



TO COUNCILLOR:

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **PEOPLE COMMITTEE** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **WEDNESDAY, 6 NOVEMBER 2019** at **4.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
21 October 2019

Mrs Anne E Court
Chief Executive

<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
1.	Apologies for Absence	
	To receive apologies for absence from Members to determine the quorum of the meeting in accordance with Rule 7 of Part 4 of the Constitution.	
2.	Appointment of Substitutes	
	To appoint substitute Members in accordance with Rule 26 of Part 4 of the Constitution and the Substitution Procedure Rules.	
3.	Declarations of Interest	
	Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.	
4.	Petitions and Deputations	
	To receive any Petitions and, or, Deputations in accordance with Rule(s) 11 and 12 of Part 4 of the Constitution and the Petitions Procedure Rules respectively.	
5.	Workforce Strategies (October 2019)	1 - 8
	Presentation of the Chief Executive / Head of Paid Service	
6.	People Update (Q1 2019/20)	9 - 22
	Report of the HR Manager	



For more information, please contact:

Democratic Services

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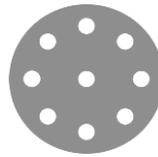
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e: democratic.services@oadby-wigston.gov.uk

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Agenda Item 5



People Committee	Wednesday, 06 November 2019	Matter for Information and Decision
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Report Title: **Workforce Strategies (October 2019)**

Report Author(s): **Anne Court (Chief Executive / Head of Paid Service)**

Purpose of Report:	For Members to approve the draft principles of the People and Learning and Development Strategies as set out in the report.
Report Summary:	The report sets out the draft principles of the People and Learning and Development Strategies. The proposals in these strategies will provide a planned approach to developing, engaging and retaining staff both now and in the future.
Recommendation(s):	That the draft principles of the People Strategy 2019-2024 and the Learning and Development Strategy be approved.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	Anne Court (Chief Executive / Head of Paid Service) anne.court1@oadby-wigston.gov.uk (0116) 257 2602 Sarah Ingman (HR Manager) sarah.ingman@oadby-wigston.gov.uk (0116) 257 2721
Corporate Objectives:	Building, Protecting and Empowering Communities (CO1) Growing the Borough Economically (CO2) Providing Excellent Services (CO3)
Vision and Values:	"A Stronger Borough Together" (Vision) Accountability (V1) Respect (V2) Teamwork (V3) Innovation (V4) Customer Focus (V5)
Report Implications:-	
Legal:	There are no implications arising from this report.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	Decreasing Financial Resources / Increasing Financial Pressures (CR1) Organisational / Transformational Change (CR8) Effective Utilisation of Assets / Buildings (CR5) Key Supplier / Partnership Failure (CR2) Reputation Damage (CR4) Failure to Respond to a Significant Incident (CR7)
Equalities and Equalities Assessment (EA):	Initial EA Screening (See Appendix 1)
Human Rights:	The right to equality at work.

Health and Safety:	There are no implications directly arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	As the author, the report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	Staff and Trade Unions will be consulted.
Background Papers:	None.
Appendices:	1. Initial EA Assessment (Workforce Strategies)

1. People Strategy 2019 - 2024

1.1 The People Strategy ("this Strategy") is a supporting strategy to the Council's ambitious Corporate Plan 2019-2014. It sets out the strategic direction for our People over the next five years to ensure the Council lives its Values and delivers its Vision and Objectives.

1.2 The Council's overarching vision is to deliver:

- A Stronger Borough Together
- "Improving the Lives of our Communities"

1.3 The Council's three Corporate Objectives are:

- i) Building, Protecting and Empowering Communities
- ii) Growing the Borough Economically
- iii) Providing Excellent Services

1.4 The Council's Values (ARTIC) are:-

- Accountability
- Respect
- Teamwork
- Innovation
- Customer Focus

1.6 We recognise and value our People as our most important asset in achieving each of our Corporate Objectives. The aim of this Strategy is to ensure there are capable, sufficiently motivated and resilient People to deliver our Corporate Objectives, particularly "Providing Excellent Services".

1.7 This Strategy is not only about our future expectations from our People, but what they can expect in return from the Council.

