Sheffield City Council

Local Terms and Conditions of Employment and Employment Policies for Local Government Services Employees including Locally Managed Schools

August 2009

Organisational Development
Sheffield City Council
Local Terms and Conditions of Employment and
Employment Policies for Local Government Services
Employees including employees at Locally Managed
Schools

These terms and conditions replace all previous local agreements relating to the former
APT&C and manual employees. This document sets down local enhancements to the
national provisions in part 2 of the National Agreement on Pay and Conditions of Service
of the National Joint Council for Local Government Services (commonly known as the
Green Book) and describes the Authority’s proposals for local agreements under part 3
of the Green Book. Any variation to these terms and conditions will be the subject of
negotiation through the Local Negotiating Committee for Local Government Services.

Schools - Any variation to these terms and conditions in schools will also be the subject
of negotiation with Governing Bodies of schools where appropriate. If Governing Bodies
are considering any additional local agreements they are required to consult with
Children and Young Peoples Organisation Development.

Where reference is made to nationally determined rates and allowances these will be
reviewed in accordance with national agreements.

Policies and Procedures are Sheffield City Council policies and procedures. Employees
of Locally Managed Schools should refer to their school’s policies and procedures which
have been adopted by their Governing Body. These policies and procedures have been
closely based on Sheffield City Council policies and procedures

Contents

**Working Hours** ...............................................................Page 5
Normal working week
The working day
Additional Hours
Flexible Working Arrangements
Flexible working – Your Right to Ask
Flexitime scheme
Job sharing

**Pay and Enhancements to Pay** ........................................Page 7
Pay scales
Starting salaries
Salary progression
National pay award
Pay date
Holiday pay
Sick pay
Weekend working
Additional hours and overtime hours
Unsocial hours
Night rate (including waking night duty)
Stand-by and call out
Sleeping-in allowance
Work on public holidays
Temporary additional responsibilities allowance
First aid payment
Overpayment of salary
Apportionment of salary
Salary deduction for authorised absence
Salary deductions for unauthorised absence

**Leave and Time Off** ................................................................. Page 13
Annual leave
Public holidays
Sickness Absence
Maternity Leave
Adoption Leave
Paternity/Maternity Support Leave
Parental Leave
Disability Leave
Carer’s Leave
Career break
Discretionary leave
Leave for Religious Observance
Trade Union Time Off

**Allowances and Expenses** .................................................. Page 17
Business travel and subsistence
Vehicle mileage allowance
Relocation expenses

**Pension** ................................................................................. Page 18

**Termination of Employment and Retirement** ....................... Page 19
Notice Period
Retirement Age
Right to Request and Duty to Consider Delay of Retirement Procedure
Early Ill Health Retirement
Early Retirement Schemes
Early Retirement at Age 60
Redundancy Scheme
Flexible Retirement

**Continuous service** ................................................................. Page 22
**Behaviour at Work** ................................................................. Page 23
- Code of conduct
- Dignity and Respect at Work Policy
- Electronic Communications Policy
- Gifts and Hospitality

**Health and Safety** ................................................................. Page 24

**Mobility** ............................................................................. Page 24

**Employment Policies and Procedures** ................................ Page 25
- Managing Attendance and Capability at Work Policy
- Disciplinary Procedure
- Individual Grievance Procedure
- Redeployment Procedure

**Appendices** ....................................................................... Page 26
1 - Flexible Working – Your Right to Ask
2 - Standard Flexitime Scheme
3 - Jobsharing Scheme
4 - Sickness Absence Scheme
5 - Maternity Leave Scheme
6 – Adoption Leave Scheme
7 – Paternity/Maternity Support Leave Scheme
8 – Parental Leave Scheme
9 – Disability Leave scheme
10 – Carer’s Leave Scheme
11 – Career Break Scheme
12 – Discretionary Leave Policy
13 – Business Travel and Subsistence
14 – Reimbursement of Vehicle Mileage Code of Practise Policy
15 – Relocation Expenses Scheme for New Employees Policy
16 – Right to request and Duty to Consider delay of Retirement Procedure
17 – Corporate Code of Conduct
18 – Dignity and Respect at Work Policy
19 – Electronic Communications Policy
20 – Managing Attendance and Capability at Work Policy
21 – Disciplinary Procedure
22 – Individual Grievance Procedure
23 – Redeployment Procedure
24 – Time Off in Lieu Policy
25 – Part Time/Term Time Formulae
Normal Working Week
Full time employees work a standard 37 hour week for 52 weeks of the year, pro-rata for part time and job share employees. These hours are worked in a variety of different working patterns as dictated by service needs and negotiated with Trade Unions. Employees’ contracts reflect these working patterns accordingly.

Any annualised hours schemes will be based on a 37 hour week or pro-rata as appropriate.

Employees who work term time (or less than 52 weeks a year) will be paid on a term time pay formula, the details of which are included in the statement of particulars for those employees. See Appendix 25

Where employees are required to work Saturdays or Sundays as standard or on a rota, they may receive appropriate enhanced payments as set out in the section Pay and Enhancements to Pay - weekend working.

The Working Day
The basic rate of pay will be paid for hours worked between 6.00am and 8pm, except for overtime hours worked over and above 37 hours in the week.

Employees who normally work outside the hours of 6.00am to 8.00pm as standard or on a rota will receive appropriate enhanced payments, (unsocial hours or night rate) as set down in the section Pay and Enhancements to Pay.

Additional Hours
Where additional hours are worked outside of the employee’s normal working pattern, compensatory time off will be given. Where the flexitime scheme is in operation, additional hours should be managed within the scope of the scheme wherever possible.

Where this is not appropriate, additional hours will be paid at basic rate up to 37 hours per week. Enhanced rates may be paid for hours over and above 37 per week, as set down in the section Pay and Enhancements to Pay.

Agreement on compensation for working additional hours should normally be reached prior to the employee working the additional hours or overtime.

Flexible Working Arrangements
The organisation of the working week will not preclude the operation of flexible working arrangements to suit service needs and/or work-life balance such as job share, term time working, annualised hours contracts and other similar arrangements. Where service requirements allow, flexi-time arrangements may apply.
**Flexible Working – Your Right to Ask**

Employees have the right to request to work flexibly. Full details of the request procedure are shown in “Flexible Working – Your Right to Ask” (appendix 1)

Employees in schools have the right to request to work flexibly in line with the policy adopted by the Governing Body of their school. There is a ‘Model Procedure for the Right to Request Flexible Working – Teachers and Support Staff in Schools’ on Schoolpoint.

**Flexitime Scheme**

Where service requirements allow, employees may work flexitime. The standard flexitime scheme is attached at appendix 2. There may be negotiated local variations subject to service delivery needs.

Schools may not be able to accommodate the flexitime scheme in the light of service delivery requirements. However they may consider other flexible work arrangements.

**Jobsharing Scheme**

Jobsharing is the voluntary sharing of a full time post with pay and benefits shared on a pro rata basis or as otherwise specified in the jobsharing scheme. Full details can be in the jobsharing scheme at appendix 3.
Pay scales
Employees will be paid on the Sheffield Grade appropriate to their job in accordance with the Job Family model and job allocation process implemented as an outcome of the 2009 Pay Review. The pay spine is that of the National Joint Council for Local Government Services with a local extension to spinal column point 57.

Starting salaries
All employees will start at the Spinal Column Point (SCP) which is the point of minimum advantage within the grade when taking up a higher graded post. When starting in a post which is lower graded, the employee will be assimilated to the grade at the point of minimum disadvantage. The pay rate used in assessing starting salaries will be basic pay only.

Salary progression
An employee’s salary will rise by one spinal column point (SCP) each year up to the top of the grade. If an employee starts in the grade between 1 April and 30 September, the first SCP increase will be on 1 April of the following year. If the employee starts in the grade between 1 October and 31 March, the first SCP increase will be after 6 months in the grade. Further salary progressions will be on 1 April each year until the maximum salary is reached.

National pay award
The national pay award is due on 1 April each year and will be as agreed by the National Joint Council for Local Government Services.

Pay date
Employees will be paid calendar monthly on the 30th day of the month. If the 30th falls on a weekend or a Bank Holiday, the pay date is the last banking day before. In February, it is the 28th or 29th of the month. The Council may bring forward the December pay date to before Christmas, this to be decided on a year-by-year basis.

Salary is paid in twelve equal payments by credit transfer to the employee’s bank or building society account.

Employees on temporary, zero hours or casual contracts may be paid weekly.

Holiday Pay
During a period of annual leave an employee will receive their normal pay including enhancements due for working his/her normal rota. Payment for annual leave is included in normal monthly salary payments and will not be paid in advance. For employees who work hours additional to their contract on a regular basis, annual leave will be based on the highest of contracted hours or average hours calculated over a 13 week accounting period.

Employees paid on a term time formula will be paid in 12 equal salary payments to include payment for pro rata annual leave and public holidays.
Sick Pay
The sickness absence scheme is intended to supplement statutory benefits so as to maintain an employee’s normal pay during periods of absence due to illness or injury. Full details can be found in the sickness absence scheme at Appendix 4. For employees who work hours additional to their contract on a regular basis, sick pay will be based on the highest of contracted hours or average hours calculated over a 13 week accounting period.

Weekend working
The period of weekend working is defined as those hours between midnight on Friday night and 6am on Monday morning. Additional payments are made to eligible employees for weekend working only for hours worked as part of the regular working week or as part of a rota. Hours worked on a more ad hoc basis will be treated as additional hours, overtime or lieu time.

Weekend enhancements - employees paid at Grade 9 or below
Where employees are required to work on a weekend as part of their rostered working week, they will receive payment at time and a half for the hours worked between 6am to 8pm, provided that they are paid at Grade 9 or below.

For hours worked on a weekend between the period 8pm to 10pm, unsocial hours payment will be made at the rate of one fifth of basic in addition to the enhanced rate for weekend working i.e. payment will be basic plus one half of basic plus one fifth of basic.

For hours worked on a weekend between the period 10pm to 6am, night rate payment will be made at the rate of one third of basic in addition to the enhanced rate for weekend working i.e. payment will be basic plus one half of basic plus one third of basic.

Weekend enhancements – employees paid at Grade 10 or above
Where employees are required to work on a weekend as part of their rostered working week, they will receive payment at plain time for the hours worked between 6am to 8pm. For hours worked on a weekend between the period 8pm to 10pm, unsocial hours payment will be made at the rate of one fifth of basic i.e. payment will be basic plus one fifth of basic.

For hours worked on a weekend between the period 10pm to 6am, night rate payment will be made at the rate of one third of basic i.e. payment will be basic plus one third of basic.

Additional hours and overtime
Additional hours are hours worked outside of a part time employee’s normal working pattern, up to a total of 37 hours per week.

Overtime hours are those hours worked outside of an employee’s normal working pattern that are over 37 hours per week.
Additional hours – employees paid at Grade 9 or below
Where additional hours are required to be worked outside of an employee’s normal working pattern and the employee is paid at Grade 9 or below, he/she will be paid at basic rate for hours up to 37 hours per week.

If the additional hours are worked on a weekend, they will receive time and one half for hours worked between 6am and 8pm

If the additional hours are less than 37 per week but are worked between 8pm and 6am, payment is at the rate of time and one fifth for hours between 8pm and 10pm and at the night rate of time and one third for hours between 10pm and 6am.

Where additional hours are worked between 8pm and 10 pm or between 10pm and 6am on a weekend, enhanced rates will be paid in addition to the weekend enhancement. i.e. for hours worked on a weekend between the period 10pm to 6am, payment will be basic, plus one half of basic, plus one third of basic.

Overtime hours – employees paid at Grade 9 or below
Overtime hours over 37 per week will receive compensatory time off or can be paid at time and a half, irrespective of the day on which they are worked. The method of compensation should be agreed with the manager prior to overtime hours being worked.

For overtime hours over 37 per week worked outside the normal working day i.e. worked between 8pm and 6am, payment is at the overtime rate of time and one half only.

Additional hours and overtime hours – employees paid at Grade 10 and above
If the employee is paid at Grade 10 or above, they will receive compensatory time off only and will not receive any additional payment. The Time Off in Lieu Policy is at Appendix 24.

In exceptional circumstances, Executive Directors, Directors, Heads of Service and Head Teachers may agree payment, the hours paid not to exceed the hours worked. Such agreement should be reached prior to the employee working the additional hours or overtime.

Where term time employees are asked to work additional weeks this will be paid at plain time rate.

Unsocial Hours
For hours worked between the hours of 8pm to 10pm, either as standard or on a rota, payment will be at the rate of time and one fifth of basic.

Night rate (including waking night duty)
Employees who work between the hours of 10pm to 6am, as standard or on a rota, including waking night duty in a residential establishment, will receive payment of time and one third for those hours worked between 10pm and 6am. For any hours outside of 10pm to 6am, worked as part of the same duty or shift, payment will be made at the appropriate rate i.e. any hours worked between 6am to 8pm will be paid at basic rate and any hours worked between 8pm and 10pm will be paid at the rate of time and one fifth.
Night rate is payable in addition to the enhanced rates of pay for weekend working, where applicable.

**Stand-by and call out**
Local arrangements apply.

**Sleeping in allowance**
Employees required to sleep in on the premises shall receive an allowance at national rate. This allowance covers the requirement to sleep in and up to 30 minutes call out per night, after which the additional hours provisions will apply.

**Work on public holidays**
Payment for work on a Public Holiday shall be at double time (in accordance with national conditions) in addition to compensatory time off as detailed in the section on leave and time off.

**Temporary Additional Responsibilities Allowance**
Employees are generally required to provide cover when a supervisor, manager or other more senior colleague is absent due to sickness or annual leave for periods up to a calendar month. Thereafter, one or more selected employee in the team may be paid Temporary Additional Responsibilities Allowance to provide cover.

If a single employee provides cover for the full range of duties, they will receive a temporary additional duties allowance which, when added to their substantive pay, means that they are paid at the minimum spinal column point of the grade of the person for whom they are providing cover. If they provide cover for a lengthy period, they will receive incremental progression at the appropriate time, as if they had been given a temporary appointment to the supervisor's post.

If the employee covers part of the duties or if two or more employees provide cover, they will receive a temporary additional duties allowance equivalent to a proportion of the difference between their salary and that of the supervisor. The amount of the allowance is to be agreed with the employees concerned depending on the additional responsibilities they are accepting. Employees will receive annual pay award increases on the allowance.

Where the employee providing cover is on a pay grade that overlaps with the grade of the person for whom they are providing cover, the employee will receive Temporary Additional Responsibilities Allowance at one increment above their normal rate of pay. This may be varied, but not increased in circumstances where an employee covers part of the duties, or two or more employees provide cover.

Directors/Heads of Service/Headteachers may designate jobs paid at spinal column point 12 or less where employees may be paid at the higher rate from day one of providing supervisory cover. Similarly, in areas designated by the Director/Head of Service/Headteacher, where employees are asked to carry out a different job that is paid at a higher rate in order to provide a direct service to clients, they will receive the appropriate rate for the job for periods of one day or more.
Directors/Heads of Service may agree an honorarium to an employee who performs duties outside the scope of his/her post over an extended period, or where the additional duties and responsibilities involved are exceptionally onerous. The amount of the honorarium may be a lump sum or a fixed additional payment per month.

Headteachers may agree an honorarium, as above, in line with the Governing Body’s Pay Policy.

These provisions should be used for short term cover arrangements only and should be subject to monthly review.

**First aid payment**
Employees working in designated areas and who are required to hold a First Aid at Work qualification will receive first aid allowance at the rate of £104 per annum (pro rata for part time employees).

**Overpayment of salary**
In the event of any overpayment of salary, the Council will recover such amounts through deductions from future salary payments as appropriate. The employee will be informed of the overpayment and a reasonable rate and period of recovery agreed with the employee before the deduction is made in order to avoid financial hardship. Alternatively, if full recovery via this method is not possible, the Council will take action to recover the money.

**Apportionment of salary**
On starting or leaving employment, an employee’s salary shall be apportioned as follows:

1. Annual salary paid monthly, one twelfth of the salary for each calendar month and for each individual day (including Sundays), the monthly sum divided by the number of days in the particular month.

2. Annual salary paid weekly, for each week, 7/365ths of the annual salary and for each individual day (including Sundays), divide the weekly sum by 7.

In the case of employees who transfer to the service of another local authority, the employing authority whose service the officer is leaving shall pay salary for any Saturday and/or Sunday and statutory and general national holiday(s) that immediately follow the last day of work with that authority.

**Salary deduction for authorised absence**
An employee taking authorised unpaid leave will have pay deducted as follows:

- Annual salary paid monthly, one twelfth of the salary for each calendar month and for each odd day (including Sundays), the monthly sum divided by the number of days in the particular month.

- Annual salary paid weekly, for each week 7/365th of the annual salary and for each day (including Sundays) divide the weekly sum by 7.
Salary deductions for unauthorised absence
A full time employee who takes unauthorised absence will lose one fifth of a week’s pay for each day of unauthorised absence. Part time employees will have pay deducted as a proportion of the total working week.
Annual Leave
The annual leave year runs from 1 April to 31 March.

Employees with less than 5 year’s continuous service with a local authority or other employer listed on the Redundancy Payments Modification Order, as at 1 April, have an entitlement to 25 days annual leave. Employees with continuous service of 5 years or more as at 1 April have an entitlement to 30 days annual leave.

Where 5 year’s continuous service is achieved part way through the leave year, the additional 5 days allowance is received pro-rata to the number of full months completed after the fifth service anniversary.

Part time employees will have their leave entitlement calculated on a pro-rata basis. In some circumstances, annual leave entitlement may be expressed in hours e.g. if employees do not work every day, work different hours on different days or work compressed hours.

Employees may carry forward up to 5 days annual leave to the next year or pro rata to 5 days if part time. Employees may bring forward up to 5 days from subsequent leave years or pro rata if part time.

Annual leave entitlement will be on a proportionate basis, calculated using the number of full months completed for employees who start, leave or experience a contract change affecting their annual leave entitlement part way through the annual leave year.

Employees should take any outstanding annual leave entitlement prior to leaving the Council’s employment. Where this is not possible for operational reasons, salary equivalent to the untaken proportion of annual leave will be paid in the final salary.

Employees who, on leaving Sheffield City Council service, have taken in excess of their proportionate annual leave in the leave year will be required to repay the equivalent salary through a deduction from their final salary.

Employees who commenced employment with the City Council after January 2003 and who are dismissed for gross misconduct will be paid any outstanding holiday pay entitlement under the Working Time Regulations at 0.5% of statutory holiday pay.

Full year employees in schools are normally expected to take their annual leave during school holidays. Term Time employees in schools are paid for annual leave in accordance with the pay formula and are expected to take annual leave in school holiday periods.

Where service needs require, the Executive Director, Director, Head of Service or Headteacher may determine the timing of up to 3 days annual leave per year.

An employee must seek the approval of his/her manager at least 3 days before taking annual leave. Managers may turn down a request for service delivery reasons.
Public Holidays
The Council recognises the public holidays as may be determined from time to time by Parliament such as:
New Year’s Day
Good Friday
Easter Monday
May Day Monday
Spring Bank Holiday Monday
Summer Bank Holiday Monday
Christmas Day
Boxing Day

Employees are entitled to leave with pay for the public holidays recognised by the Council. Part time employees are entitled to a pro rata entitlement for each public holiday.

Employees who work public holidays will receive a day off in lieu for hours worked in excess of 4 hours and half a day for working up to 4 hours. The Time Off in Lieu Policy is at Appendix 24. A model Time Off In lieu Policy is not currently available for schools.

Sickness Absence
Full details can be found in the Sickness Absence Scheme at appendix 4.

Maternity Leave
Pregnant employees are eligible for 39 weeks pay and up to 52 weeks maternity leave. Full details can be found in the Maternity Leave Scheme at appendix 5.

Adoption Leave
An employee who adopts a child or who is one of a couple adopting a child may be eligible for adoption leave with 39 weeks pay and up to 52 weeks leave from work. Full details can be found in the Adoption Leave Scheme at appendix 6.

Paternity/Maternity Support Leave
Employees who are new fathers or the partners (male or female) of new mothers may be entitled to 10 days paid paternity/maternity support leave. In some circumstances other employees may be given paid leave to support a new mother. Full details can be found in the Paternity/Maternity Support Leave Scheme at appendix 7.

Details of the’ Maternity Leave Scheme, Adoption Leave Scheme and Paternity/Maternity Support Leave Scheme for support staff in schools’ will be available on Schoolpoint. Reference can also be made to the Family Pack: Maternity and Paternity Information for Support Staff in Schools and Family Pack: Adoption Information for Support Staff in Schools.

Parental Leave
Employees wishing to take time off work to look after a child or make arrangements for the child’s welfare may be eligible to take unpaid parental leave. Full details can be found in the Parental Leave Scheme at appendix 8.

Details of the’ Model Parental Leave Scheme for Schools’ is available on Schoolpoint.
Disability Leave Scheme
Employees covered by the Disability Discrimination Act may be entitled to paid time off during working hours for assessment, treatment and/or rehabilitation related to their disability. Full details can be found in the Disability Leave Scheme at appendix 9.

Disability leave for employees in schools will be in line with the policy adopted by the Governing Body. A ‘Model Disability Leave Policy for Staff employed in Schools’ is available on Schoolpoint.

Carer’s Leave Scheme
Employees may be eligible to take a reasonable amount of unpaid time off to take action in connection with domestic incidents involving dependants. Full details can be found in the Carer’s Leave Scheme at appendix 10.

Carer’s Leave for employees in schools will be in line with the Leave of Absence Policy adopted by the Governing Body. A model ‘Leave of Absence Policy’ is available on Schoolpoint.

Career Break Scheme
Employees with over 5 years service may request an unpaid break from their work for a period of between 6 weeks and 12 months. Full details can be found in the Career Break Scheme at appendix 11.

A model Career Break policy is not currently available for schools. Employee requests for career breaks would be considered by school Governing Bodies.

Discretionary Leave
Employees may be granted leave for various reasons, including for medical reasons and to undertake public duties. Full details can be found in the Discretionary Leave Policy at appendix 12.

Discretionary Leave for employees in schools will be in line with the Leave of Absence Policy adopted by the Governing Body. A model ‘Leave of Absence Policy’ is available on Schoolpoint.

Leave for Religious Observance
Employees may select up to 3 days each year as religious holidays, to be taken using annual leave, flexible working hours or unpaid leave. If an employee is expected to work on these days in order to meet service requirements, he/she would be entitled to the same pay and time off in lieu provisions as an employee working on a public holiday.

Employees in Schools may select up to 3 days each year as religious holidays, to be taken in line with the schools policy for Granting Leave for Religious Observance. A model ‘School Policy for Granting Leave for Religious Observance’ is available on Schoolpoint.

Trade Union Time Off
Trade Union representatives will be allowed reasonable paid time off to undertake trade union duties and limited trade union activities.
Allowances and Expenses

**Business Travel and Subsistence**  
Employees are required to comply with the guidance regarding acceptable travel and subsistence arrangement as set down in the policy. The policy will govern all expenditure on business travel and associated services irrespective of business reason, and whether in the UK or internationally. A copy of the policy can be found at appendix 13.

A model Business Travel and Subsistence policy is not currently available for schools.

**Vehicle Mileage Allowance**  
Employees who are authorised to use their own vehicles for business purposes may claim reimbursement of approved mileage. Full details are set down in the Reimbursement of Vehicle Mileage Code of Practice Policy, which can be found at appendix 14.

A model Reimbursement of Vehicle Mileage Code of Practice policy is not currently available for schools.

**Relocation Expenses**  
New employees who relocate to Sheffield to take up a job offer with Sheffield City Council may claim for certain approved expenses. Full details can be found in the Relocation Expenses Scheme for New Employees Policy at appendix 15.

A model policy on Relocation Expenses for New Employees is not currently available for schools.
Employees have 3 choices as regards pension provision:

- To become a member of the occupational pension scheme, the Local Government Pension Scheme (LGPS)
- To contribute to a private pension scheme
- To rely on the State Pension scheme

On starting employment with the Council, an employee automatically becomes a member of the LGPS unless he/she opts out.

The LGPS is a final salary scheme, administered by the South Yorkshire Pensions Authority and changes to the scheme must be agreed by the Government by Pension Regulations.

The employee’s contribution rate to the LGPS depends on their earnings level, in bands set down in the Pensions Regulations. The employer’s contribution rate to the LGPS is agreed with the pension fund actuaries. If an employee is in a private pension scheme, the employer’s contribution rate is the same as is made to the State pension scheme.
Notice Period
Notice, on either side, must be given in writing.

Employees must give the City Council
1 calendar month notice if paid on SCP 1 to 31
2 calendar months notice if paid on SCP32 to 40
3 calendar months notice if paid on SCP 41 and above

The manager may agree a shorter period of notice.

The City Council will give employees
If the Council dismisses an employee, then the minimum period of notice to be given is shown in the following table.

<table>
<thead>
<tr>
<th>Spinal Column Point</th>
<th>Notice Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>41 and above</td>
<td>3 calendar months</td>
</tr>
<tr>
<td>32 to 40</td>
<td>2 calendar months</td>
</tr>
<tr>
<td>1 to 31</td>
<td>1 calendar month</td>
</tr>
</tbody>
</table>

The employee may be entitled to a greater period of notice than the minimum depending upon length of service. The following notice periods will be used when greater than the minimum set out above.

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>Minimum Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Four years or more but less than twelve years service</td>
<td>1 week for each year of continuous employment (minimum 4 weeks)</td>
</tr>
<tr>
<td>Twelve years or more service</td>
<td>12 weeks</td>
</tr>
</tbody>
</table>

The notice periods do not apply where gross misconduct has occurred and summary dismissal i.e. dismissal without notice follows.

An employee will be given at least 6 months notice of their date of retirement at age 65, in line with the Employment Equality (Age) Regulations 2006.

Retirement age
The Council’s retirement age is 65.

Right to Request and Duty to Consider Delay of Retirement Procedure
An employee can request to work beyond the retirement age of 65. Full details can be found in the Right to request and duty to consider delay of Retirement Procedure at appendix 16.
Further information on the procedure for schools is available in the 'Model Information on the Employment Equality (Age) Regulations 2006 for Teaching and Support Staff in Schools' on Schoolpoint.

**Early Ill Health Retirement**
An employee in the Local Government Pension Scheme may be granted early ill health retirement if their employment is terminated on the grounds that he/she is permanently unable to do his/her own job and has a reduced likelihood of being capable of obtaining gainful employment before age 65. The retirement must be based on an opinion from an independent specially qualified doctor. Contact Organisational Development or South Yorkshire Pensions for further information.

**Early Retirement Schemes**
The following four types of early retirement are available to employees aged 55 and over who are members of the Local Government Pension Scheme, with Council approval. They are also available to employees aged 50 and over who were members of the pension scheme before 1 April 2008. The earliest retirement age for all employees will be 55 from 1 April 2010 apart from early ill health retirement.

**Retirement on compassionate grounds**
Available under two sets of circumstances:

- where the employee/former employee is the **primary carer** of a dependent relative.
- where the employee/former employee themselves are **in need of special care**.

Retirement on compassionate grounds is subject to the approval of Sheffield City Council.

**Early Retirement on the Grounds of Redundancy**
Available to those employees who either volunteer for dismissal by reason of redundancy or who are dismissed by reason of redundancy, as appropriate. Voluntary early retirement is subject to the approval of Sheffield City Council.

**Retirement in the Interests of the Efficiency of the Service**
Sheffield City Council has the discretion to approve that an employee may retire in the interests of the efficiency of the service.

**Retirement aged 50 to 59**
Sheffield City Council has the discretion to approve the retirement of an employee aged 50 to 59 and who is in the Local Government Pension Scheme.

If a Governing Body wish to approve the retirement of an employee aged 55-59 they must discuss this with and seek approval of CYPD HR at Sheffield City Council. All costs associated with the retirement will be borne by the Governing Body.

**NB:** With effect for 1 April 2010 the earliest retirement age for all employees will be 55
**Early Retirement at Age 60**
The Council’s normal retirement age is 65 years, but the Local Government Pension Regulations provide that most employees may retire at any time **from 60 years of age** with immediate benefits. In many cases, these benefits will be reduced due to early payment.

**Redundancy Scheme**
Sheffield City Council offers enhanced redundancy payments to employees who are under the minimum age to access their pension or any employee who is not a member of the Local Government Pension Scheme. The minimum age to access pension is 55 or age 50 if the employee was a member of the Local Government Pension Scheme before 1 April 2008. It will be age 55 for all employees from 1 April 2010.

Employees in schools who are selected for dismissal by reason of redundancy will receive a redundancy payment calculated on actual weekly wage and statutory weeks.

**Flexible Retirement**
Employees aged 55 and over who are members of the Local Government Pension Scheme may, with the consent of Sheffield City Council, reduce their hours or move to a lower graded job and draw some or all of the pension benefits they have already accrued. The minimum age is 50 provided that the employee was a member of the Local Government Pension Scheme before 1 April 2008. The minimum age will be age 55 for all employees from 1 April 2010.
If an employee has previous continuous service with an organisation covered by the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Orders (which covers local authorities and related bodies), this service will be included in calculating his/her entitlement to:

- A redundancy payment
- Sickness pay
- Annual leave
- Maternity leave
- Notice period (service counted at half rate)
- Adoption Leave

In some circumstances, previous non-continuous service can be taken into account for:
- calculating an employee’s annual leave entitlement
- calculating an employee’s entitlement to sick pay
- deciding an employee’s entitlement to maternity and adoption leave
- half notice pay

These particular circumstances are:

1. If the employee was made redundant by an organisation to which the Redundancy Payments Modification Order applies, within the last two years, regardless of whether there has been other paid employment in the meantime.

