

OD/HR	16th October 2018
Corporate Policy and Resources Committee	For Approval

Linkage to Council Strategy (2015-19)	
Strategic Theme	Transition and Transformation
Outcome	Successful delivery of Organisational Development and Human Resource Services across the Causeway Coast and Glens Borough Council
Lead Officer	Head of OD/HR
Cost: (If applicable)	As detailed within the report

1. Context and Background

The following draft policies have been developed / amended to reflect the practices within Causeway Coast and Glens Borough Council. The draft policies have been approved both by the Senior Management Team and the Trade Unions through the Joint Consultative and Negotiating Committee (JCNC).

In accordance with Council's duty under Section 75 Equality Legislation, the policies have been screened and the result is that they were screened "out".

Copies of each of the policies are attached in the Appendices.

2. Dignity and Respect At Work Policy and Procedure

The aim of this policy is to prevent harassment and bullying in the workplace, provide guidance to resolve any problems should they occur and prevent recurrence.

The policy explains the procedure for dealing with any complaints of bullying and harassment which may be received.

The policy outlines Council's commitment to promoting good and harmonious working environments where employees are treated with dignity and respect and in which no worker feels threatened or intimidated because of his or her sex, marital status, family status, religious belief, political opinion, disability, age, race or ethnic origin, sexual orientation, trade union membership/non-membership or criminal record.

3. Disciplinary Procedure

The aim of this policy is to help encourage all employees to achieve and maintain appropriate standards of conduct and performance. This policy is designed to be corrective not punitive.

The policy outlines how matters of conduct will be dealt with in a fair and consistent manner. It provides practical guidance to managers, employees and their representatives within Causeway Coast and Glens Borough Council

4. Flexible Working Scheme Policy

The aim of the Flexible Working Hours Scheme is to encourage a greater work life balance for employees whilst maintaining cover in service areas across the Council. The policy enables employees to balance their work and personal lives more effectively, and provide improved services to customers and ratepayers by providing services which are available to the public throughout the day.

5. Weekend Enhancement And Bank Holiday Payments For Operations Supervisors

The aim of this policy is to provide an enhanced payment to Operations Supervisors who are required to work, as part of their normal working week, on a Saturday and / or Sunday and on a minimum of 6 Bank Holidays throughout the year.

The overriding requirement for Operations Supervisors to be on duty on these days is to ensure the health and safety of the employees and workers.

Recommendation

It is recommended that council approves the policies listed above.



**Causeway
Coast & Glens
Borough Council**

Dignity and Respect at Work Policy and Procedure

Version 1.0 August 2018

Policy Number	CCG/22/18
Version Number	1
Author	Brid Lofthouse
Date of Screening of Policy	28 th September 2018
EQIA Recommended?	NO
Date Adopted by Council	
Date Policy Revised	N/A

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PART ONE – COUNCIL’S DIGNITY AT WORK POLICY

1. POLICY STATEMENT

- 1.1 As part of its overall commitment to the promotion of equality of opportunity and good relations the Council is fully committed to promoting a good and harmonious working environment where every employee is treated with dignity and respect and in which no worker feels threatened or intimidated because of his or her sex, marital status, family status, religious belief, political opinion, disability, age, race or ethnic origin, sexual orientation, trade union membership/non-membership or criminal record. The aim of this policy is to prevent harassment and bullying in the workplace, provide guidance to resolve any problems should they occur and prevent recurrence.
- 1.2 The policy also covers harassment which is not related to a protected characteristic and which can be classed as bullying.
- 1.3 Harassment and bullying at work in any form is unacceptable behavior and will not be permitted or condoned. Sexual, sectarian and racial harassment, harassing a disabled person on account of disability, or harassing someone on grounds of their age or sexual orientation constitutes discrimination. Harassment is unlawful under the various anti-discrimination statutes currently in operation in Northern Ireland along with other statutes that may be used to outlaw bullying in the workplace. It may also be a civil offence or a criminal offence and it may also contravene health and safety legislation.
- 1.4 Harassment and bullying detract from a productive working environment and can impact on the health, confidence, morale and performance of those affected by it, including anyone who witnesses or knows about the unwanted behavior. This can have a direct impact on the efficiency and effectiveness of the Council’s service.
- 1.5 Harassment is inappropriate behaviour at work and will be treated by the Council as misconduct which may include gross misconduct warranting dismissal. All employees must comply with this policy.
- 1.6 The Council also expects those using its facilities and services to treat its employees with dignity and respect. Any complaints of alleged harassment or bullying of employees by members of the public will be investigated and the appropriate action taken in accordance with this policy.

- 1.7 If English is not an employee's first language, or if the employee has difficulty reading, the content of any letter can be explained orally. Letters can also be made available in other clear formats, such as large print, where necessary. An interpreter can also be arranged to facilitate attendance at relevant meetings. To arrange any of these options an employee must approach a member of Human Resources within 5 working days of receiving the relevant correspondence.

2. DEFINITION OF HARASSMENT

- 2.1 Harassment and bullying may or may not be based on an aspect of the person that is protected under the anti-discrimination legislation. Harassment and bullying are defined as:

"Unwanted conduct which has the purpose or effect of violating the person's dignity or creating an intimidating, hostile, humiliating, disturbing or offensive environment. This can include unwelcome physical, verbal or non-verbal conduct".

Such behavior is unacceptable where:

- It is unwanted, unreasonable and offensive to the recipient.
- It is used as the basis of an employment decision.
- It creates a hostile working environment.

- 2.2 To allay concerns that the definition is so wide that it could be subject to misinterpretation or abuse, the following qualification has been added in line with good practice.

"Conduct shall be regarded as having this effect only if, having regard to all the circumstances and in particular the alleged victim's perception, it should be reasonably considered as having that effect".

- 2.3 Many forms of behaviour can constitute harassment. The following are some examples:

- Physical conduct ranging from touching to serious assault.
- Verbal and written harassment through jokes, racist remarks, homophobic comments, offensive language, gossip and slander, sectarian songs, threats, letters and emails.
- Visual displays of posters, graffiti, obscene gestures, flags, bunting or emblems or any other offensive material.

- Isolation or non-co-operation at work, exclusion from social activities.
- Coercion, including pressure for sexual favours, pressure to participate in political/religious groups.
- Intrusion by pestering, spying, following, etc.

2.4 It should be noted that it is the impact of the behaviour which is relevant and not the motive or intent behind it.

2.5 Harassment also covers complaints of behaviour found offensive by an individual even if it is not directed at them, and a complainant need not possess the relevant characteristic themselves. For example, a member of staff finds comments they overhear being made to a disabled colleague offensive, even though they are not disabled themselves.

2.6 Harassment by association or perception – an individual can be harassed on the grounds that he or she is related to, or associates with, someone with a relevant protected characteristic. Individuals may also be subject to harassment on the grounds of a mistaken perception that they have or do not have a protected characteristic.

3 DEFINITION OF BULLYING

3.1 Bullying has been defined as “persistent, offensive, abusive, intimidating, malicious or insulting behavior, abuse of power or unfair penal sanctions, which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress.”¹ Like other forms of harassment, bullying is an abuse of power and is largely defined not by intention but by the impact of the behavior on the recipient. It often involves a person in authority abusing their position and bullying their subordinates. However an individual may also bully a peer, and groups of people may pick on and bully an individual.

¹ Manufacturing, Science and Finance Union, Bullying at Work 'How to Tackle It' 1995.

4 EMPLOYEES' RIGHTS

- 4.1 All employees have the right to work in an environment which is free from any form of harassment or bullying. The Council fully recognizes the right of employees to complain about such unwanted and inappropriate conduct should it occur. All complaints will be dealt with seriously, promptly and confidentially. The procedure for dealing with complaints under this Policy is outlined in Part 2 of this document.

This procedure does not replace or detract from the rights of employees to pursue a complaint under relevant legislation whether to an Industrial Tribunal or Court. For further guidance and up-to-date information please contact the Equality Commission NI <http://www.equalityni.org> or the Labour Relations Agency <http://www.lra.org.uk>. Employment Tribunals details NI www.employmenttribunalsni.co.uk

- 4.2 Every effort will be made to ensure that employees making complaints and others who give evidence or information connected with the complaint will not be victimised. Victimisation is discrimination contrary to the Disability Discrimination Act 1995, the Fair Employment and Treatment (NI) Order 1998, the Race Relations (NI) Order 1997 and the Sex Discrimination (NI) Order 1976, the Employment Equality (Sexual Orientation) Regulations (NI) 2003 and Employment Equality (Age) Regulations (NI) 2006. Any complaint of victimisation will be dealt with seriously, promptly and confidentially. Victimisation will result in disciplinary action and may warrant dismissal.

5 EMPLOYEES' RESPONSIBILITIES

- 5.1 All employees working for the Council have a responsibility to help ensure a working environment in which the dignity of all employees, clients and members of the public are respected. Everyone must comply with this policy and employees should ensure that their behaviour towards colleagues, clients and the public does not cause offence and could not in any way be considered to be harassment or bullying.
- 5.2 Employees should discourage harassment and bullying by making it clear that they find such behaviour unacceptable and by supporting colleagues who

suffer such treatment and are considering making a complaint. Any employee who is aware of any incident of harassment or bullying should alert a manager or supervisor to enable the Council to deal with the matter.

- 5.3 If a complaint is made against you: all employees are expected to respond appropriately when an individual raises a problem with their behaviour. An apology or assurance that the behaviour will not be repeated may be all that is needed to deal with the situation. The Council recognizes that it can be distressing and stressful to be accused of bullying and/or harassment. If a formal complaint is made about your behaviour, this will be fully investigated.

6 MANAGERS' AND SUPERVISORS' RESPONSIBILITIES

- 6.1 Managers and Supervisors have a duty to implement this policy and to make every effort to ensure that harassment and bullying does not occur, particularly in work areas for which they are responsible. Managers and Supervisors have responsibility for dealing with any incidents of harassment or bullying of which they are aware or ought to be aware of. If harassment or bullying does occur, they must effectively deal with the situation.

