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**Appendix 1 -** Template Staff Handbook

Introduction

This section provides guidance on the various policies and procedures you should have in place for staff, it provides a brief overview of the policy, however does not contain the information in full, therefore it is essential that you read each section in conjunction with the template policy.

Disciplinary and Appeal

(See Appendix 1 – Template Disciplinary Procedure contained within the staff handbook: Page 95 - 105)

When contemplating imposing a disciplinary warning or dismissing an employee, you should always follow the ACAS code of practice.

<http://www.acas.org.uk/media/pdf/f/m/Acas-Code-of-Practice-1-on-disciplinary-and-grievance-procedures.pdf>

The ACAS code of practice provides practical guidance to employers, employees and their representatives and sets out principles for handling disciplinary situations. It is advisable that written disciplinary procedures, and disciplinary proceedings, comply with the code. Although a failure to follow the code does not automatically make you liable to legal proceedings in itself, employment tribunals will take the code into account when considering relevant cases.

Having clear disciplinary rules and procedures provide you with an opportunity to set out clear rules about the way your employees should behave and the standards you expect of them.

All employees must have a written statement of terms and conditions of employment which must contain disciplinary rules and procedures or refer the employee to some other easily accessible document containing those rules and procedures such as a staff handbook.

Many disciplinary issues can be resolved informally with a quiet word. However, where informal resolution is not possible, then a disciplinary procedure will set out the appropriate way to deal with the issue.

Most disciplinary procedures allow for verbal, written and final warnings before dismissal is considered. However, it may also specify that certain conduct is so serious that it will be considered as gross misconduct and will justify summary dismissal (without warnings or notice).

No disciplinary action should be taken until you have fully investigated the matter and the employee has had an opportunity to give his or her side of the story. It is therefore good practice to hold an initial investigation meeting with the employee in order to establish the facts. The employee who is disciplined should always be given the right to appeal against any disciplinary warning issued or dismissal.

**The ACAS code of practice says that a good disciplinary procedure should;**

* be in writing
* specify to whom they apply
* be non-discriminatory
* provide for matters to be dealt with without undue delay
* provide for proceedings, witness statements and records to be kept confidential
* indicate the disciplinary actions that may be taken
* specify the levels of management which have the authority to take the various forms of disciplinary action
* provide for workers to be informed of the complaints against them and, where possible, to see all relevant evidence before any hearing
* provide workers with an opportunity to state their case before decisions are reached
* provide workers with the right to be accompanied
* ensure that, except for gross misconduct, no worker is dismissed for a first breach of discipline
* ensure that disciplinary action is not taken until the case has been carefully investigated
* ensure that workers are given an explanation for any penalty imposed
* provide a right of appeal – normally to a more senior manager – and specify the procedure to be followed.

Please note: For issues around managing performance and capability, please see separate guidance - Managing People.

Grievance

(See Appendix 1 – Template Grievance Procedure contained within the staff handbook: Page 116 - 119)

Grievances are problems or complaints an employee has with their employer. Usually these can be dealt with in an informal way, however having a grievance procedure sets out a fair and consistent way of handling grievances should an informal conversation not reach the desired outcome.

Where possible the grievance should be handled by the employees line manager, however if this is not practical or possible, there should be an alternative senior member of staff appointed to handle the grievance.

The employee should have the opportunity to have their say and the manager handling the grievance should fully investigate the matter before reaching a decision. Should the employee still be unhappy with the decision they have the right to appeal. Where possible, appeals should be made to a more senior manager.

All notes, letters and other documents should be retained on the employees file for future reference.

Family policies

**Maternity**

(See Appendix 1 – Template Maternity policy contained within the staff handbook: Page 11-15)

Leave

Every pregnant employee is entitled to take up to 52 weeks maternity leave. This is comprised of 26 weeks ordinary maternity leave and 26 weeks additional maternity leave. This entitlement to leave is regardless of their length of service. Following the birth of the baby, the employee must at least take 2 weeks compulsory leave from work.