2. If the employee was transferred under TUPE to an employer who is not listed on the Redundancy Payments Modification Order and has returned voluntarily to work for the Council from that organisation within 5 years of the transfer.

3. If the employee left local government service within the last 8 years in order to have a baby or to care for children or other dependents and has not taken any full time employment during her/his break in service.

If the employee left for maternity/care reasons more than 8 years ago, his/her previous service can be used in calculating annual leave entitlement only, provided that the employee has not taken any permanent full time employment during the break in service.
**Code of Conduct**
Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.

The Code of Conduct describes the standards of conduct in detail. Employees are expected to familiarise themselves with the content and seek clarification from their manager if they are uncertain on any point. Full details can be found in the Corporate Code of Conduct at appendix 17.

The Code of Conduct adopted by the Governing Body will apply to employees within schools. A model ‘Code of Conduct for all School Employees’ and Model Procedure for the Management of the Whistleblowing Policy and Procedure for Employees in Schools are available on Schoolpoint.

**Dignity and Respect at Work Policy**
Employees have a responsibility to treat all colleagues and service users with dignity and respect. They need to be aware of their own conduct and behaviour and how it can impact on others within the workplace. Employees are encouraged to bring to the attention of Managers any examples of unfair treatment they have witnessed or strongly suspect is taking place. Full details of the Dignity and Respect at Work Policy can be found at appendix 18.

The HDVB Policy adopted by the Governing Body will apply to employees within schools. A model ‘HDVB Policy and Code of Practice for School Employees’ is available on Schoolpoint.

**Electronic Communications Policy**
Employees are expected to maintain minimum standards when using the Council’s electronic communications systems. They must maintain the integrity of the IT security systems, refrain from disclosing sensitive information or personal data to unapproved persons or from sending messages that may be perceived as aggressive, defamatory or discriminatory. Full details can be found in the Electronic Communications Policy at appendix 19.

A model Electronic Communications Policy is not currently available for schools.

**Gifts and Hospitality**
Employees’ actions must not be influenced by offers of gifts or hospitality and their actions must not give the impression that they have been influenced in this way. The Gifts and Hospitality Policy explains the circumstances in which an employee may accept an offer of a gift or hospitality and how to register any offer. Full details can be found in the Gifts and Hospitality Policy which is appendix C of the Code of Conduct. The Corporate Code of Conduct may be found at appendix 17 of this document.

The Code of Conduct adopted by the Governing Body will apply to employees within schools.
**Health and Safety**

Employees have a duty to take care of themselves and others affected by their activity at work and to co-operate with Sheffield City Council’s actions taken to meet its duties under relevant Regulations.

Employees in schools must also co-operate, as above, with any actions taken by the Governing Body.

**Mobility**

Employees are appointed to work for Sheffield City Council and can be asked to work anywhere within the City.

If an employee has a fixed base of work, she/he will be consulted if their service is relocated.

If an employee is a mobile worker, he/she may be asked to change locations within a reasonable distance of the current place of work.

Employees appointed to a school or Federation of schools will be based at that school or Federation.

Any variations to this will be included in the appointment letter, e.g. Federations and Families of schools.
Employment Policies and Procedures

Managing Attendance and Capability at Work Policy
The Managing Attendance and Capability at Work Policy sets out how the Council will deal with issues about an employee’s absence from work because of sickness or other impairment, or where they are unable to perform their job to the required standard. Full details can be found in the Managing Attendance and Capability at Work Policy at appendix 20.

Policies adopted by the Governing Body for managing capability and sickness absence will apply to employees in schools. Model policies ‘Capability Procedure for Support Staff in Schools’ and the ‘Procedure for the Management of Sickness Absence for Teachers and Support Staff in Schools’ are available on School point.

Disciplinary Procedure
The Disciplinary Procedure sets out how managers may confirm to an employee that their behaviour or conduct is not acceptable. Full details can be found in the Disciplinary Procedure at appendix 21.

The disciplinary procedure adopted by the Governing Body will apply to employees in schools. A model ‘Disciplinary Procedure for Teaching and Support Staff in Schools’ is available on School point.

Individual Grievance Procedure
The Individual Grievance Procedure sets out how employees may raise concerns about their employment or their treatment at work. Full details can be found in the Individual Grievance Procedure at appendix 22.

The individual Grievance Procedure adopted by the Governing Body will apply to employees in schools. A model ‘Procedure for Managing Individual Employee Grievances’ in Schools is available on School point.

Redeployment Procedure
The Redeployment Procedure sets out the process whereby an employee may secure alternative employment if required as a result of another Council procedure. Full details may be found in the Redeployment Procedure at appendix 23.

Any review of staffing structures within a school should be undertaken in line with the ‘Review of Staffing Structures – Guidance for schools in England’ document published by the Rewards and Incentive Group.
Appendix 1

Flexible Working – Your Right to Ask

Employees in schools have the right to request to work flexibly in line with the policy adopted by the Governing Body of their school. There is a Model Procedure for the Right to Request Flexible Working – Teachers and Support Staff in Schools’ on School point.

The council recognises that more flexible patterns of work should be made available to all employees in order to encourage a better work life balance.

1 Principles

1. This procedure gives all employees the right to request to work flexibly but recognises that the prime objective of the city council is the effective delivery of services to the public and any arrangements should be applied in this context.

2. The council recognises that parents with children under 16 (under 18 if disabled) and carers of adults have a statutory right to request to work flexibly and have therefore incorporated the requirements of the legislation into this procedure.

3. The council recognises that disabled employees have a right to request to work flexibly as a reasonable adjustment under the Disability Discrimination Act 2005. This procedure gives a framework for managers to assess such requests.

4. All requests for flexible working are to be given due consideration whether made under the auspices of the legal regulations or council policy.

5. In all instances managers will only be able to refuse a request having been through the procedure and provided a written explanation as to why the working pattern required is not feasible.

2 Scope

This procedure applies to all employees regardless of their length of service, with the exception of school-based staff.

School based staff should refer to Children and Young People’s Directorate Human Resources Section for the flexible working policy that applies to them.

This procedure is not designed to address short-term domestic situations/emergencies where a more immediate response is required.

If a request is rejected or an application withdrawn a further request cannot be made for 12 months from that date, with the following exceptions:

There is no limit on the number of requests that may be made by a disabled person, where the request is a reasonable adjustment under the Disability Discrimination Act.
In exceptional cases, where an employee has had a significant change in their personal circumstances. This consideration will be at the discretion of their line manager with advice from their Directorate OD/HR advisor.

The following options are open for consideration

3 Examples of Flexible Ways of Working

V Time (Voluntary reduced work time) allows an employee to reduce their working time (and pay) by some proportion.

Compressed hours allow individuals to work their total number of agreed hours over a shorter period, e.g. employees may work their full weekly hours over four days rather than five days.

The Flexitime Scheme This usually allows for flexibility at the beginning, middle and end of the day and helps employees meet their other commitments. Full details of how the standard flexitime scheme works at the Council are available from HR First or the intranet. Amendments to the standard scheme may be agreed between managers and employees to ensure that there is adequate service provision.

Job sharing is where two people share one job and all jobs in the Council are open to job share unless the relevant Head of Service decides that the operational requirements of the post make it impossible to share.

Staggered hours allow employees to start and finish their day at different times. This is often used in the retail sector where it is important to have a greater number of staff available over the lunch period but less at the start and end of each day.

Annualised hours describe working time organised on the basis of the number of hours to be worked over a year rather than a week.

Term time working allows employees to work only during school term times and salary is adjusted on a pro-rata basis.

Self Rostering allows a team of employees to take responsibility for ensuring that required working hours are covered with the number of staff needed to fulfil the work obligations.

Working from home allows an employee to work from home once the relevant health and safety risk assessments have been undertaken.

4 The application

See appendix A–How does this process work

- An application will need to be made on the appropriate Flexible Application Form (FA1) (See appendix B)

- An application will be taken as having been made on the day that it is received.
• Where an application is made by e-mail or fax, it is taken to be received on the day it was transmitted.

• Where an application is sent by post, it is taken as being received on the day it would have been delivered in the ordinary course of the post.

• The same principles apply to the giving of notices by the employee and employer throughout the process.

**Key process**

Within **28 days** a manager must have either:

- accepted the application and notified the employee in writing

  **OR**

- arranged a meeting with him/her to discuss the application and how it might be accommodated and/or consider other options

- confirm in writing the outcome within 14 days of the meeting

**Extension of time limits**

The time limits may be extended only where the employer and employee agree.

A written record of the agreement must be made, stating the period the extension relates to and the date it is to end. This should be dated and sent to the employee.

Time limits will be automatically extended to a maximum of four weeks where the person who would ordinarily consider the application is absent due to annual leave or sick leave when the application is received. After which the application would be referred to another manager. The 28 day period begins when the person returns to work or the application is referred.

Copies of all documentation should be sent to HR First to be kept on the employee’s personnel file and retained for monitoring purposes.

**5 Acceptance of an application**

An application may be made for a permanent or temporary change to the employee’s contract of employment.

Where a permanent variation in the employee’s hours, time or place of work is agreed, there will be no right for the employee to revert back to the former agreement.

Where a temporary arrangement is agreed, this will include a date to review the arrangement. There will be no obligation on either side for the arrangement to continue after the review date.

**6. Rejection of an application**

Refusal of an application for flexible working must be based on one or more of the following grounds.
Burden of additional costs
Detrimental effect on ability to meet customer demand
Inability to reorganise work among existing staff
Inability to recruit additional staff
Detrimental impact on quality
Detrimental impact on performance
Insufficiency of work during the periods the employee proposes to work
Planned structural changes

Managers will also be required to share and confirm, in writing, their reasoning around the decision within 14 days of the application being rejected.

7. Right to be accompanied

The employee has the right to be accompanied at the initial meeting and at the appeal by a colleague. At Sheffield City Council the employee may choose to be accompanied by their Trade Union representative.

8. Withdrawal of an application

An application will be treated as withdrawn where the employee has:

- Notified the employer verbally or in writing that they are withdrawing their application.
- Missed more than one meeting arranged under the process without reasonable cause.
- Unreasonably fails to provide information the manager requires in order to agree to a variation in contract. In these circumstances the manager should write to the employee to confirm that the application has been withdrawn.

Where an application is deemed to have been withdrawn the employee will not be able to make a further application for 12 months from the date the withdrawn application was made. (Please refer to scope for exceptions)

9. Appeal

An employee has 14 days to appeal in writing after the date of written notification of the employer’s decision.

If an appeal is made a meeting must be arranged to hear the appeal within 14 days of receiving the notice of appeal. The appeal should be heard by the appropriate Director/Head of Service and conducted in accordance with the process set down in the Council’s Grievance Procedure.

The employee must be informed of the outcome of the appeal in writing within 14 days of the date of the meeting.
FLEXIBLE WORKING – THE RIGHT TO REQUEST AND THE DUTY TO CONSIDER

How does the process work?

Manager receives an application for flexible working form FA1

Within 28 days

Manager and employee meet to discuss the application

Within 14 days

Manager writes notifying the employee of their decision sample letters provided

Request is ACCEPTED

Request is REJECTED

The employee needs to decide if they wish to appeal against the Manager’s decision. If so, they must appeal in writing, setting out the grounds for their appeal

Within 14 days

Head of Service receives the employee’s written appeal

Within 14 days

Head of Service hears the appeal

Within 14 days

Head of Service writes notifying the employee of their decision.

Appeal is ACCEPTED

Request is REJECTED

In specific circumstances, the employee can take their case to employment tribunal or binding arbitration

Both the employee and their Manager will need to consider what arrangements they need to make for when the working pattern is changed.

Copy all documents to HR First for monitoring along with any instructions for contract changes where necessary

Both the employee and their Manager will need to consider what arrangements they need to make for when the working pattern is changed.

Copy all documents to HR First for monitoring along with any instructions for contract changes where necessary
Flexible Working Application Form FA1

Appendix B
(of flexible working policy)

Note to the employee

This form will help your Manager to consider your request if you provide as much information as you can about your desired working pattern. They will then have 28 days after the day your application is received in which to arrange a meeting with you to discuss your request. You can use this form to request a temporary or permanent change to your contract.

Please hand your form to your Line Manager well in advance of the date you wish the request to take effect.

Note to the manager receiving this application

This is a formal application made under the Flexible Working Procedure. You have 28 days after the day you received this application in which to either agree to the request or arrange a meeting with your employee to discuss their request. You should confirm receipt of this application using the attached confirmation slip.

Please refer to the Guidance for Managers on Flexible Working –. A copy of this is available on the intranet.

1. Personal Details

Name: Worksite:

Manager: Directorate:

Date:

Reason for Request (Please tick one option)

I am a parent/have parental responsibility for a child under 16 (under 18 if disabled)

I have carer responsibilities for another adult

I am requesting this reasonable adjustment because of my disability

I wish to adopt a better worklife balance.
To: ............................................................. (Manager’s/Supervisor’s Name)

I would like to apply to work a flexible working pattern that is different to my current working pattern

| 2a | Describe your current working pattern (days/hours/times worked): |
| 2b | Describe the working pattern you would like to work in future (days/hours/times worked/location): |
| 2c | I would like this working pattern to commence from: Date: |

3. Impact of the new working pattern

I think this change in my working pattern will affect my employer and colleagues as follows: (Please list any benefits for the service)
4. Accommodating the new working pattern

I think the effect on my employer and colleagues can be dealt with as follows:

Signature

Print Name: Date:

NOW PASS THIS APPLICATION TO YOUR LINE MANAGER OR SUPERVISOR

To the Manager
Please cut this slip off and return it to your employee in order to confirm your receipt of their application – ensure that you keep a copy for your records

Flexible Working Application Receipt (to be completed and returned to employee)

Dear:

Thank you for your request to change your work pattern which I received on:

I shall be arranging a meeting to discuss your application within 28 days of this date. In the meantime you might want to consider whether you would like a Trade Union Representative or a fellow colleague to accompany you at the meeting.

Signed. Date
Standard Flexitime Scheme

Schools may not be able to accommodate the flexitime scheme in light of service delivery requirements. However they may consider other flexible work arrangements.

1.1 The standard total of contracted hours for every four week period (known as the settlement period) is 148, based on a standard working week of 37 hours.

1.2 Core time (during which staff must be at work) is from 10.00 to 12.00 and 14.00 to 16.00 hours.

1.3 Staff may start work at any time between 08.00 and 10.00 and finish at any time between 16.00 and 18.00, subject to the working arrangements of their section. These time periods are known as flexible time.

1.4 The lunch break is also flexible. Staff must take a minimum 30 minutes between the hours of 12.00 and 14.00.

NB: Apart from situations where it is absolutely unavoidable, staff must be off duty for a period of at least 30 minutes between 12.00 and 14.00. However, where it is not possible for a member of staff to start their break before 13.30, 30 minutes may be taken subsequently to that time. Staff and Supervisors are reminded that no member of staff should be required to work through without at least 30 minutes break during the middle of the day. The aim remains to have all staff present between 10.00 and 12.00 and between 14.00 and 16.00 hours.

1.5 Staff do not need to have accumulated credit hours before flexi leave is taken.

1.6 During any four week settlement period, four hours may be taken in core time towards one whole day’s leave or two half days leave or two hours towards a half days leave once in any period. This leave is subject to the prior approval of the appropriate section head. As an alternative a half or a whole day can be added to an individual’s annual leave entitlement. This could result in a maximum of 13 additional days being added in a year.

1.7 Staff who wish to take just part of the core time allowed in any one settlement period (i.e. not the full two hours) will be allowed to do so subject to the agreement of their supervisor.

1.8 At the end of any four week settlement period, all carry carryovers of more than + 10 hours will be reduced to the permitted maximum of 10 hours. If an individual feels they have good reason to carry forward more than + 10 hours they should ask their Supervisor and if it is felt to be a reasonable request the hours may be restored by means of a reconciliation sheet.

In the case of more than - 10 hours being carried forward, no adjustments will be made centrally i.e. the debit hours will be left in the system. If an individual wants to
be reduced to - 10 hours they must put forward a case to their Supervisor. If a reasonable case is made the hours may be reconciled.

1.9 The following conditions apply to officers taking half-day leave in lieu of credit hours:

   Morning leave - arrive before 14.00 hours
   Afternoon leave - may depart after 12.00 hours

1.10 An allowance up to 9 hours 30 minutes will be made for staff absence in respect of out of town work and travelling time when they are out of town on Council business.

1.11 In the case of ill-health or leave an allowance of 7 hours and 24 minutes will be made for employee absence.

NOTE:

Marginal variations to the standard scheme may be agreed by the City Council to meet the needs of individual departments or sections within a department as agreed with the Trade Unions involved.
Jobsharing Scheme

Employees in schools can apply to jobshare in line with this scheme.

Jobsharing is the voluntary sharing of a full time post with pay and benefits shared on a pro rata basis or as otherwise specified in this scheme.

The working arrangements and responsibilities for a particular job shall be agreed between the manager and jobsharers involved.

Introduction of Jobsharing

Jobsharing may be introduced in the following ways:-

- An existing employee requests to jobshare their own posts using the “Flexible Working – Your Right to Ask” procedure.
- Two candidates apply jointly for a vacant post and both are successful.
- One successful candidate is appointed to a vacant post on a jobshare basis, and the remaining portion advertised.
- Two separate candidates apply and are appointed to a vacant post on a jobshare basis.

Recruitment and Selection of a Jobshare Partner

Any review of a jobsharing post resulting from the resignation of one partner or the inability to recruit to the remaining half of a jobshare should involve the existing jobsharer.

Existing post holders seeking a ‘jobshare’ partner through advertisement should be given an opportunity to meet suitable applicants informally, either prior to or following a selection interview. They should not, however, be involved at the person specification or selection or interviewing stage unless such participation is part of the normal recruitment process in that service.

Each jobshare candidate should be interviewed individually to assess personal ability to do the job. However, where there is a joint application, managers should, additionally, see both candidates together.

Prior to recommending appointment, the selection panel must ensure that there is agreement on the division of tasks to meet the full role expectations of the job, where necessary agreeing an addendum to the job description for the post, expressing agreements reached.
Terms and Conditions of Employment for Jobsharers
All Conditions of Service will apply to jobsharers on a pro rata basis according to hours worked, except where better than pro rata conditions are specified below.

Interview Expenses
Applicants for a job shall be entitled, where appropriate, to the reimbursement of interview expenses on an individual basis.

Relocation Expenses
Applicants appointed to a jobshare will be entitled to the reimbursement of relocation expenses, where appropriate, on an individual and not a pro rata basis.

Contract of Employment
Each jobshare partner will hold an individual contract of employment. The job description may have an addendum to reflect agreements reached where overlap/continuity and/or split tasks are required. The hours to be worked will be individually stated for each jobsharer and total hours worked must not exceed 37 per week.

Changeover Arrangements
Where continuity is determined as an essential requirement of the jobshare in the job description addendum, such an arrangement must be achieved within the normal established total hours, where necessary reducing the work-time span of attendance.

Pay
Basic pay will be pro rata to the number of hours worked. The starting pay of each jobsharer will be set on an individual basis in accordance with Council policy. Jobshare partners are eligible for enhanced rates of pay such as night rate, as appropriate.

Overtime
A full week i.e. 37 hours must be worked by each individual before enhanced overtime rates are payable.

Variation of Hours
By agreement with Management, each jobsharer may vary their hours providing that the Jobsharing Unit (i.e. both job sharers) neither exceeds, nor works less than the total contracted hours.

Flexitime
Where a system of flexible working hours is in operation the application of this system to a jobshare arrangement shall be discussed and agreed by management and the jobsharers prior to commencement of the jobshare.

Vehicle Mileage Allowance
Each jobsharer will have an individual entitlement to allowances in accordance with the City Council’s approved scheme.
Annual Leave
Leave entitlement is pro-rata to the number of hours worked. Partners to a jobshare may take annual leave at the same time.

Public Holidays
Public holiday entitlement will be calculated in hours and divided between jobsharers pro-rata to the number of hours worked. Job share partners may be required to use some annual leave entitlement on Public Holidays where a disproportionate number of such holidays fall on their chosen working days.

Sick Pay and Sick Leave
Entitlement to sick leave shall be based on length of service calculated on an individual basis. Sick pay is based on the individual's hours of work and contractual enhancements to pay.

Maternity, adoption, paternity/maternity support leave
Jobsharers have an individual entitlement to maternity, adoption or paternity/maternity support leave.

Cover During Periods of Absence
When one jobsharer is absent, and the manager deems it necessary to cover the absence, then the remaining jobsharer may be offered the opportunity of working full time, to be paid at basic rates, but will not be required to do so, unless alternative arrangements were agreed at the start of the jobshare.

Training
Training opportunities will be provided for jobsharers, as far as possible, on days normally worked. If either or both partners wish to undertake an approved qualification course which would involve an element of day release then the unit as a whole will be allowed the standard time off provision for the course. However approved expenses will be paid for both partners.

Change of Circumstances
In the event of one jobsharer, for whatever reason, leaving the jobsharing partnership, the manager will review the situation. If he/she wishes to recruit, then the remaining jobsharer may be offered the full time post as a first option. If the remaining jobsharer does not wish to work on a full-time basis, another jobsharing partner will be sought via the usual recruitment processes.

Transfers on the same grade and with substantially similar job descriptions may be made by agreement between the individuals concerned and their managers. In this way, two substantive post holders may be transferred to one jobsharing post, releasing a full time post for advertisement.
Sickness Absence Scheme

The sickness absence scheme is intended to supplement statutory benefits so as to maintain an employee’s normal pay during periods of absence due to sickness, or, accident.

**Amount of sickness allowance**

Sickness allowance is paid on the following scales

<table>
<thead>
<tr>
<th>Monthly Paid Employees</th>
<th>Length of Service</th>
<th>Full Pay</th>
<th>Half Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>From starting to 4 months</td>
<td>1 month</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>From 4 to 12 months</td>
<td>1 month plus 2 months</td>
<td>2 months</td>
</tr>
<tr>
<td></td>
<td>From 1 to 2 years</td>
<td>2 months plus 2 months</td>
<td>2 months</td>
</tr>
<tr>
<td></td>
<td>From 2 to 3 years</td>
<td>4 months plus 4 months</td>
<td>4 months</td>
</tr>
<tr>
<td></td>
<td>From 3 to 5 years</td>
<td>5 months plus 5 months</td>
<td>5 months</td>
</tr>
<tr>
<td></td>
<td>After 5 years</td>
<td>6 months plus 6 months</td>
<td>6 months</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Weekly Paid Employees</th>
<th>Length of Service</th>
<th>Full Pay</th>
<th>Half Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>From starting to 4 months</td>
<td>4 weeks</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>From 4 to 12 months</td>
<td>4 weeks plus 9 weeks</td>
<td>9 weeks</td>
</tr>
<tr>
<td></td>
<td>From 1 to 2 years</td>
<td>9 weeks plus 9 weeks</td>
<td>9 weeks</td>
</tr>
<tr>
<td></td>
<td>From 2 to 3 years</td>
<td>17 weeks plus 17 weeks</td>
<td>17 weeks</td>
</tr>
<tr>
<td></td>
<td>From 3 to 5 years</td>
<td>21 weeks plus 21 weeks</td>
<td>21 weeks</td>
</tr>
<tr>
<td></td>
<td>After 5 years</td>
<td>26 weeks plus 26 weeks</td>
<td>26 weeks</td>
</tr>
</tbody>
</table>

The period and the rate of allowance for each period of sickness absence will be calculated on the first day of absence. This will be done by deducting from the employee’s entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately proceeding the first day of absence.

**Full pay** means an amount of sick pay which, when added to the Statutory Sick Pay and Incapacity Benefit due, gives an employee the equivalent of normal pay.
**Half pay** means an amount of sick pay equal to half normal earnings plus Statutory Sick Pay and Incapacity Benefit, so long as the total amount does not exceed normal pay.

**Normal pay** includes all earnings that would be paid during a period of normal working but excluding any payments not made on a regular basis.

**Conditions**

To claim sick pay, an employee must

- Notify their manager as early as possible on the first day of absence
- Further notify their manager on the fourth day of absence
- Notify their manager at the end of the first week and at the end of any periods of absence certified by a doctor
- Submit a self certification form if off work for more than three days and up to seven days
- Submit a doctor’s statement no later than the eighth calendar day of absence
- Submit further doctor’s statements in a timely manner
- Submit a statement as to their fitness to resume duties, where a doctor’s statement covered a period exceeding fourteen days or where more that one doctor’s statement was necessary
- Sign a statement detailing the reasons for their absence on their return to work

**Industrial injury**

Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment with Sheffield City Council. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme.

**Medical examinations**

An employee shall, if required by the Council at any time, submit to a medical examination by its own Occupational Health physician or by an independent specialist medical practitioner nominated by the Council, subject to the provisions of the Access to Medical Reports Act 1988 where applicable. If such an examination resulted in the employee being pronounced fit to resume work, then the sickness allowance would cease.

**Costs of Doctor’s Statements**

If the Council requires a doctor’s statement from an employee, we will reimburse the employee the cost of such a statement on the provision of a receipt.

**Abuse of the scheme**

If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee’s own misconduct or neglect or active participation in professional sport or injury while working in the employee’s own time on their own account for private gain or for another employer sick pay may be suspended. The Council will advise the employee of the grounds for suspension and the employee may appeal using the grievance procedure. If the Council decides that the grounds were justified then the employee shall forfeit the right to any further payment in
respect of that period of absence. Repeated abuse of the sickness scheme may be dealt with under the disciplinary procedure.

**Third party accidents**
If an employee is absent as a result of an accident, they are not entitled to sickness allowance if damages may be received from a third party. In this event, the Council may advance the employee a sum not exceeding the sickness allowance, subject to the employee undertaking to refund to the authority the total amount of such allowances or the proportion of the allowance represented in the amount of damages received. Any period of absence where a refund of the moneys advanced is made in full, shall not be recorded for the purposes of the sickness scheme. Where only a partial refund is made, the Council may decide to what extent, if any, the period of absence may be so recorded.

**Infectious diseases**
An employee who is prevented from attending work because of contact with infectious disease shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee’s entitlements under this scheme.

**Extension of sick pay**
The Assistant Chief Executive, Organisational Development and Communications, has the discretion to extend the period of sick pay in exceptional cases.

**Sickness and annual leave**
An employee who falls sick during the course of annual leave shall be regarded as being on sick leave from the date of a doctor’s statement.

**Sickness and Bank Holidays**
Where an employee is receiving sick pay under the scheme, sick pay should continue if a public or extra statutory holiday falls during such sickness absence. No substitute public or extra statutory holiday will be given.

**Widows and married women opting out of National Insurance**
National Insurance benefits will be deducted from the sickness allowance, even though such benefits will not be received by widows and married women opting out. Women opting back into the scheme will not suffer a deduction during the qualification period.

**Employees not qualifying for National Insurance benefits**
If an employee does not qualify for benefit because contributions are not paid under the minimum earnings rule or they are in the qualifying period of Statutory Sick Pay or Sickness Benefit, then they will not suffer a deduction for Statutory Sick Pay or Sickness Benefit and will receive their normal wage or salary subject to the general rules of the sickness scheme.
Maternity Leave Scheme

Details of the ‘Maternity Leave Scheme, Adoption Leave Scheme and Paternity/Maternity Support Leave Scheme for support staff in schools’ will be available on School point. Reference can also be made to the Family Pack: Maternity and Paternity Information for Support Staff in Schools.

Eligibility
This scheme applies to all employees with the exception of teachers, who have their own scheme.

Under this scheme, pregnant employees are eligible for 52 weeks maternity leave. This is made up of 26 weeks ordinary and 26 weeks additional maternity leave.

Initial Obligations on the Employee
The employee must remain in Council employment until fifteen weeks before the expected week of childbirth.

The employee must notify the Council in writing at least 28 days before her absence begins or as soon as is reasonably practicable:

a) that she is pregnant
b) of the expected week of childbirth (EWC)
c) of the date of the beginning of her absence

The employee is required to produce a MAT B1 certificate from a registered medical practitioner or a registered midwife stating the expected week of childbirth.

Initial Obligations on the Employer
The Council is required to formally acknowledge the letter within 28 days of receiving the notice. This letter will confirm that the employee is entitled to 52 weeks leave and will inform her of the date when she is expected to return to work.

Health and Well-being

a) Ante-natal care
Any pregnant employee has the right to paid time off to attend for antenatal care and must produce evidence of appointments if requested by her manager.

b) Health and Safety
Consideration must be given to any health and safety implications for pregnant employees as identified in a workplace risk assessment.
**Maternity Leave Entitlement**

a) All employees are entitled to Ordinary Maternity Leave for 26 weeks, regardless of service followed by a 26 weeks additional maternity leave.

b) Maternity leave shall commence no earlier than 11 weeks before the EWC or from the day after the date of childbirth if that is earlier or on the day after the first full day of sickness absence with a maternity related complaint if that is within 4 weeks of the expected week of childbirth.

c) Pregnant women will be able to start their maternity leave on the same day as statutory maternity pay.

d) Statutory Maternity Pay will be calculated on a daily basis.