6.2 Managers and Supervisors SHOULD:

- (i) Explain the Council's policy to their staff and take steps to positively promote awareness of the procedure for dealing with complaints and ensure that each member of staff has been given a copy.
- (ii) Be responsive and supportive to any employee who makes an allegation of harassment or bullying, provide full and clear advice on the procedure to be adopted, maintain confidentiality and seek to ensure there is no further problem of harassment, bullying or victimization after a complaint has been resolved.
- (iii) Set a good example by treating all staff, clients and members of the public with dignity and respect.
- (iv) Be alert and proactive in terms of unacceptable behavior and take appropriate action in accordance with our policy and procedures.
- (v) Ensure that all staff know how to raise harassment and bullying problems.

7 THE COUNCILS' RESPONSIBILITIES

- 7.1 The Council will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with all complaints of harassment or bullying.
- 7.2 This policy and procedure will be communicated effectively to all employees and the Council will ensure that all employees and all Managers and Supervisors are aware of their responsibilities. Appropriate training will be provided including training at induction and management courses.
- 7.3 The Council will make others aware that employees are entitled to be treated with dignity and respect, by incorporating a statement to this effect in its rules and regulations, which it displays in its public buildings.
- 7.4 Where an individual requests and if available Council will facilitate an appointment of a Confidential Advisor appointed to provide advice and assistance to employees who are subject to harassment and bullying. The names of these Confidential Advisors will be made known to all employees. The Council will ensure, where possible, that employees can raise complaints, should they wish, with someone of their own gender, religion or race, or who is aware of and sensitive to disability or sexual orientation issues. All complaints of harassment will be dealt with promptly, seriously and confidentially.
- 7.5 Managers, Supervisors and Confidential Advisors will receive appropriate training so that they can perform their roles sensitively and effectively. In addition, those playing an official role in any formal complaints procedures will receive appropriate training.

8. ASSISTANCE FOR STAFF WHO FEEL THAT THEY HAVE BEEN HARASSED OR BULLIED

8.1 The role of the Confidential Advisor is to:

- Act as a point of contact for employees who feel they have been subject to harassment or bullying.
- Listen to the complaint and advise on the options available for resolving the matter.
- Assist individuals with the informal resolution of complaints.
- Support the employee in lodging and progressing the complaint where applicable.

8.2 If the alleged harasser asks for assistance it may be appropriate to assign an Advisor to act as a source of information and advice. This role may include providing information and forwarding documentation as necessary but should not extend to acting as an advocate, nor assisting the alleged harasser in the preparation of a defence.

8.3 The names of the Confidential Advisors will be communicated to all staff, via noticeboards, staff intranet or obtaining the list from a trade union representative.

8.4 All incidents of bullying and harassment which are reported to a Confidential Advisor will be monitored annually on an anonymous basis. In the event of any patterns emerging management may wish to initiate its own formal investigation and take remedial action where this proves to be necessary. An annual report on the Confidential Advisors activities will be prepared for Senior Management.

9.0 RIGHT TO BE ACCOMPANIED

9.1 At all stages of the formal procedure the employee is entitled to be accompanied by a work colleague or a recognized trade union representative or full-time official.

9.2 Where the employee is also a trade union representative he/she will have the right to be accompanied by a senior trade union representative or full-time official.

10.0 MEDIATION

10.1 In some cases outside help such as an independent mediator can help resolve problems, especially those involving working relationships. This is a voluntary process for all parties designed to resolve workplace disputes. If Council feels mediation may be helpful and the parties agree, any on-going formal procedures will be held in abeyance until this has been completed. Alternatively, mediation may be suggested to rebuild relationships after the formal process has ended. The decision whether or not to enter into mediation rests with the Council.

PART TWO – PROCEDURE FOR DEALING WITH COMPLAINTS UNDER THIS POLICY

11. SCOPE

- 11.1 This policy and procedure applies to employees in the workplace and at work associated events such as meetings, conferences and works parties, whether on Council premises or off site. The policy applies to harassment not only by fellow employees but also by a client, customer or other business contact to which an employee might reasonably expect to come into contact within the course of their employment.
- 11.2 Any employee who believes that he/she has suffered any form of harassment or bullying is entitled to raise the matter through the following procedure.
- 11.3 This procedure does not replace or detract from an employee's statutory rights under relevant anti-discrimination or anti-bullying legislation.
- 11.4 If there is an occasion where a complaint is later deemed to be unfounded, frivolous or mischievous then the Council reserves the right to deal with this through appropriate disciplinary procedures.

12.0 CONFIDENTIALITY

- 12.1 Complaints of harassment or bullying may include allegations of a highly sensitive nature and the release of such information could be damaging to the reputations of complainants or alleged harassers.
- 12.2 It is vital that employees who may wish to raise a complaint can be assured that the matter will be handled in the strictest confidence. Equally an employee who is accused of harassment or bullying is entitled to the same protection of his/her reputation, particularly should a complaint prove to be unfounded.
- 12.3 At all stages of the procedure, staff involved in any way with a complaint shall be personally responsible not to disclose any details of the complaint to any person who does not have a proper interest in the matter. Failure to ensure this high level of confidentiality may lead to appropriate disciplinary action, including dismissal.

13. THE INFORMAL STAGE

This stage is appropriate where the employee simply wants the harassment to stop, where the unwanted conduct is not serious or where it has not been repeated.

- 13.1 Employees can seek to resolve matters informally by:
- Approaching the alleged harasser or bully directly making it clear to the person(s) harassing the employee that the behavior in question is offensive, is not welcome and should be stopped.
 - Approaching the alleged harasser or bully with the support of a colleague or a trade union representative.
 - Approaching the alleged harasser or bully with the support of a supervisor/manager or designated advisor.
- 13.2 If it is too difficult to do this personally, employees may request a supervisor, manager or designated advisor to approach the alleged harasser or bully on his/her behalf.
- 13.3 Designated Advisors have been appointed to provide employees with advice and assistance. An Advisor can be contacted at any stage of the informal or formal procedures. The names of advisors will be communicated to staff. The Advisor can also provide support during formal procedures but will not conduct formal investigations.
- 13.4 Where an employee seeks the support of a supervisor, manager or designated adviser he/she will be sensitively informed that their role at the informal stage can only be one of support and assistance. The employee must be clear about the limitations of the supervisor's, manager's or adviser's role to informal intervention.
- 13.5 The employee will be advised that:
- (i) A formal investigation and possible disciplinary action can only take place if the complaint is investigated under the formal procedure.
 - (ii) A written record of the action taken will be made to assist with any formal proceedings which may arise if the behaviour does not stop/is repeated.
- 13.6 All reported incidents of harassment and bullying will be monitored and in the event of any patterns emerging management may wish to initiate its own formal investigation and take remedial action where this proves to be necessary. Additionally there may be situations where the seriousness of a

complaint warrants formal proceedings irrespective of the wishes of the complainant.

14. THE FORMAL STAGE

The Formal Complaints procedure is appropriate if the Harassment or Bullying is serious, if the person making the complaint prefers this, or if the unwanted and unreasonable conduct continues after the informal procedures have been used.

14.1 Making a Formal Complaint

14.1.1 Complaints should be raised as soon as possible following an act of alleged harassment or bullying so that the matter can be dealt with swiftly and decisively. Complaints of alleged acts which occurred over three months ago will not be investigated as these will be deemed as out of time.

14.1.2 The complaint should be made in writing to the Line Manager by completing Appendix 1. *(If the allegation is against the employee's Line Manager then the complaint should be sent to the next level of management).*

14.1.3 The Line Manager will advise the employee that the complaint will be forwarded to the Head of OD/HR who will appoint a Manager to investigate the complaint.

14.1.4 The Manager appointed to investigate the complaint:

- Will not be connected in any way to the allegations being made.
- Will be accompanied throughout the formal procedure by a Human Resources Officer who will attend all meetings and take notes.
- Will acknowledge receipt of the complaint and arrange to meet the complainant as soon as is reasonably practicable.

14.1.5 In some situations it may be necessary to make a reasonable adjustment for a disabled person or for someone who is not fluent in English or sufficiently literate to do this. An adjustment could be, providing assistance with writing the complaint.

15. INVESTIGATION UNDER THE FORMAL PROCEDURE

15.1 Time Limits

- 15.1.1 An agreed time limit for each procedure will be communicated at the start of the process.
- 15.1.2 The procedure will aim to be completed as soon as reasonably practicable

15.2 Initial Meeting with the complainant

- 15.2.1 The Investigating Manager will meet the complainant as soon as is reasonable practicable to:
 - Clarify and formally record the nature of the complaint and that it is being handled under the formal procedure.
 - Ensure that the complainant is aware of the next stage of the procedure.
 - Advise the complainant that they have the right to be accompanied and/or represented at the investigatory meeting by a trade union representative or work colleague.
- 15.2.2 The complainant will have the right to be accompanied and/or represented at this meeting by a trade union representative, work colleague or designated advisor.

15.3 Avoiding Contact between Complainant and Alleged Perpetrator

- 15.3.1 In cases where an employee alleges serious harassment or bullying by a member of the public, consideration will be given to invoking the Council's right to temporarily refuse the member of the public admission to, or use of the relevant Council facility or service.
- 15.3.2 The issue of avoiding contact between complainant and alleged perpetrator must be considered before action is taken to inform the alleged perpetrator of the complaint. The relevant Director/Head of Service in consultation with the Head of OD/HR will take the appropriate action to ensure contact between the complainant and the alleged harasser is avoided as far as is reasonably practicable including transfer, if appropriate.
- 15.3.3 Both parties should also be advised that there should be no communication between them directly or indirectly, in relation to the complaint.
- 15.3.4** Where a case of serious harassment or bullying has been alleged, consideration will be given to the precautionary suspension, with normal pay,

of the alleged perpetrator to enable the investigation to proceed. Precautionary suspension is not to be considered an indication of blame or guilt and does not infer any prejudice in the final decision. An individual who is going to be suspended must be formally advised of this at a meeting and will have it confirmed in writing by the OD/HR Department.

15.4 Informing the Alleged Perpetrator

15.4.1 As soon as reasonably practicable following the initial meeting with the complainant the Investigating Manager will meet with the alleged harasser and:

- Outline the nature of the complaint.
- Confirm that it is being handled under the procedure.
- Ensure that the individual is aware of the next stages of the procedure.
- Advise the alleged harasser that they have the right to be accompanied and/or represented at investigatory meetings by a trade union representative or work colleague.