Pay

All pregnant employees are entitled to receive Statutory Maternity Pay (SMP) from their employer if they have been continuously employed for at least 26 weeks ending with the 15th week before the Expected Week of Childbirth (EWC), and satisfy the conditions below:

* have been continuously employed by you for at least 26 weeks up to and into the 15th week before the EWC (qualifying week)
* have average weekly earnings at least equal to the lower earnings limit for National Insurance contributions (although they do not actually have to have paid any contributions) in the eight weeks up to the 15th week before the EWC
* give a minimum of 28 days’ notice of the date that she expects SMP to start
* provide medical certification of her EWC (MATB1)

SMP is payable for up to 39 weeks. The first six weeks are payable at the higher rate which is equivalent to 90 per cent of average weekly earnings. The remaining 33 weeks are payable at the lesser of the annually published weekly flat rate or 90 per cent of her average weekly earnings.

Example SMP calculation:

The employee’s baby is due on 5th January 2016 and she intends to commence her Maternity leave on 21st December 2015.

To calculate the qualifying week for the purpose of calculating pay, you should count back 15 weeks from the due date of 5th January which is 22nd September 2015. Therefore the end of the qualifying week is 26th September 2015. (This is a Saturday – please note; SMP is payable at 1/7th of the SMP rate for every calendar day in the pay period)

You should therefore look at the average weekly earnings over the 8 weeks which precede 26th September.

For the purpose of this example, this employee is paid monthly on the 24th of each month, therefore the pay used to calculate the 8 week average will be 24th August and 24th September 2015 pay days.

In this example, the employee earned £812 on 24th August and £612 on 24th September (gross). To calculate the average weekly pay:

£812 + £612 = £1,424 x 6 = £8,544 (annual)

£8,544 / 52 weeks = £164.31

First 6 weeks are calculated at 90% of the average weekly earnings = £147.88

The remaining 33 weeks are payable at the annually published flat rate of SMP, currently £156.66 (increases annually in April).

If this employee’s average weekly earnings had fallen below the annually published rate then the remaining 33 weeks would be paid at the lesser amount.

The SMP calculator, available here: <https://www.gov.uk/maternity-paternity-calculator> provides you with a tool to input all the above earnings information and will produce a monthly (or weekly if that is your pay frequency) breakdown of SMP payable to the employee

If your employee is not entitled to SMP as they do not meet the qualifying conditions, they may be eligible for Maternity Allowance which is claimed and payable through the DWP.

**Paternity**

(See Appendix 1 – Template Paternity policy contained within the staff handbook: Page 15-20)

Leave

Eligible employees can choose to take either 1 week or 2 consecutive weeks’ ordinary paternity leave (OPL), but may not take odd days. To be eligible, employees must satisfy conditions that they will have parental responsibility for the child.

Pay

Employees are entitled to receive Ordinary Statutory Paternity Pay (OSPP) if they have been continuously employed by you for at least 26 weeks ending with the 15th week before the EWC, and satisfy the conditions below. The employee must fulfil the qualifying conditions for leave and, in addition, they must:

* have average earnings at least equal to the lower earnings limit for National Insurance contributions in the eight weeks up to the 15th week before the EWC
* give a minimum of 28 days’ notice of the date they expect their OSPP to start
* provide a completed self-certificate as evidence of their entitlement to SPP.

OSPP is payable for either 1 or 2 consecutive weeks as chosen by the staff member. The rate of OSPP is the lesser of the annually published weekly flat rate or 90 per cent of average weekly earnings.

Additional paternity leave

Employees with more than 26 weeks continuous service at the qualifying week are entitled to take up to a maximum of 26 weeks additional paternity leave provided that the mother has returned to work.

8 weeks’ notice must be given of the intention to take additional paternity leave. The employee taking additional paternity leave will qualify to be paid the lesser of the annually published weekly flat rate or 90 per cent of average weekly earnings as long as the mother qualifies for statutory maternity pay.

**Adoption**

(See Appendix 1 – Template Adoption Leave policy contained within the staff handbook: Page 21-35)

Leave

Provisions for Statutory Adoption Leave (SAL) are applicable to the member of staff who is adopting a child or who is a member of a couple who chooses to take the adoption leave.