**Maternity Pay**

a) **Employees not returning to work with the Council**

Employees with at least one year's continuous local government service at the 11th week before the EWC are entitled to:

- 6 weeks at full pay (less Statutory Maternity Pay/Maternity Allowance) plus any entitlement to SMP thereafter
- 33 weeks SMP/MA

b) **Employees returning to work with the Council**

Employees with at least one year's continuous local government service at the 11th week before the EWC are entitled to:

- 13 weeks at full pay (less Statutory Maternity Pay/Maternity Allowance)
- 13 weeks at half pay (with no deduction for Statutory Maternity Pay or Maternity Allowance)
- 13 weeks remaining SMP/MA only

To qualify for maternity pay in this category the employee must return to work following maternity leave, or maternity leave plus parental leave, for a period of at least 13 weeks. If the employee does not return for at least 13 weeks she will be required to repay all maternity payments plus the employers National Insurance contributions other than the first 6 weeks payment i.e. she will be treated as an employee not returning to work with the Council.
c) **Statutory Maternity Pay (SMP)/Maternity Allowance (MA)**

Employees who do not have one year’s continuous local government service at the 11th week before the EWC may have an entitlement to Statutory Maternity Pay provided that they have at least 26 weeks continuous Sheffield City Council service at the end of the 15th week before the EWC and have average earnings equal to the lower earnings limit for National Insurance Contributions. SMP entitlement is for 6 weeks at 9/10ths of normal pay plus 33 weeks at the lower rate of SMP (or at 9/10ths of normal pay if this is less).

Employees who are not eligible for SMP from the Council because they have insufficient service may be able to claim Maternity Allowance from the Department for Work and Pensions or the Job Centre Plus.

The employee will be able to start to receive her SMP on any day of the week.

d) **Women not qualifying for SMP or Maternity Allowance**

Employees who are not eligible for SMP or Maternity Allowance (extended to 39 weeks) will not suffer a deduction for SMP/MA and as a consequence will receive their normal salary subject to the general rules of the maternity scheme.

**Contact During The leave Period**

An employee and manager are able to make reasonable contact with each other during the maternity leave period to discuss such issues as return to work, job vacancies, significant workplace developments, and flexible working arrangements and training opportunities. How and when contact is made should be agreed between employer and employee prior to the start of maternity leave.

**Keeping in touch days**

An employee can work up to 10 days during her maternity leave period without ending her Statutory Maternity Pay or Maternity Allowance. The employee will lose SMP/MA for any week in which she works after the 10 days. Working part of a day will count as one day.

Note that the employee cannot carry out any work during the first two weeks following the birth of the child.

Work is defined as any work done under the contract of employment and may include any training or any activity undertaken for the purposes of keeping in touch with the workplace. An employee is not obliged to carry out any work during her leave period and is protected from suffering detriment if she decides not to do so. Equally an employee cannot insist on being given work to do.

**Payment for Work**

The employee will continue to receive her SMP and Maternity pay for the week in which she worked; however payment will be made up of the employee’s normal daily pay for each day worked.
Right to Return

a) The employee is not required to provide any confirmation of the date she intends to return to work following her maternity leave, provided that she returns on the date notified to her by the Council. If she wishes to return earlier than this date then she is required to give 8 weeks written notice of her date of return.

b) An employee who has already given notice of an early return date and then decides to return even earlier, at least 8 weeks written notice of the revised date must be given. If the employee wants to postpone their return to a date later than the early return date, notification must be given at least 8 weeks before the early return date.

c) Subject to d), to return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable to her if she had not been absent. "Job", for this purpose, means the nature of the work, which she is employed to do, and the capacity and place in which she is so employed.

d) Where it is not practicable by reason of redundancy or reorganisation for the Council to permit her to return to work in her job, the employee shall be entitled to be offered a suitable alternative vacancy where one exists, through the application of existing Council policies.

e) If the employee wishes, and subject to mutually agreeable arrangements being made, she may return on temporarily reduced hours initially. She should take up her normal contractual hours within 52 weeks of starting her maternity leave.

f) If the employee wishes to vary her contract on return to work, then she should request this by writing to her manager at least 12 weeks before her date of return.

Partners
Where both partners work for the City Council, and have more than one year’s continuous service each, they are able to share the unpaid element of maternity leave only, subject to service needs.

a) Where both partners work for Sheffield City Council, the unpaid part of the maternity leave may be shared, subject to mutually agreeable arrangements being made with the Directorate and Service(s) concerned.

b) In order to share maternity leave, both partners must have at least one year’s continuous local government service at the 11th week before the EWC and both must return to work for a period of at least 13 weeks following maternity leave.

c) Both partners will not be allowed to be on maternity leave at the same time.

d) The proportion of leave taken by each partner will be mutually agreed by the people and Directorates/Services concerned.
Maternity Leave and Sickness Entitlement

a) Maternity leave will not be treated as sick leave and will therefore not be taken into account in calculating the amount of sickness leave to which an employee is entitled.

b) If, because of sickness, the employee is either unable to return to work on the date notified by the Council or is unable to return before the end of the maximum period of maternity leave, she must submit a doctor's note. Any absence after the notified date or after the maximum period of maternity leave will then be treated as sick leave.

c) Maternity leave, both paid and unpaid, will be regarded as service and therefore will count towards determining the employee's qualifying amount of service for the purpose of sickness payments.

Maternity Leave and Holiday Entitlement

a) Maternity leave, both paid and unpaid, will be regarded as Service for the purpose of calculating an employee's entitlement to annual leave after five years' continuous service.

b) Maternity leave, both paid and unpaid will not affect the amount of an employee's annual leave entitlement in the leave year in which her maternity leave is taken.

c) An employee is entitled to carry over leave entitlement from one leave year to the next in accordance with the Council’s terms and conditions of employment.

Maternity Leave and Pensions
The employee is required to pay pension contributions for the paid period of maternity and may elect to pay contributions for the unpaid period.

Death of the Baby
In the event that the baby is stillborn after 24 weeks of pregnancy or dies shortly after birth, the employee will be entitled to full maternity pay and leave.
Adoption Leave Scheme

Details of the Maternity Leave Scheme, Adoption Leave Scheme and Paternity/Maternity Support Leave Scheme for support staff in schools will be available on School point. Reference can also be made to the Family Pack: Adoption Information for Support Staff in Schools.

Eligibility
This scheme applies to all employees with the exception of teachers, who have their own scheme.

Employees with 26 weeks continuous Sheffield City Council service at the matching week are entitled to 52 weeks Adoption leave. This is made up of 26 weeks ordinary adoption leave, and 26 weeks additional adoptions leave provided that they are newly matched with a child for adoption by an approved UK adoption agency. Adoption leave and pay is not available in circumstances where the child is not newly matched for adoption, such as where a step-parent is adopting a partner's children.

The employee is allowed only one period of leave irrespective of whether more than one child is placed for adoption as part of the same arrangements.

Please note that our scheme is based on a statutory scheme, so only one partner in a couple is allowed adoption leave and the other may take paternity leave. However, where both partners work for the City Council, and have more than one year’s continuous service each, they are able to share the unpaid element of adoption leave only, subject to service needs.

Initial Obligations on the Employee

- The employee must remain in Council employment into the matching week (MW)
- The employee must notify the Council, in writing, within 7 days of being notified that they have been matched with a child and the date on which their leave is to start.
- The employee is required to enclose a Matching Certificate from their adoption agency.

Initial Obligations on the Employer
The Council is required to send the employee an acknowledgement letter within 28 days of receiving the notice. The letter will set out the date on which the employee is expected to return to work if the full entitlement to adoption leave is taken.

Pre-Adoption Leave
The employee taking the adoption leave will be allowed time off work with full pay for the purpose of pre-adoption interviews, visits, court appearances, etc, provided that they have made prior arrangements with their manager and can produce the necessary evidence of attendance.
Adoption Leave Entitlement

- Employees with 26 weeks continuous Sheffield City Council service, at the matching week are entitled to 52 weeks adoption leave.

- Employees with one year's continuous local government service at the matching week are entitled to 52 weeks adoption leave.

- Adoption leave shall start on a date chosen by the employee which may be either:
  - from the date of the child's placement, whether this is earlier or later than expected
  - from a fixed date which can be up to 14 days before the expected date of placement

- The employee may change the start date of their adoption leave, provided that they give 28 days notice, unless this is not reasonably practicable.

Adoption Pay - Employees not returning to work with the Council
Employees with at least one year's continuous local government service at the matching week are entitled to 6 weeks at full pay (less Statutory Adoption Pay) plus 33 weeks remaining SAP thereafter.

Adoption Pay - Employees returning to work with the Council
Employees with at least one year's continuous local government service at the matching week are entitled to:

- 13 weeks at full pay (less Statutory Adoption Pay)
- 13 weeks at half pay plus Statutory Adoption Pay
- 13 Weeks Statutory Adoption Pay Only

To qualify for adoption pay in this category the employee must return to work following adoption leave for a period of at least 13 weeks. If the employee does not return for at least 13 weeks he/she will be required to repay all adoption payments plus the employer's National Insurance contributions other than the first 6 weeks payment i.e. he/she will be treated as an employee not returning to work for the Council.

Statutory Adoption Pay
Employees who do not have one year's continuous local government service at the matching week may have an entitlement to Statutory Adoption Pay provided that they have at least 26 weeks continuous Sheffield City Council service at the matching week and have average earnings equal to the lower earnings limit for National Insurance Contributions. SAP entitlement is for 39 weeks at the current rate of SAP (or at 9/10ths of normal pay if this is less).
Employees not qualifying for Statutory Adoption Pay
Employees who are not eligible for SAP will not suffer a deduction for SAP and as a consequence will receive their normal salary subject to the general rules of the adoption scheme.

Contact during the Leave Period
An employee and manager will be able to make reasonable contact with each other during the Adoption leave period to discuss issues such as return to work, job vacancies, significant workplace developments, flexible working arrangements and training opportunities. How and when contact will be made should be agreed prior to adoption leave starting.

Keeping In Touch Days
An employee can work up to 10 days during her Adoption leave period without ending their Statutory Adoption Pay. Working part of a day will count as one day.

Work is defined as any work done under the contract of employment and may include any training or any activity undertaken for the purposes of keeping in touch with the workplace. An employee is not obliged to carry out any work during his/her leave period and is protected from suffering detriment if she decides not to do so. Equally an employee cannot insist on taking KIT days.

Payment for Work
The employee will continue to receive her SAP and Adoption pay for the week in which he/she worked; however payment will be made up to the employees normal daily rate of pay for each day worked.

Right to Return

- The employee is not required to provide any confirmation of the date she/he intends to return to work following their adoption leave, provided that they return on the date notified to them by the Council. If they wish to change the date of their return they are required to give eight weeks written notice.

- An employee who has already given notice of an early return date and then decides to return even earlier, at least 8 weeks written notice of the revised date must be given. If the employee wants to postpone their return to a date later than the early return date, notification must be given at lease 8 weeks before the early return date.

- Subject to next paragraph, the employees has the right to return to the job in which she/he was employed under her/his original contract of employment and on terms and conditions not less favourable than those which would have been applicable to them if they had not been absent. "Job", for this purpose, means the nature of the work that she/he is employed to do and the capacity and place in which they are so employed.
• Where it is not practicable by reason of redundancy or reorganisation for the Council to permit them to return to work in her/his job, the employee shall be entitled to be offered a suitable alternative vacancy where one exists, through the application of existing Council policies.

• If the employee wishes, and subject to mutually agreeable arrangements being made, she/he may return on temporarily reduced hours initially. She/he should take up their normal contractual hours within 52 weeks of starting from their adoption leave.

• If the employee wishes to vary her/his contract on return to work, they should then request this by writing to their manager at least 12 weeks before the date of return.

Placement Ends
If the child’s placement ends during the employee’s adoption leave, the employee is entitled to remain on adoption leave for up to 8 weeks after the end of the placement.

Partners
Where both partners work for the City Council, and have more than one year’s continuous service each, they are able to share the unpaid element of their adoption leave only, subject to service needs.

In order to share unpaid adoption leave, both partners must have at least one year’s continuous local government service at the matching week and both must return to work for a period of at least 13 weeks following adoption leave.

Both partners will not be allowed to be on adoption leave at the same time.

Adoption Leave and Sickness Entitlement

• Adoption leave will not be treated as sick leave and will not therefore be taken into account in calculating the amount of sickness leave to which an employee is entitled.

• If, because of sickness, the employee is either unable to return to work on the date notified by the Council or is unable to return before the end of the maximum period of adoption leave, he/she must submit a doctor’s note. Any absence after the notified date or after the maximum period of adoption leave will then be treated as sick leave.

• Adoption leave, both paid and unpaid, will be regarded as service and therefore will count towards determining the employees qualifying amount of service for the purpose of sickness payments.

Adoption Leave and Holiday Entitlement

• Adoption leave, both paid and unpaid, will be regarded as Service for the purpose of calculating an employee’s entitlement to annual leave after five years’ continuous service.
Adoption leave, both paid and unpaid, will not affect the amount of an employee's annual leave entitlement in the leave year in which adoption leave is taken.

An employee is entitled to carry over leave entitlement from one leave year to the next in accordance with the Council’s terms and conditions of employment.

Any leave not taken in the leave year in which an employee’s adoption leave is taken, will, except for the ‘carry over’ be lost.

**Adoption Leave and Pensions**

The employee is required to pay pension contributions for the full pay period of adoption leave. He/she must also pay full contributions for the first 30 days of half pay. Thereafter, they must elect to make any further contributions.
Paternity/Maternity Support Leave Scheme

Details of the Maternity Leave Scheme, Adoption Leave Scheme and Paternity/Maternity Support Leave Scheme for support staff in schools’ will be available on School point. Reference can also be made to the Family Pack: Maternity and Paternity Information for Support Staff in Schools and Family Pack: Adoption Information for Support Staff in Schools.

Eligibility
All employees are eligible for paternity/maternity support leave, regardless of length of service or the number of hours worked per week.

With respect to childbirth, the employee will have or expect to have responsibility for the child's upbringing and be

- the biological father of the child, or
- the mother's husband/civil partner, or
- the mother’s partner (male or female).

The term partner refers to someone who lives with the mother of the baby in an enduring family relationship.

With respect to adoption, the employee will have or expect to have responsibility for the child's upbringing and be either the partner of someone adopting a child on their own or someone adopting a child with their partner.

Initial Obligations on the Employee
The employee must notify the Council in writing of the date of the start of their absence either:

a) At least 28 days before his/her absence begins with respect to childbirth

b) Within 7 days of being notified that they have been matched with a child in the case of adoption.

The employee is required to produce either:

a) A copy of their partner's Mat B1 form and a completed SC3 (becoming a parent)

b) A matching certificate and a completed SC4 (becoming an adoptive parent)

The employee is required to submit an SC3 or SC4 even if they believe that they are not eligible for Statutory Paternity Pay.

If the baby is born before it is due, the employee should inform the Council as soon as is reasonably practicable.
If the baby has not been born by the date specified as the start of the paternity/maternity support leave then the employee must notify the Council as soon as possible and change the date.

**Paternity Leave Entitlement**
All employees are entitled to paternity/maternity support leave of 10 working days (or pro rata if part time). Only one period of leave will be available to employees irrespective of whether more than one child is born as the result of the same pregnancy or more than one child is adopted under the same arrangements.

Leave cannot start until the birth of the baby. The employee can choose to start his/her leave:

- On the date of the baby’s birth, or from the date of the child's placement if adopting
- On a date falling such number of days after the date on which the child is born or a number of days or week's after the child's placement if adopting
- On a chosen date which falls after the first day of the expected week of childbirth or the date of the child's placement if adopting

Paternity/Maternity Support Leave must be taken within 56 days of the actual date of birth of the child or, if the child is born earlier than expected, between the actual date of birth and 56 days from the first day of the expected week of birth.

Alternatively, leave must be completed within 56 days of the child's placement where adopting.

**Paternity/Maternity Support Pay**
An employee is entitled to full pay less Statutory Paternity Pay during the period of paternity/maternity support leave.

If the employee is not eligible for SPP because, for example, he/she has insufficient service or their earnings are too low, then he/she will receive no deduction in respect of SPP.
Parental Leave Scheme

Details of the Model Parental Leave Scheme for Schools is available on School point.

Parental leave is leave taken to look after a child or make arrangements for the child’s welfare.

Eligibility
The Parental Leave provisions apply to any employee of Sheffield City Council who has 1 year’s continuous service and who:

- Is the parent (named on the birth certificate) of a child who is under 5 years old.
- Has adopted, after 15 December 1999, a child under the age of 18. Eligibility in these circumstances lasts for 5 years from the date of adoption or until the child’s 18th birthday, whichever is the sooner.
- Has acquired parental responsibility for a child born after 15 December 1999 who is under 5 years old. This includes, for example, same sex parents and grandparents taking on the parenting role.
- Is the parent of or has responsibility for a disabled child born after 15 December 1999 and who is under 18 years old.

Where more than one parent is employed by Sheffield City Council both have entitlement to Parental Leave if they meet the conditions.

Amount of Leave

a) Up to 13 weeks leave, per child, may be taken before the child’s fifth birthday.

b) Where a child is adopted, the leave may be taken within 5 years of the date of adoption until the child’s 18th birthday.

c) Up to 18 weeks leave for parents of a child entitled to Disability Living Allowance.

d) Where the child is disabled, the leave may be taken up to the child’s 18th birthday.

e) The entitlement is pro rata for part-time and job-share employees.

f) Leave may be taken in blocks of one or more weeks (or pro-rata to one week for part-time/job-share employees) up to a total of 4 weeks in any 1 year (April-March).

g) Leave may be taken in a block of up to 13 weeks if the child is under 12 months old. If taken immediately after maternity or adoption leave, it does not count towards the 13 weeks to qualify for extended occupational maternity or adoption pay.
h) If the leave is to care for a disabled child, it may be taken as a single day or in multiples of one day.

i) Continuity of service will be maintained throughout the Parental Leave period.

Payment

a) All Parental Leave will be unpaid.

Notification

a) The employee must give written notice of their intention to take Parental Leave and provide sufficient information to establish eligibility. The notice period required is 21 days before the start date of the leave requested.

b) Parental Leave will be authorised by the appropriate Middle Manager within 7 days of receiving the request.

c) The Manager after consultation with the Head of Service/Executive Director may postpone the start date of Parental Leave, on business grounds, for up to but no longer than 6 months from the requested start date. If postponement is necessary then this should be discussed with the employee and the revised arrangements confirmed in writing within 7 days of the request.

Relationship with Maternity Leave/Adoption Leave
Parental Leave may be taken in addition to Maternity Leave or Adoption Leave. Where an employee requests any parental leave directly following extended maternity leave or adoption leave, for which they choose to be paid, the contractual obligation to return to work for 13 weeks will be enforced at the end of that parental leave period.

Relationship with Paternity Leave
The parental leave provisions may be used in addition to the paternity leave provisions.

Relationship with Dependency Leave
The parental leave provisions may be used in addition to the carers’ leave.

Relationship with Annual Leave

a) Employees are not required to exhaust their annual leave entitlement before requesting parental leave.

b) Annual leave and public holidays are not accrued over any period of Parental Leave.

Abuse of the Scheme
Abuse of the Parental Leave Scheme will be dealt with in accordance with the Council’s Disciplinary Procedure.
Disability Leave Scheme

Disability leave for employees in schools will be in line with the policy adopted by the Governing Body. A ‘Model Disability Leave Policy for Staff employed in Schools’ is available on Schoolpoint.

1.0 Principles

1.1 The Council will endeavour to create an environment where disabled employees feel comfortable in discussing their need for reasonable adjustments. It is committed to ensuring disabled employees’ requests for reasonable adjustments are given priority consideration.

1.2 It is considered a reasonable adjustment under the Disability Discrimination Act (DDA) to allow disabled employees covered by the Act, reasonable paid time off during working hours for assessment, treatment and rehabilitation.

1.3 Managers will have the discretion to authorise leave, having considered the reasonableness of the request for an adjustment. Whilst consideration will be given to the effect on service delivery in complying with a request for time off, consideration will also be given to the impact on the individual of failing to provide the adjustment.

2.0 Scope

2.1 This policy is available to all employees if they are covered by the DDA and have discussed their requirements with their line manager except those based in schools.

2.2 Disability leave may be requested for as little as a few hours but should be no longer than 75 hours (including travelling time if requested) (pro rata) in any 12-month period. This may be extended in exceptional circumstances followings discussions between the line manager and their HR/OD advisor.

2.3 Paid time off will be granted for assessment, treatment and rehabilitation.

2.3.1 Assessment is considered as
Time off to allow an employee to meet with a medical practitioner or disability specialist to ensure they are receiving the correct medical treatment or therapy recommended by a medical practitioner, aids or adaptations. For example, to meet with their occupational therapist to be advised of the best adaptations for their home.

2.3.2 Treatment
Time off to access medical treatment or therapy provided or recommended by a medical practitioner. For example, regular dialysis treatment or counselling.
2.3.3 Rehabilitation
Time off to enable an employee to actively achieve their full mental, physical or social potential. For example, regular physiotherapy treatment,

2.4 Unless it is a day admission, periods of hospitalisation will be classed as sickness but will be recorded as related to a disability if appropriate.

2.5 Where appointments can be made outside working hours this should be the preferred option.

2.6 Time to recover from medical treatment may be classed as disability leave if taken on the same day. Absence extending to the following day will be classed as disability related sickness absence.

2.7 Where an employee is unable to attend work owing to a breakdown of usual arrangements at work, for example, travel arrangements or sickness of a personal assistant, flexible ways of working will be used.

2.8 Disability Leave is not applicable to periods of sickness relating to an employees disability. This is to be recorded as disability related sickness absence.

3.0 Procedure

3.1 During their appraisal, managers will discuss, in confidence, with all employees whether they need to access the Disability Leave Scheme.

3.2 Employees will not be expected to discuss the detail of their health condition with their manager but must give their manager enough information to allow them to make an informed decision about any time off that might be given. If further information is needed then the advice of the Occupational Health Nurse can be sought.

3.3 A similar conversation will also be held with newly disabled or newly appointed disabled employees.

3.4 Where an employee knows in advance they are going to require regular time off for assessment, treatment or rehabilitation, this request will be authorised and recorded in advance and on a disability leave request form for the whole of the 12-month period.

3.5 For an individual to have occasional time off recorded as disability leave they need to complete a disability leave request form in advance for each separate leave request. If approved, leave will then be recorded on their timesheet as authorised absence.

Requests will be forwarded to the line manager prior to the appointment being confirmed. Managers need to respond within 3 working days.
3.6 A disability leave request form may be completed on return where an employee requests time for unexpected assessment, treatment or rehabilitation to be recorded as disability leave. However, the manager will need to have been informed verbally at the outset of the leave that such a request would be made on return.

3.7 Where a line manager has refused a disability leave request an individual may challenge this via the grievance procedure.

4.0 Monitoring

4.1 The level of disability leave authorised will be monitored to ensure we are providing a reasonable adjustment. Managers will need to balance the needs of the individual with the overall needs of the service.

4.2 Where a manager is concerned about number of requests in any 12-month period, HR/OD advice should be sought.

See attached Disability Leave Request Form
Disability Leave Request Form

Name...........................................................................................................

Post Title....................................................................................................

Workplace Address....................................................................................

Reason for Request

Number of hours requested

Date(s) of leave..............................................................

Employee signature.............................................................................. Date..............

To be completed by the line manager (After consultation with OHN if appropriate)

Request Approved/Not Approved  (Delete as appropriate)

Please give reasons if not approved.

Balance of Hours Remaining
(Up to a maximum of 75 in total)

Name.................................................................................................Post Title..............

Signature............................................................................................... Date........................
Employee Notes for completion

This form should be completed if you are requesting time off for assessment, treatment or rehabilitation relating to your disability.

A form should be completed in advance of each separate leave request. However, where you have needed unexpected time off, this form may be completed on return proving you have informed your line manager verbally when reporting your absence.

Where you know in advance you are going to require regular time off, this request will be authorised and recorded for the whole 12-month period.

Completed forms are to be kept in a confidential file by the line manager. You may keep a photocopy copy for reference purposes.

See attached Process for Requesting Disability Leave Flow Chart
Process for Requesting Disability Leave

Reasonable adjustments are a means of 'leveling the playing field' to allow disabled employees to contribute fully to the workforce. Disability leave is an example of a reasonable adjustment as it allows reasonable absences during working time for assessment, treatment and rehabilitation, which are not then counted as sickness absence.

Are you covered by the Disability Discrimination Act?

Yes

Have you discussed with your Line Manager about reasonable adjustments? *

Yes

Is the time off request for assessment, treatment or rehabilitation? (See Overleaf for definitions/examples)

Yes

Complete a Disability Leave Request form and Submit to Line Manager in advance of confirming appointment

Manager to respond within 3 working days

Manager approves request

No

Manager needs to be aware of your requirements

No

Consider other policies that may be appropriate e.g. flexible ways of working

No

In exceptional circumstances leave form may be completed on return if verbally agreed in advance with manager.

No

Disability Leave not available

Unsure

Refer to Directorate HROD advisor

Yes

Are you covered by the Disability Discrimination Act?
Process for Requesting Disability Leave

**Assessment**
Time off to allow an employee to meet with a medical practitioner or disability specialist to ensure they are receiving the correct medical treatment or therapy recommended by a medical practitioner. For example: To meet with their occupational therapist to be advised of the best aids or adaptations for their home.

**Treatment**
Time off to access medical treatment or therapy provided or recommended by a medical practitioner. For example: Regular dialysis treatment or counselling.

**Rehabilitation**
Time off to enable an employee to actively achieve their full mental, physical or social potential. For example: Regular physiotherapy treatment,

The examples above are not prescriptive or exhaustive. Each case is unique and will differ according to the nature of the person's disability.
Appendix 10

Carer’s Leave Scheme

Carer’s Leave for employees in schools will be in line with the Leave of Absence Policy adopted by the Governing Body. A model ‘Leave of Absence Policy’ is available on School point.

Carers’ leave is taken to care for or make arrangements for the care of a dependant in times of illness or distress or when unplanned or emergency situations arise.

(a) Eligibility and Expectations

(i) These provisions apply to all employees regardless of length of service, except those employed on a casual basis.

(ii) An employee will be regarded as a ‘carer’ if she/he has a caring responsibility for a dependant as defined in (b).

(iii) Where more than one carer is employed by the City Council both employees will have entitlement under this scheme.

(b) Definition of a Dependant

For the purpose of these provisions a dependent is a person standing in special relationship to the employee whether or not she/he is living in the household of the employee and who at times of illness or distress requires domestic and/or personal support from the employee or is reliant on the employee for making arrangements for the provision of personal and/or domestic support.

(c) Advance Notification of Status

To provide reassurance an employee may request the appropriate manager to confirm that she/he will be regarded as a ‘carer’ in the context of the provisions of this scheme is she/he so wishes.

(d) Reasons for Carers’ Leave

(i) To provide assistance when a dependant falls ill, gives birth or is injured or assaulted.

(ii) To make arrangements for the provision of care for a dependant who is ill or injured.

(iii) Because of the unexpected disruption or termination of arrangements for the care of a dependant

(iv) To deal with an incident which involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for him/her.
(v) In consequence of the death of a dependant. In these circumstances compassionate leave should also be considered.

(e) **Amount of Leave**

(i) The amount of leave allowed for any one incident will be reasonable, taking into account the facts of the case.

(ii) Where ever possible the employee must submit a written request for Carers’ Leave to their manager in advance of the leave requested stating the reason for the leave and the amount of leave requested.

(iii) Assistance in completing the form will be available from the relevant personnel section, line manager or trade union representative.

(iv) In the event of an emergency the employee must contact the relevant line manager for oral approval, and complete the application on return to work or within 3 working days whichever is the sooner.

(f) **Payment**

All carers’ leave will be unpaid.

(g) **Verification Requirements**

In circumstances where normal care arrangements have broken down the employee may be requested by the line manager to provide reasonable evidence to substantiate the reason.

(h) **Relationship with Annual Leave**

It is not a requirement that carers should exhaust their annual leave entitlement before becoming eligible for carers leave.

(i) **Abuse of Provisions**

Abuse of the Carers’ Leave Scheme will be dealt with in accordance with the Council’s normal Disciplinary Procedure.

(j) **Appeal Rights**

Any grievance relating to the application of the Carers’ Leave Scheme will be dealt with under the Council’s normal Individual Grievance Procedure.
Career Break Scheme
A model Career Break policy is not currently available for schools. Employee requests for career breaks would be considered by school Governing Bodies.

1.0 Background

1.1 The Council has a range of work-life balance policies and practices which reflect the general good practice of local authority employers. The ability to request unpaid leave for a number of reasons is part of this menu of options.