15.4.2 Following this meeting the Investigating Manager will write to the alleged perpetrator outlining the nature of the complaint and setting a date for a formal investigation meeting.

15.5 The investigation should include at least the following:

Whilst the Investigating Manager and the representative of Human Resources will seek to resolve the matter as quickly as possible, the meetings with all involved need not necessarily follow immediately after each other. Every effort will be made to have held all necessary meetings within 20 working days of the date that the complaint was received. Where this is not practicable the reasons will be recorded and the complainant and the alleged perpetrator will be so advised.

(a) Purpose of the Meetings

The purpose of these meetings is to establish the facts. All those giving information to the Investigating Manager and the representative from Human Resources do so privately and not in the presence of any other person involved in or present during the alleged incident. A record of all meetings will be kept. All evidence provided to assist with the investigation will be treated as confidential to the investigation subject to any statutory requirements.

(b) Meeting with the Person Alleging Harassment and Bullying

The Investigating Manager and the representative of Human Resources will meet with the person alleging harassment or bullying and consider both what

they have to say and any other related matter. The person alleging harassment or bullying will have the right to be accompanied and/or represented by his/her trade union representative or work colleague as appropriate.

(c) Meeting with the Alleged Perpetrator

The Investigating Manager and the representative from Human Resources will meet with the alleged harasser and hear what he/she has to say about the alleged incident(s) and any other related matter. The alleged harasser will have the right to be accompanied and/or represented by his/her trade union representative or work colleague as appropriate. This will not be the same person who accompanied and/or represents the complainant.

(d) Meeting with anyone who can assist with the investigation

The Investigating Manager and the representative from Human Resources will meet with:

- anyone who can assist with the investigation. This may include supervisors and co-workers and may also include anyone who observed the complainant's demeanour immediately before and after the alleged incident(s). Each individual will be asked to outline what happened.
- the managers/supervisors of both the complainant and alleged perpetrator to establish if there has been any history of previous conflict between them and/or with other parties.

The Investigating Manager and the representative from Human Resources may wish to have further meetings to clarify or gain additional information.

(e) Consideration of Information

Having obtained all the information possible, the Investigating Manager, in consultation with Human Resources, will consider whether the disciplinary procedure should be invoked or some other action taken.

(f) Reporting of Facts

The Investigating Manager will prepare a written report outlining the facts, indicating his/her findings, and whether the disciplinary procedure should be invoked or other action taken. Every effort will be made to produce the report within 20 working days of the date following the completion of the investigation. Where this is not practicable the reasons will be recorded and the complainant and alleged perpetrator advised accordingly.

(g) Decision on Action

The Investigating Manager in conjunction with OD/HR (or other appropriate level of management as outlined above) will then decide either:

- i. To initiate the Council's agreed disciplinary procedure against any party as appropriate.

and/or

- ii. To take no further action or to take any other appropriate management action e.g. the provision of training or counselling or mediation.
- iii. Initiate the Council's right to refuse admission to, or refuse use of the relevant Council facility or service.

(h) Communicating the Decision

The outcome of the investigation will be communicated in writing to both parties.

16 Appeals Process

- 16.1.1 If the complainant wishes to appeal against any decision they can do so in writing within 5 working days of the receipt of the decision.
- 16.1.2 The basis and grounds of the appeal must be made clear and it is this which should direct the subsequent appeal hearing. The person hearing the appeal should be a Manager with no previous involvement with the case or the parties involved. The Manager should be asked to consider the grounds of the appeal with reference to the documentation and the procedures which had been followed. In the light of this review, the Manager may ask for further information. Unless the original hearing was seriously flawed procedurally, the appeal should not take the form of a complete re-hearing.

16.2 Consideration of Transfer

(a) Redeployment if the complaint has been upheld

Where a complaint has been upheld the complainant may wish to avoid further contact with the perpetrator. Should the latter remain in employment with the Council and where it is agreed that further contact between the individuals concerned would be unacceptable, every effort will be made to facilitate this wish. Consideration may be given to relocating the perpetrator in the first instance and where transfer of the complainant occurs, it should not lead to any disadvantage to him/her.

(b) Redeployment where a complaint has not be upheld.

Even where a complaint is not upheld, or, for example, where evidence is inconclusive, consideration may still be given, where practicable, to the voluntary transfer of one of the employees concerned.

16.3 Training and Counselling

Training and/or counselling will be offered to the person who has been harassed and to the perpetrator. Where a complaint has not been upheld training and/or counselling may be offered. This will be provided by a trained member of staff or by an external provider, as appropriate.

16.4 Further Meetings

- 16.4.1 The Manager will meet the individual who has alleged harassment on a regular basis to offer support and to ensure that no harassment or victimization has occurred. This action will be undertaken even where a complaint has not been upheld.
- 16.4.2 The Manager of the perpetrator will be responsible for ensuring that he/she is made fully aware of the Council's policies on equal opportunities and harassment/bullying and of the law in relation to these matters.

17 RECORD KEEPING

- 17.1 The Council will keep written records as required throughout the procedure for future reference.
- 17.2 Records will be treated as confidential and will be kept no longer than necessary in accordance with the relevant Data Protection legislation. This

legislation gives individuals the right to request and have access to certain personal data. Although in certain circumstances (e.g. to protect a witness) the Council may withhold some information.

18 REVIEW

18.1 The Council will monitor all incidents of harassment or bullying and will review the effectiveness of this policy and procedure, carrying out reviews at regular intervals to ensure compliance with legislation and relevant caselaw.

19 Equal Opportunities

All parties involved in the operation of the Redeployment Policy have responsibility for ensuring that the application of this policy is in line with the Council's Equal Opportunities Policy – that it will be operated fairly ensuring the need to promote equality of opportunity between:-

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
- men and women generally
- persons with a disability and persons without
- persons with dependants and persons without
-

20 Evaluation and Review of the Policy

The impact of the Dignity & Respect at Work Policy on all employees groups will be reviewed on a regular basis to ensure that it meets the needs of the Council and to ensure compliance with the relevant legislation.

Signed: _____

Date: _____

Policy review date: _____

21 Section 75 Equality and Good Relations

Causeway Coast and Glens Borough Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard this policy will be screened using Section 75 guidelines and will be subject to an Equality Impact Assessment if found necessary as a result of the screening process.

22 Contact Details

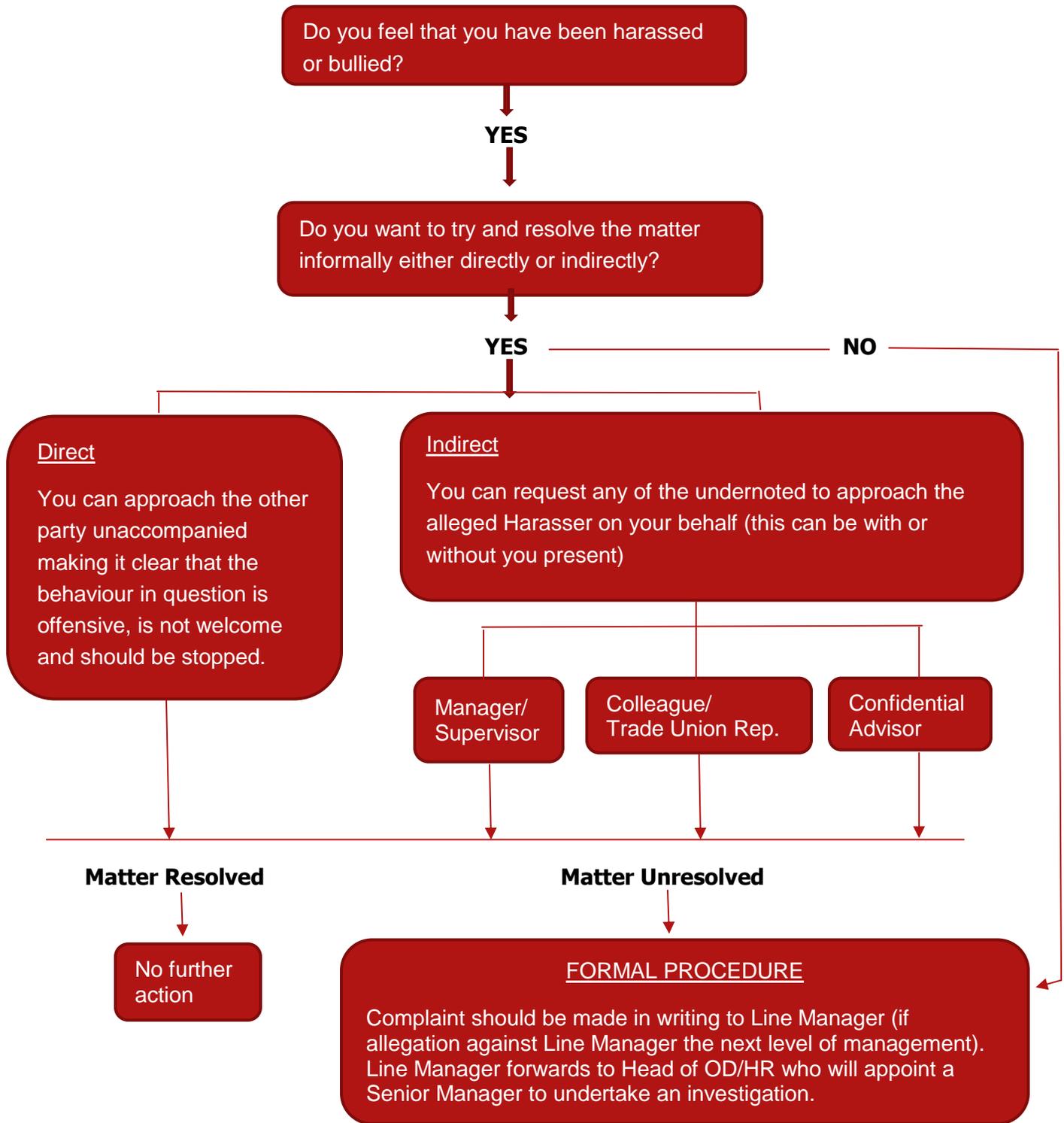
Any issues or queries relating to this policy should be addressed to:

Brid Lofthouse
Causeway Coast and Glens Borough Council
Cloonavin
66 Portstewart Road
COLERAINE
BT49 1EY

Tel: 028 7034 7267

Email: brid.lofthouse@causewaycoastandglens.gov.uk

Appendix 1: Flowchart of the procedure for dealing with Harassment or Bullying



Appendix 2: FORMAL COMPLAINTS FORM – STRICTLY CONFIDENTIAL

1. PERSONAL DETAILS (to be completed by complainant)

Name: _____

Work Location: _____

Home Address: _____

Home/Mobile Telephone Number: _____

Work Telephone Number: _____

Job Title: _____

2. COMPLAINT DETAILS

Please give clear and concise details of your complaint below including who the complaint is being made against, the place, time and date of the incident/s, names of persons involved etc. (if applicable). Please note that as part of the investigation, you will be interviewed to obtain further information and details about the incidents outlined in this form. Therefore you should clearly outline the matters you wish to be considered as part of the investigation process on this form.

