and consider disciplinary action

- **Refer** the alleged perpetrator to specialist support services to address their behaviour

7.3 Raise

- 7.3.1 If the Council becomes aware that an employee is allegedly perpetrating abuse, the Employee Relations team should be informed in the first instance.
- 7.3.2 The Council may report the conduct of any employee accused of perpetrating abuse to the police, with the victims/survivors permission or in an emergency.
- 7.3.3 If the manager has concerns about the wellbeing of any children or vulnerable adults, a referral must be made to social services in the employees' home local authority area. The employee should be informed of any referral that is being made but the referral should be made regardless of the views of the employee.
- 7.3.4 Where the alleged perpetrator works or volunteers with children, a report must be made to the Local Authority's Designated Officer (LADO) in their area of work.

7.4 Investigate

- 7.4.1 Allegations of violence and abuse outside of work (whether it leads to a criminal conviction or not) is still a serious workplace issue. All employees (including agency workers, consultants, contract workers and anyone supplying a service) must adhere to the [Code of Conduct](#). Violent and abusive conduct undermines the confidence the Council (as employer) has in the employee and may bring the Council into disrepute.
- 7.4.2 There will be an investigation of the facts as far as possible, a view taken, and consideration given as to whether the conduct is sufficiently serious to warrant being investigated as a case of potential gross misconduct under the council's [Disciplinary Policy](#). The disciplinary sanction could result in the employee being dismissed, transferred to another department, or a change of duties.

7.5 Refer

- 7.5.1 Haringey Council recognises that it has a role in assisting and supporting perpetrators to address their abusive behaviour to prevent further instances of abuse. Any alleged perpetrators should be signposted to the internal and external support services document (appendix 2) which details services and programmes designed to help perpetrators address and change their behaviour.

8 If the victim/survivor and alleged perpetrator both work at Haringey Council

- 8.1 In cases where both the victim/survivor and the perpetrator work at the council, the organisation will take appropriate action.
- 8.2 In addition to considering disciplinary action against the employee who is perpetrating the abuse, action will need to be taken to ensure that the victim/survivor and perpetrator do not come into contact in the workplace, including contact initiated by the perpetrator via third parties. In some cases, the fact that an employee is an alleged perpetrator of abuse may make certain duties inappropriate to carry out and temporary redeployment and/or disciplinary action is justified.
- 8.3 Action may also need to be taken to minimise the potential for the perpetrator to use their position or work resources to find out details about the whereabouts of the victim/survivor or other personal information. This may include a change of duties for one or both employees or withdrawing the perpetrators access to certain computer programmes or offices.
- 8.4 The council encourages all employees to report if they suspect a colleague is experiencing or perpetrating abuse. Employees should speak to their line manager about their concerns in confidence.

9 Employees who may face additional barriers to reporting

- 9.1 It is important to be aware that some employees may face additional barriers to reporting domestic violence and abuse. This includes, but is not limited to:

Men	Despite victim/survivors being significantly more likely to be women, men are also victims of abuse. For every three victims of domestic abuse, two are women and one is a man. Men are often less likely to report or disclose their experiences of domestic abuse.	Reference Reference
Ethnicities	Statistically, rates of reported domestic abuse amongst ethnically minoritised communities are higher than in white British communities. A further barrier to leaving domestic abuse faced by minoritised communities is immigration status. According to Safelives, 1 in 5 black, Asian, and minoritised women may not report domestic abuse due to their immigration status.	Reference
Disability	Disabled women are twice as likely to experience domestic abuse as non-disabled women. Disabled women are likely to experience abuse for longer (average length of 3.3 years) compared to non-disabled women (average of 2.3 years).	Reference
Trans	Research suggests that up to 80% of trans people have experienced abusive behaviour from a partner or ex-partner. Trans people also experience unique forms of abuse e.g., attacks on their trans identities, deliberately using the wrong pronouns, forcing them to present a gender they are uncomfortable with, or preventing them from transitioning through hiding hormonal medication or creating barriers to surgery.	Reference
LGBTQ+	Safe Lives' national data shows that only 2.5% of individuals accessing domestic abuse support services identify as LGBTQ+. Domestic abuse within the LGBTQ+ community remains significantly underreported, with 78% of gay and bisexual men and 80% of gay and bisexual women never reporting incidents to the police. LGBTQ+ victims/survivors face unique barriers related to their sexual orientation and gender identity, leading to disproportionate underrepresentation in specialist domestic abuse	Reference Reference

	services.
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10 Support for managers

- 10.1 Supporting an employee through challenging situations, such as domestic abuse, can be stressful and may result in vicarious trauma. It is important to manage your own wellbeing during this time. If you find the situation personally triggering, please discuss this with the employee and arrange for another appropriate manager to take over the support responsibilities.
- 10.2 If you need support or guidance but need to uphold confidentiality, you can reach out to 'The Respond to Abuse Advice Line' which is free and confidential.
- 10.3 The advice line is run by qualified Independent Domestic Violence Advisors (IDVAs) who will respond to any calls and offer guidance and information to employers, managers and HR leads on issues relating to domestic abuse, e.g., how to approach disclosures and how to triage employees to appropriate local services. You can either call 0203 8793695 or email Adviceline.EB@hestia.org between 9am-5pm Monday to Friday for support.