Adoption leave entitlement is 52 weeks which is comprised of 26 weeks ordinary adoption leave and 26 weeks additional adoption leave.

Pay

Employees are entitled to receive Statutory Adoption Pay (SAP) if they have been continuously employed for at least 26 weeks into the week in which they were notified of having been matched with a child for adoption, and satisfy the conditions for either UK or overseas adoptions.

The member of staff must have average weekly earnings at least equal to the lower earnings limit for National Insurance contributions (although they do not actually have to have paid any contributions) in the 8 weeks up to and including the last normal pay day to fall before the first day of the week following the week in which the adopter is notified of having been matched with a child for adoption

SAP is payable for a continuous period of 39 weeks. The rate of SAP is 90 per cent of average weekly earnings for the first 6 weeks, and for the remaining 33 weeks; the lesser of the annually published weekly flat rate or 90 per cent of average weekly earnings. If more than one child is placed for adoption at the same time the amount is exactly the same as if there were one child.

Paternity leave – adoption

The other member (not taking SAL) of a couple who are adopting jointly is entitled to statutory paternity leave under the same rules as paternity leave applicable to birth. Please note, for adoption the qualifying week for the purpose of calculating earnings is the week in which the couple were notified of having been matched with a child.

**Shared Parental Leave**

(See Appendix 1 – Template Shared Parental Leave policy contained within the staff handbook: Page 38-44)

Shared parental leave (SPL) is a relatively new statutory entitlement as it applies to children born or placed after 5 April 2015. It is a form of leave available to working parents following the birth or adoption of a child.

SPL allows parents to take up to 52 weeks leave in total on the birth of a child. They may be able to take this leave at the same time or at different times.

To be eligible employees must have at least 26 weeks continuous service at the qualifying week, have parental responsibility for the child and one member of the couple must have returned to work and also be eligible for SMP or SAP.

**Parental Leave**

(See Appendix 1 – Template Parental Leave policy contained within the staff handbook: Page 35-37)

Employees who have at least one year’s continuous service are able to take up to 18 weeks unpaid parental leave for each child. Parental leave can be taken in blocks of 1 week up to a maximum of 4 weeks per year.

Parental leave may only be taken by employees with parental responsibility for a child under the age of 18. Employers may postpone requests for parental leave provided there is a ‘sound business reason’ i.e. short-staff. However parental leave may not be postponed beyond 6 months or after the child’s 18th birthday (if sooner).

**Time off for Dependents**

(See Appendix 1 – Template Time off for Dependents policy contained within the staff handbook: Page 11-15)

Employees are entitled to time off for an emergency involving a dependent. Dependency leave can only be taken if the situation is an emergency and the employee did not know about the situation beforehand. (If this is the case the employee should make other arrangements, such as taking holiday leave)

A dependent is defined as a spouse, civil partner, child, parent or some other person living in the same household as the member of staff other than as an employee, tenant, lodger or boarder. This would include a partner or grandparent, for example. In addition, a dependent is also defined as any person who reasonably relies on the staff member for assistance. The staff member may be the primary carer or the only person who can help in an emergency.

There is no restriction to the amount of time off allowed; the legal requirement is to provide ‘reasonable’ time off for the employee to deal with the emergency. There is also no restriction of the frequency of occasions when dependency leave is taken, however if the employer feels that the amount of dependency leave being taken is affecting the employees work, they may speak to the employee about this.

There is no statutory entitlement to pay for dependency leave.

Flexible working

(See Appendix 1 – Template Flexible working policy contained within the staff handbook: Page 47-48)

All employees with more than 26 weeks continuous service have the right to make a statutory application for flexible working. Applications should be made in writing and can only be made once in a year.

Flexible working includes making requests for things such as; Part time working, job share, working from home, compressed hours or staggered hours.

Employers must give every request reasonable consideration assessing the advantages and disadvantages and they should hold a meeting with the employee to discuss the request.