1.7.1 Challenges for the Public Sector

- Financial uncertainty
- Brexit uncertainty
- Evolving customer needs, including demand on services
- Competitive labour market
- Digital transformation

1.8 **Strategic Aims of this Strategy**

1.8.1 Developing Innovative Leaders

Not simply to manage, but to demonstrate inspirational and influential leadership by:

- Empowering individuals to achieve their full potential and work with their peers to operate as one team across the Council; and
- Living the Values and being able to challenge behaviours that do not meet our Values.

To Achieve this Aim we will:

- Develop and nurture leaders at all levels in the organisation through our Learning and Development Strategy to create a culture of People having the autonomy and confidence to act effectively; and
- Be proactive in identifying talent for succession planning.

1.8.2 Skills and Behaviour Development

- Behavioural – for all People to demonstrate the Council's Values (behaviours) for consistent standards of behaviour in all of our interactions, both internally and externally; and
- Skills development – support our People to seek opportunities in gaining new skills and experiences to enhance their developments.

To Achieve this Aim we will

- Implement a behavioural framework across the organisation;
- Regularly review our Reward and Recognition Scheme;
- Provide opportunities internally and with partners for People to gain new skills and experience and share ideas and experiences;
- Implement a Learning and Development Strategy; and
- Continue our Apprenticeship programme.

1.8.3 Be an Employer of Choice

By attracting, recruiting and retaining the right People in the right place at the right time.

To Achieve this Aim we will:

- Promote the Borough as an attractive place to live and work;
- Use latest technology and social media platforms to attract new talent;
- Where appropriate, use incentives to attract the best talent enabling us to effectively recruit in competitive skills sectors;
- Develop strategies and processes that attract high quality staff which facilitate diversity;
- Develop strategies that support the engagement and development of People; and
- Keep under review the Reward and Recognition scheme and Employee Benefits package to ensure it remains competitive and attractive for work/life balance.

1.8.4 Fostering A Culture of Inclusion, Engagement and Wellbeing

- To enable cohesion and engagement across the Council;

- Where People feel they are listened to, valued, involved and informed as this will lead to better performance and improved service user experiences;
- Being supportive and responsive to staff feedback; and
- Create a safe working environment where staff feel able to discuss and ask for support relating to both mental and physical health.

To Achieve This Aim we will:

- Continue to develop a range of wellbeing initiatives building on the success of the Health and Wellbeing Days so far;
- Continue to offer, and keep under review, the effectiveness of the Employee Support Programme;
- Have robust wellbeing strategies to support People who are off sick and to reduce absence levels;
- Have robust health and safety policy and procedures appropriate for both office based and front line People and lone workers; and
- Reduce stress and improve mental wellbeing of staff by equipping Managers and staff to have better awareness and support mechanisms.

2. Learning and Development Strategy

2.1 The Learning and Development Strategy ("this Strategy") outlines why we feel learning is important and what learning and development (L&D) will achieve for the Council.

2.2 Strategy Outcomes

- As an organisation, we develop a culture of continuous learning with People regularly, openly reflecting on what they've done and what they still need to do to improve;
- Managers and leaders create a supportive work environment that fosters a "growth" mindset amongst staff;
- Everyone is clear how they can access learning and development and understand how decisions are made in relation to L&D;
- Our recruitment, workforce planning, talent development, succession and staff retention is considered strategically and aligned with our organisational priorities;
- The Council is creative about different ways of delivering L&D; and
- Staff see where they are on their "journey" at the Council and how they can improve in their careers, even if this means seeking to move on elsewhere.

2.3 Areas of Focus

- i) Development and embedding of a learning culture
- ii) Development of the skills and capabilities required organisationally
- iii) Development of the personal skills and capabilities of the wider staff team

2.4 L&D Activities and Methods

2.4.1 The Council will focus on learning, rather than just on training. The Council recognises that People have different learning styles and preference and therefore "one size does not fit all"! To this end, the Council is open to staff accessing a wide range of opportunities. We encourage line managers and staff to explore a range of activities and resources best suited to individual staff learning communication styles.

2.4.2 It is important that in considering activities, staff and line managers focus on achieving an outcome that has impact as well as considering the process that is used to achieve this.

2.4.3 The Council wants to invest in opportunities that help staff and the organisation as a whole increase knowledge, skills or attitudes. This will lead to a positive change in behaviour.