Who is the complaint against? _____ (name/s)

Incident(s) details

Please continue on a separate sheet if necessary.

3. WITNESSES

Please provide the names, addresses and telephone numbers of any witnesses:

Name _____ Name _____

Address: _____ Address: _____

Tel. No: _____ Tel. No: _____

4. DETAILS OF ACTION TO DATE

Please outline any action that has taken place to try and stop the unwanted behaviour either outside of this procedure or at the informal stage. Please include details of any meetings that have been held, or any other parties involved in this informal approach.

5. SIGNATURE

Please sign and date this form below and forward it to your Line Manager. Your Line Manager will forward this form to the Head of OD/HR.

Signed: _____ Date: _____



**Causeway
Coast & Glens
Borough Council**

DISCIPLINARY PROCEDURE

Version 1.0

August 2018

Policy Number	CCG/20/18
Version Number	1
Author	Brid Lofthouse
Date of Screening of Policy	28 th September 2018
EQIA Recommended?	NO
Date Adopted by Council	
Date Policy Revised	N/A

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1 INTRODUCTION

This procedure is designed to be corrective not punitive and to help encourage all employees to achieve and maintain appropriate standards of conduct and performance. It provides practical guidance to managers, employees and their representatives within Causeway Coast and Glens Borough Council

The aim of the procedure is to ensure:

- The Council is operating effectively as an organisation;
- Disciplinary sanction taken is fair, appropriate and consistent and all who are involved in the process are treated with dignity and respect;
- Managers, employees and their representatives are aware of their rights and obligations in matters relating to disciplinary and appeals procedures;
- That the credibility and reputation of Causeway Coast and Glens Borough Council, with its citizens and other partnership organisations and stakeholders, is maintained.

This disciplinary procedure should be read in conjunction with the 'other relevant Council policies/procedures, such as:

- Terms and conditions of employment
- Code of Conduct for Local Government Employees
- Performance Improvement Procedure

This document has been written to reflect and improve on the Labour Relation Agency's (LRA) Code of Practice on Disciplinary and Grievance Procedures.

2 SCOPE

To ensure fairness in dealing with matters under this procedure, Management will:

- Use the disciplinary procedure to encourage employees to improve behaviour
- Inform employees of the complaint/allegation of misconduct against them and provide them with an opportunity to state their case before making any decision regarding disciplinary sanction.
- Carry out a thorough investigation of the complaint/alleged misconduct.
- Allow employees to be accompanied by an employee/trade union representative at investigations, precautionary suspension meetings, disciplinary hearings and appeals.
- Make sure that disciplinary sanctions are not taken until the facts of the case have been established and ensure that the action is reasonable in the circumstances.
- Normally an employee will not be dismissed for a first disciplinary offence. However there may be cases where an employee can be dismissed for Gross Misconduct.

- Give employees a written explanation for any disciplinary sanction taken and make sure they know what improvement is expected and the date it is expected by.
- Give employees an opportunity to appeal the outcome of the disciplinary hearing.
- Deal with issues as thoroughly and promptly as possible.
- Act fairly and consistently.

If Management know in advance that an employee has difficulty reading or that English is not their first language, the content of any disciplinary letters will be explained orally in a manner which will ensure the employee will understand. Letters can also be made available in other clear formats, such as large print, where necessary.

This policy and procedure applies to all employees of the Council, except the Chief Executive.

Employees are expected to maintain standards of behaviour and conduct, which do not result in recourse to disciplinary sanction.

This procedure does not apply during an employee's probationary period or for those in their first year of employment.

Management reserves the right, in the most exceptional of cases, to vary from this procedure, in terms of time frames for example, where the circumstances justify this.

Matters of poor performance will be addressed within the Performance Improvement Policy.

3 GUIDANCE AND DEFINITIONS

“Causeway Coast and Glens Borough Council Employee” is anyone employed by Causeway Coast and Glens Borough Council and those staff that come under the definition of being an employee of Causeway Coast and Glens Borough Council.

“The Council” is the employing authority and is represented by Management.

“Management” is those staff charged with responsibility for the administration and implementation of Council's business.

“Investigating Officer” is any person authorised by the Head of Human Resources and Organisational Development, or the Chief Executive in exceptional circumstances, to carry out a formal investigation into alleged breaches of discipline to establish the facts of the case.

“Investigating Team” consists of the Investigating Officer and Clerical Support, to take notes throughout the process. The relevant OD/HR representative will be on hand to offer advice.

“Disciplinary Panel” is the two managers authorised to take disciplinary sanction.

“Employee/Trade Union Representative” is a fellow employee of Causeway Coast and Glens Borough Council or an official employed by a trade union, or a lay trade union official (who has been reasonably certified in writing by his/her union as having experience of, or as having received training in, acting as a worker’s companion). **Legal representation will not be permitted at any stage of the Disciplinary Procedure.** The Council will, however, consider sympathetically accommodating employees that have particular requirements arising from a disability.

“Misconduct” is a breach of discipline which is considered potentially serious enough to warrant recourse to formal disciplinary sanction (See Appendix A). In the event of alleged misconduct and issues of performance the Disciplinary Policy will be used.

“Gross Misconduct” is a serious breach of discipline which effectively destroys the employment relationship, and/or confidence which Causeway Coast and Glens Borough Council must have in an employee or brings Causeway Coast and Glens Borough Council into disrepute

(See Appendix A).

4 GENERAL PRINCIPLES

The following general principles are applicable to all disciplinary cases:

- a) Employees are directed to ensure that they are familiar with their contract of employment and terms of conditions of employment so that they understand the consequences of breaching the Council’s Disciplinary Procedure. In accordance with their contract of employment and terms and conditions of employment, employees are expected to participate fully with the disciplinary process. If in any doubt they should seek advice from their line manager or trade union.
- b) In cases where an investigation is necessary, a decision whether or not to proceed to disciplinary sanction will not be taken against an employee until such an investigation is completed. However, Management reserves the right to proceed with disciplinary sanction where an employee fails to cooperate with the investigation.
- c) At every stage in the procedure the employee will be advised of the nature of the complaint/incident/issue and will be given the opportunity to state their case before any decision is made.

- d) At all stages during the disciplinary procedure, the employee will have the right to be accompanied by an employee/trade union representative. As the disciplinary process is an internal one, no external representative, such as, solicitor, family member etc. will be permitted. However, if employees or their representatives are disabled the Council will consider whether it might be reasonable to allow them to be accompanied (by a family member / disability representative) because of their disability.
- e) Confidentiality must be adhered to throughout all stages of the policy.
- f) Normally an employee will not be dismissed for a first breach of discipline except in the case of gross misconduct where the disciplinary sanction may be summary dismissal.
- g) In deciding upon appropriate disciplinary sanction, consideration will be given to the nature of the offence, any mitigating circumstances and previous conduct.
- h) An employee will have the right to appeal against any disciplinary sanction imposed.
- i) Management will collect information from relevant witnesses. Employees of Causeway Coast and Glens Borough Council, who are witnesses to alleged misconduct, will be required to give evidence and may be required to attend disciplinary meetings and/or hearings.
- j) All stages of the disciplinary proceedings will be completed as quickly as is practicable.
- k) Any disciplinary sanction will be appropriate to the nature of the misconduct.
- l) Council will provide the services of an interpreter/translator for staff that require this service to enable them to participate in disciplinary hearings.
- m) An employee can raise any genuine concerns with the selection of the Investigating Officer in writing to the relevant OD/HR representative within 5 working days of receipt of the letter calling them to interview.
- n) The Investigating Officer will normally be at a higher grade than the employee being investigated. Membership of the Disciplinary Panel will be of at least equivalent grade to the Investigating Officer, and membership of the Appeal Panel will normally be at a higher level than the Disciplinary Panel.

5 RIGHT TO BE ACCOMPANIED

A fellow employee or trade union representative may accompany an employee, whose behaviour or conduct is being investigated formally, or who is attending a formal

disciplinary hearing or an appeal hearing. The employee or trade union representative accompanying the employee may assist in the employee's preparation of their case.

The employee/trade union representative will be provided with a reasonable amount of time to confer privately with the employee. Fellow employee(s) or trade union representatives do not have to accept a request to accompany an employee and should not be pressurised to do so by Management or employees.

No employee will be disadvantaged by the Council for using his/her right to be accompanied nor for accompanying a colleague, nor should an employee feel pressured to be accompanied when they do not wish to assert this right.

An employee who has agreed to accompany a work colleague at a disciplinary hearing will be permitted a reasonable amount of work time by Management to familiarise his / herself with the case, to confer with the employee before and after the hearing and attend the hearing itself.

If the employee or their employee/trade union representative does not attend on an agreed date due to exceptional circumstances or circumstances beyond their control, the Management will set a second date for the hearing. If the employee does not attend on the second hearing date, Management will accept representation of the employee by their chosen companion and/or a personal written statement in addition to consideration of all other relevant information available. However, in the absence of any representation under these circumstances, the Council reserves the right to proceed with the disciplinary hearing and to make a decision on the matter.