1.2 Defining the scope for career breaks adds to this good practice and clarifies that opportunities to enhance the quality of working life by an extended break are not confined to those with caring responsibilities.

2.0 Scope of the Scheme

2.1 The scheme will add to the menu of work-life balance options available to staff and will not replace existing schemes.

2.2 The scheme is open to all staff with at least five years continuous service who have not taken other extended unpaid leave this or another scheme in the last five years.

2.3 Where an individual is subject to disciplinary or capability procedures a career break application will not be considered.

2.4 The decision to approve a Career Break under this scheme rests with the relevant Head of Service with advice from HR/OD and is conditional upon service delivery not being affected detrimentally.

2.5 There is no requirement for individuals to explain what they will do with their time on a Career Break, however, the following conditions apply:

a) Taking up other paid employment is prohibited.

b) Undertaking unpaid work or activity that may conflict with the interests of the Council is not permitted.

c) Individuals on a career break are considered to be employees and therefore are subject to Council Policy, Code of Conduct, etc.

3.0 Conditions

3.1 The scheme will take the form of unpaid leave of absence for a maximum of 12 months.
3.2 The scheme can be linked with annual leave and flexi leave by agreement with the appropriate Head of Service.

3.3 Sickness during a career break will not be covered by the Sick Pay Scheme.

3.4 The normal rights to be consulted and involved in organisational change will apply to staff on a career break.

3.5 A career break approved under this scheme will count for continuous service. The scheme allows individuals to apply for up to one year unpaid leave.

3.6 The minimum length of a career break is six working weeks.

3.7 Applications for a career break must be made with reasonable notice to ensure service delivery implications can be managed, this will normally be at least one month but longer notice may be required.

3.8 The approval of a career break is entirely at the Council discretion as it does not constitute an employee right. Disputes when applications are refused should be referred to the grievance procedure for resolution.

3.9 Any documentation relating to applications for and/or the management of a career break will be confirmed in writing and retained in an employee’s personnel record.
Discretionary Leave Policy

Discretionary Leave for employees in schools will be in line with the Leave of Absence Policy adopted by the Governing Body. A model ‘Leave of Absence Policy’ is available on School point.

1. Introduction

1.1 This document states the policy concerning different types of leave you may be allowed while you are an employee of Sheffield City Council.

1.2 You should apply for leave as far in advance as possible. This will mean your manager has more time to arrange cover for your work, and will increase the likelihood of you being granted leave.

1.3 In cases where you cannot give advance notice, for example in emergencies, you should contact your manager as soon as is practical to inform them of your situation.

1.4 Where statutory provisions do not exist, all leave granted is at the discretion of the appropriate Head of Service/Director.

1.5 Your manager may request proof of an appointment before granting leave.

1.6 If you believe you have not been fairly treated, or that leave has been refused unreasonably, the issue should be raised in accordance with the Grievance Procedure.

1.7 This policy will be reviewed in accordance with changes to legislation or terms and conditions.

2. Types of Leave and Absence that are not covered in this policy

You should see the separate policies and guidance if you need information regarding:
- Maternity Leave
- Adoption Leave
- Maternity Support Leave
- Parental Leave
- Disability Leave
- Carer's Leave
- Annual Leave and Bank Holidays
- Flexi leave
- Sickness Absence
- Leave for Religious observance
- Trade Union facility time
- Industrial Action
3. **Travelling Time**

If you are attending an appointment for which you have been granted paid leave, a reasonable amount of paid travelling time will also be granted. How much travelling time is reasonable depends on your individual circumstances, and should be discussed with your manager.

4. **Leave for Medical Reasons.**

4.1 **Disability Leave**
If you have a health condition or impairment that is covered by the Disability Discrimination Act, and you require leave for assessment, treatment or rehabilitation, you should consult the Disability Leave Scheme (link). If you are unsure whether your health condition or impairment is covered, see the DDA Guidance document, or consult your directorate HR/OD Advisor.

4.2 **Routine GP Appointment**
Routine GP appointments will be granted unpaid leave.

4.3 **Other appointments at a GP’s surgery**
Many GP practices provide services such as minor surgery, counselling, physiotherapy, and specific clinics such as an asthma clinic. If your GP refers you to such services, you will be granted paid time off for your appointment.

You will also be granted paid time off if you attend a GP surgery for vaccinations identified as part of a risk assessment at work.

Wherever possible you should try to get an appointment outside your working hours.

4.4 **Medical Screening**
You will be granted necessary time off for cancer screening as recommended by your GP or the Health Authority.

4.5 **Hospital Appointments**
You will be granted paid time off to attend NHS hospital appointments.

4.6 **IVF and Fertility Treatments**
Paid time off will be granted as necessary for these treatments.

4.7 **Antenatal appointments**
All antenatal appointments, as recommended by your GP or Midwife, will be granted paid leave.
4.8 **Cosmetic Surgery**  
If you have been referred for cosmetic surgery by your GP for physical or mental health reasons, you will be granted paid time off. Any cosmetic surgery undertaken for other reasons should be arranged in your own time or through annual or flexi leave.

4.9 **Dental appointments**  
Routine dental appointments will be granted unpaid leave. Emergency appointments, however, will be granted paid leave.

4.10 **Optician’s Appointments and Laser Eye Surgery**  
Routine optician’s appointments will be awarded unpaid leave. Optician’s appointments recommended as a result of a work-based assessment will be awarded paid leave. Laser eye surgery should be arranged in your own time, or through flexi or annual leave.

4.11 **Complementary Therapies**  
Unless you have been referred to a complementary therapist by your GP, time off for these appointments should be arranged via annual or flexi leave if you’re unable to arrange appointments outside your working hours. If this is not possible, unpaid leave may be granted at the discretion of the Head of Service/Director. Examples of complementary therapies include acupuncture, chiropractic, homeopathy and reiki. This is not an exhaustive list and if you are unsure, ask your manager or HR/OD Advisor.

5.0 **Special Leave**

5.1 **Bereavement Leave**  
A reasonable amount of paid time off can be awarded to you following the death of a partner, relative or close friend. This is to deal with the immediate effects, emotional and/or practical, following bereavement and time off to allow you to attend the funeral or other ceremony. This may be up to a maximum of 3 days with pay. In exceptional circumstances, up to 5 days may be awarded, for example if you need to travel long distances.

If, due to your individual circumstances, you feel you may require further unpaid leave, speak to your manager regarding this.

5.2 **Emergency Leave**  
If there is an emergency and you need leave to attend to this, inform your manager as soon as possible. You may be granted up to 1 day’s leave with pay for dealing with an emergency that means you cannot come in to work.

Examples of emergencies include a burglary, a fire or an unexpected breakdown of caring arrangements, but this is not an exhaustive list.
5.3 Compassionate Leave
Leave for compassionate reasons may be paid, unpaid or a combination of the two. You might need to request compassionate leave if you have a seriously ill relative, partner or other person you have caring responsibilities for, or if you are having serious domestic difficulties of another kind. You should speak to your manager to discuss your individual circumstances.

6.0 Leave for Public Duties and Work in the Community

6.1 Serving as a Juror
If you are called to serve as a juror you will be allowed paid time off to perform this duty. You are required to claim any allowances for loss of earnings that might be available to you, and inform us of the amount. We will then arrange for this amount to be deducted from your salary.

6.2 Magisterial Duties
If you serve as a Magistrate, you will be allowed up to 18 days per year with salary to perform your duties.

6.3 Acting as a Witness in Court
You will be granted unpaid leave to attend court during your working hours on matters outside your council duties. If you wish or are able to, you may take annual leave or flexi leave instead of unpaid leave.

6.4 Public Duties and Membership of Public Bodies
If you are a member of a public body, you must report this to your Head of Service/Director who will allow reasonable time off. You should arrange your duties, where possible, to fall outside your working hours. You are required to claim any allowance that might be available for loss of earnings, which we will then deduct from your salary.

6.5 Examples of Public Duties include:
- School Governor
- Employment Tribunal panel member
- Member of a health authority
- Special Constables

6.6 Youth Offending Panels
If you are appointed to a Youth Offending Panel you will be granted the equivalent of 3 days paid leave per year to attend Youth Offending Panel hearings. Leave authorised for this purpose may be taken in hourly, half day or full day blocks as required, but the consent of your Head of Service/Director should be obtained prior to paid leave being taken. Service requirements will take precedence when deciding whether leave can be authorised.
6.7 Parliamentary Candidature
If you are adopted as a parliamentary candidate you will be granted paid time off from your official adoption as a candidate (i.e. the dissolution of Parliament and the beginning of the General Election campaign) to the day of the election.

6.8 Membership of a Local Authority
If you are elected as a member of another local authority, you may arrange to take paid leave up to a maximum of 208 hours in 12 months to perform public duties as an elected councillor. You may apply for unpaid leave instead of or as well as paid leave.

6.9 Membership of Non-Regular Forces (e.g. Territorial Army).
If you are entitled to the basic allowance of annual leave, you may be granted two weeks paid leave to attend Summer Camp. If you are entitled to a higher leave allowance as a result of service with the Council or another Authority, you may be granted one week’s paid leave for this purpose.

Other provisions apply in the event that you are called up for active service.

6.10 Donating Blood
Paid time off will be granted if you wish to donate blood.

6.11 Lecturing
If you are invited to give a lecture and it is not part of your council duties, you may either be granted unpaid leave or be granted paid leave and pay the Council 50% of any fees you are paid.

7. Other types of Discretionary Leave

7.1 Study Leave
If you are studying on a course that the Council has asked you to attend as part of your job, you will normally have paid time off as required to attend your course.

If you are taking exams as part of a work related course which you are completing in your own time, you will be awarded 1 day’s paid leave for each half-day examination you sit, in order to prepare for and sit the exam. If you need to re-sit a work related exam, you can be given paid time off for your first re-sit attempt.

For non-work related courses that have exams during your working hours, you will be expected to apply for annual leave, flexi leave or unpaid leave.

If you are unsure about the status of your course, speak to your manager.

7.2 Leave for Interviews and Assessment Centres
If you have applied for a post within Sheffield City Council or with another Local Authority, and are invited to interview or assessment, you will be granted paid time off to attend this.
If you have an interview with an employer that is not a Local Authority, you may use annual leave, flexi leave or arrange unpaid leave with your manager.

7.3 Other Reasons for Discretionary Leave
If you need time away from work in circumstances other than those described in this policy, you should consult your manager or Head of Service/Director.
Business Travel and Subsistence Policy

A model Business Travel and Subsistence policy is not currently available for schools.

Introduction
This policy has been written to provide all employees with clear guidance regarding acceptable travel and subsistence arrangements.

This policy will govern all expenditure on business travel and associated services irrespective of business reason, and whether in the UK or internationally.

Before undertaking any kind of business travel on behalf of the Council you should consider:

- Using communications as an alternative to travelling (telephone; e-mail; audio conferencing)
- Value for money, including the time your journey may take you
- Personal safety, particularly when travelling at night.

By carefully considering your travel options you will be supporting the Council’s Environmental Policy and helping to achieve targets for greenhouse gas emissions and best value for money.

This policy includes information on:

- Travelling by private car, other private vehicles, vehicle hire and taxis
- Travelling by rail and other public transport
- Air travel and airport parking
- Hotel reservations
- Other travel arrangements

1. Travelling Outside Sheffield

You should use rail (or other forms of public transport) for business journeys outside Sheffield wherever possible.

All tickets are to be purchased in advance through the Council’s travel agent, and are to be booked online through the agent’s website.

If you find tickets elsewhere that are cheaper than the options offered through the Council’s Travel Agent, you must still purchase your tickets through the agent, and inform the Contracts team so that contract performance can be monitored.
2. Private car, other private vehicles, vehicle hire and taxis

a. Private Cars
You may use your own car for Business Travel provided that you have the appropriate insurance for business use.

For more details, please see the Council’s Reimbursement of Vehicle Mileage: Code of Practice.

You should note the Council’s Travel Plan, which aims to reduce the number of car miles travelled annually. You are asked to consider whether your journey is necessary and whether there is a public transport alternative available.

If a colleague is travelling to the same destination or event, you should aim to share a vehicle if at all possible.

No additional allowance can be claimed for car usage.

b. Other Private Vehicles

i. Motorcycles
You may use a private motorcycle for Business Travel as per the conditions outlined for private car use above.

For more details see the Council’s Reimbursement of Vehicle Mileage Code of Practice.

ii. Bicycles
You are encouraged to use a private bicycle for business purposes, where it is appropriate to do so and cost effective in terms of travel times.

For more details see the Council’s Reimbursement of Vehicle Mileage Code of Practice.

c. Parking
You may only claim for parking when there is no free parking available at the site of a business event.

You may not claim for parking at your base office

As with mileage claims, you must claim only where there is no public transport alternative and the business purpose was justified.
d. Car Hire
You must get approval from the budget holder for all car hire in advance. Where journeys exceed 100 miles (round trip) and a suitable form of public transport is not available, car hire is an option.

You should make arrangements through the Sheffield City Council Transport Services team.

e. Car Clubs
A Car Club allows members access to pay-as-you-go-cars which are parked in locations in the City Centre. Your team can investigate joining a car club to use it for work journeys (e.g. for site visits and meetings).

f. Taxi
Taxi travel is very costly and its use should be kept to a minimum. However you may need to use a taxi for business travel in some circumstances:

- If you have an impairment which means that you cannot drive and the use of taxis is recognised as a reasonable adjustment for you
- When there is no public transport alternative available
- When you must travel before 6am or after 8pm due to a business need
- All claims for taxi journeys exceeding £10 are subject to prior approval from the budget holder. You must provide a receipt in order for the cost of your taxi journey to be reimbursed.

3. Rail

The cheapest available ticket must be booked; this may be a ‘saver’ ticket, day return, or two singles. Open return tickets should not be used without budget holder approval.

All tickets should be Standard Class. Head of Service approval is required in advance prior to any First Class ticket purchases, these will only be permitted in exceptional cases, and the reasons for this should be noted in writing.

Tickets purchased over 10 working days in advance of travelling will be posted to the address on the purchase order. You should endeavour to book as far in advance as possible as late bookings will incur additional cost for delivery of the ticket.

4. Air Travel and Airport Parking.

Air travel should be purchased according to the following guidelines:

The choice of airline and airfare has to be clearly identifiable as being the most cost effective and the best value option.
Budget airlines should be used in the first instance if there is a route to the destination city. Where it is not possible to travel by budget airline to the destination, travel should be on the cheapest possible ticket in economy class.
All foreign air travel must be approved in advance at Director level and supported by a business case clearly stating the business purpose and benefits of taking the trip.
Domestic air travel should not be used unless there is a compelling business need or if it is significantly cheaper than the rail travel alternative. Domestic air travel should always be with the cheapest available airline on that route. Airport parking should not be used unless with prior budget holder permission. A cost comparison must be made between using airport parking and the use of a taxi or other means of transport to and from the airport.

**Purchasing Arrangements for Air Travel**
Travellers should provide an itinerary of their travel programme to the Council’s Travel Agents, including dates of travel, departure point, destination, accommodation, and any other transport requirements such as rail travel.

Travellers should evaluate the agency’s quotation, and book accordingly by issuing a purchase order. Once the traveller has ordered flight tickets, no alterations to the arrangements should be made except where a transferable ticket has been bought. Payment for travel should be made on an invoice, quoting the appropriate purchase order number.

5. **Bus and Tram Travel**
Using a bus or tram can be ideal for journeys within the city. To obtain information on timetables and length of your journey, travellers can call Yorkshire Traveline on (01709) 515151 or use the Journey Planner website at [www.yorkshiretravel.net](http://www.yorkshiretravel.net).

Day tickets are often a more economical option than purchasing a return ticket.

The cost of bus and tram tickets purchased by the traveller can be reimbursed through payroll via expenses. Tickets can be purchased in advance in bulk through the South Yorkshire Transport Executive.

If you purchase a bus or tram ticket for personal use or for the purpose of travelling to or from work, you will not be refunded if you use the ticket for business travel.

6. **Hotel Reservations**
You should only obtain hotel accommodation where there is a real business need.

Hotel accommodation must be booked through the Council’s travel agent.

Costs should be kept to a minimum with budget hotels being used and in any event must not exceed the following costs, except with the prior written approval of the budget holder.

<table>
<thead>
<tr>
<th>Location</th>
<th>Maximum Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater London &amp; Outside Europe</td>
<td>Maximum of £100 per night</td>
</tr>
<tr>
<td>Other UK Locations &amp; Europe</td>
<td>Maximum of £80 per night</td>
</tr>
</tbody>
</table>

These guideline rates are for a standard room with en-suite bathroom and breakfast and include VAT. The rates do not include such optional expenses as laundry, mini-bar, personal telephone calls or movies - these should be paid for by the traveller if required.
Payment (including breakfast and evening meal in the hotel) will be settled directly by the Council through the Council’s travel agent.

Where you don’t take meals in the hotel, you should obtain separate receipts and reclaim the costs by way of a subsistence allowance claim.

7. Other travel arrangements

You may reclaim for other travel arrangements, such as using a car ferry, provided that you can provide a business case, including cost comparisons with other forms of transport/accommodation. You should obtain the prior approval of the budget holder.

8. Subsistence Allowances

The rates of subsistence are as notified annually by the Local Government Employers.

If your duties at work require you to travel, you can claim the cost of meals taken as described below. You may claim up to the appropriate subsistence rates, supporting your claim with receipts. Payment of your claim will be made via payroll. The payments should be claimed using form FP91.

9. Breakfast allowance

You may claim this allowance if you purchase a meal while away from both your home and your normal place of work, and you are:

- Outside the city boundary; and
- absent from your home and normal place of work prior to 7 a.m.

10. Lunch allowance

You may claim this allowance if you purchase a meal while away from both home and your normal place of work and you are:

- Outside the City boundary; and
- absent from your home and your normal place of work for more than five hours spanning your normal lunchtimes

11. Tea allowance

You may claim this allowance if you purchase a meal while away from home and your normal place of work and you are:

- outside the City boundary; and
- absent from your home and your normal place of work for more than five hours spanning 5 p.m.
12. Dinner allowance

You may claim this allowance if you purchase meals whilst away from both home and the normal place of work and you are:
- outside the City boundary; and
- absent from your home and your normal place of work beyond 8 p.m.

13. Where food or accommodation is provided

If you attend training courses or other events you have been provided with overnight accommodation and meals at the Council’s expense you may not claim any additional expenses in respect of such costs.

14. Exceptional Circumstances

In exceptional circumstances, where a business case has been written and authorisation from the budget holder obtained, additional expenses for subsistence can be paid.
Reimbursement of Vehicle Mileage Code of Practice Policy

A model Reimbursement of Vehicle Mileage Code of Practice policy is not currently available for schools.

Introduction

The City Council will reimburse appropriate expenses incurred by its employees who are required to use their own vehicles for business purposes.

Reimbursement is paid as a rate per mile for car, motorcycles, mopeds and pedal cycles.

The rates are determined by the City Council.

Mileage is accumulated on an annual basis from 1 April.

1. Eligibility

1.1 In order to be eligible to claim car mileage, employees must be authorised to use their own vehicle for business purposes before making their first journey.

1.2 Employees are authorised by their line manager, using form VM1. A copy of this form will be held by the person nominated to receive and check the expenditure claim forms for the worksite and a copy will be placed on the employees personnel file.

1.3 Employees who propose to use a pedal cycle for Council business should also refer to the document “Cycle Allowances and the Assisted Cycle Purchase Scheme”.

2. Vehicle, driver and insurance

2.1 Employees authorised to use their vehicle for business purposes must

- hold an appropriate driving licence
- maintain the vehicle in a safe condition and have a current MOT certificate (where required)
- have current and appropriate insurance cover (see 2.2)
- meet all the expenses of maintaining the vehicle e.g. road tax, insurance, petrol, repairs and servicing

2.2 Employees must have, and produce on request, current and appropriate insurance cover which

- Covers Third Party claims
- Is appropriate for occasional or full business use
2.3 Employees must notify their manager immediately of any changes to insurance, licence or vehicle arrangements, which mean they cannot comply with the code of practice.

2.4 Employees must never drive or cycle if unfit to do so or if advised not to do so by a medical practitioner.

2.5 Employees must not use handheld mobile phones whilst driving or cycling. Further guidance on Driving and mobile phones, including the use of hands-free sets, can be found on the Health and Safety pages of the intranet.

2.6 Insurance and safety requirements for pedal cycles can be found in the document Cycle Allowances and the Assisted Cycle Purchase Scheme, which should be read alongside this Code of Practice.

3. The Journey

3.1 The Journey must be

- Between worksites and / or necessary for work purposes
- Cost efficient in both money and time

3.2 Journeys should be planned in advance to reduce the overall amount of distance travelled and wherever possible, colleagues should travel together.

3.3 Journeys outside South Yorkshire will normally be reimbursed at public transport rates.

However, there may be occasions where travel by car is the most cost and time effective option. In these cases, car hire from the Central Transport is strongly recommended and should be considered in the first instance. Information on Vehicle Hire Rates can be found in the Notice Board section of the intranet.

Where mileage is to be claimed, this must be evidenced and authorised in advance. The request and the authorisation are recorded and form VM2.

3.4 For the first and last journey of the day, mileage in excess of the normal journey between home and work may be claimed.

3.5 Where the employee has no designated worksite or works from home, the authorised manager will decide the point at which mileage may be claimed for the first and last journey of the day, and this should be consistently applied across the service.

Mileage in this category is non-taxable.

3.6 For journeys outside the employee’s normal working hours mileage between home and work may be claimed but this will be taxable. For example, if the employee is
called out at a weekend or evening or a part-time employee has to attend a meeting on a non-working day.

4. **Making a claim for mileage allowance**

4.1 Only claims submitted on the payroll system mileage allowance form will be accepted.

4.2 Journeys should be logged in chronological order and provide full particulars and reasons for journeys. Please note that the reason given for making the journey should be brief but give an indication of the nature of the business. For example “Home visit” or attending regional conference stating “business use” will not be sufficient.

4.3 Journeys should be recorded in diaries or movement sheets so that records can be cross-checked.

4.4 Claims should be authorised and submitted by the deadline date for each month.

4.5 Each section or worksite will nominate a person responsible for collecting and submitting mileage claims to the payroll function. Deadline dates should be circulated regularly and displayed at the worksite.

4.6 The Council may refuse to accept claims which are more than one month late without good reason.

4.7 All mileage allowances are paid through the payroll.

5. **Roles and Responsibilities**

- **The driver / cyclist**

If you are authorised to use your vehicle for business purposes and make a claim for mileage allowance the following rules and responsibilities apply to you.

- You must confirm with your line manager that you are authorised to use your own vehicle on Council business, before you make your first journey. Your manager will provide you with written confirmation which will be held on your personnel file. (form VM1)

- If you are using a pedal cycle, please also refer to the document Cycle Allowances and the Assisted Cycle Purchase Scheme for insurance and safety requirements.

- You are responsible for all the costs of providing a vehicle for use at work and for maintaining it.

- You are responsible for all the costs of running the vehicle including petrol, insurance etc.
• You must ensure that your insurance policy covers you for business use. This includes cover against claims from third parties. You must provide confirmation of your insurance cover when asked to do so by your line manager.

• You must only claim for journeys that are necessary for your job.

• You should plan your work journeys carefully, so that you minimise the overall distance you travel or that you share a vehicle with a colleague if possible, so as to reduce the costs to the Council.

• You must drive safely and not behave in a way that may bring the Council into disrepute.

• You must never drive if unfit to do so or advised not to do so by a medical practitioner

• You must not use hand held mobile phones whilst driving or cycling.

• If your journey takes you outside South Yorkshire then you will normally be reimbursed at public transport rates. However, if you intend to use your own vehicle and make a claim for claim mileage you must complete the attached form VM2 and have it authorised by your line manager before making the journey. You will only be authorised to claim the mileage if it is the most cost effective option in terms of money and time.

**Completing the Mileage Claim Form**

• Write clearly on the claim form the date of your journey, the reason you were making the journey and where your journey was from/to.

  *Please note* that the reason given for making the journey should be brief but give an indication of the nature of the business. For example “Home visit” or “attending regional conference”. Stating “business use” will not be sufficient.

• Write the number of miles clearly in the appropriate box

  ➢ Mileage between different worksites during normal working hours is non-taxable mileage.

  ➢ Excess mileage for the first and last journeys of the working day is non-taxable mileage.

  ➢ Home to work mileage for journeys made outside your normal working hours is taxable mileage.

• Make sure that you have completed your name, job and vehicle details correctly.
• Sign and date the declaration on the claim form to confirm the necessity of the journeys and the accuracy of your claim.

• Pass the form to the person in your section who is responsible for checking and processing the information.

• Make your claim every month, on the appropriate form and in good time for your deadlines. The Council may refuse payment where claims are more than one month late without good reason.

• Ensure that you have recorded the details of your journeys in your diaries or on movement sheets so that the information can be cross–checked.

➢ The Administration/clerical Officer

If you have been nominated to collect and process mileage claim forms for your section or worksite, these are your responsibilities:

You are responsible for checking that
• The claimant has been authorised to use their vehicle for business purposes
• the mileage had been totalled correctly
• the correct mileage code has been used
• the period claimed for is correct
• the pay reference number is correct
• the claim is signed
• any car parking receipts are enclosed and the amount claimed is correct
• all blank lines are closed with a “Z” bar.

If there are any inconsistencies or errors on the form, return it to the claimant with a brief explanation. Do not make any changes to the claim form yourself, however obvious or minor they may appear to be.

Tippex should not be used on the form.

When you are satisfied that the form is correctly completed, you need to
• Sign your initials in the “mileage and rates checked by” box
• pass the form to the appropriate manager for authorisation

When the form is returned to you
• Check that the form has been signed by line manager in the “authorised by” box
• Check that the form has been signed by the cost centre manager or authorised nominee in the “certified by” box
• Send the white copy of the form to Liberata payroll
• Return the yellow copy of the form to the claimant
• Keep a photocopy of the form for your records
Validating and Monitoring

A sample of the claims should be validated each month by cross checking against diaries or movement sheets.

A system for checking insurance documents, MOT and driving licence should be in place to ensure all employees are required to produce the documents annually.

Deadlines for claims

In addition to processing the claims it is your responsibility to ensure that the deadline dates for claims are updated and circulated regularly and/or posted on a communal notice board.

➢ Authorising Officer

To authorise a mileage claim you must be an authorised creditor approver whose name appears on the authorised signatures list

If you have an employee who is required to use their own vehicle for business purposes, these are your responsibilities:

Authorising employees and journeys

- Discuss the code of practice with the employee to ensure that they are clear about the appropriate use of vehicles for business purposes.
- Ask to see a copy of the insurance documents and keep a copy with the authorisation form VM1.
- Authorise the employee as a vehicle user by completing and signing form VM1.
- If you receive a request to authorise a journey outside South Yorkshire, you may authorise travel expenses to be reimbursed using the cheapest and most time effective mode of transport. The request and your authorisation are recorded on form VM2 in advance of the journey. If prior authorisation is not obtained, public transport costs only may be claimed.

Authorising payments

When you receive a completed claim form you should check that

- The claim complies with the code of practice and is reasonable from operational perspective, i.e. the journeys were necessary, lifts shared etc.
- Any taxable elements are recorded correctly
• Any “out of South Yorkshire” mileage was formally authorised in advance of the journey.

If you are satisfied that the claim is valid, you sign the claim form in the “authorised by” box, and pass the form to the cost centre manager or budget monitoring officer for signature.

➢ Budget Monitoring Officer

If you are the budget monitoring officer for your section or service, these are your responsibilities:

When you receive a claim form for vehicle mileage, you are signing in the “certified by” box to indicate approval to pay the allowance from the service budget.

You may be required to report on mileage expenditure or monitor expenditure on mileage within a set budget.

You should report any discrepancies to your service manager immediately for investigation.

When you have signed the form it should be returned to the administration / clerical officer nominated to process the claims for the worksite or service.
Relocation Expenses Scheme for New Employees Policy

A model policy on Relocation Expenses for New Employees is not currently available for schools.

If you are moving home to take up an appointment with Sheffield City Council, you may be eligible for relocation expenses. This scheme is designed to help you with the costs involved in moving home.

Am I Eligible?

To be eligible for the scheme you must be moving home to take up an appointment with Sheffield City Council, and not currently be working for the Council.

You must be moving to a home that is within the city boundary or within a 25-mile distance (shortest route by road) of your main work site. If you are unsure of the location of your main worksite, contact HR First.

Your home before moving must be further away from your new worksite than 25 miles by road.

You must move distance of at least 15 miles by road.

The scheme applies to full time, part time, and job share employees. It can also apply to temporary employees, but you should bear in mind the repayment schedule (see below). This might mean you have to pay back some of your expenses.

This scheme applies whether you are buying or renting your new home.

Receipts must be provided for expenses before repayment for these expenses can take place.

If eligible, you can claim at any time in the 12 months following your appointment.

If you believe you may be eligible for the scheme, you should inform HR First or your manager once you have been offered your new post.

Your expenses claim will be monitored by HR First to ensure that all VAT can be reclaimed, and that the expenses claimed are for suitable reasons.

Before claiming Relocation Expenses, you must sign an undertaking promising to repay an appropriate amount of the expenses if you leave the Council within a certain period of time. For more information on this, see “Repayment of Relocation Expenses” below.
What can I claim for?