2.5 Strategy Monitoring and Evaluation

The effective implementation of this strategy will be monitored and evaluated using a variety of metrics.

Appendix 1



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BOROUGH COUNCIL

EQUALITY ASSESSMENT

PART 1 - INITIAL SCREENING

Name of Policy/Function: Workforce Strategies (September 2019)	<input checked="" type="checkbox"/>	This is new
	<input type="checkbox"/>	This is a change to an existing policy
	<input type="checkbox"/>	This is an existing policy, Function, not previously assessed
	<input type="checkbox"/>	This is an existing policy/function for review

Date of screening	30 September 2019
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1. Briefly describe its aims & objectives

The People and Learning & Development Strategies are to provide a planned approach to developing and retaining staff now and in the future.

2. Are there external considerations?

e.g. legislation/government directive etc.

Employment legislation and EC law.

3. Who are the stakeholders and what are their interests?

Employees to be supported and developed in the workplace.
Customers - to be provided with public services .

4. What outcomes do we want to achieve and for whom?

--

5. Has any consultation/research been carried out?

--

Previous staff surveys.

6. Are there any concerns at this stage which indicate the possibility of Inequalities/negative impacts?

Consider and identify any evidence you have -equality data relating to usage and satisfaction levels, complaints, comments, research, outcomes of review, issues raised at previous consultations, known inequalities) If so please provide details.

No.

7. Could a particular group be affected differently in either a negative or positive way?

Positive – *It could benefit*

Negative – *It could disadvantage*

Neutral – *Neither positive nor negative impact or not sure.*

	Type of impact, reason & any evidence
Disability	Positive
Race (including Gypsy & Traveller)	Positive
Age	Positive
Gender Reassignment	Positive
Sex	Positive
Sexual Orientation	Positive
Religion/Belief	Positive
Marriage and Civil Partnership	Neutral
Pregnancy and Maternity	Positive

8. Could other socio-economic groups be affected?

e.g. carers, ex-offenders, low incomes, homeless?

Yes, carers, ex-offenders

9. Are there any human rights implications?

The right to equality at work

10. Is there an opportunity to promote equality and/or good community relations?

Yes, through promoting inclusivity in the workplace

11. If you have indicated a negative impact for any group is that impact legal?

i.e. not discriminatory under anti-discrimination legislation

N/A

12. Is any part of this policy/service to be carried out wholly or partly by contractors?

May be external training courses by provided.

13. Is a Part 2 full Equality Assessment required?

No.

14. Date by which a Part 2 full Equality Assessment is to be completed with actions.

N/A

Please note that you should proceed to a Part 2, the full Equality Impact Assessment if you have identified actual, or the potential to cause, adverse impact or discrimination against different groups in the community.

We are satisfied that an initial screening has been carried out and a full equality assessment **is not required*** (please delete as appropriate).

Completed by Anne Court
(Policy/Function/Report written)

Date 30 Sept 19

Countersigned by
(Head of Service)

N/A

Date

Please forward an electronic copy to: veronika.quintyne@oadby-wigston.gov.uk
(Community Engagement Officer)

Equality Assessments shall be published on the Council website with the relevant and appropriate document upon which the equality assessment has been undertaken.

Agenda Item 6



People Committee	Wednesday, 06 November 2019	Matter for Information
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Report Title: **People Update (Q1 2019/20)**

Report Author(s): **Sarah Ingman (HR Manager)**

Purpose of Report:	The aim of this report is to provide an overview of key management statistics in relation to HR, current projects or initiatives and introduce any relevant policies or procedures to council members.
Report Summary:	Management information (statistics) for ill health absence, ER cases and staff turnover. Summary information relating to the range of staff benefits. Draft Disciplinary Policy and list of HR policies with update of review and revision progress.
Recommendation(s):	<p>(i) That Members consider the draft proposed Disciplinary Policy & Procedure (August 2019) (at Appendix 1);</p> <p>(ii) That the contents of the report and the HR Policies Stages of Review (August 2019) (at Appendix 2) be noted; and</p> <p>(iii) That Member indicate if they wish to consider any of the other HR policies from Appendix 2 provided.</p>
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>Stephen Hinds (Deputy Chief Executive) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk</p> <p>Sarah Ingman (HR Manager) (0116) 257 2721 sarah.ingham@oadby-wigston.gov.uk</p>
Corporate Objectives:	Providing Excellent Services (CO3)
Vision and Values:	<p>Accountability (V1)</p> <p>Respect (V2)</p> <p>Teamwork (V3)</p> <p>Innovation (V4)</p> <p>Customer Focus (V5)</p>
Report Implications:-	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	<p>Reputation Damage (CR4)</p> <p>Organisational / Transformational Change (CR8)</p>
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. Initial EA Screening (See Appendices)
Human Rights:	There are no implications arising from this report.

Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	Employees Trade Unions
Background Papers:	None.
Appendices:	<ol style="list-style-type: none"> 1. Proposed Disciplinary Policy & Procedure (August 2019) 2. HR Polices Stages of Review (August 2019)

1. Absence Due to Ill Health

To provide some context for the Council's absence figures the following information provides some insight into the national and regional data for the calendar year 2018*.

The UK median**absence rate for the calendar year 2018 remained the same as 2017, recorded as 5.6 days per employee. The average rate of sickness absence was 6.3 days per employee.

Within the public sector days of absence during 2018 averaged as 8.7 days per employee and in the private sector this figure was 6.1 days.

Regionally, across all sectors, the East Midlands had the 3rd highest rate of days be per employee per annum averaging 6.9 days.

The final measure is based on size of organisation, and this indicated that smaller organisations during 2018, on average, had fewer absence days per employee per annum, than larger organisations.

** Figures taken from XpertHR Survey based on 364 organisations and 310,561 employees from a broad range of sectors and organisations size.*

***The median is the midpoint in the range of absence figures and so reduces the impact of exceptionally high or low figures.*

Oadby & Wigston Borough Council

The figures below are from the first quarter (1st April – 30th June), and the figures in red show the figures for the same quarter last year.

(Continued overleaf)

Month	Total Nos of days lost due to absence	Total Nos of Days lost due to absence 2018	Total Nos of days lost due to long term absence (ie: absence more than 20 working days)	Total Nos of days lost due to long term 2018	Total Nos of days lost due to short term absence (ie: absence less than 20 working days)	Total Nos of days lost due to short term 2018	Average days lost per FTE per month	Average days lost per FTE per month 2018	Cumulative Figure YTD
April	75.00	124.00	30.00	73.00	45.00	51.00	0.47	0.77	0.47
May	48.00	128.00	0.00	80.00	48.00	48.00	0.31	0.80	0.78
June	75.00	146.50	20.00	100.00	55.00	46.50	0.49	0.92	1.27

As this is the first quarter it is too early to determine any emerging trends. The data will continue to be monitored and will be reviewed against the benchmarking data and analysis of sickness absence which is due to be issued by EMC.

2. Employee Relations

As agreed and due to confidentiality, names will not be provided for this section.

Reason	No of Cases (April-June)
Disciplinary	3
Grievance	0
Capability	0

Staff Turnover (1st April – 30th June 2019)

Formula: $\frac{\text{Total number of leavers over period}}{\text{Average total number employed over period}} \times 100$
 (beginning of month+end of month/2)

	Monthly	Cumulative
April	1.8	1.8
May	3.03	4.83
June	1.85	6.68

The increase in the May figure was due to the impact of redundancies.

3. Staff Benefits

Oadby & Wigston offer a range of benefits to staff. The benefits are designed and selected to improve staff health and well-being and to attract and retain employees and are reviewed on a regular basis. Feedback from staff is also taken into account when new benefits are piloted eg: the offer of neck and shoulder massages.

- Contributory Pension (employer contribution 22% of salary pa)
- Free Staff Car Park
- Flexi-Time Scheme (accrue up to 2 days in 30 days)

- Reduced off peak gym membership for Borough facilities
- Employee Assistance Programme
- Childcare Vouchers
- Car Loan Scheme (up to 40% of annual salary)
- Cycle2Work Scheme
- High Street vouchers (discounts on purchases from selected high street retailers)
- Staff Area (Mezzanine Area – refurbishment cost £1,500 approx)
- Massages (a fixed price for an agreed number of sessions)
- Relocation Package (where applicable legal & estate agent fees up to a maximum of £2,000 and a lump sum payment of £500 to cover all other costs and disbursements)

4. HR Policies (with review due dates and progress indicated)

A revised policy and procedure for the Disciplinary process (appendix 1) is attached for consideration. Responding to feedback the policy has been reviewed to improve clarity and ease of use and to ensure compliance with the ACAS code of practice.