Employers can reject a flexible working request for any of the following reasons:

* extra costs that will damage the organisation financially
* the work can’t be re-organised among other staff
* people can’t be recruited to do the work
* flexible working will affect quality and performance
* the organisation won’t be able to meet ‘customer’ demand
* there’s a lack of work to do during the proposed working times
* the organisation is planning changes to the workforce

If a request is granted, the employer must make changes to the employee’s terms and conditions accordingly, if a request is denied, the employer must write to the employee giving the reasons why and give the employee opportunity to appeal the decision.

Diversity

(See Appendix 1 – Template Diversity Policy contained within the staff handbook Page 50-53 & Template Bullying and Harassment Policy: Page 57-60)

The Equality Act 2010 legally protects people from discrimination in the workplace. Therefore there is legal importance to having a diversity policy and setting out your expectations of behaviour for your employees. However the policy should reflect an aim that you as an employer value diversity, actively prevent discrimination and stimulate equality.

The Equality Act defines protected characteristics which are protected under the act as; age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.

ACAS guide to the Equality Act:

<http://m.acas.org.uk/media/pdf/8/a/Equality-Act-2010-guide-for-employers.pdf>

Successful claims at employment tribunal mean that an employment judge can make a financial award to the claimant for damages. In cases of discrimination under one of the protected characteristics the award is uncapped. Statistics for 2014-15 show that the average award was around £17,000, but with a maximum award of over £500,000 for a sex discrimination claim.

Whistleblowing

(See Appendix 1 – Template Whistleblowing policy contained within the staff handbook: Page 63-64)

Whistleblowing is the reporting of suspected wrongdoing or dangers in relation to work activities. This includes bribery, fraud or other criminal activity, miscarriages of justice, health and safety risks, damage to the environment and any breach of legal or professional obligations.

A whistleblowing policy should provide employees with a way of reporting incidents in a secure and confidential manner without the risk of prejudice.

Anti-Bribery

(See Appendix 1 – Template Anti-Bribery policy contained within the staff handbook: Page 61-62)

Bribery is the giving or receiving of financial or other benefits intended to exert improper influence.

The Bribery Act 2010 creates a new offence which can be committed by organisations which fail to prevent persons associated with them from bribing another person on their behalf.

An organisation that can prove it has adequate procedures in place to prevent persons associated with it from bribing will have a defence to the offence. Therefore it is important that your policy provides guidelines for staff to prevent individual cases.

Data Protection

(See Appendix 1 – Template Data Protection policy contained within the staff handbook: Page 72-74)

The Data protection act controls how personal information is held and used by organisations.

Most employees will have responsibilities under data protection depending on what data they handle as part of their role. Therefore it is important your policy sets out the key data protection principles applicable to the organisations handling of its employees personal data as well as individuals responsibilities under the policy.

IT, Communications, Internet and Social Media

(See Appendix 1 – Template IT and Communications policy contained within the staff handbook: Page 65-68 & Template Social Media Policy: Page 69-71)

The purpose of having a policy on this is to provide employees with guidance on security and etiquette in communicating with other staff and external parties.

It provides you as the employer with the opportunity to clearly set out your expectations of employees in using the organisations equipment and electronic mediums of communication. It is also important that your policy outlines possible sanctions should this be abused.

Health and Safety

(See Appendix 1 – Template Health and Safety policy contained within the staff handbook: Page 75-92)

Every organisation must have a health and safety policy, if you have fewer than five employees, you don’t have to write anything down.

Your policy should include;

* The statement of general policy on health and safety at work sets out your commitment to managing health and safety effectively, and what you want to achieve
* who is responsible for specific actions
* details of what you are going to do in practice to achieve the aims set out in your statement of health and safety policy

Useful Links

The ACAS employment advice website:

<http://www.acas.org.uk/index.aspx?articleid=1461>

Government website where you can find out information on statutory entitlements:

<https://www.gov.uk/>

The HSE website for Health and Safety guidance

<http://www.hse.gov.uk/>

Useful Contacts

ACAS helpline - 0300 123 1100

(Free impartial advice for employers and employees)

HMRC employer helpline - 0300 200 3200

(Advice on SMP, SPP and SAP)

Natasha Clement - 01634 560000

HR & Governance Manager

Lesley Markham - 01634 560000

HR Administrator