The maximum amount that can be claimed is reviewed each year in line with the Retail Price Index.

The scheme is designed to be flexible, so the list below is not exhaustive. If you are unsure about whether you will be able to claim for a particular item or expense, contact HR First to check.

(a) Removal Allowances

Your claim may include:

(b) The cost of a removal firm to transport your house contents to your new home. To do this, obtain written quotes from two different removal firms, and provide these with your claims. If you do not use the firm with the cheaper quote, you will only be reimbursed the amount of the cheaper quote.

(c) The cost of insuring goods in transit

(d) Van hire and petrol costs in the case of “D.I.Y.” removals, if you prefer not to use a removals firm.

(e) Storage of goods if there is a delay between transporting them and moving into your new home.

(f) Temporary Accommodation Allowances

You may need to stay in temporary accommodation whilst waiting to move into your new home. You may claim for:

- Rental/lodging costs
- A second-class rail ticket, coach ticket, or, to visit other members of your household once every two weeks. If you prefer to drive, you may claim up to the equivalent cost of a second-class rail ticket on production of receipts for fuel expenses.
- Furniture Storage.

(g) Legal Fees

You may claim for:

- Legal expenses associated with moving home
- Estate Agent’s fees
- Mortgage fees
- Surveying fees

(h) Other Expenses Incurred as a result of your move

You may claim for:
- Costs of disconnecting/reconnecting utilities connected with your move
- Carpets
- Curtains
- Adaptations or alterations to furniture or other goods as a result of your move.

**Repayment of Relocation Expenses**

If you leave the City Council or move house outside the City boundary, or more than 25 miles by road from your main worksite, before completing 2 years' employment, you will be required to repay some of the expenses you have claimed.

The amount you will repay is the equivalent to 1/24 of the total expenses received for each month's service short of 2 years. For example, if you had been employed for 21 months, you would be required to repay 3/24 of the total expenses received.

If you are appointed on a temporary contract, you should be particularly aware of this condition.
Right to request and duty to consider delay of retirement procedure

Further information on the procedure for schools is available in the ‘Model Information on the Employment Equality (Age) Regulations 2006 for Teaching and Support Staff in Schools’ on School point.

Introduction

The Council's normal retirement age is 65. However, under the Employment Equality (Age) Regulations 2006, an employee can request to work beyond the retirement age of 65. The Council must seriously and genuinely consider any request of this nature.

Intended Retirement Process

HR and managers need to follow a statutory process for notifying employees of their forthcoming retirement. This must happen when any employee is nearing age 65.

- HR First will notify the employee in writing at least six months (but no more than 12 months) in advance of the intended retirement date. In practice, this letter will be sent 7 to 8 months before the retirement date. The letter will be copied to the employee's line manager.

- The letter will tell the employee that they will have the ‘right to request’ to work beyond the notified retirement date and enclose a retirement response form.

- An employee who wishes to continue with their intended date of retirement should notify their manager by completing and returning the retirement response form, by no later than 3 months before the notified retirement date. The manager will complete a retirement confirmation form and forward it to HR First.

- An employee who wishes to continue working after the notified retirement date should make a written request to do so.

Working beyond retirement

Any employee who wishes to continue working beyond age 65 may request that their employment continue indefinitely, for a stated period or until a stated date:

- The employee’s request to continue working should be made in writing no less than three months but not more than six months before the intended date of retirement. They can use the retirement response form to do this but are not required to do so.

- The manager must arrange to meet with the employee to discuss the request. The meeting must be held within a reasonable period of the request being received. Both the manager and the employee must take all reasonable steps to attend the meeting.
The manager will be accompanied to the meeting by an HR/OD advisor.

A colleague, or Trade Union representative, who can put the employee’s case and confer with the employee during the meeting, may accompany the employee to the meeting. However, they should not answer questions that are put to the employee.

Although the employee can seek to continue to work beyond the age of 65 for an ‘indefinite’ period, it is up to service managers to agree to this or to decide whether they would prefer the employee to continue working for an agreed period of time, for example one year. The employee is entitled to appeal this decision.

Following the meeting, the manager must inform the employee in writing of the decision and copy the letter to HR First.

If the manager agrees to the employee continuing to work beyond age 65, HR First will advise the employee in writing of the new intended retirement date and amend their contract of employment.

If the manager does not wish the employee to continue working beyond 65, then the employee should be notified in writing that the retirement would take effect on the intended retirement date.

The employee must be told that they have a right of appeal against the decision and that a colleague may accompany them to the meeting to consider their appeal. The appeal is to the relevant Director/Head of Service.

The decision of the Director/Head of Service is final.

Following the appeal, management will inform the employee of the final decision in writing.

An employee can make only one request in relation to carry on working after an intended retirement date. However, if the request is granted and a new intended retirement date is established, it becomes possible to make a further request to carry on working beyond that revised date.

**Further extensions**

The ‘duty to consider’ procedure will have to be followed every time the employee is nearing their intended date of retirement. Therefore, if it has been agreed that they can continue to work and they have been given a new intended date for retirement, the procedures set out above must be followed again.
Corporate Code of Conduct
The Code of Conduct adopted by the Governing Body will apply to employees within schools. A model ‘Code of Conduct for all School Employees’ and Model Procedure for the Management of the Whistleblowing Policy and Procedure for Employees in Schools are available on School point.

<table>
<thead>
<tr>
<th>Contents</th>
<th>Page No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section</td>
<td></td>
</tr>
<tr>
<td>1 Introduction</td>
<td>2</td>
</tr>
<tr>
<td>2 Public Duty, Private Interest, Fraud and Theft</td>
<td>3</td>
</tr>
<tr>
<td>(i) General</td>
<td>3</td>
</tr>
<tr>
<td>(ii) Financial Inducements, Gifts and Hospitality</td>
<td>4</td>
</tr>
<tr>
<td>(iii) Employee Declaration of Financial and Other Interests.</td>
<td>4</td>
</tr>
<tr>
<td>3 Contractors</td>
<td>5</td>
</tr>
<tr>
<td>4 Relationships with prospective or current Contractors</td>
<td>6</td>
</tr>
<tr>
<td>5 Information Technology and Data Security</td>
<td>6</td>
</tr>
<tr>
<td>6 Use of Council Systems, Property and Facilities</td>
<td>7</td>
</tr>
<tr>
<td>7 Secondary Employment</td>
<td>7</td>
</tr>
<tr>
<td>8 Disclosure of Information, Confidentiality and References</td>
<td>8</td>
</tr>
<tr>
<td>9 Communications with the Media</td>
<td>8</td>
</tr>
<tr>
<td>10 Political Neutrality</td>
<td>9</td>
</tr>
<tr>
<td>11 The Local Community and Service Users</td>
<td>9</td>
</tr>
<tr>
<td>12 Recruitment and other Employment Matters</td>
<td>10</td>
</tr>
<tr>
<td>13 Equalities</td>
<td>10</td>
</tr>
<tr>
<td>14 Dress and Personal Appearance</td>
<td>11</td>
</tr>
<tr>
<td>15 Health and Safety</td>
<td>11</td>
</tr>
<tr>
<td>16 Criminal Convictions</td>
<td>11</td>
</tr>
<tr>
<td>17 Drugs and Alcohol</td>
<td>11</td>
</tr>
<tr>
<td>18 General Conduct</td>
<td>12</td>
</tr>
<tr>
<td>19 Date of Implementation</td>
<td>12</td>
</tr>
</tbody>
</table>
Appendices
1. INTRODUCTION

About this Code of Conduct

1.1 In the Code of Conduct, when we use the word “you” we mean a Council employee, casual worker, agency staff, contractors, volunteers, and consultants and self-employed people engaged in work for the Council.

When we use the words “we” or “us”, we mean the Council.

1.2 This Code of Conduct for Employees is based on key principles. These principles are developed from the work of the Nolan Committee for standards in public life.

In the Code of Conduct you will find the minimum standards that all Council employees must keep to. These standards also apply to casual workers, agency staff, contractors, volunteers, consultants and self-employed people engaged in work for the Council.

1.3 If you are an employee, this Code of Conduct is part of your terms and conditions of employment. Some parts of the Council may have their own codes in addition to this one.

If your service area has its own code, you should keep to that code as well as this Code. You also need to follow any security policies or Codes of Practice that the council has.

1.4 We believe that you are responsible for your own actions. That means it is your responsibility to read the Code of Conduct, and any other code which may apply to your job.

If there are any parts of this Code, or other code, that you are not sure you understand, you must ask your Manager, or someone in OD/HR, to help you. This will make sure you are able to follow the Code.

You can find explanations for some of the words and phrases in this code in the glossary section, on page 13 of this document.

1.5 This code is not a full list of what you are expected to do or not to do. There may be other things that the Council will look at as misconduct, or gross misconduct. If there is something you are unsure about, please ask your manager or OD/HR adviser.

1.6 People who live in Sheffield expect you to have high standards of behaviour. If someone has suspicions that you could be influenced unfairly, this could damage confidence in the Council. You must not put yourself in a situation where anyone might think you are dishonest.
The Council has the right to monitor employees. This includes surveillance. If the Council monitors employees in this way, it will keep within the laws that deal with monitoring.

1.7 You may have disciplinary action taken against you if you:
- Do not keep to this Code of Conduct.
- Commit a criminal offence.
- Do something we would call misconduct.
- Do something that may bring the Council into disrepute, whether during working hours or outside of them
- Do not properly perform your duties as an employee.
Disciplinary action includes the possibility of being dismissed without notice being given.

1.8 This code is in accordance with the rules in the Human Rights Act.

2. PUBLIC DUTY, PRIVATE INTEREST, FRAUD AND THEFT

(i) General

2.1 Your duty as an employee and any interests outside your job must not conflict. If there is anything you are involved in outside work which might affect your job, you must declare this to your manager.

2.2 You must always do your job safely. To make sure you do not put the public, other employees or yourself at risk, you must follow Corporate and Directorate Health and Safety policies. You must also follow safe systems of work and any codes of practice that apply to your job.

2.3 If you are a member of an organisation that:
- Is not open to the public
- Requires formal membership and an oath of allegiance
- Has any secrecy about its rules, the process of becoming a member, or conduct of members.

You must declare this in writing to your Head of Service or Director. For further information on what we call a secret society, read Appendix A.

2.4 The Council has responsibility for the administration of public money. We emphasise to the public and to employees that we think honesty and having proper control of finances is very important.

The Council is committed to the fight against fraud, whether an employee, a contractor, or a member of the public has committed the fraud.

You must not use the fact you are a Council employee to obtain gain directly or indirectly- for yourself, any business associates, your friends or your family.
2.5 As the Council is committed to the prevention and detection of fraud, we have a policy statement on fraud and corruption. This is shown in Appendix B.

We also have a Gifts and Hospitality Code of Practice. This is shown in Appendix C.

As well as these two policies, we have a Whistleblowing policy, so that you can report any fraud or corruption more easily. This is shown in Appendix D.

2.6 If you are using public funds, you must use them responsibly, and you must keep within the law. You must make sure that we use our resources sensibly and legally, and that the community gets value for money.

You must keep to the rules within the Council’s Standing Orders and Financial Framework. The Standing Orders are available on the Council’s Internet site.

2.7 If you:
   • Commit fraud against the Council, or any person or organisation, or try to
   • Steal from the Council, or any person or organisation, or try to

   This will be considered misconduct and may be considered gross misconduct. This includes deliberately putting false information on time sheets, subsistence claims or mileage claims.

2.8 If you have concerns that someone is stealing, committing fraud or behaving in a way that might be unethical, you must report this to your manager, or someone named in the Whistleblowing procedure. This procedure is shown in Appendix D.

2.9 We know that it is not always easy to report on the behaviour of other people. We will give you full support if you raise concerns. If you wish to remain anonymous, we will make every effort to respect this.

2.10 We know there are two sides to a story, and we will ensure hearings are fair. Sometimes allegations will turn out to be wrong. If you deliberately make false or malicious allegations, this will be treated as misconduct.

(ii) Financial Inducements, Gifts and Hospitality

2.11 You must never accept a financial payment, bribes or inducement from any individual, body or organisation, for example, payments or inducements from contractors, developers or consultants.

   To take financial payments or inducements is against the law. It is an offence under Section 117 of the Local Government Act 1972.

   You must refuse any gift or hospitality offered to you or your family that others may think could influence you.

   You may accept gifts of small value such as pens, diaries and calendars.
For further guidance on gifts, hospitality and inducements, you can read the Gifts and Hospitality Code of Practice. This is shown in Appendix C.

Any gifts or hospitality you have been offered, whether you have turned them down or accepted them, must be recorded. If you are unsure of the process of recording goods and hospitality in your service area, seek advice from your manager.

(iii) Employee Declarations of Financial and other interests

2.12 You have a legal duty to declare any financial or other interest in an existing or proposed contract.

You have a legal duty to declare any interest in or associations that may cause direct or indirect conflict with your work for the Council. You must declare interests in or associations with any
- Organisation
- Service
- Activity
- Person

2.13 If the Council has sponsored an event or a service, you must tell your Head of Service or Director if you may benefit from it in any way.

You must also tell your Head of Service or Director if anyone connected with you will benefit from it. This includes your relatives, your partner or spouse, or any business associates you may have.

You must fully explain any way you or someone connected with you may benefit.

If the Council gives support in the community, through financial help or other help, you must make sure that any advice you give is fair and balanced. You must make sure there is no conflict of interest.

2.14 If you apply for a service that you have influence in because of your job, you must declare a personal interest, both when you apply for the service, and to your manager.

You must also declare a personal interest if you help someone you know from outside your job to apply for a service you have influence in.

2.15 You are free to use all Council services. If you do so, you will not be treated more or less fairly because you work for the Council. Members of the public expect you to be fair and treat people equally, no matter who it is you are delivering services to.

You must make sure you don’t do anything in your job that might make people think you are being unfair or biased.
You must not try and obtain services in a different way to the public because you work for the Council. This includes putting pressure on colleagues to get services.

2.16 If you think there might be a conflict of interest, you must look at any procedures that are in your Directorate to find out what to do. If you are not sure, you should ask your manager to help you.

2.17 The Monitoring Officer will review any declarations that have been made every year. If the Monitoring Officer needs to make declarations, the Chief Executive will review them every year.

2.18 The Assistant Chief Executive, Organisational Development and Communications, is responsible for making sure all the Employment Policies, Practices and Procedures that the Council has are kept to.

2.19 Every Head of Service, Director and Executive Director is responsible for monitoring their employees activities, making sure they have kept to this code and any other codes and made declarations when they need to. Any monitoring will comply with all relevant laws.

3. CONTRACTORS

3.1 As part of your job, you may be required to supervise or engage contractors or have an official relationship with them. If you have any work relationship with contractors, or potential contractors, you must tell your Head of Service/Director in writing if you have ever had a private or domestic relationship with the contractors.

3.2 The orders we place and contracts we give should be given fairly. This means that we must award orders and contracts based on merit and fair competition against other tenders. You must not show favouritism in doing this. For example, if your friends, partners or relatives run a business, you could not award them a contract unfairly because of this. You must not discriminate against anyone unfairly if you deal with tenders, evaluation or awarding contracts.

4. RELATIONSHIPS WITH PROSPECTIVE AND CURRENT CONTRACTORS

4.1 If you are involved in the process of tendering and dealing with contractors you should understand that being a client and being a contractor are two separate roles. If you have a client or contractor responsibility, you need to be open and accountable for your actions.

4.2 If you work in a contractor or client unit you must be fair and impartial when you deal with customers, suppliers and any other contractors or subcontractors.

If you have access to any information about contracts or costs for contracts that is not public, you must not disclose that information to anyone unauthorised.

4.4 You must make sure that you don’t show special favour to anyone who works for us or used to work for us when you award contracts. You must make sure you do not
show special favour to anyone who is a partner, associate or relative of an employee when you award contracts.

4.5 If you are thinking about a ‘management buyout’, you must inform the Chief Executive as soon as you definitely intend to do it. You must also inform your Executive Director and Head of Service/Director. You must withdraw from doing any work for us that includes preparation, tendering, evaluation and awarding contracts or orders.

4.6 If Competitive tendering is being carried out, and you are involved in the process, you must let your Head of Service/Director know when you are a member of an organisation that is interested in tendering. You must also let your Head of Service/Director know if you have affiliation to an organisation that is interested in tendering.

5. IT AND DATA SECURITY

5.1 You must make sure you follow the Council’s security procedures regarding computer use and how to treat information held on a computer. You must take care to follow these procedures when you are using passwords and logging on or off your computer. You should never share a password with anyone, because this could lead to someone without authorisation accessing the system. Sharing your password could lead to disciplinary action.

5.2 You must comply with Council policies on computer use when you use the Internet or the Council intranet. These policies include the Internet and Email Usage Policy and the Electronic Communication Systems Policy. You must comply with any relevant laws when you access the Internet or intranet.

6. USE OF SYSTEMS, PROPERTY AND FACILITIES

6.1 Anything that belongs to the Council, including:
- telephones- including mobile phones,
- computers- including laptops,
- stationery,
- offices,
- car parks
- Vehicles
- and facilities,

Can only be used for Council business unless permission is given by management.

6.2 If, with your managers’ permission, you use a Council telephone or mobile telephone to make private calls or text messages, or send private faxes using a Council fax machine, you must pay for this through the approved systems in place. If you are unsure about how to pay for calls, speak to your manager.
6.3 The Council has systems in place that log telephone, email and Internet usage. These systems may be used to identify any usage for private purposes. We may monitor any communications using Council systems. If we monitor your use of Council resources, we will do it within the law and Council policy.

6.4 You must keep to any Council system security measures.

7. SECONDARY EMPLOYMENT

7.1 We prefer you not to have other paid employment whilst you are working with the Council. This includes paid work for another employer and working in a self-employed or business partnership basis.

7.2 If you do have any other employment whilst you are working for the Council, the work you do must not conflict with the interests of the Council or bring it into disrepute. You must only do other work outside of your working hours with the Council. You need the formal prior permission of your manager to do any work outside your role with the Council.

7.3 We particularly ask that you do not use any professional skills that you use in the course of your employment to do paid work for someone else within the Authority area.

7.4 If you do any work that is damaging to the interests or reputation of the Council, we may take disciplinary action against you, even if you have declared this work to your manager.

7.5 If you are a:
  - School Governor
  - Councillor for another local authority
  - Member of the Territorial Army
  - Justice of the Peace
  - Member of an Employment Tribunal

These roles do not count as Secondary Employment. You should still make your manager aware of these duties and ask for any time off you need in a reasonable and timely manner. Unpaid voluntary work in the Community is not secondary employment, but you still need to declare it to your manager, as there may be a conflict of interest with your Council job.

7.6 You can find further guidance on receiving payment or fees for other work in Appendix E.
8. DISCLOSURE OF INFORMATION, CONFIDENTIALITY AND REFERENCES

8.1 You should be fair and open when you deal with others. You should make sure that elected members and members of the public have access to information they need unless there is a good reason not to allow this, according to the Freedom of Information Act.

8.2 You must act in accordance with the law when handling personal and other information. You must take special care when handling personal and confidential information, and never use it inappropriately. You may be prosecuted personally under the Data Protection Act, so it is important you know what your responsibilities are. If you are unsure about this, consult your manager. The Council also has a Data Protection and Security Officer who can help.

8.3 You must not disclose any confidential, personal or financial information about an employee to an unauthorised person. You must not disclose any personal or financial information about an employee to any external agency without their approval. If you are not sure about who is an authorised person, you should consult the Assistant Chief Executive, Organisational Development & Communications.

8.4 If you are asked for personal information for a reference, for example for a job or mortgage application, you may provide information only after you confirm the identity of the enquirer. To do this, you can reply in writing to the enquirer, or call them back to make sure they are who they say they are.

If the request is for a reference for a colleague or ex-employee, only the employee’s line manager can provide an employment reference. Any employee may give a reference in a personal capacity. If you misrepresent the Council, this will be treated as misconduct.

8.5 You must not disclose confidential information to a third party. This includes information relating to:

- Competitive tendering or tendering for work
- Exempt items under the Local Government (Access to Information Act) 1985
- An employee, elected member or service user.

8.6 You must not use any information that you get in the course of your employment for personal gain, or give it to anyone else who may use it in this way.

8.7 If, in the course of your job, you deal with someone you’re related to, or have a close relationship with, declare it to your manager. You must be fair and act in a professional way.

8.8 Inappropriate disclosure of confidential information can be considered misconduct, and may be considered gross misconduct which can lead to dismissal.
COMMUNICATIONS WITH THE MEDIA

9.1 All contact with the media that is about Council activities is handled by the Communications service, together with Heads of Service, Directors and Executive Directors. If you have an idea for a positive story about something the Council is doing, or if a journalist approaches you, you must contact the Communications Manager (Media) to get approval before you give any information. This includes giving information verbally, through e-mail or in writing.

9.2 If you are writing something that will be published, and it doesn’t talk about the Council but does relate to your job, you should tell your Head of Service/Director before it is published. An example of this might be an article in a professional journal.

POLITICAL NEUTRALITY

10.1 You must not allow your personal or political opinions to interfere with your work. Some posts are “politically restricted”. If this applies to you, you should already have been told about the restrictions separately.

More information on this is available in Appendix F. If you need any more advice or information, ask your manager or HR/Personnel adviser.

10.2 You work to all elected members and must ensure their rights are respected. You must not be biased in dealing with members of one political group rather than another.

10.3 If your job requires you to advise political groups, you must make sure you take a neutral stance and point of view.

10.4 If your job requires you to give advice to elected members you must keep to protocol to guide the relationship between Councillors and Officers.

10.5 If you are on Council business, you must not wear anything that shows you are in favour of or against a political party or a pressure group. You may not display any items showing political affiliation or opposition on your vehicle, or items like tools or other equipment.

THE LOCAL COMMUNITY AND SERVICE USERS

11.1 You must remember that you have a responsibility to people in Sheffield. You must make sure that you deliver services politely, efficiently and fairly to everyone in the community.

You should be as open as possible about what you do, and the work of the Council.

11.2 You must not do anything that might affect confidence in the Council.

11.3 You should make sure that you keep to the law and any other guidance.
11.4 We will not accept it if any employee physically or emotionally abuses a service user, member of the public or other employee.

This includes any harassment, discrimination, victimisation or bullying.

If you act in this way it may be decided that is misconduct or gross misconduct, which can result in disciplinary action including dismissal.

We have a Dignity and Respect at Work policy. You must keep to this policy at all times.

11.5 When you work with young people or vulnerable adults you are in a position of trust. If you abuse that trust, it will be regarded as potential gross misconduct.

Any sexual misconduct or assault will be regarded as potential gross misconduct.

If you do not follow any policies or procedures meant to keep vulnerable service users or others safe, this will be regarded as potential gross misconduct.

Any act of gross misconduct may lead to disciplinary action and the possibility of dismissal without notice.

11.6 If you work with young people or vulnerable adults, you must read any relevant codes of practice as well as this code, and keep to them. You must keep to any relevant laws, such as the Children’s Act and the Child Protection and Adult Abuse Protection Procedures.

11.7 If you see any abusive behaviour, you must report it to your line manager, or use the Whistleblowing policy (see Appendix D) to report it.

12. RECRUITMENT AND OTHER EMPLOYMENT MATTERS

12.1 If you are involved in recruitment, you must take care not to discriminate against anyone, or in favour of anyone. You must keep to the Recruitment and Selection Code of Practice in full.

12.2 To make sure you are not acting unfairly, you must not be involved in any selection and appointment (for example, interviewing someone) when you are related to an applicant. You must not be involved in selection or appointment where you have a close relationship with an applicant- personal or business.

If you think there might be a conflict of interest, you must inform your manager or HR/OD adviser of this.

12.3 Decisions that you make at work should be fair and unbiased. You must not be involved with decisions to do with discipline, promotion or pay for anyone who is related to you, or someone you have a close relationship with. This includes personal relationships and business relationships.
12.4 If there are any reasons why 12.1-12.3 should not be followed, or you need help and advice with what to do next, you should contact the Assistant Chief Executive (OD and Communications).

13. **EQUALITIES**

13.1 You must make sure you keep to the Council’s policies on equalities. You must make sure you follow the relevant laws on equalities.

13.2 All employees and service users, elected members, partners, trade union representatives and members of the public must be treated equally and in a way that creates mutual respect. They must not be discriminated against on grounds of race, gender, disability, age, religion or sexual orientation.

At all times employees must comply with the Council’s Dignity and Respect at Work policy.

13.3 Breaching equality policies may be treated as misconduct, up to and including gross misconduct, which carries the possible penalty of dismissal without notice.

14 **DRESS AND PERSONAL APPEARANCE**

14.1 When you work for the Council, you are a representative of your service, and of the Council. You must dress in a way that is appropriate, or required, for your workplace and the work you are doing. You must be clean and tidy and make sure you have good personal hygiene.

14.2 If you are provided with clothing for uniform or health and safety reasons, you must wear it. This includes your name badge and other identity badges where provided.

15 **HEALTH AND SAFETY**

15.1 You have a responsibility to work safely and make sure your working environment is healthy and safe. You are required to keep to Corporate Health and Safety Policies. You are also required to follow any policy, regulations or codes of practice on Health and Safety that apply to your Directorate or area of work.

15.2 You must keep to any relevant Health and Safety laws.

16 **CRIMINAL CONVICTIONS**

16.1 If your job is covered by the Rehabilitation of Offenders Act, you must tell us about all convictions, including “spent” convictions, before you start working with us. You must tell us about any convictions where the Exemptions orders to this act apply.

If you do not tell us about these convictions this will be treated as possible gross misconduct and might lead to disciplinary action- including the possibility of dismissal without notice.
16.2 If your work involves driving, you must tell your manager about any driving offences, or pending driving offences.

16.3 If you work with young people or vulnerable adults as part of your job, or if you have access to them; you must report any convictions that you have, whatever they are, to your manager.

16.4 You must tell your manager if you have any criminal proceedings pending against you.

16.5 If you work with young people or vulnerable adults and you believe that you are or might be thought of as a risk to these groups it is extremely important that you seek advice from your manager. If you do not disclose this, this can be treated as misconduct, including gross misconduct which carries a possible penalty of dismissal.

17 DRUGS AND ALCOHOL

17.1 While you are at work, you must be in a condition to do your job safely.

17.2 The effects of drinking alcohol cause you to perform your work less well. It may also be a health and safety risk- especially if you drive or use machinery. Because of this, you must not drink alcohol:
   • Before you start work
   • During your working hours
   • During a lunch break from work
   • On any other break during your working day
   • At functions such as conferences within working hours.

   If you drink alcoholic drinks at these times, this may be regarded as misconduct or gross misconduct, which could lead to dismissal.

17.3 If you use illegal drugs, or prescription drugs that have not been prescribed for you, this will not be accepted. This may result in the Council contacting the police to report it. Use of illegal drugs or prescription drugs that have not been prescribed for you before or during work, on breaks or at functions may be considered misconduct or gross misconduct, which could lead to dismissal.

18 GENERAL CONDUCT

18.1 You must follow instructions, providing they are lawful. You must make sure you do not do anything that might affect the Council’s legal position. You should show respect for service users, colleagues and elected members.

18.2 We expect you to use good judgement, and take account of other people’s views. We expect you to take responsibility and decide your own view on any issue that comes up while you work for the Council.
If you need further information or advice about what to do in a situation, you should contact your manager, an HR/Personnel adviser or the Chief Internal Auditor.

18.3 You should read this code together with the appendices, and any other codes of practice or policies that are about conduct or security.
GLOSSARY TO CODE OF CONDUCT

**Contractor**- An individual, partnership, company or other service that has a contract with us to do or provide something. For example, to design, develop, manufacture, maintain or provide services.

**Conflict of Interest**- A conflict between private interests and your duties with the Council. This can exist whether or not money is involved, and whether the conflict is actual or just perceived.

**Competitive Tender**- Where several potential contractors are invited to prepare proposals to provide a project or service, on the basis of quality and price.

**Disciplinary**- Disciplinary action is action taken by an employer for violating policy or procedure (including the Code of Conduct). For more details on this, see the Council’s Disciplinary Policy.

**Disrepute**- To bring something into disrepute is to lower its reputation, damage its image.

**Misconduct**- Breaking the Code of Conduct, another code or terms and conditions may be considered misconduct. There are different types of misconduct depending on the exact circumstances and consequences. The most serious type is **gross misconduct**. For more information on this, see the Council’s Disciplinary Policy.

**Inducement**- something that encourages you towards an action- an incentive. This could be money, food, gifts, or anything else that might benefit you. If you are offered or take something that people may think is an inducement, you could be accused of making decisions unfairly based on what you received.

**Whistleblowing (also ‘whistle blowing’)**- Revealing wrongdoing to someone in authority. For more information on this, see Appendix D, the Whistleblowing policy.

**RELEVANT LAW**

This section points to relevant law on some topics from the Code of Conduct. It should not be considered an exhaustive list as legislation frequently changes. If you are unsure about whether an action would be lawful, please investigate further.