Oadby & Wigston Borough Council

Disciplinary Policy & Procedure

Purpose

It is essential that the Council maintains high standards of conduct amongst its employees, to ensure public confidence in its service and operation, and to protect the health and safety of its' employees. It is equally important that the disciplinary policy and procedure should be applied fairly and consistently and any sanctions issued with regard to all the circumstances of any particular case.

Scope

The following policy and procedure will be applied fairly and consistently in all instances where disciplinary action is regarded as necessary by the Council save to the extent that an informal warning/concern is raised for any minor act of misconduct committed by an employee.

The policy and procedure applies to all Council employees including those on fixed term contracts and secondments.

This procedure will be periodically reviewed. Any amendment to it will be notified to employees in writing by the organisation's HR manager and such written advice will inform employees as to the date when any amendment comes into effect. This may be by means of the organisation's intranet or via use of notice boards or via email.

This policy is non-contractual and the organisation may make changes to it from time to time.

The organisation reserves the right to implement the procedure at any stage as set out below taking into account the alleged misconduct of an employee. Employees will not ordinarily be dismissed for a first disciplinary offence, save for gross misconduct.

Where time limits are referred to in the course of this procedure they may be varied by agreement between the employee and the organisation.

Employees have the right to be accompanied at a disciplinary hearing by: a fellow worker; a trade union official employed by the union; or a trade union official who is certified in writing by the union as having the necessary experience or training to act as a companion. Legal representatives may not accompany employees.

Matters that the Council views as amounting to disciplinary offences include (but are not limited to):

- persistent poor timekeeping;
- unauthorised absence;

- damage to the organisation's property;
- failure to observe the organisation's policies and procedures;
- abusive behaviour;
- unreasonable refusal to follow an instruction issued by a manager or supervisor;
- absences that are not genuine or not for the reason provided;
- data protection breaches and misuse of the organisation's information;
- smoking or use of an e-cigarette in non-designated areas of the organisation's premises; and
- bribery offences under the Bribery Act 2010.

Investigation

Any matter that is reasonably suspected or believed to contravene any of the organisation's policies or rules or may otherwise be a disciplinary matter, will be investigated promptly and thoroughly. This also applies to staff still in their probationary period.

The investigation may be carried out by either the employee's supervisor or manager or, where appropriate, a different manager. In exceptional circumstances the Council may engage an external company to carry out an investigation. In any event the **investigating officer** will be appropriately trained and supported by a member of the HR Department. The employee will be informed as soon as possible as to the fact of an investigation, the matter being investigated and when it has been concluded.

Suspension during an investigation - There may be instances where suspension with pay is necessary while investigations are carried out. The organisation has the right to suspend with pay where there are reasonable grounds for concern that evidence may be tampered with, destroyed or witnesses pressurised before a disciplinary hearing, or if there is a potential risk to the business or other employees or third parties in allowing the employee to remain at work. Suspension is not, in itself, a form of disciplinary sanction, and does not imply that any judgement has been made.

Depending on the circumstances of the case, the employee may be invited to attend an investigatory interview. The employee will be informed at the outset that the interview is an investigatory interview. There is no statutory right for employees to be accompanied at an investigatory interview.

Whilst suspended the terms of the employee's contract of employment remain in place, they must remain available to return to the workplace as requested and may not work for another employer.

In certain circumstances the organisation reserves the right to dispense with an investigatory interview and to proceed directly to a disciplinary hearing ie: an act of physical violence.

*Further Details regarding on the investigation process ie: roles, is provided in separate guidance notes available on the Staff Intranet or from the HR Department.

Procedure Following the completion of the investigation

Where, upon completion of an investigation, there are reasonable grounds to believe that there is a disciplinary case to answer, the employee will be invited to attend a disciplinary hearing before the employee's departmental manager or manager of a similar level to the departmental manager.