11 Training and Awareness

- 11.1 Employees and managers will be made aware of this policy during inductions, the intranet and during related events and campaigns e.g., The 16 Days of Activism against Gender-Based Violence.
- 11.2 Domestic Abuse Awareness training is provided virtually via [MyLearning](#). This training aims to empower participants with the knowledge and skills to effectively recognise, address, and provide support for individuals affected by domestic abuse. This is mandatory for all employee to complete the training.
- 11.3 There is an additional domestic abuse training module designed specifically for managers which covers in more detail the policy and how to support employees that disclose domestic abuse.
- 11.4 The [Violence Against Women and Girls \(VAWG\)](#) team run quarterly briefing virtually via [MyLearning](#). The sessions help attendees understand the causes of domestic abuse and violence towards women and girls, the prevalence, and the impacts. As well as provide an overview of services available within the borough.
- 11.5 [Trauma-Informed Practice](#) training is offered free virtually by Thrive LDN. The training is designed for anyone in a role supporting others, whether formal or informal, and will give participants an understanding of how trauma influences and shapes the lives of those it touches regardless of previous knowledge or role.

12 Confidentiality

- 12.1 Disclosures of domestic abuse will be held confidentially and will not ordinarily be shared without the employee's permission. There are, however, some circumstances in which confidentiality cannot be assured. These occur when there are safeguarding concerns about children or vulnerable adults.
- 12.2 In circumstances where managers may need to breach confidentiality, they should seek advice from the Employee Relations team before doing so. If managers decide to proceed in breaching confidentiality after having taken advice, they will discuss with the employee why they are doing so.
- 12.3 Breaches of confidentiality will be taken seriously and may be subject to disciplinary action. Statistically, the risk of stalking, harassment, serious harm, and murder increase when an individual separates from their abuser. It's therefore vital not to underestimate the danger and keep disclosures on a strict need-to-know basis.
- 12.4 Employees experiencing domestic abuse may choose to be accompanied at meetings by a supportive colleague or trade union representative.

13 Links with other policies

- 13.1 This policy has links to a range of policies and procedures, including but not limited to: [Disciplinary Policy](#), [Sickness Absence Policy](#), [Annual Leave and Time Off Policy](#), [Flexible Working Policy](#), [Whistle Blowing Policy](#), [Data Protection](#), and [Code of Conduct](#).

Appendix 1 - Domestic Abuse Discussion Checklist

This checklist should be used every time a manager is presented with a disclosure of domestic abuse from an employee. It is important to consider all angles in which the Council could support and help the member of staff. Use this checklist to help frame your conversation and keep a clear and detailed record of your conversation.

Due to the very nature of domestic abuse, situations and risk can change, develop or escalate very quickly and therefore the Discussion Checklist and the plan of action should be revisited on a regular basis in order to best help the victim/survivor and keep them safe.

	Task	Action/notes	Date complete
1	Firstly, ensure that any discussion about the employee's situation takes place in privacy and that their confidentiality is respected as far as possible (unless there are safety concerns for children or vulnerable adults, please see section 12 in the policy)		
2	Does the employee need to see Occupational Health, a GP or other professional for medical attention?		
3	Discuss whether to report the abuse to the police.		
4	What measures could be put in place to help at work? Examples – <ul style="list-style-type: none"> • Temporary flexibility on start/finish times • Change of work location • Screening of external calls/emails from abuser • Stress risk assessment • Share information with any colleagues as additional form of support • Prevent lone working • Manager to create log of contact / incidents they are aware of 		
5	Is there anything else that could be done to support the employee in the workplace?		
6	Talk through the services available on the support services document (appendix 2). It may be useful to offer help in contacting agencies if the employee would feel more comfortable that way.		
7	Has a referral been made to an Independent Domestic Violence Advisor (IDVA), Housing or the Police for risk assessment and/or further support? <ul style="list-style-type: none"> • Which agency will be involved? • Has the employee consented to this? • NB: Normally consent should be obtained from the employee unless, in your professional judgement, there is a risk of serious harm or murder 		
8	Discuss and draw up a safety plan (see section 2 of this document)		
9	If the person completing the checklist is not the employee's line manager, consideration should be given to informing the line manager.		
10	When will the employee's situation next be reviewed?		