The companion will be allowed to address the hearing in order to:

- Put the employee's case;
- Sum up the employee's case;
- Respond on the employee's behalf to any view expressed at the hearing;
- Confer with the employee during the hearing;
- Raise points about any information provided by witnesses.

The companion has no right to answer questions on the employee's behalf. Additionally, a companion must not act in a manner which would prevent any other person at the hearing from making his/her contribution.

6 PRECAUTIONARY SUSPENSION

In certain cases, for example in cases involving gross misconduct, where relationships have broken down, there are risks to an employer's property or responsibilities to other parties, or to facilitate the investigation process consideration will be given to a brief period of suspension with normal pay (calculated as that paid on the first day of

suspension) whilst an unhindered investigation is conducted. Such a suspension will only be imposed after careful consideration of the necessity for this. Such suspensions will normally be undertaken by a Line Manager, following consultation with OD/HR, and will be confirmed in writing by OD/HR. A suspension will be kept under review and should normally last no longer than 8 weeks.

The Council will also consider alternative actions which would be more acceptable to the employee yet serve the same purpose as a suspension. Alternatives to suspension might include the agreeing of a temporary transfer to other duties or another work area without loss of pay or the taking of annual holidays to which the employee is entitled. Any action taken will be reviewed to ensure it is not unnecessarily protracted. It will be made clear that any action taken is not considered a disciplinary sanction. .

In addition to considering the employee's potential liability for disciplinary sanction, the Council will send home an employee who is unfit to carry out his/her duties due to alcohol, drugs or other intoxicants, and the employee will not be paid for the hours they are scheduled to work that day

7 INVESTIGATION

Disciplinary sanctions should not be taken without establishing the facts of each case, any action following from this must be reasonable in the circumstances.

Stage 1 – preliminary stage

If a manager becomes aware of an incident/issue he/she will gather all the facts as soon as possible and if necessary record the information in writing. This stage may be completed without employee involvement. The manager will determine whether or not the matter can be dealt with informally (see informal procedure). In cases where the matter can be resolved at this stage no further action will be necessary.

Where the issue is more serious, or the Manager has been unable to resolve it informally, he/she will forward the preliminary details to the relevant /OD/HR representative who will decide whether or not a full investigation is required.

Stage 2 – full investigation

The Investigating Officer will carry out the Investigation.

The investigation will be conducted as quickly as is reasonable taking account of the extent and seriousness of the allegations. The relevant OD/HR representative will supply the employee with sufficient information in writing about the complaint/incident/issue (as far as this is known), tell him/her that the matter is being fully investigated, and provide details of the investigation meeting, the name of the Investigating Officer, and the employee's right to be accompanied.

The employee concerned will normally be called to attend an investigatory meeting at which he/she will be asked to give their account of the events in question. This interview is not a formal disciplinary hearing. An OD/OD/HR Officer/Assistant, will normally be present during any investigatory interviews.

In very exceptional circumstances, Management / OD/HR may choose to have an investigation carried out by a person independent of the Council.

Each person connected with the investigation may be interviewed and/or witness statements compiled for the Investigation report. Employees who are witnesses may choose to be accompanied by an employee/trade union representative.

Witnesses are reminded that they are expected to provide a full account of their knowledge of the matter under investigation and that a failure to do so may lead to disciplinary sanction being taken against them.

Where appropriate, Management/Investigation Officer, in exceptional circumstances, may withhold the names of any witnesses contained within the investigation reports.

Stage 3 – Investigation report

At the conclusion of the investigation the Investigating Officer will forward a report to a Manager at an appropriate level, who will make a decision on the way forward. The employee concerned will be advised in writing of this decision and whether or not the matter will then be examined at a disciplinary hearing.

The Investigating Officer should ensure that witnesses are interviewed and that any relevant documentation is examined before forwarding a report detailing his/her findings.

It should be noted that, if an issue has already been investigated under another agreed procedure (e.g. Dignity and Respect at Work, audit, attendance improvement etc.) and disciplinary sanction has been recommended, then there is no requirement to reinvestigate under this Disciplinary Procedure, unless it is deemed necessary to do so.

It is recognised that day to day issues relating to conduct will be resolved by management and employees through the normal means of communication. However, where normal communications fail to resolve matters and where the disciplinary procedure is deemed applicable, any resultant disciplinary sanction will seek to be corrective in nature, be justifiable and be aimed at achieving acceptable standards of behaviour and conduct.

8 COUNSELLING

Details of Counselling available on a confidential basis through Inspire can be contacted on 0800 3895 362.

9 INFORMAL PROCEDURE

This procedure is not intended to undermine or replace the normal working relationship that exists between a manager/supervisor and his/her employees. Cases of potential minor misconduct are usually best dealt with informally. A quiet word of caution or advice and encouragement is often all that is required to improve an employee's conduct. The informal approach may be particularly helpful in dealing with problems quickly and confidentially. However, there will be situations where matters are more serious or where an informal approach has been tried but is not working.

A line manager at the time of taking informal action may take the view that where there is a failure to improve, formal action will be the next step. In such circumstances the line manager, at the time of taking informal action, should orally inform the employee of this view. Informal cautions must be recorded on the 'Informal Counselling Record' Appendix C-1 by managers/supervisors. The employees will receive a copy and a copy will be forwarded to the OD/HR Department. The informal procedure provides employees with an opportunity to improve their conduct prior to the formal procedure being invoked.

Informal action should include:

- Talking to the employee in private to point out the problem and to make it clear what conduct is expected of them.
- Listening to what the employee has to say.
- Ensuring the employee understands that their conduct will be monitored and reviewed over a specified period.
- Ensuring the employee understands what the next stage would be should their conduct not improve
- Keeping brief notes
- Reviewing the employee's conduct over a specified period

If informal action does not bring about an improvement or the misconduct is considered to be too serious to be classed as minor, line managers must take formal action.

10 FORMAL DISCIPLINARY PROCEDURE

10.1 Disciplinary Hearing

Prior to the Hearing

When a disciplinary matter arises, management or the investigating officer should first establish the facts promptly before recollections fade, taking into account the statements of any available witnesses (see section 6 above).

Following the investigation, consideration will be given to the need to resort to the formal procedure or that if it is appropriate to talk the matter over informally with the employee. The employee should be made aware that this is an informal discussion as opposed to action under the formal procedure.

The disciplinary hearing is a formal meeting where a decision is made by Management regarding the allegation.

- a) If, following investigation, it is decided that the case is to be referred to a disciplinary hearing an appropriate Disciplinary Panel consisting of two managers will be arranged. The relevant OD/HR representative, will attend this hearing, provide advice to the panel and act as a note taker.

In the case of Gross Misconduct where the sanction could be dismissal, then the Disciplinary Panel should consist of one Director and a Head of Service.

(Where the policy refers to working days, if it becomes apparent that the process will take longer than this, all parties will be notified accordingly.

The employee should be informed in writing at least **5 working days** before a hearing and advised of:

- The persons hearing the allegation(s);
- The allegation(s) to be heard. Details of the basis of the allegations and a copy of any relevant documentation will be made available to the employee prior to the hearing, normally at the time of notification. In certain circumstances (for example to protect a witness) some information may be withheld from the employee.
- Date, time, and place of hearing;
- The right to be accompanied by an employee/trade union representative;
- The potential seriousness of the complaint including whether or not the disciplinary investigation could lead to dismissal of the employee;
- The requirement that the employee tell Management who, if anyone, they have chosen to accompany them at the hearing at least **3 working days** before the hearing takes place.

A copy of Causeway Coast and Glens Borough Council's Disciplinary Procedure should accompany the letter along with any relevant documentation. All parties must ensure that there is no unreasonable delay in the process.

- b) The employee shall normally be present during the hearing of all the evidence but may choose not to attend. It should be made clear that the hearing will proceed in his or her absence. Any submission by the employee in writing or by his or her representative will be considered. Management will proceed to hear a disciplinary case in the absence of the employee where no adequate explanation is provided for the employee's absence.

Employees are expected to participate fully with the disciplinary process. If an employee cannot attend a meeting/hearing through circumstances outside his/her control (which may include union representation) they must notify the Human Resources Section and provide reasons. Council will, in turn, arrange one further meeting/hearing. Failure to attend this rearranged meeting/hearing may result in the disciplinary process continuing in the absence of the employee. A decision will be taken following this based on the information provided.

At the hearing, the case against the employee will be outlined and the employee should set out his/her case and answer the allegations.

The employee will be allowed to ask questions, present evidence, and be given an opportunity to raise points about any information provided by witnesses. Equally the disciplinary panel will ask questions of any information/evidence provided by witnesses.

10.2 Disciplinary Decision

- a) The Disciplinary Panel will review all the evidence presented before taking its decision. The Disciplinary Panel will determine on a balance of probability and on the grounds of reasonableness whether or not the allegations will be upheld before deciding on the appropriate disciplinary sanction. The Disciplinary Panel should consider any mitigating circumstances put forward at the hearing and take account of the employee's record.
- b) The decision should be communicated in writing to the employee normally within 10 **working days** of the date of the hearing. In the case of written or final written warnings, the timescale of the sanction should be specified. If it becomes apparent that the process will take longer than this, all parties will be notified accordingly. The employee should be advised:-
- That the action is part of the formal disciplinary procedure;

- Of the nature of the misconduct;
- Of the level of the disciplinary sanction being taken;
- Of the reasons for the decision;
- Of the change in behaviour required;
- Of the consequences of further breaches of discipline;
- That he/she has the right to appeal the decision and the process to appeal the decision.