**Monitoring and Surveillance:**

**Use of IT Equipment:**
The Data Protection Act,
The Obscene Publications Act,
The Computer Misuse Act
The Theft Act.
Equalities:
The Race Relations Act, Sex Discrimination Act, Disability Discrimination Act and the Employment Equality (Religion or Belief) Regulations.
CODE OF CONDUCT

APPENDICES

A  Definition of what constitutes a membership of Secret Society

B  Policy statement on Fraud and Corruption

C  Gifts and Hospitality Corporate Policy and Code of Practice

D  Whistleblowing Policy and Procedure

E  Other employment related to activities – fees

F  Politically restricted posts
The following is the Council’s definition of what constitutes a society with secret rules (secret society).

‘Any lodge, chapter, society, trust or regular gathering or meeting, which:

a) is not open to members of the public who are not members of that lodge, chapter, society or trust; and

b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and

c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

A lodge, chapter, society, trust, gathering or meeting as defined above should not be regarded as a secret society if it forms part of the activity of a generally recognised religion.
POLICY STATEMENT ON FRAUD AND CORRUPTION

1. THE COUNCIL’S COMMITMENT

Sheffield City Council is committed to sound corporate governance and supports the Nolan Committee’s ‘Seven Principles of Public Life’ for the conduct of Council Members and employees, namely: -

- selflessness;
- integrity;
- objectivity;
- accountability;
- openness;
- honesty; and
- leadership.

The Council seeks firstly to prevent fraud and corruption but will take all action necessary to identify fraud and corruption if suspected, and pledges to take appropriate action against those responsible.

Fraud and corruption cheats the local tax payers who have the right to expect Members and staff to perform their functions in an honest and proper manner.

The strategy is designed: -

firstly, to prevent fraud and corruption; but where it does occur, to detect it and investigate it in a correct and agreed manner.

2. DEFINITION

The Audit Commission provides definitions of fraud and corruption as follows: -

*Fraud* is the intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to conceal the misappropriation of assets or otherwise for gain.

*Corruption* is the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person.

The Assistant Chief Executive – Legal and Governance (City Solicitor) has advised that in respect of the definition of fraud the following should be noted.
For these purposes fraud is proved when it is shown that a false representation has been made knowingly or without belief in its truth, or recklessly, careless whether it is true or false. It includes an intentional misrepresentation or in some cases mis-statement of fact with the intention of inducing someone else to act on that representation.

3. **PREVENTION**

Prevention will be achieved via:

- staffing policies; and
- internal control systems.

3.1 **Staff**

As a major public employer, the City Council is obliged to maintain, and is entitled to expect, high standards of conduct amongst its employees to ensure that public confidence in their integrity and impartiality is not undermined. The public is entitled to demand conduct of the highest standard and that staff work honestly and without bias in order to achieve the Council’s objectives.

The Council recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the propriety and integrity of potential staff. In this regard, temporary and contract staff are treated in the same manner as permanent staff.

Heads of Service should ensure that written references are obtained before employment offers are confirmed.

Staff of the Council are expected to follow the Council’s Code of Conduct and report to management instances of outside interests, gifts and hospitality. Under the City Council’s Standing Orders staff must operate within legislative requirements which include Section 117 of the Local Government Act 1972. Section 117 requires the disclosure of pecuniary interests in contracts relating to the City Council, or the acceptance of any fees or rewards whatsoever other than their proper remuneration.

The Council recognises that the continuing success of its anti-fraud and corruption strategy and its general credibility, will depend largely on the effectiveness of its training programmes and the responsiveness of staff throughout the organisation. To facilitate this, the Council supports the concept of ongoing training and staff appraisal to ensure that their responsibilities and duties are regularly highlighted and reinforced. The Council has in place a Disciplinary Procedure and the possibility of disciplinary action against staff who perpetrate fraud is clear and members resolved at Policy Committee on 18 March 1997 that acts of theft and fraud should be regarded as acts of gross misconduct.
3.2 **Members**

Members are expected to operate honestly and without bias. Their conduct is governed by:

- City Council Standing Orders.

These matters are specifically brought to the attention of Members at the Induction Course for New Members and are in the Members’ pack of information issued by Legal & Administrative Services. They include rules on the declaration and registration of potential areas of conflict between Members’ City Council duties and responsibilities, and any other areas of their personal or professional lives.

3.3 **Internal Control System**

The internal control system comprises the whole network of financial, operational and managerial systems established within the Council to ensure that its objectives are achieved in the most economic and efficient manner.

The Financial Regulations (to be replaced by the Financial Framework) of the Council provide the framework for financial control. Under Financial Regulations, Heads of Service are required to ensure that:

- arrangements, guidelines and procedures for the proper administration of their department’s or service’s financial affairs are operated in accordance with Financial Regulations;

- the Head of Corporate Finance is informed as soon as possible of any matters involving, or suspected of involving, irregularity in the use of Council resources or assets.

The Council’s internal audit service independently monitors the existence, appropriateness and effectiveness of internal controls.

3.4 **Liaison**

Arrangements are in place now, and will continue to develop, which encourage the exchange of information between the Council and other agencies on national and local fraud and corruption activity.

The City Council acknowledges that in order to prevent fraud it cannot afford to work in isolation and must liaise with other organisations. To this end, the City Council has fostered a number of external contacts, which include:

- South Yorkshire Police
- South Yorkshire Treasurers
4. DETECTION AND INVESTIGATION

Where fraud and corruption still happen, systems should assist in revealing the occurrences and people should be encouraged to do likewise. They must then be investigated in a fair and impartial manner.

4.1 Detection

The array of preventative systems, particularly internal control systems and Internal Audit, within the Council generally, should be sufficient in themselves to deter most fraud, but they have also been designed to provide indications of any fraudulent activity.

The Council’s staff are an important element in its stance on fraud and corruption and they are positively encouraged to raise any concerns that they may have on any issues associated with the Council’s activities. They can do this in the knowledge that such concerns will be treated in confidence and properly investigated. If necessary, a route other than a line manager may be used to raise such concerns. Examples of possible routes are: -

- Internal Audit Service;
- Head of Corporate Finance;
- Chief Executive, Executive Directors, Head of Service;
- City Solicitor (Head of Legal & Administration Services);
- Anti-fraud telephone hotline (273 6060).

Members of the public may report concerns through any of the above routes or, if appropriate, through the Council’s complaints procedure.

The Code of Conduct requires staff of the City Council to report any illegality or impropriety to their manager or supervisor.

4.2 Investigation

When fraud or corruption is alleged, it is important that any investigation is conducted in a timely and professional manner to protect the interests of both the
Council and the individual(s) implicated. An allegation or suspicion should not be viewed as proof of guilt.

Guidance to managers and employees concerning theft, fraud and corruption has been issued by Corporate Personnel (OD).

The guidance outlines the processes that should be followed in the conduct of enquiries concerning fraud, the areas covered include:

- reporting identified concerns;
- investigating the concerns;
- disciplinary action;
- notification to the police;
- notification to the External Auditor;
- reviewing management controls.

5. **PUBLICITY**

Any statements issued on behalf of the Council should reflect the Council’s approach to fraud and corruption. Issues of confidentiality, legality and other special circumstances should receive proper consideration.

6. **SUMMARY**

The Council has a clear commitment to minimising the possibility of corruption and theft or other misuse of public money and assets. It pledges to prevent fraud and corruption, to take all action necessary to identify fraud and corruption if suspected, and pursue the recovery of losses and take appropriate action against those responsible.

The Council’s employees and Members are expected to have the highest standards of conduct and to be vigilant in combating fraud and corruption in all its guises.

The Council has implemented a clear network of systems and procedures to assist in the fight against fraud and corruption. These arrangements will keep pace with any future developments, in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation or related responsibilities.
GIFTS AND HOSPITALITY

CORPORATE POLICY AND CODE OF PRACTICE

The purpose of this document is to clearly inform employees of the policy and procedure in relation to offers of gifts and hospitality made from any source.

1. Policy

1.1 The City Council’s Code of Conduct states that the public is entitled to demand of a local government employee conduct of the highest standard. Employees’ actions must not be influenced by offers of gifts or hospitality and their actions must not give the impression that they have been influenced in this way.

1.2 Council employees must not accept gifts, loans, fees or rewards from any person or organisation in particular those who may potentially expect to receive an advantage or benefit in return. This includes gifts, loans, fees or rewards from contractors, outside suppliers or members of the public. However, some incidental gifts or hospitality can be accepted, as detailed in this Code of Practice.

1.3 This Code of Practice applies to all employees of the City Council, including Executive Directors and the Chief Executive.

1.4 Any breach of this Code of Practice may be viewed as potential gross misconduct and could lead to a disciplinary hearing that may result in summary dismissal.

2. Principles

2.1 Employees must maintain a good working relationship with the public but avoid favouritism towards any group or individual in the course of their work.

2.2 Employees must act with integrity at all times.

2.3 If it is suspected that a contractor, outside supplier or other person/organisation is acting in an improper manner, employees should report it to their line manager as a matter of urgency.

3. Process

3.1 Gifts

3.1.1 Employees may accept items up to the value of £10 e.g. diaries, calendars etc, usually distributed by companies as a promotional exercise.
3.1.2 Without causing offence, employees should discourage service users or other organisations from offering gifts. However, where small gifts, e.g. chocolates, are given as thanks for service provided, for example from a person in residential care can be accepted if they are shared within the team or raffled for charity.

3.1.3 If gifts have a higher value than £10, employees should tactfully refuse them. If gifts of this value are delivered, they should be returned with an appropriate explanation. If gifts cannot be returned, the senior manager should dispose of them to charity and record this fact.

3.1.4 All gifts above a value of £10 should be registered on the appropriate form, even if the gift is returned. Please see 4.1 of this procedure.

3.1.5 Gifts of cash should not be accepted.

3.2 Hospitality

3.2.1 Employees may accept incidental hospitality, such as light refreshments, tea or coffee, as offered at a visit, conference, meeting or promotional exercise.

3.2.2 Where other than incidental hospitality is offered by an existing contractor or by an organisation likely to be involved in a contract, the hospitality should be refused. Employees should avoid socialising with organisations and pay their own bills for meals, travel etc.

3.2.3 Invitations to social events offered as part of normal working life, e.g. opening celebrations, annual dinners, may be accepted if authorised by the appropriate Head of Service.

3.2.4 Invitations to any types of hospitality that are of no benefit to the authority, e.g. sporting events, must not be accepted.

3.2.5 All offers of hospitality, other than incidental, must be registered on the appropriate form; please see 4.1 of this procedure.

3.3 Inducements

3.3.1 Employees must not accept inducements, e.g. a bribe.

3.3.2 All offers of inducement must immediately be reported to the appropriate senior manager and be registered as per section 4.1 of this procedure.

4. Procedure

4.1 All offers of accepted/declined gifts or hospitality (other than incidental) must be entered on Form A (attached), together with an estimate of value, and passed to the Section Head.
4.2 Section Heads will keep Form A as a register of offers. These will be submitted to the Head of Service at the end of September and March.

4.3 The Head of Service will retain a file of higher value gifts or hospitality offered, declined or accepted. A report to DMT will be presented in April summarising the information.

4.4 Where gifts, hospitality or inducements are offered to the Head of Service, the appropriate Executive Director will sign the form.

4.5 Where gifts, hospitality or inducements are offered to the Executive Director, the form will be signed by the Chief Executive.

4.6 A central file of all gifts, hospitality or inducements offered, declined or accepted by Executive Directors or the Chief Executive will be maintained by the Chief Executive.

4.7 If any employees are uncertain how to deal with an offer of a gift or hospitality, he/she should contact their manager.

4.8 If an employee’s interpretation of this Code and/or their actions are called into question, it is the responsibility of the appropriate manager to investigate whether the person acted in good faith according to their understanding of the Code of Practice.
### GIFTS AND HOSPITALITY REGISTER

YEAR………………………………..

<table>
<thead>
<tr>
<th>NAME</th>
<th>SERVICE AREA</th>
<th>OFFERING ORGANISATION</th>
<th>DETAILS OF GIFT/HOSPITALITY</th>
<th>ESTIMATED VALUE (if known)</th>
<th>ACCEPTED/REJECTED</th>
<th>REASON</th>
</tr>
</thead>
</table>

Signed ............................................................ Employee

Signed ............................................................ Head of Service/Manager
WHISTLEBLOWING
POLICY AND PROCEDURE

SHEFFIELD CITY COUNCIL WHISTLEBLOWING
POLICY AND PROCEDURE

1. PREAMBLE

1.1 Employees are often the first to realise that there may be something seriously wrong within their service area and/or the Council. However, they may not express their growing concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be just suspicion of malpractice and wrong-doing at work.

1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with this commitment, we encourage employees and others with genuine concerns about any of the Council’s work to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals.

This whistleblowing policy is intended to encourage and enable employees to raise such concerns within the Council rather than overlooking a problem.

1.3 This procedure accords with the requirements of the Public Interest Disclosure Act 1998 and is compatible with the conventions contained in the Human Rights Act.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- provide avenues for you to raise genuine concerns and receive feedback on any action taken;
- allow you to take the matter further if you are dissatisfied with the Council’s response;
- reassure you that steps will be taken to protect you from reprisals or victimisation for whistleblowing in good faith.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This whistleblowing policy is intended to cover genuine concerns that fall outside the scope of other procedures.
That concern may be about something that:

- is unlawful; or
- is against the Council’s Standing Orders or policies; or
- falls below established standards of practice; or
- amounts to improper conduct;
- contradicts the Council’s Codes of Conduct.

Further examples are provided at Appendix 1.

3. SAFEGUARDS

3.1 Harassment or Victimisation

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

3.2 Confidentiality

The Council will do its best to protect your identity when you raise a concern. However, it must be appreciated that, in the interests of natural justice, any investigation process is likely to reveal the source of the information and a statement by you is likely to be required as part of the evidence.

3.3 Anonymous Allegations

You are strongly encouraged to put your name to any allegation. Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of the Council.

3.4 Discretion

In exercising discretion, the following factors will be taken into account when considering how to deal with any allegations:

- the seriousness of the issues raised;
- the credibility of the allegation; and
- the likelihood of confirming the allegation from attributable sources.
3.5 **Malicious or Vexatious Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

4. **HOW TO RAISE A CONCERN**

4.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who you think may be involved in the malpractice. For example, if you believe that your line manager or another senior manager is involved, you should approach your Head of Service or, if you feel they may be involved, your Executive Director.

The guiding rule is you should address your complaint to a level of management who you believe has no possible involvement.

4.2 Advice and guidance on how matters of concern may be pursued can be obtained from:

- your line manager;
- OD/HR;
- internal audit;
- the monitoring officer.

4.3 Concerns are better raised in writing. You are invited to set out the background and history of your concern, giving names, dates and places, where possible, and the reason why you are particularly concerned about the situation. If you are not able to put your concern in writing, you can telephone or arrange to meet the appropriate officer.

4.4 Internal Audit operate an anti-fraud telephone hotline which can be used to report matters of fraud, theft or corruption, the number is 273 6060.

4.5 For concerns other than fraud, theft or corruption you may choose to telephone your Directorate’s Whistleblowing Hotline (see Appendix 2). You can also report your concern to the Monitoring Officer. The Monitoring Officer is Liz Bashforth, Assistant Chief Executive, telephone 273 4019.

4.6 You may ask your trade union representative to raise the matter on your behalf.

4.7 Any officer receiving any concern will also report it to the Monitoring Officer. This is because the Monitoring Officer has a statutory duty to consider any issue that has, or may, result in the Council being in contravention of the law or a code of practice.

4.8 The earlier you express your concern, the easier it is for the Council to take action.
4.9 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for initial enquiries to be made.

5. **HOW THE COUNCIL WILL RESPOND**

5.1 The action taken by the Council will depend on the nature of the concern. The matters raised may:

- be investigated internally;
- be referred to the Police;
- be referred to the external Auditor;
- form the subject of an independent enquiry.

5.2 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

5.3 Some concerns may be resolved without the need for investigation.

5.4 Within ten working days of a concern being received, the Council will write to you:

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to deal with the matter;
- telling you whether any initial enquiries have been made; and
- telling you whether further investigations will take place, and if not, why not.

5.5 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

5.6 When any meeting is arranged to discuss your concerns, you have the right, if you so wish, to be accompanied by a trade union representative or a friend who is not involved in the area of work to which the concern relates and who also could not be called as a witness.

5.7 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure.

5.8 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations.
6. HOW THE MATTER CAN BE TAKEN FURTHER

6.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied. If you are not, and you feel it is right to take the matter outside the Council, the following are possible contact points:

- your local Council member (if you live in the area of the Council);
- the external Auditor;
- relevant professional bodies or regulatory organisations;
- your solicitor;
- the Police
- other bodies prescribed under the Public Interest Disclosure Act, e.g.:
  - the Audit Commission for England and Wales
  - Data Protection Registrar
  - Serious Fraud Office
  - Environment Agency
  - Health and Safety Executive

If you do take the matter outside the Council, you need to ensure that you do not disclose confidential information, or that disclosure would be privileged. You should, therefore, first check with Legal and Governance, on telephone number 273 4019, who will give you confidential advice; you do not have to give your name if you do not wish to.

7. THE RESPONSIBLE OFFICER

The Chief Executive has overall responsibility for the maintenance and operation of this policy. The Chief Executive maintains a record of genuine concerns raised and the outcomes and the Chief Executive will report as necessary to the Council, in a form that endeavours to maintain your confidentiality as far as possible (please see paragraph 3.2).
APPENDIX 1 of Whistleblowing Policy

This list illustrates the kind of issues the Council would consider as malpractice or wrong-doing that could be raised under this Whistleblowing Policy. However, the list is not exhaustive.

- Poor or unprofessional practice by a member of staff or an agency which results in the service user not getting the same quality of service which is available to others.
- Improper/unacceptable behaviour towards a service user which could take the form of emotional, sexual or verbal abuse, rough handling, oppressive or discriminatory behaviour or exploitative acts for material or sexual gain;
- Any unlawful activities, whether criminal or a breach of civil law;
- Fraud, theft or corruption;
- Concerns regarding possible breaches of Health and Safety Regulations;
- Harassment, discrimination, victimisation or bullying of employees and/or service users;
- Leaking confidential information in respect of City Council activities and/or records;
- Undertaking of undisclosed private work which may conflict with duties and responsibilities, or which are being carried out during working time;
- Inappropriate contact with members of the public within Council facilities, or whilst carrying out Council duties or outside of working time;
- Taking gifts or inducements;
- Inappropriate use of external funding;
- Maladministration as defined by the Local Government Ombudsman;
- Breach of any statutory Code of Practice;
- Breach of, or failure, to implement, or comply with any Council policy;
- Misuse of Council assets, including computer hardware and software, buildings, stores, vehicles.
WHISTLEBLOWING HOTLINES

If you are unable to report a genuine concern by any of the means explained in section 4 of this procedure, you may choose to telephone one of your Directorate Head of Service 24 hour hotline numbers as listed below. Outside normal office hours, a voicemail or answer machine facility will be in operation. Please remember that you must leave your name and a telephone number at which you can be contacted. (List last updated April 2009)

Chief Executive

Liz Bashforth Assistant Chief Executive – Legal & Governance 27 34019
Ken Green Assistant Chief Executive – Organisational Development & Communications 27 34081
Ron Barrowclough Assistant Chief Executive – Policy and Performance 27 34072
Lorraine Purcell Head of Procurement, Partnering and Programme Management 27 36890
Laraine Manley Director of Corporate Resources 27 34300
Eugene Walker Deputy Director of Corporate Resources 27 35872
Julie Bullen Head of Customer Services 27 36972
Gary Moore Head of Facilities Management & Transport Services 27 37592

Cheryl Blackett Head of Corporate OD 27 34080
Stephen Clark OD Manager – Safety and Employee Wellbeing 27 34796
Titu Hayre-Bennett OD Manager – Talent Management and Development 27 35571
Steve Gill Chief Internal Auditor 27 34363

Development, Environment and Leisure

Sue Millington Head of Strategy 27 35128
Gary McGrogan Director of Environmental & Regulatory Services 27 34643
27 35499
27 35776
John Charlton Director of Streetforce 27 36501

Children and Young People

Ken Matthews Director of Resources and Performance 27 35663
Genny Bradley Head of OD 29 30880
Mark Peat Director Capacity Planning and Development 27 35610

Neighbourhoods and Community Care

Karl Tupling Director of Housing 27 35396
Evelyne Milne Director Neighbourhood Renewal and Partnership 27 36804
Phil Taylor Director of Performance and Resource 27 36672
Cath Roff Acting Executive Director 27 35167
Eddie Sherwood Acting Director of Adults’ services 34840
OTHER EMPLOYMENT RELATED ACTIVITIES – FEES

Employees may be asked on occasions to give lectures or undertake work using their professional skills and expertise. If the work forms part of the duties of a post and the employee is carrying out an official duty, he/she must forward all fees to the employing directorate. Any expenses incurred will be reimbursed through the normal procedures.

Employees in receipt of ‘fees’ in respect of undertaking work and/or lecturing to an outside organisation/person(s) may retain the ‘fees’ providing:

A preparation and delivery of the work is undertaken outside working hours (unless covered below);

B equipment and/or materials are not being provided by the City Council;

C the employee is not acting as a representative of the City Council.

Where the work or lecture is undertaken during working hours the equivalent working hours must be re-arranged, in agreement with the line manager to accommodate the employee’s request or annual leave, flexi leave or time off in lieu must be used. The employee concerned may also be granted unpaid leave, subject to the agreement of the line manager in consultation with OD.
POLITICALLY RESTRICTED POSTS

Local Government and Housing Act 1989

Section 2

1. The following persons are to be regarded for the purpose of this part as holding politically restricted posts under a local authority:

   a) the person designated [Chief Executive] as the head of the authority's paid service;

   b) the statutory chief officers;

   c) a non-statutory chief officer;

   d) a deputy chief officer;

   e) the Monitoring Officer [City Solicitor];

   f) any person holding a post to which he was appointed in pursuance of section 9 below (Assistants for political groups); and

   g) any person not falling within paragraphs (a) and (f) above whose post is for the time being specified by the authority in a list maintained in accordance with subsection (2) below and any directions under section 3 below or with section 100G (2) of the Local Government Act 1972 or section 50G (2) of the Local Government (Scotland) Act 1973 (list of officers to whom powers are delegated).

2. It shall be the duty of every local authority to prepare and maintain a list of such of the following posts under the authority, namely:

   a) the full time posts the annual rate of remuneration in respect of which is or exceeds Spinal Column Point 44 or such higher amount as may be specified in or determined under regulations made by the Secretary of State;

   b) the part time posts the annual rate of remuneration in respect of which would be or exceed that amount if they were full time posts in respect of which remuneration were paid at the same rate as for the part time post; and

   c) posts not falling within paragraph (a) or (b) above the duties of which appear to the authority to fall within subsection (3) below,

   as are not posts for the time being exempted under section 3 below, post for the time being listed under section 100G(2) of the Local Government Act 1972 or section 50G(2) of the Local Government (Scotland) Act 1973 or posts of a description specified in regulations made by the Secretary of State for the purposes of this subsection.
3. The duties of a post under a local authority fall within this subsection if they consist in or involve one or both of the following, that is to say:

a) giving advice on a regular basis to the authority themselves, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented;

b) speaking on behalf of the authority on a regular basis to journalists or broadcasters.

4. It shall be the duty of every local authority to deposit the first list prepared under subsection (2) above with their proper officer before the expiry of the period of two months beginning with the coming into force of this section; and it shall also be their duty, on subsequently making any modifications of that list, to deposit a revised list with that officer.

5. It shall be the duty of every local authority in performing their duties under this section to have regard to such general advice as may be given by virtue of subsection (1) (b) of section 3 below by any person appointed under that subsection.

6. In this section “the statutory chief officers” means:

a) the chief education officer or director of education appointed under section 88 of the Education Act 1944 or section 78 of the Education (Scotland) Act 1980;

b) the chief officer of a fire brigade maintained under the Fire Services Act 1947 and appointed under regulations made under section 18(1) (a) of that Act;

c) the director of social services or director of social work appointed under section 6 of the Local Authority Social Services Act 1970 or section 3 of the Social Work (Scotland) Act 1968; and

d) the officer having responsibility, for the purposes of section 151 of the Local Government Act 1972, section 73 of the Local Government Act 1985, section 112 of the Local Government Finance Act 1988 or section 6 below or for the purposes of section 95 of the Local Government (Scotland) Act 1973, for the administration of the authority’s financial affairs.

7. In this section “non-statutory chief officer” means, subject to the following provisions of this section:

a) a person for whom the head of the authority’s paid service is directly responsible;

b) a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the head of the authority’s paid service; and

c) any person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the local authority themselves or any committee or sub-committee of the authority.
8. In this section “deputy chief officer” means, subject to the following provisions of this section, a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers.

9. A person whose duties are solely secretarial or clerical or are otherwise in the nature of support services shall not be regarded as a non-statutory chief officer or a deputy chief officer for the purpose of this part.

10. Nothing in this section shall have the effect of requiring any person to be regarded as holding a politically restricted post by reason of his holding:

   a) the post of head teacher or principal of a school, college or other educational institution or establishment which, in England and Wales, is maintained or assisted by a local education authority or, in Scotland, is under the management of or is assisted by an education authority; or

   b) any other post as a teacher or lecturer in any such school, college, institution or establishment,

   or of requiring any such post to be included in any list prepared and maintained under this section.

11. Regulations under this section may contain such incidental provision and such supplemental, consequential and transitional provision in connection with their other provisions as the Secretary of State considers appropriate.
The HDVB Policy adopted by the Governing Body will apply to employees within schools. A model ‘HDVB Policy and Code of Practice for School Employees’ is available on Schoolpoint.

1 OUR COMMITMENT

1.1 Sheffield City Council is committed to promoting a positive working environment where the dignity and respect, to which employees are entitled, is not undermined.

1.2 Sheffield City Council seeks to provide an environment of mutual trust and respect amongst the entire workforce.

1.3 Sheffield City Council is opposed to any form of harassment, discrimination, victimisation or any unacceptable conduct towards an individual or group which is related to race, gender, ethnicity, sexuality, age, religious belief or disability whether a single incident or persistent acts.

1.4 Sheffield City Council will not tolerate bullying or intimidation in the workplace.

2 DEFINITIONS OF HARASSMENT, DISCRIMINATION, VICTIMISATION AND BULLYING

2.1 The City Council has taken into account the information contained within relevant EU Directives, draft employment regulations and the Stephen Lawrence report in determining these definitions.

- **Harassment** is ‘where any form of unwanted conduct occurs with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.’

- **Discrimination** is ‘where one person is treated less favourably than another person was or would have been treated on the grounds of gender, race, disability, age, sexual orientation, or religious belief’.

- **Victimisation** is ‘where a person or group receives less favourable treatment than others because they have referred to or asserted their rights under anti-discriminatory legislation and/or Council policies’.

- **Bullying** is ‘persistent unwelcome offensive and intimidating behaviour or misuse of power which makes the recipient feel upset, threatened, humiliated or vulnerable and undermines their self-confidence’.

2.2 Harassment, discrimination, victimisation and bullying can come in many forms. It may happen once or more than once, either way it is unacceptable. Examples could include:
**Offensive material**, including pornography, racist material, or material which ridicules or abuses men or women, black people, disabled people, lesbians or gay men, older or younger people.

**Verbal abuse**, including racist or sexist language, and language that undermines or ridicules disabled people, lesbians or gay men, older or younger people.

**Bullying**, exercising power to intimidate, ridicule or demean an individual or group of people usually through a number of small incidents over a period of time.

**Leering**, comments on dress or appearance, embarrassing remarks or jokes, demands for sexual favours.

**Physical assault**, including touching or unwanted physical advances.

**Persistent comments**, which undermine or undervalue a person’s abilities, particularly on the basis of his/her sex, race, disability, sexuality and/or age.

### 3 ROLES AND RESPONSIBILITIES

#### MANAGERS

3.1 Every Sheffield City Council manager and supervisor has a duty to implement and enforce this Policy in a fair and equitable way and to ensure that all employees for whom they are responsible understand and follow it.

3.2 Managers are responsible for ensuring that all employees are aware that breach of this Policy could lead to consideration of formal disciplinary action or dismissal under the City Council's Disciplinary procedure depending upon the circumstances.

3.3 Managers need to recognise that the lodging and/or investigation of a complaint is extremely difficult and distressing for both the complainant and the subject of the complaint. In both cases, appropriate support needs to be provided before, during and after the investigation.

3.4 Managers need to ensure that complaints of harassment, discrimination, victimisation and bullying are taken seriously and that investigations are, so far as is possible, managed speedily and confidentially.

3.5 Managers need to ensure that employees, who have raised concerns or have provided evidence during an investigation, are not victimised as a result of their actions.
EMPLOYEES

3.6 Every Sheffield City Council employee has a responsibility to treat all colleagues and service users with dignity and respect.

3.7 Employees need to be aware of their own conduct and behaviour and how it can impact on others within the workplace.

3.8 Employees are encouraged to bring to the attention of Managers any examples of unfair treatment they have witnessed or strongly suspect is taking place.

3.9 Employees are required to co-operate with investigations into allegations made under this policy.

3.10 Employees must not make false or malicious allegations and need to be aware that disciplinary action may be considered in such circumstances.