In the event of a disciplinary hearing taking place the organisation will:

1. give the employee a minimum of five working days' notice of the hearing;
2. tell the employee the purpose of the hearing, its possible consequences and that it will be held under the organisation's disciplinary procedure;
3. explain the employee's right to be accompanied at the hearing;
4. give the employee written details of the nature of their alleged misconduct; and
5. provide to the employee all relevant information (including statements taken from any fellow employees or other persons that the organisation intends to rely upon against the employee) not less than five working days in advance of the hearing.

Where the employee is unable to attend a disciplinary hearing and provides a good reason for failing to attend, the time and/or date of the hearing will be rearranged. The Council will comply with point 1 above, in respect of giving notice of the rearranged hearing. Unless there are special circumstances mitigating against it, if the employee is unable to attend the rearranged hearing, the rearranged hearing will take place in the employee's absence. The employee's companion may attend in such circumstances and will be allowed the opportunity to present the employee's case. The employee will also be allowed to make written submissions in such a situation.

Where the chosen companion is unavailable on the day scheduled for the hearing, the employee may request that the hearing be rescheduled to an alternative time that is reasonable and within five working days of the scheduled date.

Role of companion

The employee's companion has the right to address the hearing to put the employee's case, sum up the case and respond on the employee's behalf to any view expressed at the hearing. The companion may also confer with the employee during the hearing. However, there is no requirement for the Council to permit the companion to answer questions on behalf of the employee, or to address the hearing where the employee indicates that they do not wish this.

Recording of meetings

The employee, or any person acting on their behalf, is not normally permitted to record electronically any meeting held by the organisation as part of the disciplinary process. Any breach of this provision may lead to disciplinary action against the employee, up to and including dismissal.

In certain limited circumstances, the organisation may permit the meeting to be recorded electronically. For example where the employee is disabled, it may be appropriate as a reasonable adjustment under the Equality Act 2010. Where the organisation permits the meeting to be recorded electronically, it will take responsibility for making the recording.

Data protection

The organisation processes personal data collected during the investigation stage and any subsequent stages of disciplinary action in accordance with its data protection policy. In particular, data collected as part of the investigation stage and any subsequent stages of disciplinary action is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under this disciplinary procedure.

The disciplinary hearing

A disciplinary hearing will normally be conducted by the employee's departmental manager together with the organisation's HR officer (*the panel*). Any member of management responsible for the investigation of the disciplinary offence(s) shall not be a member of the panel, although such managers may present any relevant facts and material to the disciplinary hearing.

The employee will be entitled to be given a full explanation of the case against them and be informed of the content of any statements provided by witnesses. They will be permitted to set out their case and answer any allegations. The employee will be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given the opportunity to raise points about any information provided by witnesses. Where the organisation or the employee intends to call relevant witnesses, they should give advance notice that they intend to do this, normally no less than 2 days prior to the hearing.

The Council may adjourn the disciplinary proceedings if it appears necessary or appropriate to do so (including for the purpose of gathering further information). The employee will be informed of the likely period of any adjournment. If further information is gathered, the employee will be allowed a reasonable period of time, together with their companion, to consider the new information prior to the reconvening of the disciplinary proceedings.

As soon as possible after the conclusion of the disciplinary proceedings, the panel will convey the decision to the employee and will also inform the employee what

disciplinary action, if any, is to be taken. The decision will be confirmed in writing. The employee will be notified of their right of appeal under this procedure.

Disciplinary action

Where, following a disciplinary hearing, the organisation reasonably believes that the employee has committed a disciplinary offence, the range of formal responses are as follows:

- No action
- Verbal/oral warning 'live' for 6 months
- First Written warning 'live' for 12 months
- Final Written warning 'live' for 12 months
- Dismissal (with/without notice)

If a sanction is to be applied the following action may be taken:

1. Where a minor offence or offences have been committed, a recorded oral/verbal warning may be given. The warning will:
 - a) set out the nature of the offence committed;
 - b) inform the employee that further misconduct is liable to result in further disciplinary action under this procedure;
 - c) specify the period for which the warning will remain "live", after such period the warning will automatically lapse; and
 - d) state that the employee may appeal against the warning.
2. Where either a more serious disciplinary offence has been committed, or following a recorded verbal/oral warning that is still "live", and a further minor offence or offences have been committed by an employee; the employee will receive a first written warning. The warning will:
 - a) set out the nature of the offence committed;
 - b) inform the employee that further misconduct is liable to result in further disciplinary action under this procedure;
 - c) specify the period for which the warning will remain "live", after such period the warning will automatically lapse; and
 - d) state that the employee may appeal against the warning.
3. Where a serious disciplinary offence amounting to gross misconduct has been committed, thereby justifying summary dismissal (dismissal without notice or PILON, still requiring an investigation and hearing to ensure a fair process) but the organisation decides, after taking into account all relevant circumstances, that a lesser penalty is appropriate, or, where an employee commits further disciplinary offences after a first written warning has been issued and it remains "live"; a final (or combined first and final) written warning may be given. Such a warning will:
 - a) set out the nature of the offence committed;

- b) inform the employee that further misconduct is likely to result in their dismissal;
 - c) specify the period for which the warning will remain "live", and that after such period the warning will automatically lapse; and
 - d) state that the employee may appeal against the warning.
4. Where the employee has committed further acts of misconduct (these being acts of misconduct other than gross misconduct) following a final written warning given under point c above, the organisation may elect to dismiss with notice or payment in lieu of notice.
5. Where the organisation reasonably believes that an employee has committed an act of gross misconduct, the employee may be summarily dismissed without notice.

Expired warnings

Expired warnings, together with any associated documentation, will not be retained on an employee's personnel record and will be destroyed and deleted.

*Details of the procedure for conducting the disciplinary meeting ie: the order for the presentation of information, the calling of witnesses etc can be found in the guidance notes available either on the intranet or from the HR department.

Appeal Process

An employee may appeal against any disciplinary sanction imposed against them, with the exception of a *letter of concern* (informal oral warning).

The appeal will be heard by elected members of Oadby and Wigston Council appeal panel, usually three members**, one of whom will act as the Panel Chair. The members of the Panel should be independent, ie: they should not have a conflict of interest.

The Panel is obliged to consider any representations made by the employee, the employee's companion and those of the manager who conducted the investigation and the manager who conducted the disciplinary hearing and imposed the disciplinary sanction. Should any new evidence be introduced on appeal, the employee will be given the opportunity to consider it and raise comments.

Once the relevant issues have been thoroughly explored, the Appeal Panel will decide whether or not to uphold the disciplinary sanction.

In the event that the Appeal Panel finds for the employee, the Appeal Panel shall allow (uphold) the appeal, and all records of the disciplinary sanction shall be removed from the employee's record.

In the event that the Appeal Panel does not find for the employee, the Appeal Panel will confirm (uphold) the disciplinary sanction.

In the event that the Appeal Panel partially finds for the employee, the Appeal Panel shall partially allow the appeal and impose a lesser disciplinary sanction.

When lodging an appeal, the employee should state the ground for their appeal, the appeal is not a rehearing, the grounds for appeal are as follows:

1. procedural error
2. level of the sanction is disproportionate
3. new evidence relevant to the case has come to light

The employee must provide written notice of the appeal within five working days of being informed of the disciplinary sanction being imposed against them.

The appeal details should be sent, in the first instance, to the HR Department.

Appeal hearings will normally take place within 14 days or 10 working days of receipt of the employee's written notice of appeal.

Upon completion of the appeal, the chair of the appeal will convey the decision to the employee. The decision will be confirmed in writing normally within five working days. The decision of the panel will be final.

Where there is an appeal against a dismissal, an employee will not be entitled to be paid or reinstated (unless they are entitled to notice) between the date of dismissal and the conclusion of the appeal process. In the event however that the decision to dismiss is overturned on appeal, the employee will be reinstated with immediate effect and they will be paid for any period between the date of the original dismissal and the successful appeal decision. Their continuous service will not be affected.

*Details of the appeal meeting procedure can be obtained from the HR Department or on the staff intranet.

**Members of the Council who act as members of an Appeal Panel must receive relevant training.

Gross misconduct

Gross misconduct is misconduct of such a serious and fundamental nature that it breaches the contractual relationship between the employee and the Council. In the event that an employee commits an act of gross misconduct, the organisation will be entitled to terminate summarily the employee's contract of employment without notice or pay in lieu of notice.