11 DISCIPLINARY SANCTION

- **Recorded Oral Warning** – an oral warning may be given following misconduct or where misconduct is repeated following informal counselling. A Recorded oral warning will remain on the employee's record for a period of **6 months**. A copy of the Recorded oral warning will be sent to OD/HR and placed in the employees personnel file. The Recorded Oral warning should be accompanied by advice to the employee on the consequences of any repetition or continuance of the misconduct that has given rise to the disciplinary sanction/action. A Recorded Oral warning will lapse after 6 months and will be considered expired for disciplinary purposes.
- **Written Warning** - a written warning may be given following misconduct or where misconduct is repeated after an oral warning. A written warning will remain on the employee's record for a period of **12 months**. The written warning should be accompanied by advice to the employee on the consequences of any repetition or continuance of the misconduct that has given rise to the disciplinary sanction/action. A written warning will lapse after 12 months and will be considered expired for disciplinary purposes.
- **Final Written Warning** – a final written warning may be given when either the misconduct is considered more serious or where there is a continuation of misconduct which has led to previous warnings and/or informal action, or in some cases of gross misconduct. A final written warning will remain on the employee's record for a period of **12 months**. The final written warning should be accompanied by advice to the employee on the consequence of any repetition or continuance of the misconduct that has given rise to the disciplinary sanction/action. A final written warning will lapse after 12 months and will be considered expired for disciplinary purposes.
- **Transfer, Demotion and/or Downgrading** – subject to operational requirements and availability, the Disciplinary Panel may decide that the most appropriate course of action should be either transfer, demotion or

downgrading. These disciplinary sanctions may be imposed in addition to either a written warning or a final written warning as appropriate.

- **Dismissal** – Dismissal will apply in situations where previous warnings issued have not produced the required improvement in standards or in cases where gross misconduct has been established.
- **Summary Dismissal** – in some cases where gross misconduct has been established, an employee may be summarily dismissed i.e. without payment of contractual or statutory notice.

Level of Misconduct	Disciplinary sanction	Duration on file
Misconduct	Recorded Oral Warning	6 Months
Misconduct or repetition of misconduct	Written Warning	12 Months
	Final Written Warning	12 months
Gross Misconduct or continuance of misconduct leading to dismissal	Final Written Warning containing clear notice that a repeat of the offence within 12 months will result in dismissal.	12 Months
	Dismissal (summary dismissal in the case of gross misconduct i.e. without notice and without pay in lieu of notice)	N / A

When determining the disciplinary sanction to be taken in any given case, managers shall have discretion to vary the penalty in the light of relevant mitigating circumstances. Each case will be treated on its own merits.

Once warnings have lapsed through time they are considered as expired for disciplinary purposes.

12 DISCIPLINARY APPEAL

Employees, on whom a disciplinary sanction has been imposed, may appeal the disciplinary decision if they wish.

An employee wishing to appeal disciplinary sanction should write to the Head of Organisation Development / Human Resources, clearly stating the grounds of their appeal, within 5 **working days** of receipt of the letter containing the disciplinary decision. The appeal hearing will be arranged as early as practicable and the employee will have the right to be accompanied.

In cases of summary dismissal, the decision to dismiss is effective from the day that the decision is made and must be communicated to the employee and/or their companion. This does not affect the employee's right of appeal.

12.1 Appeal Stage

An employee must put their request for an appeal in writing to the Head of OD/HR outlining the grounds for appeal. The Head of OD/HR will make the necessary arrangements to have the appeal heard.

The employee will normally be given at least 5 **working days** notice of the date of the appeal and will also be advised by Human Resources:

- Of the date, time and location of the appeal hearing;
- Of their right to be accompanied at the appeal;
- Of the persons hearing the appeal.

An appeal will review the decision of the Disciplinary Panel and the grounds set out by the employee.

The appeal Panel will normally comprise of two managers at an appropriate level from Management who have had no previous involvement in the case and who are normally at a more senior level than the Disciplinary Panel. They will be advised by an OD/HR representative. A note-taker will be in attendance to record details.

In the case of an appeal against a dismissal, then the Appeal Panel should consist of the Chief Executive and a member of the Senior Management Team who have had no previous involvement in the case.

Appeals against a disciplinary decision made by the Chief Executive may be heard by an independent panel from an external body such as another Council.

Copies of any documents that an employee will rely on during an appeal must be included in the written request for the appeal. Any new information must be submitted prior to an appeal. Only in exceptional circumstances may new information be presented immediately prior or during the appeal.

Employees will also be given the notes from the disciplinary meeting prior to the appeal hearing.

The Appeal Panel will have the authority to confirm, set aside, or reduce the decision of the Disciplinary Panel, but cannot increase the penalty. Where the decision of the Appeal Panel involves a variation of the original disciplinary decision, it should state the reasons and any operative date.

The decision of the Appeal Panel is final and will be conveyed in writing to the employee giving the reasons for the decision, as soon as possible and normally within **10 working days** of the appeal. In the event of a delay of the decision being made a written explanation will be provided.

In the event of reinstatement following an appeal back payment from the date of dismissal to the date of reinstatement will be made.

13 PANELS FOR HEARINGS AND APPEALS

A note-taker will be in attendance at all hearings to record details.

14 RECORD KEEPING

The OD/HR department will keep written records of all disciplinary hearings and appeals, and will include:

- The complaint/allegation of misconduct against the employee
- Investigation Reports
- The employee's submission
- Findings made and actions taken
- Reasons for actions taken
- Whether an appeal was lodged
- Outcome of the appeal
- Any grievances raised during the disciplinary process
- Subsequent developments.

Records will be treated as confidential and will be kept no longer than necessary in accordance with the General Data Protection Regulations. These Regulations give individuals the right to request and have access to certain personal data. Although in certain circumstances (e.g. to protect a witness) the Council may withhold some information.

Note: it may be difficult to protect a witness's anonymity, particularly if a case goes to an industrial tribunal.

15 ACTION IN PARTICULAR CASES

15.1 Grievances related to disciplinary cases

In the course of a disciplinary process an employee may wish to raise a grievance, for example in relation to the behaviour of a manager investigating the complaint/incident/issue. In such cases Council may, where appropriate and at its discretion, suspend the disciplinary process for a short period to allow for the grievance to be dealt with.

Alternatively, Management may wish to continue the process by asking another manager to deal with the disciplinary case. If the employee has a grievance that relates to their disciplinary case, this must be raised as part of the disciplinary process

15.2 Special Circumstances (Disciplinary sanction in the case of an employee representative, who is an accredited representative of a Trade Union)

Although normal disciplinary standards apply to the conduct of an employee representative, no disciplinary sanction beyond the informal stage should be taken until the matter has been discussed with a full-time official of the employee's trade union with the agreement of the employee.

Normal standards of conduct and performance apply to trade union representatives as to all employees. If disciplinary sanction or suspension with pay is considered for employees who are local trade union representatives, the case will be discussed with a senior trade union representative or full-time official, with the agreement of the employee.

15.3 Special Arrangements

Council will, as far as possible, make any special arrangements that may be necessary for handling disciplinary matters among staff at depots or others who may be difficult to reach.

The Council may modify this disciplinary procedure to accommodate any disability that an employee may have by, for example, altering the arrangements for the disciplinary

hearing and/or arranging for translation facilities if the employee who is being disciplined does not have English as his/her first language.

15.4 Police enquiries, legal proceedings, caution and criminal convictions not related to employment

Police enquiries, legal proceedings, caution or a conviction relating to a criminal charge shall not be regarded as necessarily constituting either a reason for disciplinary sanction or a reason for not pursuing a disciplinary sanction. Consideration must be given as to the extent to which the offence alleged or committed is connected with or is likely to adversely affect the employee's performance of duties, calls into question the ability or fitness of the employee to perform his or her duties, or where it is considered that it could bring Council into disrepute. In situations where a criminal case is pending or completed Council reserves its right to take internal disciplinary sanctions, regardless of the stage of the criminal investigations. The legal implications of frustration of contract will be considered by Management under these circumstances.

Employees will not be dismissed solely because they are absent from work as a result of being remanded in custody. Nevertheless, an employee who is held in custody or remanded to prison pending a criminal trial or as a result of criminal conviction will not be available for work and therefore such absence will be unpaid. A decision regarding the employee's future employment will be taken based on the nature of the crime, whether or not this calls for disciplinary sanction and the legal implications of frustration of contract.

16 OTHER MATTERS

If an employee presents for work unfit to carry out his or her duties due to alcohol, drugs or other intoxicants and whose presence in the workplace may cause a risk to health, safety or welfare, or if he or she is in other ways incapable of working normally, arrangements will be made for him or her to be taken to safety from the workplace. Any matters arising may then be subject to action through this procedure. However, Council will be sympathetic to staff presenting with an alcohol or drug problem, providing they are made aware of it.

17 MONITORING AND SURVEILLANCE

17.1 Council currently has systems in place which facilitate monitoring the usage of:

- Telephones
- E-mail
- Internet
- Council vehicles

18.2 These systems are in place to ensure appropriate use of the above facilities/assets as well as to protect employees from potential misuse. Information obtained from these systems may be analysed and used during investigations into allegations of misconduct.

18.3 CCTV is also in place in various Council locations. The primary purpose of such systems is to safeguard employees during the course of their employment and to protect public and Council property. Information obtained from these systems may be reviewed or used for other purposes including investigations into allegations of misconduct, particularly where this relates to

- (a) allegations of harassment
- (b) failure to observe rules and regulations relating to health and safety at work or
- (c) allegations of misconduct which could be perceived as criminal (e.g. theft).

18.4 Directors and OD/HR will have the authority to request information from these systems (which would relate to an individual employee) during a disciplinary investigation. All such requests will be kept to a minimum to protect the privacy of individuals as far as possible and information will be retained confidentially by Human Resources.

18.5 Council will strictly adhere to all relevant legal obligations (e.g. General Data Protection Regulations (GDPR), Freedom of Information, Regulation of Investigatory Powers Act (RIPA) in relation to obtaining and utilising information obtained from monitoring or surveillance systems during disciplinary investigations.

18 REVIEW OF THE PROCEDURES

The impact of the Discipline Policy on all employees groups will be reviewed on a regular basis to ensure that it meets the needs of the Council and to ensure compliance with the relevant legislation.

Signed: _____

Date: _____

Policy review date: _____

19 Section 75 Equality and Good Relations

Causeway Coast and Glens Borough Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard this policy will be screened using Section 75 guidelines and will be subject to an Equality Impact Assessment if found necessary as a result of the screening process.