HUMAN RESOURCES/ORGANISATIONAL DEVELOPMENT

3.11 HR/OD staff will be available as a resource to Managers and Employees to provide support and guidance on the operation of this policy.

3.12 HR/OD Officers will be involved in advising Managers on the investigation of complaints however they will not take over the management of the process. It is the Managers responsibility to manage.

3.13 Employees who are experiencing problems can approach HR/OD in confidence for advice and support.

CONTACT ADVISERS

3.14 Contact Advisers are available as a point of contact for those experiencing harassment, discrimination, victimisation or bullying at work.

3.15 Contact Advisers can provide confidential support and will assist employees in understanding the options for dealing with their particular situations.

3.16 Contact Advisers are also available as a point of contact for the subject of a complaint, but not both parties to the same complaint.

TRADE UNIONS

3.16 Employees who are members of a recognised trade union have the right to be represented by their trade union representative.

3.17 Trade Union representatives can offer advice and support to employees who may be experiencing problems or have had allegations made against them.
4 WHAT WE WILL DO

4.1 The City Council will take any allegations made by employees seriously and, so far as possible, complaints will be managed speedily and confidentially.

4.2 Every effort will be made to resolve complaints informally however where this is not appropriate or possible, a formal investigation will take place.

4.3 The City Council will communicate with employees to raise awareness of the policy and the implications of certain behaviours. There will be statistical monitoring to identify potential problems and areas for improvement.

4.4 We will support employees who experience difficulties through the provision of Contact Advisers and HR/OD professionals and ensure that Managers are updated regularly on their responsibilities under this policy and procedure.
Electronic Communications Policy

A model Electronic Communications Policy is not currently available for schools.

1.0 INTRODUCTION

1.1 The Council has a range of e-communication systems in place (including e-mail, Internet, intranet, and telephones). These enable us to provide:

- Speedy, efficient and cost effective services to customers;
- Effective communication between customers, staff and others; and
- Flexible communication channels to allow convenient and far-reaching access to services.

1.2 It is important that these systems are used and managed effectively in order to maximise their benefits. However, we also recognise that people lead complex and busy lives and greater flexibility around the use of the communication systems at work, e.g. to address personal matters, will help to support employees’ work-life balance needs.

1.3 This document sets out the Council’s expectations of you when using any form of electronic communication, including but not limited to telephone, e-mail, Internet and Intranet.

1.4 This policy sets out:

- Who is covered by the policy and the circumstances when the policy applies (the scope);
- Our expectations of you when using the Council’s e-communications systems;
- Monitoring arrangements;
- The law surrounding electronic communications;
- Good practice guidance.

2.0 AIMS

2.1 This policy aims to:

- Set out the Council’s expectations of all users of the Council’s electronic communication systems, including e-mail, Internet, Intranet and telephones;
- Provide a mechanism that maintains and promotes effective, consistent and legal use of electronic communications across the Council;
- Establish and support a balance between protecting the Council’s interests and respecting your right to carry out your duties with regard for privacy;
- While supporting your development and work life balance by allowing reasonable and appropriate personal use of the Council’s e-communications systems.
3.0 SCOPE

3.1 The policy applies to all people who use the Council’s equipment, systems and/or networks including:

- Sheffield City Council employees, workers and elected members;
- All other people working for the Council, engaged on Council business or discharging any Council function including on an unpaid or voluntary basis e.g. work experience or shadowing.

3.2 The policy applies to the use of the Council’s systems, equipment and/or networks at any time during and outside work hours whether on Council premises or working at remote locations including home.

4.0 PROTOCOL

4.1 This protocol sets out the minimum expectations when using the Council’s e-communication systems however it is not exclusive or exhaustive. Failure to comply with these requirements may be considered to be abuse or misuse of the Council’s e-communications systems.

4.2 Passwords and login details must remain confidential.

4.3 Access privileges to the Council’s electronic systems are granted where appropriate to allow you to perform effectively. Administrative privileges are restricted and you must not use or attempt to use these to:

- Install software unless specifically authorised to do so;
- Introduce viruses or other malicious software.

4.4 The Council’s e-communications systems must not be used to:

- Store, send or distribute messages or material which may be perceived by the recipient as:
  - Aggression, threats, abuse or obscenities;
  - Sexually suggestive;
  - Defamatory;
  - Sexually explicit;
  - Discriminatory – whether it be comments, remarks or jokes;
  - Material which the sender knows, or ought to have known, would cause offence to others.

- Act in a way which contravenes the Council’s Code of Conduct, other Council policies or the law or is likely to bring the Council into disrepute;

- Disclose sensitive Council information or personal data to unapproved persons or organisations;
Intentionally access or download any material containing sexual, discriminatory, offensive or illegal material;

Participate in on-line gambling including lotteries;

Participate in on-line auctions unless authorised to do for work-related matters;

Originate or participate in e-mail chain letters or similar types of communication;

Participate in chat rooms or forums unless this is authorised and is explicitly on behalf of the Council.

4.5 If you accidentally access inappropriate material on the intranet or by e-mail disconnect immediately and inform your manager.

4.6 Occasional appropriate and reasonable personal use of e-mail and the Internet is permitted provided such use of the Council’s systems:

- Is restricted to your own time and outside core hours;

- Doesn’t interfere with the performance of duties including staffing receptions;

- Doesn’t adversely impact on the performance of the Council’s e-communication systems or the network;

- Does not involve storing private information or information/data not connected to normal duties;

- Is not for the purpose of furthering outside business interests;

- Doesn’t contravene the requirements of the Council’s Code of Conduct, other Council policies or the law.

Remember that misuse of the Council’s e-communication systems may breach the Council’s Code of Conduct, other Council policies and/or the law and may lead to civil, criminal or disciplinary action including dismissal.

5.0 MONITORING AND RECORDING OF THE COUNCIL’S E-COMMUNICATION SYSTEMS

5.1 Authorised Council officers or staff of the Council’s ICT providers may at any time monitor the use of the Council’s e-communications systems.

5.2 The use of all e-communications systems particularly e-mail and the Internet is subject to recording in order to detect and deal with abuse of the systems, fault detection and so on. In some cases, monitoring (i.e. real-time observation etc.) of
systems may also take place where this is necessary. The Council will not, without reasonable cause, examine any private material that is discovered.

5.3 Personal data should not be stored on the network and you should not expect 'privacy' in relation to accessing websites, personal e-mail correspondence, personal documents stored on SCC computers or networks or messages sent via the Internet, as these, in principle, are subject to the same checking procedures applied to business related access and e-mail correspondence.

6.0 E-COMMUNICATIONS AND THE LAW

6.1 As well as being bound by the requirements of this policy, you are bound by restrictions under the law. Listed below are the key current legislative regulations that relate to electronic communications.

- Data Protection Act 1998
- Human Rights Act 1998
- Regulation of Investigatory Powers Act (RIPA)
- Section 160 Criminal Justice Act 1988
- Computer Misuse Act 1990

7.0 COMMUNICATION OF THE POLICY

7.1 This policy will be published on the Intranet and all current e-communication system users will be directed to it via a web-link.

7.2 Managers will be responsible for ensuring that current staff and any new staff are aware of and understand this policy. They should therefore discuss the policy with teams during team brief and with new starters during induction.

7.3 New starters will be asked to sign to confirm that they have read and understood the Council’s E-Communications Policy.

7.4 Particular emphasis will be placed on ensuring that all e-communication users are aware of:

- What e-communication systems may/may not be used for;
- What is considered to be misuse or abuse;
- What constitutes offensive or inappropriate material as set out at paragraph 4.4;
- The type of action that is likely to bring the Council into disrepute;
- Individuals’ responsibilities relating to the use of their own user login and password.
7.5 Temporary staff, including those on temporary contracts, agency workers, unpaid workers or volunteers and consultants who use the Council’s e-communications systems will be asked to confirm that they have read and understood the Council’s E-Communications Policy before their IT account is activated.

7.6 The policy will be reviewed regularly.

8.0 GOOD PRACTICE GUIDANCE

8.1 Internet
The Internet is a source of a great deal of useful information however it also contains material that is offensive and/or illegal. The Council’s system has a ‘Firewall’ and other systems that help to protect against viruses and hackers, as well as software which blocks access to inappropriate websites. The content of the Internet changes rapidly so the software will not detect all inappropriate sites.

**Do**
- limit personal use of the Internet to reasonable levels and own time
- take advice from the Help Desk before downloading large files or sending large amounts of data via a web-link – to avoid adverse impact on the performance of the Council’s systems these transactions can be scheduled for off-peak times
- represent yourself honestly and accurately, including your role in the Council when using the Internet to participate in newsgroups or chat forums where this is appropriate
- disconnect immediately and inform your manager if you accidentally access inappropriate material including unexpected ‘pop-ups’

**Don’t**
- access or download material which is offensive, sexually explicit, discriminatory or illegal
- use the Internet for personal use during core work time even if minimised on the screen
- use the Council’s systems to participate in on-line gambling or on-line auctions
- download music or video files
- use ‘peer to peer’ or other file sharing services except where authorised to do so
- use web based e-mail services such as Hotmail for City Council business purposes

8.2 E-Mail
Take care when using e-mail to ensure that the language and tone cannot be misinterpreted and that the content is appropriate and accurate.

Wherever possible, take steps to reduce the risk of introducing virus infection via e-mail by permanently deleting without opening any of the following:

- Messages or e-mail attachments from unknown sources;
- Unsolicited e-mails;
- E-mails without a subject heading or with a subject heading which looks suspicious.

Concerns that a virus may have entered the Council’s systems should be reported to the **Help Desk, Tel: 0114 2734476.**
**Do**

- **✓** limit personal use of e-mail to reasonable levels and your own time
- **✓** ensure that your messages are relevant and appropriate to targeted recipients – do not use ‘blanket’ or ‘all-user’ e-mails
- **✓** delete messages that are no longer needed as soon as possible
- **✓** save important e-mails e.g. as text documents in Word
- **✓** try to answer e-mails quickly, politely and professionally
- **✓** beware of ‘e-mail rage’ - e-mail is quick and easy to use and can encourage ill-considered and even offensive messages
- **✓** include a subject heading in every e-mail so that the person receiving it knows what it is about
- **✓** type e-mails carefully making sure that grammar and spelling are correct - an e-mail is just like a letter and you can expect it to have the same effect
- **✓** remember that e-mails have the same legal status as letters and need wording with care
- **✓** include a disclaimer on all non work related e-mails that 'this e-mail represents the personal view of the sender and is not sent on behalf of Sheffield City Council
- **✓** use plain text e-mail messages - this means smaller electronic message sizes and reduces some virus risks
- **✓** comply with the Council’s Customer Service Standards
- **✓** inform management immediately if you receive or see any offensive or sexually explicit material on the intranet or in e-mail messages at work.

**Don’t**

- **✗** use e-mail to circulate material which is offensive, illegal, discriminatory or sexually explicit
- **✗** use e-mail as a substitute for good verbal communication
- **✗** send e-mails to large numbers of people (i.e. 20 or more) during core hours unless it is essential
- **✗** send large files (over 1 megabyte) by external e-mail - if you need to send large files by internal e-mail do so out of working hours
- **✗** use words in CAPITAL letters; this can be seen as ‘shouting’ in e-mail
- **✗** send personal information or confidential or sensitive material using external e-mail – it may be accessed unlawfully. This may include bulk forwarding of e-mails to your own external account.
- **✗** originate or participate in e-mail chain letters or messages including seasonal greetings etc.
- **✗** use the Council’s e-mail system to distribute material of a party political nature.
Managing Attendance and Capability at Work Policy

Policies adopted by the Governing Body for managing capability and sickness absence will apply to employees in schools. Model policies ‘Capability Procedure for Support Staff in Schools’ and the ‘Procedure for the Management of Sickness Absence for Teachers and Support Staff in Schools are available on Schoolpoint

1.0 POLICY

1.1 Sheffield City Council aims to continuously improve the standards of service that it provides to the citizens of Sheffield.

1.2 It is the responsibility of managers/supervisors to set the standards for performance. The contribution of all employees in achieving high standards of work and attending work regularly are key factors in achieving the above aim.

1.3 Sheffield City Council has an obligation to consider the effects of absence and poor performance on the quality and provision of services and on other employees.

1.4 Sheffield City Council recognises that employee performance and attendance may be influenced by a number of factors. The authority will offer reasonable assistance to its employees to resolve issues of poor performance and attendance. A range of appropriate options and outcomes may result from this.

1.5 It is also recognised that legitimate absence may occur from time to time.

1.6 It may not be reasonable or feasible, however, to sustain employment in all circumstances. Consequently, frequent or long term absence or ill health and/or unsatisfactory work performance may, after due consideration, lead to termination of employment.

2.0 PRINCIPLES

2.1 Sheffield City Council as a single employer will deal with employees in a fair and consistent way, taking account of service needs, individual and group needs.

2.2 Managers have the right to meet the employees where they have concerns about attendance/ performance. Similarly, employees have the right to raise with their Manager concerns and problems that they believe may affect their performance and attendance.

2.3 Managers will consider the full range of options available in determining appropriate outcomes. The needs of the Service will be a vital consideration in this process.
2.4 Managers have the right to expect employees to attend a medical and/or interview with the Occupational Health Service or other agencies (e.g. Occupational Health Physician) so that information can be gained to help manage issues of health, capability or performance.

2.5 Sheffield City Council accepts the legitimate role of Trade Union Representatives to represent their members within this procedure.

2.6 Sickness reporting and recording procedures will be followed by all employees. Failure to do so could result in disciplinary action and/or non-payment of sick pay.

2.7 Sheffield City Council will comply with relevant statutory requirements including the Disability Discrimination Act 1995, Access to Medical Reports Act 1988, Safety, Health & Welfare Legislation.

2.8 The City Council will seek to ensure that poor performance/sickness absence is not caused by failure to properly manage health and safety risks as required by legislation and the Council’s Safety Health & Welfare Policy. Guidance for managers and employees on the prevention of ill-health will also be available.

2.9 Confidentiality of information will be maintained in relation to personal details and circumstances. Information to be shared with colleagues and others will be agreed with the employee concerned.

2.10 The City Council will adhere to its internal policies and procedures.

2.11 The City Council may review its Policy and Procedure on Managing Attendance and Capability at Work and associated documents on an annual basis.

3.0 ROLES AND EXPECTATIONS

3.1 Managers

3.1.1 Managers are expected to communicate regularly with their staff. In the normal course of their management/supervision of staff they will be expected to identify where a problem exists or may arise which impacts on an employee’s performance or attendance. They should take responsibility for managing and providing support in order to resolve the matter in the appropriate way.

3.1.2 Managers will meet individual members of staff seeking to discuss issues that they feel may affect their performance and/or attendance at work.
3.2 Employees

3.2.1 Employees are expected to contribute to meeting the service objectives of the Service and Council both in terms of attendance and performance.

3.2.2 Employees are encouraged to communicate with their manager about difficulties and problems so that efforts to resolve these can be made.

3.2.3 Employees are encouraged to co-operate fully in resolving difficulties by taking advantage of support offered, referral to other agencies, etc.

3.3 Occupational Health Service

The Occupational Health Service will provide guidance to managers based on competent medical advice to assist them to make informed decisions and take appropriate action where attendance and performance problems are affected by health issues.

3.4 HR/OD Service

3.4.1 The role of HR/OD staff is to provide appropriate sound advice, guidance and support to assist managers and employees in managing issues of incapability and attendance.

3.4.2 HR/OD advice will be based on good practice, which takes account of service delivery, the contractual rights of employees and the City Council’s legal obligations.

4.0 ABSENCE MANAGEMENT - CORPORATE STANDARDS

4.1 Corporate Objective

The City Council’s long-term objective is to achieve an appropriate and sustained reduction in absence levels in all service areas. This will be achieved by the following standards.

4.2 Standards - Directorate Action

4.2.1 MAINTAINING AND SETTING TARGETS

Directorates will be required to collect data on absence levels and set and monitor appropriate targets on an annual basis to help achieve the corporate objective.

4.2.2 RECRUITMENT

Directorates should ensure that guidance is provided to potential employees at the point of recruitment where health challenges
exist in jobs so that candidates can make an informed choice about applying and raise issues about reasonable adjustments that are required.

Directorates will seek factual information about candidates’ previous attendance and time keeping. Where cause for concern is identified enquiries will be made as to the reasons for poor attendance, and decisions about appointment made in the light of such information.

Directorates will arrange for the completion of Health Declarations before employment commences. Screening and health assessment will also be carried out where appropriate. This information will be in strict confidence and only made available to Occupational Health Nurses.

Directorates will provide information to employees at induction stage about attendance standards and reporting procedures/arrangements.

4.2.3 MANAGEMENT SYSTEMS

Directorates will ensure they apply the corporate managing attendance at work systems for managing absence which include:

♦ Trigger points for management action to take place
♦ Monitoring and recording arrangements
♦ Sickness reporting requirements
♦ Line Supervisors’ responsibilities for:
  ◊ Monitoring and controlling absence on a day to day basis
  ◊ Establishing the reasons for all absences personally with the employee within two days of return to work and appropriate recording of information.

♦ Line Managers’ responsibilities for:
  ◊ Entering into the Managing Attendance and Capability at Work procedure where a trigger point has been reached
  ◊ Managing the process thereafter to resolve the issue and monitor.
4.2.4 TRIGGER POINTS

The following trigger points will lead to a Manager taking up the matter in the Managing Attendance and Capability at Work procedure unless the Manager can identify particular reasons why it is not appropriate to do so.

(a) A mixture or pattern of absences that give cause for concern.

(b) Short Term Absence (1 to 3 day, self-certified, medically certified absence up to 4 weeks) Following the third period of absence in previous 3 months and/or any 4 absences in previous 12 months

(c) Long Term Absence Following 6 weeks absence or where it is apparent that absence will extend beyond this period

The above trigger points will form the corporate measure for intervention by a Manager.

It is not compulsory to refer to Occupational Health on reaching a trigger point. Referral to Occupational Health should be made after advice from HR and an initial discussion with the member of staff. Guidance attached to the Managing Attendance and Capability at Work Procedure will assist in the management of cases.
Disciplinary Procedure

The disciplinary procedure adopted by the Governing Body will apply to employees in schools. A model 'Disciplinary Procedure for Teaching and Support Staff in Schools is available on Schoolpoint.

This procedure will be used by Managers as a means of confirming to an employee that particular behaviour or conduct is not acceptable and cannot be dealt with informally.

1 PRINCIPLES

1.1 Sheffield City Council will seek to maintain constructive relationships with all employees.

1.2 Where a Manager identifies that an employee has allegedly fallen short of the standards of conduct expected by the City Council he/she will deal with the matter informally where appropriate. The formal procedure will be used however, to guide an employee towards achieving/maintaining acceptable standards/encourage improvement where a Manager considers it is not appropriate to manage the case informally. It will not be used solely as a means of applying a sanction.

1.3 Managers will ensure that employees are made aware of the standards of conduct expected of them. The City Council's Code of Conduct sets out the standards expected of employees. It is illustrative rather than exhaustive.

1.4 Except in cases of Gross Misconduct no one will be dismissed for a first breach of discipline. However, certain misconduct will be regarded as so serious as to give rise to the possibility of dismissal from all employment with the City Council without notice, depending on the circumstances.

1.5 Managers will be responsible for applying this procedure in a fair and equitable way with advice from Directorate OD/HR staff.

1.6 All parties will ensure that investigation and hearing processes progress as quickly as is reasonably possible for the benefit of the employee and the organisation.

1.7 An employee will have the right of appeal to an Authorised Manager following any level of formal disciplinary warning and to the Corporate Appeal Panel following dismissal.

1.8 Employees will have the right of representation at all meetings with a manager under the Disciplinary procedure.

1.9 OD/HR staff will provide appropriate sound advice, guidance and support to assist managers in the management of disciplinary processes.
2 SCOPE OF THE PROCEDURE

2.1 The procedure will apply equally to all employees except those based in delegated schools to whom a separate procedure will apply. A separate provision is in place in respect of the Chief Executive.

2.2 This procedure will not be used for cases which should be dealt with under the procedure for Managing Attendance and Capability at Work.

3 APPLICATION

3.1 Managers authorised to issue disciplinary warnings, suspend or dismiss will be determined by Directors in consultation with the Assistant Chief Executive, Organisation Development and Communications and this information will be shared with Corporate Trade Unions.

3.2 The formal procedure is described in levels of increasing seriousness to avoid ambiguity about the employee's position.

3.3 A disciplinary hearing may be called at one of the following levels according to the circumstances of the case;

   Level 1: Recorded verbal warning
   Level 2: Written warning
   Level 3: Final written warning
   Level 4: Potential dismissal or summary dismissal

The manager investigating the case and arranging the hearing will consider the seriousness of the case when identifying the level at which the hearing is to be held: he/she will consider all the circumstances of the case and current formal warnings on the employee file when determining this. If suspension is to be considered the manager investigating the case will seek approval to suspend from the appropriate Authorised Manager.

3.4 If a warning is to be issued the following details will be confirmed in writing within 3 working days of the hearing and recorded on the employee's personal file.

   (a) The level of warning being issued under the formal disciplinary procedure.

   (b) The nature of the misconduct, and the improvement or standard expected, timescale and where appropriate any support to be offered to achieve this.

   (c) The result of a failure to meet the required standard including the potential for further disciplinary warnings.
(d) The period during which the warning will stay live (see paragraph 8 below).

(e) Appeal rights (see paragraph 7 below) with time limits.

(f) In the case of a level 3 (final) warning a statement confirming that further misconduct could lead to dismissal depending upon the circumstances of the case.

3.5 The outcome of a Disciplinary Hearing (i.e. warning or dismissal) will not be issued at a higher level than the level at which the hearing is called. However, if new evidence comes to light which the Authorised Manager believes substantially changes the nature of the complaint against the employee, a new hearing will be set up at the appropriate level.

3.6 At level 1 of the procedure the Manager having identified and investigated the misconduct will determine the outcome of the disciplinary hearing. At level 2/3/4 the Manager will present the evidence at the hearing to an Authorised Manager who will determine the outcome.

4 REPRESENTATION

4.1 An employee will be advised of their right to be accompanied by a representative of their choice at all stages of the process. This will be a Trade Union Representative or other person employed by the City Council. If in particular circumstances these arrangements are not appropriate, the employee may request that alternative representation be allowed. Disciplinary processes will not, however, be unreasonably delayed to accommodate representation.

4.2 A full-time or branch official of the appropriate Trade Union will be notified in advance of the commencement of any disciplinary processes (i.e. initial interview) in respect of a shop steward or any other employee claiming that his/her action is to be regarded as a Trade Union duty. However, the disciplinary process will not be unreasonably delayed to accommodate discussions of the circumstances.

5 DISCIPLINARY HEARINGS

Level 1 - Recorded Verbal Warning

5.1 Where alleged misconduct is identified, the Manager will investigate the circumstances which will include making the employee aware of the allegation(s) against him/her. Where the Manager believes the misconduct warrants consideration of formal disciplinary action at Level 1, the employee will be informed of details of the specific allegations against him/her and invited to a Disciplinary Hearing at Level 1.

5.2 At the hearing the Manager will set out the allegations against the employee and the evidence upon which this is based. The employee will be given the
opportunity to respond and set out any evidence in support of his/her position.

5.3 Following an adjournment to give full consideration to the evidence presented, the Manager will reconvene the meeting to give his/her decision. The outcome could be a disciplinary warning at Level I or no formal action to be taken.

5.4 The employee will be informed of the decision at the meeting and where a warning is to be issued this will be confirmed in accordance with the requirements of paragraph 3.4.

Levels 2 & 3 - Written or Final Written Warning

5.5 Where alleged misconduct is identified the Manager will investigate the circumstances which will include making the employee aware of the allegations against him/her. Where the Manager believes that the misconduct warrants consideration of formal disciplinary action at Levels 2 or 3, the employee will be invited in writing to a Disciplinary Hearing. The letter will specify the level of the hearing and details of the specific allegations against the employee.

5.6 The Manager will share with the employee and Authorised Manager 10 working days in advance of the hearing, a brief written statement focusing on the main points of his/her case along with any documentary evidence to be presented in the hearing.

Similarly the employee (and representative) will share with the Manager and Authorised Manager 5 working days in advance of the hearing, a brief written statement focusing on the main parts of his/her case and any documentary evidence to be presented at the hearing.

5.7 At the hearing the Manager will set out the allegations against the employee and the evidence upon which this is based. The employee will be given the opportunity to respond and set out any evidence in support of his/her position.

5.8 Following an adjournment to give full consideration to the evidence presented, the Authorised Manager chairing the meeting will reconvene the meeting to give his/her decision. The outcome could be a disciplinary warning up to the level of the hearing or no formal action to be taken.

5.9 The employee will be informed of the decision at the meeting and where a warning is to be issued this will be confirmed in accordance with the requirements of paragraph 3.4.
5.9 An employee may be dismissed by an Authorised Manager at a level 4 hearing in the event of continued failure to meet the required standards of conduct identified by earlier warning(s) and/or further misconduct.

5.10 An employee may also be dismissed for gross misconduct where a first offence is so serious as to warrant summary dismissal.

5.11 Where alleged misconduct is identified, the Manager will investigate the circumstances which will include making the employee aware of the allegations against him/her. Where a manager believes that an employee's misconduct warrants formal disciplinary action at Level 4, the employee will be invited in writing to a Disciplinary Hearing. The letter will specify the level of the hearing, details of the specific allegations and advise him/her that dismissal or summary dismissal (as appropriate) will be considered.

The Manager will share with the employee and Authorised Manager 10 working days in advance of the hearing, a written management case detailing the nature of the allegation(s) against the employee along with any documentary evidence to be presented in the hearing.

Similarly the employee (or representative) will share with the Manager and Authorised Manager 5 working days in advance of the hearing a written case along with any documentary evidence to be presented in the hearing.

5.12 At the hearing the Manager will set out the allegations and the evidence upon which this is based. The employee will be given the opportunity to respond and set out any evidence in support of his/her position.

5.13 Following an adjournment to give full consideration of the evidence presented, the Authorised Manager will give his/her decision. The outcome could be dismissal (summary or with notice) a disciplinary warning at Levels 1, 2 or 3 or no formal action. Where a warning is to be issued this will be confirmed in accordance with the requirements of paragraph 3.4.

Where the employee is to be dismissed, he/she will normally be dismissed from all employment with the City Council unless this is not justified by the circumstances of the case. Dismissal will be confirmed within 3 working days and the letter will confirm:

(a) The reason(s) for dismissal

(b) Appeal rights internally and externally to Employment Tribunal, along with time limits for each.

All dismissal letters will be delivered by hand and signed for by the employee or will be sent to the employee's home address by recorded delivery as appropriate. A Recorded Delivery letter will be deemed to have been received.
6 SUSPENSION

6.1 An employee may be suspended from all employment with the City Council on regular earnings (as per holiday pay) where alleged misconduct is so serious that the employee could face the possibility of summary dismissal. In other circumstances (see par 6.b), c) below) the employee may be suspended from the relevant employment only if this is justified by the circumstances of the case.

6.2 Suspension is not a disciplinary sanction and shall be used only in exceptional circumstances where:

(a) Alleged behaviour is so serious and is of such a nature that an individual will face the possibility of summary dismissal and/or

(b) It would be dangerous/impractical to continue to allow the individual to remain at work, and/or

(c) There is a danger that the individual's continuing presence at work would jeopardise investigations into the alleged misconduct(s).

6.3 Prior to suspension the employee will be given the opportunity of being informed in person of the possibility of suspension and an opportunity to make an initial response before the decision is made. The meeting however, will not be a hearing of the case. The decision to suspend and the reasons for this will be confirmed in writing. If the employee is unwilling or unable to attend for whatever reason, he/she will be informed by letter of the decision to suspend and the reasons for this.

6.4 A period of suspension should not normally exceed 10 working days. Where an extension is required the Manager will seek to agree this with the employee's representative. Where agreement is not reached the Manager will seek advice from the relevant OD/HR advisor. The reasons for and period of extension will be confirmed in writing to the employee (and representative).

6.5 In exceptional circumstances, for example service provision to vulnerable people, the above provisions may be superseded by Directorate procedures which have been subject to agreement with the Assistant Chief Executive, Organisation Development and Communications. Advice should be sought from OD/HR

7 APPEAL RIGHTS

7.1 Appeal Against A Recorded Verbal Warning

The employee's right of appeal against a recorded verbal warning will be to an Authorised Manager.

The employee must write to the appropriate Manager within 5 working days of receiving a recorded warning requesting an appeal hearing. The letter must
specify the reasons for an appeal. The Manager will offer to hear the appeal within 10 working days of receiving the request. The decision will be final and will be confirmed in writing to the employee within 5 working days of the appeal hearing.

7.2 Appeal Against First Written Warning Or A Final Warning

An employee may appeal against a first written or final warning to an Authorised Manager. The employee must write to the appropriate Authorised Manager within 5 working days of receiving a written or final warning requesting an appeal hearing. The letter must specify the reasons for appeal. The Manager will offer to hear the appeal within 10 working days of receiving the request. The decision will be final and will be confirmed to the employee within 5 working days of the appeal hearing.