Matters that the organisation views as amounting to gross misconduct include (but are not limited to):

- theft or fraud;

- other offences of dishonesty;
- unauthorised absence;
- falsification of a qualification that is a stated requirement of the employee's employment or results in financial gain to the employee;
- falsification of records including reports, accounts, expense claims or self-certification forms, whether or not for personal gain;
- data protection breaches, disclosure of company documents, trade secrets and other confidential information to unauthorised third parties;
- indecency;
- physical violence or bullying;
- deliberate damage to or misuse of property;
- gross insubordination;
- the use or distribution of illegal drugs while at work;
- serious incapability at work brought on by alcohol;
- possession, custody or control of illegal drugs on the organisation's premises;
- serious breach of the organisation's rules, including, but not restricted to, health and safety rules and rules on computer use;
- gross negligence;
- conviction of a criminal offence that is relevant to the employee's employment;
- misuse or abuse of social media in and outside work;
- deliberately accessing pornographic, offensive or obscene material;
- conduct that brings the organisation's name into disrepute; and
- unlawful discrimination or harassment.

Other acts of misconduct may come within the general definition of gross misconduct.

Miscellaneous

Trade Union Representatives - If an employee who is an accredited representative of a trade union recognised by the organisation for collective bargaining purposes is suspected of having committed a disciplinary offence, the organisation will take no action under this procedure (with the exception of suspending the employee in a case of suspected or known gross misconduct) until the organisation has had a chance to discuss the matter, with the prior agreement of the employee, with a full-time official of that trade union.

Role of Companion and Witnesses – in addition to the policy and procedure above we also have guidance notes available on the staff intranet and from the HR department – if you have any queries please don't hesitate to contact the HR team.

People				
Policy Name	Review of Policy due date	Stage of Review (Drafted, Ees,Tus,EIA)	Due Date of Next Review	Notes
Lone Working Policy	2017	Completed	2022	
Job share Policy			2023	Considering a statement to be included in recruitment & flexible working policies
Recruitment and Selection Policy <i>incl: Recruitment of Ex-Offenders Policy, Relocation Policy</i>	Nov-18	In progress	2023	Being drafted
Restructuring & Redundancy Policy <i>incl: Redeployment Policy and Procedure</i>	Oct-18	Drafted	2023	Ready for Ees, TUs and EIA
Stress Management Policy (H&S?)	Oct-18		2023	Considering with H&S
Maternity Leave (App 12) Oct 2008 - hold until new policy approved	2017	Completed	2022	Paternity Leave and Shared Parental Leave should now be included.
Honorarium Policy	Nov-18	Drafted incl Ees	2022	Ready for TUs and EIA
Secondment Policy	Nov-18	Drafted incl EES, Tus	2022	Ready EIA
Disciplinary Policy	Aug-18	Drafted incl EES, Tus & EIA	2022	Ready for Publication
Sickness Absence Policy	2017	Completed	2022	
Grievance Policy	2017	Completed	2022	
Capability Policy	Nov-18	In progress	2023	Being drafted
Post Entry Training Policy	Aug-18	Drafted incl EES, Tus & EIA	2022	Ready for publication
Annual Leave & Flexi-Time Policy including : home working	Sep-18	See Notes	2023	Drafted to EIA stage, SH is piloting a revised Flexi-time policy - so action only after review of pilot scheme.
Dignity at Work Policy/Bullying and harassment	Sep-18		2023	
Job Evaluation Policy	Dec-18			

Probation Policy Aug 2011	Sep-18	Drafted	2023	Ready for Ees, TUs and EIA
Parental leave Policy	Jan-19		2022	
Safeguarding and Disclosure & Barring Service Policy	Nov-18		2022	Considering if this be an HR policy
Apprenticeship Scheme	Sep-18	In progress	2023	Being drafted
Employee Financial Hardship Policy	Aug-18	Drafted incl EES, Tus & EIA	2022	Ready for publication
Work Experience	Sep-18	Drafted incl EES, Tus & EIA	2022	Needs EIA

Ees, Tus, - consultation with trade union & employees

EIA - equality impact assessment