20 Contact Details

Any issues or queries relating to this policy should be addressed to:

Brid Lofthouse
Causeway Coast and Glens Borough Council
Cloonavin
66 Portstewart Road
COLERAINE
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APPENDIX A – Examples of Misconduct

Conduct is categorised under the headings of “Misconduct” and “Gross Misconduct”. This list should not be regarded as exhaustive or exclusive but used simply as a guide.

In determining the appropriate heading, managers are required to carefully consider the circumstances and seriousness of the case.

MISCONDUCT

Listed below are examples of misconduct, other than gross misconduct, which may result in disciplinary sanction and/or counselling in the light of the circumstances of each case. Where misconduct is repeated this may lead to dismissal.

- Inappropriate or unacceptable conduct or behaviour towards employees or members of the public
- Abuse of employment position and/or authority
- Absenteeism
- Failure to comply with Council’s Sickness Absence Policy and Procedures
- Unauthorised Absence
- Insubordination
- Poor Time-keeping
- Unsatisfactory Performance and Conduct
- Breaches of contract of employment and/or Codes of Conduct
- Failure to comply with the responsibilities and duties of employment position
- Failure to comply with or breaches of the Council’s Rules and Procedures, Policies and Practices
- Failure to declare outside Employment - Where an officer wishes to engage in other business or take up additional appointment/s he/she must seek the permission of the Council and act at all times in accordance with any contractual obligations in this respect.
- Failure to conform with safety, hygiene, security rules and regulations
- Misuse of Council Resources – internet, e-mail, telephone, mobiles etc.
- Misuse of Council Property – neglect, damage or loss of property, equipment or records belonging to the Council or its employees
- Use of foul language
- Dangerous horseplay
- Being an accessory to a disciplinary offence
- Sleeping on duty. Please note where this conduct will have a serious impact on health and safety the matter may be dealt with under gross misconduct.

APPENDIX A Continued

GROSS MISCONDUCT

The following are examples of gross misconduct which are serious breaches of contractual terms which effectively destroy the employment relationship and/or the confidence which the Council must have in an employee. Gross misconduct may warrant summary dismissal without previous warnings (i.e. dismissal without notice or pay in lieu of notice). A short period of suspension with pay, imposed after careful consideration and kept under review, may be used to allow Council to investigate. It will be made clear to the employee that suspension with pay is not a disciplinary sanction.

Following the disciplinary hearing, if the Council decides to dismiss summarily it will write to the employee explaining the reasons for dismissal and allow the employee to appeal.

- Theft – Theft from the Council, it's employee's or members of the public including other offences of dishonesty
- Fraud – Deliberate falsification of documentation or records pertaining to clients, staff or other persons. Misrepresentation which results, or could result in financial gain (e.g. applications for posts, pre-employment medical forms, time-sheets, clock-cards, subsistence and expenses claims etc.)
- Being under the influence or misuse of Alcohol, unauthorised consumption while on duty or during working hours. Reporting for duty under the influence of alcohol. Misuse of drugs e.g. through misappropriation or being under the influence of drugs. Failure to disclose prescribed medication to Line Manager which may put employee or others at risk.
- Breaches of health and safety, security rules and regulations endangering one's own or another's physical well-being or safety
- Physical violence/assault or other exceptionally offensive behaviour
- Criminal Conduct – including failure to notify the Council of a criminal offence either at work or outside of work. Consideration will be taken of criminal conduct/convictions and relevance to the employee's position
- Breaches of confidentiality
- Serious breaches of contract of employment and/or Codes of Conduct
- Serious breaches of Council Rules, Policies, Procedures and Practices or negligence that leads to serious breaches of Council Rules, Policies, Procedures and Practices
- Serious misuse of Council Resources – internet, e-mail, telephone, mobiles, Council name etc.
- Malicious or vexatious allegations or intimidation against another employee
- Serious insubordination
- Dishonesty
- Gambling on Council premises
- Some outside Employment – Unauthorised outside employment that would prevent the efficient performance of duties, adversely affect health, bring into

question loyalty and reliability or in any way weaken confidence in the Council's business.

- Conduct which potentially brings the Council into disrepute and/or bringing the Council into disrepute
- Serious misuse or unauthorised use of Property – unauthorised use or removal of Council property. Damage caused maliciously or recklessly to property, equipment or records belonging to the Council or its employees
- Serious professional misconduct or negligence leading to serious professional misconduct
- Sleeping on duty (depending of the seriousness impact this misconduct will have on the health and safety of others)
- Offering/Receiving a bribe – A bribe is a financial or other advantage intended to induce or reward improper performance where benefit could create a conflict between personal interests and business interests.
- **NOTE:** Any allegation of bullying in the workplace upheld after an investigation or any allegation of discrimination, victimisation or harassment linked to anti-discrimination legislation including gender, gender reassignment, sexual orientation, marriage, civil partnership, disability, race, age, religious beliefs or political opinions will be thoroughly investigated and where appropriate will be dealt with under the disciplinary procedure. The disciplinary response will depend upon the nature and seriousness of the incident; and in extreme cases will result in summary dismissal.

APPENDIX B – A Manager’s Guide to the Steps of Informal Counselling for Misconduct Matters

AIM:

- To provide guidance for managers/supervisors in the process of managing conduct
- To guide managers/supervisors through the stages of informal counselling
- This is a guide for informal counselling only
- Managers/supervisors should decide whether the matter falls under informal or formal action in accordance with the Council’s Disciplinary Procedure
- This process is generally used initially where conduct or behaviour does not meet required standard
- Each case will be decided on its own merit

NB: As this is an informal process that will not result in formal action at this stage the employee will not normally be accompanied by an employee/trade union representative.

1. SET UP A MEETING WITH THE INDIVIDUAL TO DISCUSS YOUR CONCERNS

- In private
- With sufficient time given without interruptions

2. HAVE AN OPEN DISCUSSION WITH THE EMPLOYEE

- Take into account induction, previous training, appraisals
- Share/discuss any documented evidence of poor conduct
- Give the employee an opportunity to state their case or reasons for poor conduct

NB: If at this stage the manager discovers that the matter relates to a capability issue i.e. lack of skill/ability to carry out the job, he/she must proceed under the Council’s Performance Improvement Procedure. Otherwise continue with this procedure.

3. AGREE A WAY FORWARD

- Highlight the standard expected of the employee
- Reference necessary policies (provide copies)
- Include timescales for improvement (monitoring/follow up dates)
- Summarise events
- Record events of the meeting and copy to employee within one week (Appendix C-1)
- Advise employee if no improvement within timescale then formal disciplinary sanction may be taken

3 FOLLOW UP MEETING

- In private
- Allow discussion to take place around agreed document
- Allow manager/supervisor to decide if standards have been met

HAVE STANDARDS BEEN MET?

IF YES:

- Provide positive feedback to the employee
- Advise that the standard needs to continue

IF NO:

- Give the employee opportunity to state why not met
- If satisfied, extend timescales for improvement and continue to monitor
- If dissatisfied, manager/supervisor may at this stage, if he/she feels it is appropriate, take the matter to a formal procedure. Refer to the Disciplinary Procedure for guidance. The Human Resources section can give further advice at this stage.

APPENDIX C-1 – Informal Counselling Record

* NAME OF EMPLOYEE: _____

NAME OF MANAGER: _____

- Matters discussed and nature of misconduct:
(If the matter is one of capability i.e. lack of skill/ability to carry out the job, record this below and continue the process under Council's Performance Improvement Procedure)

- Detail of action to be taken e.g. training or OH referral / improvements expected:

- The matter will be reviewed in _____ days / weeks / months (delete as necessary)
- As agreed, the following support will be made available:

* _____ is reminded that the matter is being dealt with informally at present and that this record does not constitute formal disciplinary sanction. However, if the required standards are not achieved within the timescale indicated above then disciplinary proceedings may follow depending on circumstances.