7.3 Appeal Against Dismissal

An employee may appeal against dismissal by writing to the Assistant Chief Executive, Organisation Development and Communications requesting a rehearing before the Council's Appeal Panel. The letter must specify the reasons for appeal. This request must be made within 10 working days of receipt of the Dismissal Notice. Assistant Chief Executive, Organisation Development and Communications will seek to arrange an Appeal Panel within 20 working days of receiving such a request.

The conduct of appeal hearings is appended to this document.

8 WITHDRAWAL OF RECORDS

8.1 A warning will remain live on an employee's personal file for the following periods from the date of confirmation of the warning, unless the employee has been notified of a further or other alleged misconduct which may be dealt with under this procedure.

Level 1 - Recorded verbal warning - 6 months
Level 2 - First written warning - 12 months
Level 3 - Final written warning - 18 months

8.2 When a warning is spent, the employee will be notified and all written reference to the case will be removed from the personal file. The employee will have access to his/her file.

8.3 The provisions in respect of withdrawal of records will not apply however to holders of posts covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Specific Guidance is appended.
PROCEDURE FOR CONDUCT OF
LEVEL 1 DISCIPLINARY HEARING

This procedure will be used where the manager investigating the circumstances believes that the misconduct warrants consideration of formal disciplinary action at level 1.

1 INTRODUCTION

1.1 The Manager will make the employee aware of details of the specific allegations against the employee in advance of the hearing.

1.2 The Manager will determine the conduct of the meeting in line with this procedure.

1.3 The employee has the right to be accompanied by a representative of their choice. This will be a Trades Union representative or other person employed by the City Council. If in particular circumstances these arrangements are not appropriate the employee may request that alternative representation be allowed.

2 THE PROCESS

2.1 The Manager will be advised by a HR/OD Advisor. Where this is not practicable a Supervisor or other Manager may be present as an observer. The other party will be the employee (and chosen representative).

2.2 A witness (or witnesses) may be called by either side where they have a relevant contribution to make to consideration of the case.

3 CONDUCT OF THE MEETING

3.1 The Manager will set out the allegation(s) against the employee and the evidence upon which this is based.

3.2 If a witness is to be used he/she will be called by the Manager at the appropriate time to give evidence. He/she may be questioned by those present and will then withdraw.

3.3 The employee will have the opportunity of asking questions of the Manager, making a response and setting out any evidence in support of his/her position.

3.4 If a witness is to be used he/she will be called by the employee (or representative) at the appropriate time to give evidence. He/she may be questioned by those present and will then withdraw.

3.5 The Manager will have the opportunity of asking other questions of the employee.
3.6 The employee will have the opportunity of summing up his/her case and will then withdraw while the Manager considers the matter.

3.7 The employee will be called back into the meeting to hear the decision which will be confirmed in writing within 3 days of the hearing.

4. DECISION MAKING

4.1 The Authorised Manager will deliberate in private with the Advisor (if present). His/her decision will be based on consideration of the relevant evidence and information presented and will be reasonable given all the circumstances of the case. The Manager may decide to issue a warning up to the level at which the hearing has been called or take no formal action.
PROCEDURE FOR CONDUCT OF LEVEL 2, 3 & 4 DISCIPLINARY HEARINGS

This procedure applies to hearings at Levels 2, 3 and 4 within the Disciplinary Procedure.

1 INTRODUCTION

1.1 In principle a disciplinary case will be heard by an Authorised Manager at a higher level than the manager investigating the circumstances of the case.

1.2 The Authorised Manager will be responsible for determining the conduct of the hearing with advice from the HR/OD Adviser.

1.3 Evidence and/or a statement of the case will have been provided in advance of the hearing to the Authorised Manager and employee in accordance with the requirements of the disciplinary procedure.

1.4 In the event of substantial new evidence being submitted by either side the Authorised Manager will consider requests for an adjournment.

1.5 The employee has the right to be accompanied by a representative of their choice. This will be a Trade Union representative or other person employed by the City Council. If in particular circumstances these arrangements are not appropriate the employee may request that alternative representation be allowed.

2 THE PROCESS

2.1 The Authorised Manager chairing the meeting will be advised by a HR/OD Advisor. Other parties will be the employee (and chosen representative) and the relevant Manager.

2.2 A witness (or witnesses) may be called by either side where they have a relevant contribution to make to consideration of the case.

3 CONDUCT OF THE MEETING

3.1 The Manager bringing the case will set out the allegation(s) against the employee and the evidence upon which this is based.

3.2 If a witness is to be used he/she will be called by the Manager at the appropriate time to give evidence. He/she may be questioned by those present and will then withdraw.

3.3 The employee (or representative) will have the opportunity of asking other questions of the Manager followed by the Authorised Manager/Advisor.
3.4 The employee (or representative) will respond and set out any evidence in support of his/her position.

3.5 If a witness is to be used he/she will be called by the employee (or representative) at the appropriate time to give evidence. He/she may be questioned by those present and will then withdraw.

3.6 The Manager will have the opportunity of asking other questions of the employee followed by the Authorised Manager/Advisor.

3.7 The parties will have the opportunity of summing up: the Manager first, followed by the employee (or representative). The parties will then withdraw while the Authorised Manager considers the information presented.

3.8 The parties will be called back into the meeting to hear the decision which will be confirmed in writing to the parties within 3 days of the hearing.

4 DECISION MAKING

4.1 The Authorised Manager will deliberate in private with the Advisor. His/her decision will be based on consideration of the relevant evidence and information presented and will be reasonable given all the circumstances of the case. The Authorised Manager may decide to issue a warning up to the level at which the hearing has been called or take no formal action.

4.2 If points of uncertainty are identified during the Authorised Manager's deliberation or clarification is required from the parties, both sides will be recalled.
PROCEDURE FOR APPEAL AGAINST DISCIPLINARY WARNING (DISCIPLINARY PROCEDURE)

1 INTRODUCTION

1.1 An employee will be entitled to appeal against a warning issued under the Disciplinary Procedure. The appeal will be to an Authorised Manager at a higher level than the Manager issuing the warning.

1.2 The employee should write to the Authorised Manager identified in the warning letter or notification within 5 days of its receipt identifying the reasons for the appeal. The Manager will offer to hear the appeal within 10 days of receipt of the appeal request.

1.3 The purpose of the appeal hearing will be for the Authorised Manager to consider grounds upon which the employee is dissatisfied with the issuing of a warning under the Disciplinary Procedure.

2 THE PARTIES

2.1 The Authorised Manager chairing the meeting will be advised by a Personnel Advisor. The other parties will be the employee (and chosen representative) and the relevant Manager.

2.2 A witness or witnesses may be called by either side where they have a relevant contribution to make to the consideration of the case.

3 CONDUCT OF THE MEETING

3.1 The employee (or representative) will outline his/her case indicating in detail the reason for the appeal.

3.2 If a witness is to be used he/she will be called by the employee's side at the appropriate time to give evidence. He/she may be questioned by those present and will then withdraw.

3.3 The Manager will have the opportunity of asking other questions of the employee followed by the Authorised Manager/HR/OD Advisor.

3.4 The Manager will respond stating his/her case and presenting appropriate evidence.

3.5 If a witness is to be used he/she will be called by the Manager at the appropriate time to give evidence. He/she may be questioned also by those present and will then withdraw.

3.6 The employee (or representative) will have the opportunity of asking other questions of the Manager followed by the Authorised Manager/Advisor.
3.7 The parties will have the opportunity of summing up: the Manager first, followed by the employee (or representative) and the parties will then withdraw while the Authorised Manager considers the information presented.

3.8 The parties will be called back into the meeting to hear the decision which will be confirmed in writing to the parties within 3 days of the meeting.

4 DECISION MAKING

4.1 The Authorised Manager will deliberate in private with the advisor. His/her decision will be based on consideration of the relevant evidence and information presented and will be reasonable given all the circumstances of the case.

4.2 There could be a range of outcomes including confirming the manager's action, reduction in the level of warning issued or its cancellation.

4.3 If points of uncertainty are identified during the Authorised Manager's deliberations or clarification is required from the parties, both sides will be recalled.
PROCEDURE FOR APPEAL AGAINST DISMISSAL
(DISCIPLINARY PROCEDURE)

1 INTRODUCTION

1.1 An employee will be entitled to appeal against dismissal on the grounds of conduct or incapability to the City Council's Appeal Panel.

1.2 The employee should write to the Assistant Chief Executive, Organisation Development and Communications within 10 days of receipt of the dismissal letter.

1.3 The Appeal will be a re-hearing. In addition to the evidence presented at a Level 4 Disciplinary Hearing or a Stage 3 Incapability Hearing, new evidence may be considered where this was not known or available at the time of that hearing. Both sides will provide a statement of case to be circulated to the parties 5 working days before the date of the appeal hearing.

1.4 The purpose of the appeal hearing will be for the Panel to consider whether the Dismissal decision was fair and reasonable in all the circumstances of the case.

2. THE PARTIES

2.1 The Appeal Panel is the final decision making body in relation to appeals against dismissal and as such will be subject to political balance.

2.2 The panel will consist of three elected members and will be advised by the Assistant Chief Executive, Organisation Development and Communications. The other parties will be the employee (and chosen representative) and the Manager making the dismissal decision.

2.3 A witness or witnesses may be called by either side where they have a relevant contribution to make to the consideration of the case.

3 CONDUCT OF THE MEETING

3.1 The Manager issuing the Dismissal Notice will present the case.

3.2 If a witness is to be used he/she will be called by the Manager to give evidence at the appropriate time. He/she may be questioned by those present and will then withdraw.

3.3 The employee (or representative) will have the opportunity of asking other questions of the Management side followed by the Panel/Advisor.

3.4 The employee (or representative) will respond stating his/her case.
3.5 If a witness (or witnesses) is to be used he/she will be called by the employee (or representative) to give evidence at the appropriate time. He/she may be questioned by those present and will then withdraw.

3.6 The Manager will have the opportunity of asking other questions of the employee side followed by the Panel/Advisor.

3.7 The parties will have the opportunity of summing up: the Manager first, followed by the employee (or representative) and the parties will then withdraw while the Panel considers the information presented.

3.8 The parties will be called back into the meeting to hear the decision which will be confirmed in writing to the parties within 5 days of the meeting. External appeal rights will also be confirmed.

4 DECISION MAKING

4.1 The Panel will deliberate in private with the Adviser. The Panel's decision will be based on the relevant evidence and information presented and will determine whether the Dismissal Decision is reasonable given all the circumstances of the case.

If points of uncertainty are identified during the Panel's deliberations or clarification is required from the parties, both sides will be recalled.
Appendix 22

Individual Grievance Procedure

The individual Grievance Procedure adopted by the Governing Body will apply to employees in schools. A model ‘Procedure for Managing Individual Employee Grievances’ in Schools is available on Schoolpoint.

This procedure provides for individual employees to raise significant and specific concerns about their employment or treatment at work. It is not anticipated that is should be necessary to use the procedure for day to day issues of relationships, working arrangements etc which can be dealt with, through normal supervisory channels.

1 PRINCIPLES

1.1 The City Council expects Managers, Trade Union representatives and employees to seek to avoid the need for formal grievance processes, wherever possible by ensuring constructive and reasonable responses to the resolution of problems.

1.2 Managers will ensure clear communication lines are established to enable employees to raise their concerns and have these considered within a reasonable timescale.

1.3 Managers will ensure that grievance processes are managed within the reasonable timescales identified in the procedure.

1.4 Complaints will be dealt with as speedily as possible and at the lowest level. Managers will deal with employee complaints equitably.

1.5 An employee will have the right to be accompanied by a Trade Union Representative or other chosen representative employed by Sheffield City Council at each meeting under the procedure.

1.6 Employees will have a responsibility to ensure that issues raised through this grievance procedure are reasonable.

1.7 HR/OD staff will provide appropriate and sound advice, guidance and support to assist managers in the resolution of grievances.

2 SCOPE

2.1 This procedure is available to all employees except those based in delegated schools to whom separate procedures will apply.

2.2 Elected Member policy decisions and changes required by legislation will not be the subject of grievance processes.
2.3 This procedure will not apply to those issues of pay or conditions of employment which are the subject of National, Regional or Local Collective Agreement unless the grievance concerns alleged failure to observe the agreements.

2.4 This procedure is not to be used in cases where the grievance has arisen out of other formal procedures (e.g. Discipline, Capability, Collective Dispute, Redundancy Dismissal), where there is scope for the concern to be raised within that procedure or its appeal arrangements.

3 APPLICATION

3.1 In all circumstances a grievance will be raised at the lowest appropriate level.

3.2 There will generally be 3 opportunities to resolve the matter.

- **Preliminary Stage** - Supervisor/Line Manager Level
- **Grievance Hearing** - Authorised Manager
- **Appeal** - Director

Where a grievance arises out of actions by the Director/Head of Service the employee may have the grievance heard by another officer at that level following the procedure in paragraph 4.2 below with appeal to the appropriate Executive Director or his/her nominee as in paragraph 4.3.

In those exceptional circumstances where a grievance is lodged against an Executive Director, the grievance hearing will be heard by another Executive Director with appeal to Chief Executive as in paragraph 4.2/4.3 below.

3.3 When a formal grievance is lodged, there may be justifiable service reasons for not continuing the previous practice, agreement or arrangement. In this case the Manager, after consulting Departmental HR/OD staff will confirm such reasons in writing to the employee prior to proceeding, and these will be submitted in the grievance hearing.

Where it is practicable to continue the existing practice, agreement or arrangement, pending the outcome of the grievance, this will be subject to a maximum period of 1 month, unless extended by agreement of the parties, to allow the procedure to be exhausted.

3.4 Where the employee (or representative) is concerned that the reasonable timescales provided for in the procedure are not being achieved the employee/representative may refer the matter to the relevant Line Manager who will be responsible for ensuring that appropriate progress is made.
3.5 This procedure does not formally provide for a conciliation stage. However, where both parties consider that the grievance could usefully be progressed using a conciliation approach, assistance should be sought from the relevant HR/OD advisor in pursuing this.

4 PROCEDURE

4.1 Preliminary Stage: Supervisor/Line Manager Level
4.1.1 In the first instance an employee will discuss his/her grievance informally with his/her Supervisor/Manager who will be responsible for making every effort to respond to the employee to resolve the matter as speedily as possible.

4.2 Grievance Hearing: Authorised Manager

4.2.1 If an employee's grievance cannot be resolved informally at the Supervisor level the employee may raise a formal grievance in writing with the appropriate Authorised Manager, stating the reason for the grievance.

4.2.2 The Authorised Manager will offer to hear the grievance within 10 working days and attempt to resolve the matter whilst ensuring that at all times the needs of the service are adequately met.

4.2.3 Following an adjournment to give full consideration to the facts presented, the Manager will reconvene the meeting to give the decision which will be confirmed in writing within 3 working days.

4.2.4 If the matter is not resolved at Authorised Manager level an employee may appeal to the appropriate Head of Service. The employee should write to the Head of Service within 5 working days of the letter confirming the Authorised Manager's decision, stating the reasons for appealing the manager's decision.

4.3 Appeal: Director/Head of Service

4.3.1 The Director/Head of Service (who is to hear the appeal) will offer to hear the appeal within 10 working days and attempt to resolve the issue whilst ensuring that at all times the needs of the service are adequately met.

4.3.2 Following an adjournment to give full consideration to the facts presented, the Director/Head of Service will reconvene the meeting to give the decision which will be confirmed in writing within 3 working days.

4.3.3 The Director/Head of Service decision will be the final stage of this procedure.
PROCEDURE FOR CONDUCT OF GRIEVANCE HEARING APPEAL HEARING

1 INTRODUCTION

1.1 In the first instance an employee will discuss a grievance about his/her employment or treatment at work informally with his/her Supervisor/Manager who will be responsible for making every effort to respond to the employee to resolve the matter as speedily as possible.

1.2 Where the matter cannot be resolved informally an employee is entitled to a grievance hearing followed by an appeal hearing, if necessary, in accordance with the Grievance Procedure to air a formal grievance.

1.3 The Authorised Manager (Grievance Hearing)/Director/Head of Service (Appeal) will offer to hear the grievance within 10 working days of the request being received, and will attempt to resolve the issue whilst ensuring that at all times the service needs are adequately met.

2 THE PARTIES

2.1 The Authorised Manager/Director/Head of Service chairing the meeting will be advised by HR/OD Advisor. The other parties will be the employee (and representative) and other Officer(s)/Manager(s) as appropriate to the grievance.

2.2 A witness or witnesses may be called if they have a relevant contribution to make to the consideration of the case.

3 CONDUCT OF THE MEETING

3.1 The employee (or representative) will outline the reason for and details of the grievance.

3.2 If a witness is to be used he/she will be called by the employee's side at the appropriate time to give evidence. He/she may be questioned by those present and will then withdraw.

3.3 Where an Officer/Manager is in attendance he/she will have the opportunity of asking other questions of the employee followed by the Authorised Manager, Director/Head of Service and HR/OD Advisor.

3.4 The Officer/Manager will respond and present appropriate information/evidence.

3.5 If a witness is to be used he/she will be called by the Manager at the appropriate time to give evidence. He/she may be questioned also by those present and will then withdraw.
3.6 The employee (or representative) will have the opportunity of asking other questions followed by the Authorised Manager, Director/Head of Service and Advisor.

3.7 The parties will have the opportunity of summing up: the Officer/Manager first, followed by the employee (or representative) and the parties will then withdraw while the Authorised Manager/Director/Head of Service considers the information presented.

3.8 The parties will be called back into the meeting to hear the decision which will be confirmed in writing to the parties within 3 days of the meeting.

4 DECISION MAKING

4.1 The Authorised Manager/Director/Head of Service will deliberate in private with the Advisor. He/she will seek to resolve the matter whilst ensuring that at all times the needs of the service are adequately met.

4.2 If points of uncertainty are identified during the Authorised Manager's/Director/Head of Service's deliberations or clarification is required from the parties, both sides will be recalled.
Redeployment Procedure

Any review of staffing structures within a school should be undertaken in line with the 'Review of Staffing Structures – Guidance for schools in England' document published by the Rewards and Incentive Group.

1 INTRODUCTION

This procedure details arrangement in respect of any employee identified as eligible for redeployment as a result of City Council procedures, in particular:

♦ Managing Employee Reductions
♦ Managing Attendance and Capability at work
♦ Dignity and Respect at Work Policy

2 ELIGIBILITY AND PRIORITY

Employees are eligible if they fall into the following categories. In the event of more than one redeployee being considered for an appropriate vacancy the rank order shown will apply

CATEGORY 1
Employees in receipt of a Stage III Termination letter under the Managing Attendance and Capability at Work procedure and/or
Employees in receipt of a Notice of Dismissal by reason of redundancy under the Managing of Employee Reductions Procedure

CATEGORY 2
Employees in receipt of a Selection Notification Letter under the Managing of Employee Reductions Procedure, or a Stage II Formal Improvement/ Health Notification under the Managing Attendance and Capability At Work procedure

CATEGORY 3
Employees in receipt of a Stage 1 Formal Improvement/ Health notification under the Managing Attendance and Capability at work procedure

CATEGORY 4
As a result of a position taken by Management, and only with the specific agreement of the Assistant Chief Executive Organisational Development and Communications, employees who have been

a) involved in an investigation under the Dignity and Respect at Work Policy
b) involved in investigations under the Council’s Whistleblowing Procedure for whom returning to their workplace is deemed impossible.

3. PROCESS

In all cases Directorates retain the responsibility for their employees at all times.

3.1 A redeployment profile sheet will be completed with/on behalf of each employee who is conferred Redeployment Status.

3.2 Details of redeployment opportunities will be sent to Directorate HR/Personnel Sections on a weekly basis in order that suitable vacancies can be assessed.

3.3 When considering the redeployment options the following practice will be followed to identify potentially suitable opportunities.

- Priority based on redeployment status as identified above (i.e. in the first instance only Category 1 employees will be considered, then Category 2 employees will be considered and so on).

- Posts of the same grade or one grade below. However, employees can choose to be considered for jobs at any lower level as an alternative to dismissal after all other options have been explored. Whilst such a post would not be considered suitable alternative employment by the council, pay protection would apply on a ‘red circle’ basis at the maximum of one grade above the grade for the new post for a maximum of two years.

Where posts span more than one grade the following criteria apply:

- An employee on a career grade with no bar – e.g. SUG3/7 can be considered for other posts on the same career grade (i.e. SUG3/7).

- An employee on a career grade with bar(s) – e.g. SUG1/2:3 can be considered for other posts on the same grade (i.e. SUG1/2:3).

- In both instances such employees can only be considered for posts on single grades on the same grade or one grade below the one on which they are currently being paid.

- e.g. on SUG3/7 being paid within SUG5, can only be considered for posts on SUG5, SUG4/5 or SUG4

- e.g. on SUG1/2:3 being paid within SUG2, can only be considered for SUG2, SUG1/2 OR SUG1.

- Posts on the same/or similar number of hours where there is no significant gain.
♦ Posts where the skills and experience of the employee appear to match the person specification of the job in question.

3.4 Jobs where suitable matches are found will be frozen for one month in order to allow the redeployment matching process to be followed. Employees identified in the matching process will have one week in which to submit their application.

3.5 Shortlisting will then take place with a view to evaluating redeployees’ potential to do the job by comparing the application form with the person specification and shortlisted applicants will be invited for interview.

3.6 Interviews will be conducted with a view to assessing the candidate’s potential to do the job judged against the person specification. Training needs will be identified, and consideration given to the reasonableness of meeting those needs. Where redeployment status exists because of health reasons particular care should be taken to ensure that information provided for managers is handled sensitively. Where appropriate an offer will be made to the most suitable candidate.

3.7 In cases of disability reasonable adjustments will be made to assist disabled employees to gain redeployment providing the minimum essential requirements of the person specification are met.

4 TRIAL PERIOD

4.1 Where alternative employment is identified, the employee is entitled to an eight week trial period to assess the suitability. This trial period includes any statutory period under the Redundancy Provisions. Confirmation of the terms and conditions of the post and arrangements for the trial will be in writing. Any redundancy payment will not be made pending outcome of the trial period.

4.2 The trial period can be extended beyond eight weeks to take account of reasonable re-training needs or to take account of significant periods of absence through sickness or holidays.

4.3 If both parties accept the post as suitable at the end of the trial period the Council will require the employee to agree to the mutual withdrawal of the Notice of Dismissal. In these circumstances no dismissal will have taken place and there will be no entitlement to any redundancy payment.

4.4 If at the end of the trial period it is determined that the post is not suitable redeployment opportunities will continue to be sought unless the notice period has expired.

4.5 It is accepted that an employee may determine the suitability of alternative employment offered however, should an employee refuse what the Authority considers to be an offer of suitable alternative employment and is ultimately
dismissed by reason of redundancy, there may not be an entitlement to a redundancy payment.

5. PAY

5.1 Paragraph 3.3 identifies what constitutes suitable opportunities based on grades.

5.2 In the case of posts spanning more than one grade it is the actual grade the employee is paid that is effective – e.g. an employee whose substantive SUG6/7 being paid on a spinal column point within SUG6 can apply for jobs at SUG6/7, SUG6 or SUG5. An employee being paid on spinal column within SUG7 can apply for jobs at SUG7, SUG6/7 or SUG6 only.

5.3 The pay protection arrangements identified in paragraphs 5.4, 5.5 and 5.6 below are dependant upon the need to ensure the viability and sustainability of services particularly in the context of competitive service contracts. Where there is concern about the impact of these protection arrangements on, for example, Direct Service Contracts, this will be the subject of consultation with the appropriate Trade Union(s).

5.4 If a redeployee is successful in obtaining a post which would result in a reduction in his/her basic wage/salary he/she shall have the basic wage/salary protected (red-circled) to a maximum of one grade above the grade for his/her new post for a maximum period of two years from confirmation of redeployment. During this period the employee will not receive the benefit of any wage/salary increase unless and until the basic wage/salary is at the level applicable to the new post. Where an employee applies for a post in excess of one grade lower than their substantive post, this would not be considered suitable alternative employment, however, pay protection would apply on a ‘red circle’ basis at a maximum of one grade above the grade for the new post for a maximum period of two years (See 3.3 and 6)

5.5 In furtherance of the City Council’s Policy on equality of treatment for all groups of employees, where the level of pay to be protected is not adequately addressed by the previous paragraph, consultations will take place at local level to determine the appropriate level at which pay will be red-circled. Whilst it is not possible to be prescriptive about the outcome of these discussions, casual overtime pay will not be included in consideration of the level of pay to be red-circled.

5.6 Where an employee’s protected pay by reference to paragraph 5.4 or 5.5 above is equivalent or less than the hourly rate for SCP13 he/she will have his/her pay red-circled for a maximum period of 4 years from the date of confirmation of redeployment.
5.7 The exporting department/service will bear all costs associated with the trial period. The importing department/service will bear the costs associated with pay and red-circling from the date that the redeployment is confirmed.

6. OTHER ALTERNATIVE EMPLOYMENT IN THE CASE OF DISMISSAL BY REASON OF REDUNDANCY

6.1 An employee in receipt of a Notice of Dismissal by reason of redundancy may apply for an advertised post which is more than one grade below his/her substantive post. This would not necessarily be deemed to be suitable alternative employment by the City Council.

6.2 If the employee wishes to accept a post offered in this way as suitable alternative employment he/she will be required to mutually agree the withdrawal of the Notice of Dismissal by reason of redundancy.

6.3 Where the post is accepted as in paragraph 6.2 pay protection would apply on a ‘red circle’ basis at a maximum of one grade above the grade for the new post for a maximum period of two years.

7. TIMESCALE/OPPORTUNITIES

Directorates will be expected to manage the process for redeployees effectively. There is no limit on the number of suitable opportunities which can be identified but posts cannot be re-frozen for the same redeployee. Any refusal of a reasonable opportunity by a redeployee should be recorded and redeployment status can only be retained in accordance with the time limits prescribed in the relevant council policies.
Time Off in Lieu Policy

A model Time Off In lieu Policy is not currently available for schools

Accrual of Lieu Time

Employees working flexitime are expected to accommodate any additional hours required within that scheme, wherever possible. Managers may agree a degree of flexibility in the scheme for example to allow the accrual of flexitime outside the normal bandwidth to accommodate an occasional evening meeting.

Employees who are asked to work additional hours or overtime in any week that are outside the scope of their flexitime agreement e.g. to cover for an event at weekends, may receive either time off in lieu or pay, provided that they are paid on SCP 27 or less. This should be agreed between the manager and employee prior to the additional hours being worked.

Employees who are not on flexitime and who are asked to work additional hours or overtime in any week may receive either time off in lieu or pay, provided that they are paid on SCP 27 or less. This should be agreed between the manager and employee prior to the additional hours being worked.

Where an employee is paid on SCP 28 or more, additional hours or overtime will be compensated for by lieu time only and will not be paid.

Where time off in lieu of overtime is taken, the time off shall not exceed the time worked, regardless of the day of the week or the time of day it was worked.

Where an employee is required to work a Bank Holiday, they have the right to compensatory time off in lieu, regardless of their grade. This will be half a day, where less than 4 hours was worked on the Bank Holiday, or a full day, where 4 hours or more was worked.

Management of Lieu Time

Where lieu time is accrued, this must be recorded and approved by the manager.

Employees must take time off in lieu within three months of accrual. The maximum amount of lieu time that should be accrued at any one time is 30 hours.

Employee’s requests to take lieu time will be agreed by line managers in the same way as annual leave. Where service demands mean that an employee is unable to take their lieu time within a reasonable period, TOIL may be added to annual leave entitlement by agreement between the manager and the employee.

Where employees move to a new section or service, or leave Council service, accumulated time off in lieu will be taken prior to leaving the service. Where this is not possible for operational reasons, the manager may approve payment.
## Part Time/Term Time Formulae

<table>
<thead>
<tr>
<th>Contracted Working Weeks per Year</th>
<th>(*) Weeks per Year Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Weeks</strong></td>
<td><strong>Days</strong></td>
</tr>
<tr>
<td>38</td>
<td>190</td>
</tr>
<tr>
<td>39</td>
<td>195</td>
</tr>
<tr>
<td>40</td>
<td>200</td>
</tr>
<tr>
<td>41</td>
<td>205</td>
</tr>
<tr>
<td>42</td>
<td>210</td>
</tr>
<tr>
<td>43</td>
<td>215</td>
</tr>
<tr>
<td>44</td>
<td>220</td>
</tr>
</tbody>
</table>

These weeks (*) per year can then be substituted into the formula to calculate the correct full time equivalent (FTE):

\[
\text{Hours per week} \times \text{(*) weeks per year paid} = \text{Full time hours per week} \times 52.143
\]

**Please note:** The formula above cannot be used for over 44 weeks worked per year. Contracts of 45 weeks per year would require over 100% payment when an individual accrued over 5 years service, as actual working days would be 225 days (45 weeks) but their possible working days are only 223 with the 30 days leave entitlement.

## How to Calculate New Pro Rata Salary

The weeks per year indicated can be used in the formula below to calculate the correct FTE salary for staff working part time hours:

\[
\text{Hours per Week} \times \text{Contracted Working Weeks Per Year} \times \text{FT Hours per Week} \times 52.143
\]

Multiply the result by the Full Time Salary to give the Pro Rata Salary Payable.