11	Can the situation be disclosed to anyone else in the organisation? E.g., Head of Service, HR, Staff Networks, MHFA, Employee Relations		
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Employer's Safety Plan Checklist - Section 2

Please discuss the following fields to help an employee consider their options and plan for their safety.

Ask some of the following questions:	Action
In what way can I (and others) help you?	
What do you feel would help you keep safe?	
Do you have any concerns about your children's safety?	
Did any of these strategies help?	
Safety considerations at work:	Action
Advise employee to keep emergency numbers at hand where possible.	
Emergency contact person and details in case you can't contact the employee.	
Offer, if possible, changes to the employee's workplace location and work hours, especially if they do front line work or can be seen in the building.	
Consider changing / increasing workplace security	
Change keypad numbers/ door access codes	
Remind front line staff not to give out personal information, including contact details & working hours.	
Ensure the information is secure.	
Review parking arrangements – does someone need to escort the employee to their car?	
If the employee is experiencing any form of domestic abuse, stalking or harassment, discuss the possibility of getting a restraining order for the workplace/surrounding environment	
If the employee consents, advise colleagues (on a need-to-know basis) what they should do to help.	

Safety considerations at work:

- Keep emergency numbers easily accessible
- Know who your contact person is in your organisation if you need help or advice.
- Give your organisation the name and number of an emergency contact person for you.
- Tell someone if you are receiving any sort of threat or harassment at work
- Think about how you travel to and from work – try to make sure that you are not travelling alone or in the dark.
- If there is anything you think your employer can do to help increase your safety, ask as soon as possible.

Appendix 2 - Support Services Document

Internal work-based support:

Service / Resource	Description	Contact
Special Leave	Up to 10 days of paid leave to attend relevant appointments (with support agencies, solicitors, to rearrange housing or childcare, or attend court)	Manager / HR
Welfare Loans	TBC:	
Employee Assistance Programme	Provides free confidential counselling and advice on variety of issues, such as domestic violence. As well as wellbeing support, you can get access to financial and legal guidance. Counselling is also available to children if they have been affected.	Available 24/7 0800 328 1437 Employeeassistance.org.uk Access Code: Haringey
Able Futures	Able Futures is a free support service, available to all members of staff who feel they would benefit from tailored and personalised mental wellbeing support. You will be paired with a trained professional and together you will develop an action plan to support your mental health by developing coping strategies and learning ways to look after your wellbeing.	Able Futures Website 0800 321 3137
Occupational Health	Occupational Health (OH) supports keeping people well at work – physically and mentally.	Information on referral form or accessing an emergency referral is on the intranet .
Techscheme	Techscheme is a staff benefits that enables staff to apply for up to £1,000 to be used to buy household items Curry's and IKEA. Repayment is made over 12 months to help manage costs. This can be utilised if staff have moved out of the home and needs support buying new household items e.g., fridges / wardrobes.	Information on applying available on the intranet .

Local Haringey-based support:

Service / Resource	Description	Contact
Hearthstone	Hearthstone provides a holistic package of emotional and practical support for anyone experiencing domestic abuse in Haringey. Services include legal advice on civil remedies such as injunctions, housing advice, access to counselling, safety planning and sanctuary home security improvements.	Mon – Fri / 9am – 4pm 020 8489 3411 Hearthstone@haringey.gov.uk
Citizens Advice Bureau in Haringey	Citizens Advice Haringey provides free, independent, confidential, and impartial advice on a wide range of subjects to people living or working in Haringey.	Mon – Fri / 9am – 4pm 0808 278 7966
Women's Aid Haringey	Haringey Floating Support Service provides free and confidential advice, support and advocacy to women and girls over the age of 16 affected by domestic and sexual violence, of standard to medium risk. They also offer a 6-week course for women affected, focusing on awareness, resilience, independence, support, and empowerment.	Women's Aid Haringey Website 020 8885 3557 Solace Advice Helpline: 0808 802 5565

Nationwide support services:

Service / Resource	Description	Contact
National Domestic Abuse Helpline	Refuge runs the national domestic abuse helpline where you can speak to trained female advisors who will offer support, advice and guidance on increasing your safety and making any decisions about the future.	Website 24hr: 0808 200 0247 Live chat via website (Mon –Fri 3pm–10pm)
Rights of Women	Rights of Women is a charity that provides free confidential legal advice and information to women on the law in England and Wales with a specific focus on Violence Against Women and Girls (VAWG).	020 7251 8887 Opening hours: Tues - 10am – 12pm Thurs - 7pm – 9pm
Domestic Violence Disclosure Scheme	The Domestic Violence Disclosure Scheme, often known as Clare's Law, gives people the right to ask police if their partner has an abusive past.	Making a request information.
Ashiana	Provides temporary, safe housing for South Asian, Turkish, and Iranian women aged 16-30 experiencing domestic violence. Helps those who may be suffering from violence and threats of violence from their family or community (so called 'honour' based violence) or from forced marriage.	Website 020 8539 0427 / 020 8539 9656
Man Kind Initiative	Confidential helpline is available for male victims of domestic abuse across the UK as well as their friends, family, neighbours, work colleagues and employers. They provide information, support and signposting service to men suffering from domestic abuse from their current or former wife, partner (including same-sex partner) or husband.	Mon – Fri / 10am – 4pm 0808 800 1170
Galop	Galop exists to help those who are lesbian, gay, bisexual or trans-plus (LGBT+) suffering domestic abuse, or biphobia, homophobia, transphobia or sexual violence. The independent group offers a safe space to talk – anonymously if you wish – to explore your options.	0800 999 5428
Sign Health	Sign Health provides the only domestic abuse service that specialises in supporting Deaf people. You will work with a dedicated worker to create a safety and support plan. Your dedicated worker can work with you when dealing with other agencies.	Website
National Stalking Helpline	The Suzy Lamplugh Trust offers support and advocacy for those specifically experiencing from stalking and harassment.	0808 802 0300
HERSANA	Organisation that creates safe spaces for Black women and girls affected by or at risk of experiencing gender-based violence.	Website 0333 016 9610
OPOKA	OPOKA aims to help women and children in the Polish community improve health, well-being, financial stability, and happiness by stopping domestic violence and abuse.	Polish: 0300 365 1700 English: 0117 427 0012
Forced Marriage Unit	The Forced Marriage Unit (FMU) is a joint Foreign, Commonwealth and Development Office and Home Office unit which leads on the government's forced marriage policy, outreach and casework.	0207 008 0151
FORWARD	FORWARD provides advice and signposting to other services for women and girls affected by any form of violence, particularly female genital mutilation.	Call: 0208 960 4000
IMECE	IMECE offer free, confidential, and independent advice to Turkish, Kurdish, Cypriot Turkish, and any other Turkish-speaking women aged 18+.	Mon –Fri (9:30am–5:30pm) 0207 3541 359

Perpetrator support:

Service / Resource	Description	Contact
Respect Phoneline	Respect is a pioneering UK domestic abuse organisation leading the interventions support perpetrators, of any gender, in the early stages of abuse, and those using high harm behaviours. The Respect Phoneline is a confidential helpline, email, and webchat service for domestic abuse perpetrators and those supporting them.	0808 802 4040
Preparing Men for Change	These individual sessions are designed for men who have perpetrated domestic abuse within heterosexual relationships. They aim to increase motivation to change as well as awareness of child-centred fathering. It enables perpetrators to develop skills to cope with difficult situations, and to communicate positively with their partner. □	Website info@risemutual.org
Respectful Partnerships	Respectful Partnerships is specifically for men in same sex relationships, and therefore covers areas of abuse (like outing) which would not be covered in the Safe Relationships programme.	Website info@risemutual.org

Appendix 3 - Welfare Loan Process

Overview:

Interest-free welfare loans are available to support employees experiencing domestic abuse by providing financial assistance for securing new accommodation, such as contributing to the first month's rent or buying new furniture.

The welfare loan is designed specifically to support employees experiencing domestic abuse, helping them cover essential expenses such as rent, utilities, or necessary furnishings. It is important that these funds are used responsibly to address immediate and genuine needs related to the domestic abuse, and not for any other discretionary spending.

Approval from a manager is required to ensure alignment with the loan's purpose.

Eligibility criteria:

- The maximum loan available is equivalent to one month's take home salary.
- Employees must have at least 12 months remaining on their contract. There is no minimum length of service requirement.
- The repayment deductions must not take your take home salary below national minimum wage, otherwise your loan request will not be accepted.

Loan Process:

- 1. Complete the application form**
 - Complete the welfare loan application form, via HALO, with your manager's assistance.
- 2. Loan disbursement**
 - Once approved by payroll, the loan amount will be given to you.
- 3. Cooling period**
 - There is a three-month grace period following loan the payment, during which no repayments are required.
- 4. Repayment**
 - The total loan amount will be divided into eight equal instalments.
 - Repayments will begin in the fourth month after loan payment.
 - Repayments will be automatically deducted from your salary through payroll.
 - If you leave Haringey before the loan is fully repaid, the remaining balance will be deducted from your final salary.

Document Control

Key Information			
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