MANAGERS SIGNATURE

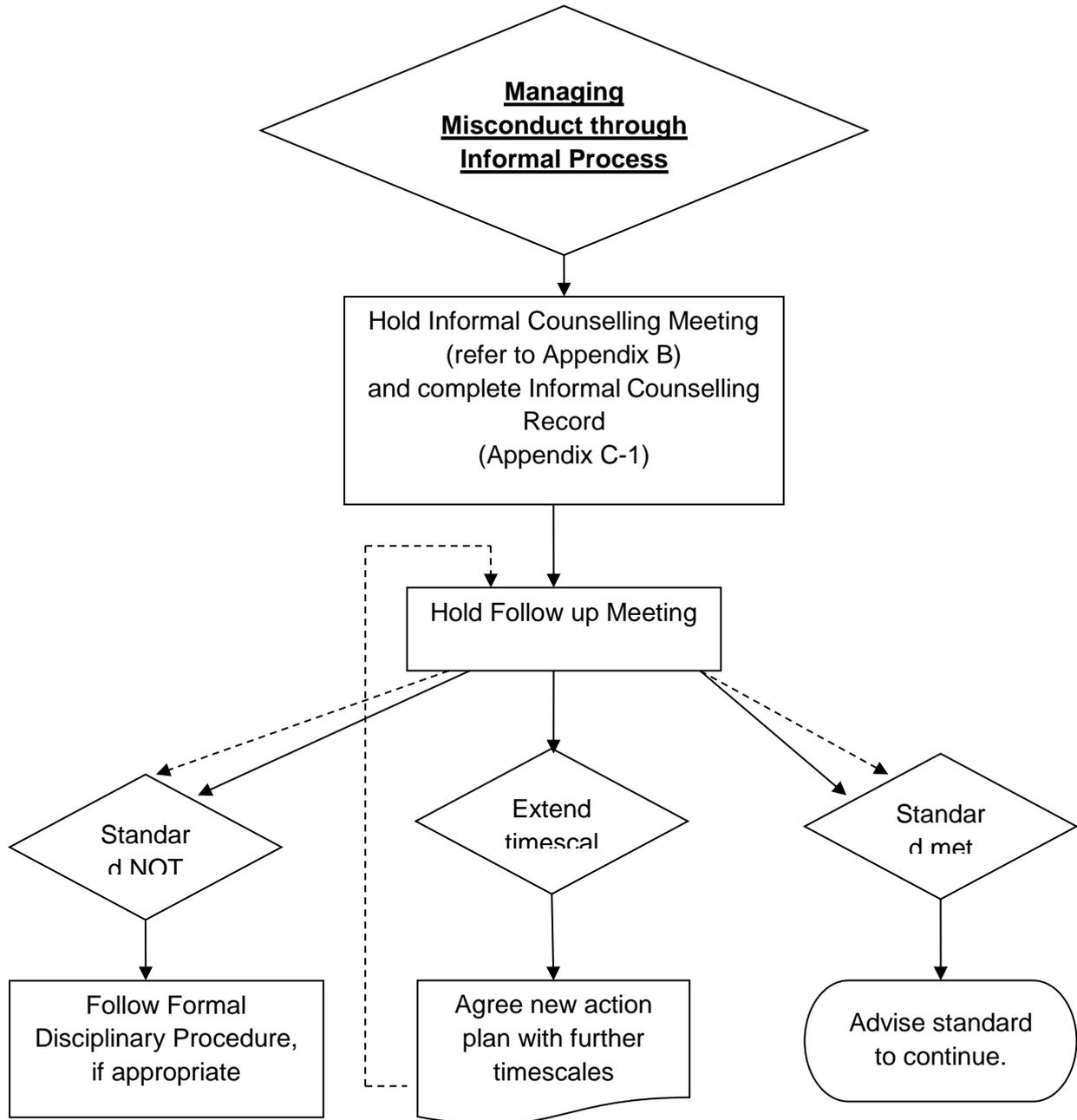
DATE

EMPLOYEES SIGNATURE

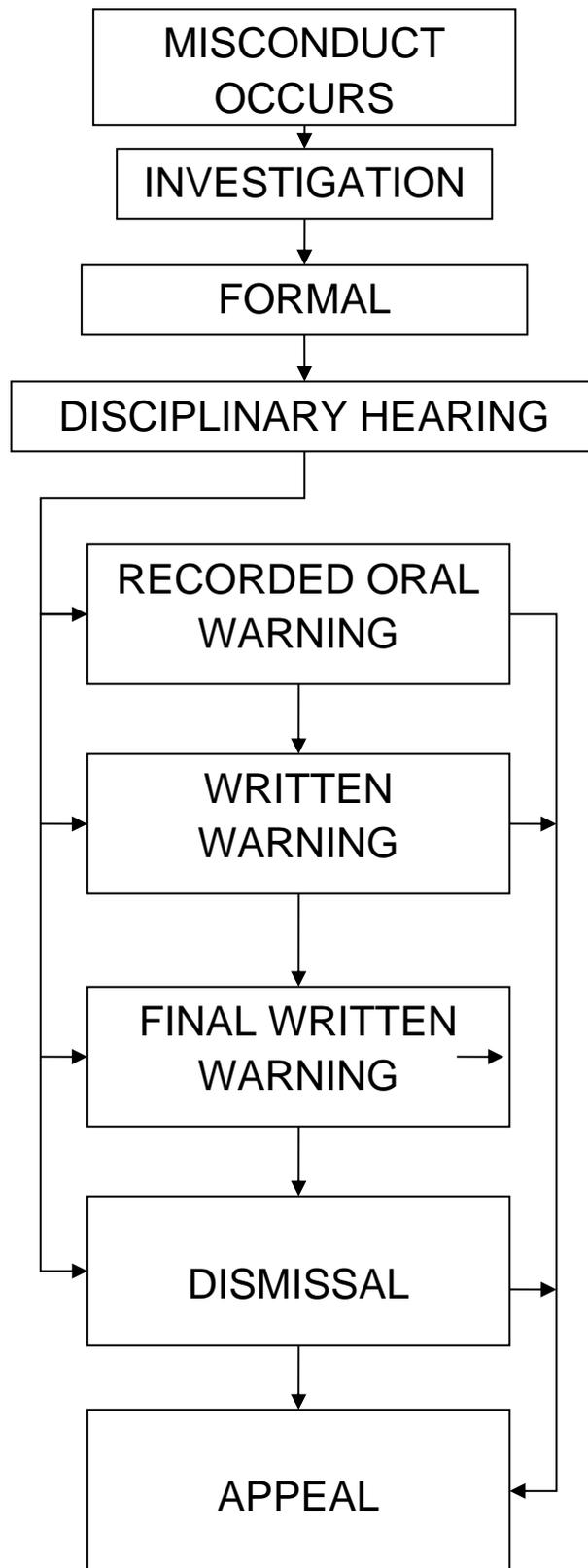
DATE

APPENDIX C-2 – A Manager’s Guide to the Steps of Informal Counselling for Misconduct Matters

If the Manager determines that a performance matter relates to a misconduct issue ie person not adhering to/refusing to work to standards, they should follow the Guidelines for Informal Counselling for Misconduct Matters as set out below:



APPENDIX D: Formal Disciplinary Steps





**Causeway
Coast & Glens
Borough Council**

Flexible Working Hours Scheme

Version 1.0 June 2018

Policy Number	CCG/14/18
Version Number	1.0
Author	Sandra Kelly

Date of Screening of Policy	25 th September 2018
EQIA Recommended?	YES/NO
Date Adopted by Council	
Date Policy Revised	n/a

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Flexible Working Hours Scheme

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1. INTRODUCTION

The aim of the Flexible Working Hours Scheme is to encourage a greater work life balance for employees whilst maintaining cover in service areas across the Council. The policy enables employees to balance their work and personal lives more effectively, and provide improved services to customers and ratepayers by providing services which are available to the public throughout the day.

2. POLICY STATEMENT

The Flexible Working Hours Scheme (FWHS) provides employees with a more flexible system of Attendance however flexibility should be achieved without adverse effect on the overall efficiency of departments or on the service provided to the public.

An employee's participation in the scheme is at management's discretion and is not an automatic right. The Scheme may not be practical in certain work areas and each department may determine service related restrictions within the scheme in accordance with operational needs of the service.

There are posts/job roles within Council that are not designated as appropriate for participation.

The Flexible Working hour's scheme is offered as a benefit to employees and may be reviewed in accordance with operational requirements.

(The policy statement should be signed and dated as follows by relevant Council representatives and Trade Union representatives)

Signed: _____ Date: _____
Mayor
Causeway Coast and Glens Borough Council

Signed: _____ Date: _____
Chief Executive
Causeway Coast and Glens Borough Council

3. ACCOUNTABILITY AND RESPONSIBILITIES

This section outlines the Accountability and Responsibilities of the Director/Head of Service, Line Manager, Employee and OD/HR Department as appropriate, in relation to the policy as follows:

- **Director/Head of Service** will oversee the effective implementation of the Flexible Working Hours Scheme within his/her directorate and will ensure consistent implementation of the Scheme.
- **Line Manager** is responsible for the management, monitoring, authorisation of requests and amendments of the Scheme within their Department.
- **Employees** are responsible for adhering to the Flexible Working Hours Scheme in accordance with employees and Line Managers guidance notes.
- **OD/HR Department** are responsible for setting up employees and maintenance of the system. Carrying out ad hoc audit reviews to ensure consistent approach of the Scheme throughout the Council.

4. DEFINITIONS

Please see below policy definitions:-

DEFINITIONS	EXPLANATION
Standard Working Week	37 hours 00 minutes, Monday – Friday
Standard Working Day	7.24 hrs
Standard half Day	3 hours 42 minutes
Standard Office Hours	Monday – Friday, 09:00 – 17:00 hrs
Core Times	Morning 10:00 hrs – 12:00 hrs Afternoon 14:00 hrs – 16.00 hrs <i>Employees must be at work during core time periods, apart from periods of leave, previously agreed core time absence and sickness. Absences during core time are not allowed without the agreement of the line manager.</i>
Flexible Bands	Monday – Friday Arrival 08:00 hrs – 10:00 hrs Lunch 12:00 hrs – 14:00 hrs Departure 16:00 hrs – 18:00 hrs
Lunch Break	12:00 hours – 14:00 hours

	<i>Lunch must be taken during this period for a minimum of 30 minutes, this amount is automatically deducted daily.</i>
Accounting Period	4 weeks
Debit Hours	14.48 hrs (2 days) <i>Pro rata arrangements apply for Part Time employees</i>
Credit Hours	14.48 hrs (2 days) <i>Pro rata arrangements apply for Part Time employees</i>
Using Flexi per accounting period	2 days taken in either 1/2 or full days Or Outside Core times

5. MAXIMUM/MINIMUM HOURS TO BE WORKED IN A WEEK

- 5.1 It is expected that employees will ensure they work their contracted hours.
- 5.2 Managers and employees have a joint responsibility for adherence to the Working Time Regulations 2016 in ensuring that no more than 48 hours a week are worked in any given 17 weeks reference period.
- 5.3 Employees must ensure that the hours they work:
- a. Meet service provision; including cover arrangements
 - b. Enable personal work objectives to be met
 - c. Fulfil their contractual obligations

6. BASIC PRINCIPLES

- 6.1 Under the Flexible Working Hours Scheme you will continue to work your contractual hours. However, employees may vary their time of arrival and departure from work, vary the length and timing of their lunch breaks and take time off if they work additional hours.
- 6.2 To ensure that the Flexible Working Hours Scheme operates satisfactorily and that the high standard of service is maintained, it is necessary that:
- (a) A minimum number of employees in each Department must be in attendance throughout the normal office hours 09:00 hrs – 17:00 hrs. This number will be agreed between the Line Manager and employee.

- (b) Employees may start earlier than the normal starting time (09:00 hrs) or remain later than the normal finishing time (17:00 hrs) providing, in the opinion of the Line Manager, there is work available for them to complete.
 - (c) Some employees may not have a choice in their start time or finish time as services have operational needs. A manager may require an employee to work at specified times on any standard working day, if the workload in the section/service requires it.
- 6.3 Core time is the essential part of the day during which all employees have to be at work, unless they have permission to be absent, 10 am – 12 noon and 14:00 – 16:00.
- 6.4 The accounting period will be 4 weeks and the same 4 week accounting period is used for all employees. Employees who join the Scheme during an accounting period will record their hours for the remainder of the 4 week period.
- 6.5 Electronic devices will be used by employees on the Flexible Working Hours Scheme for recording purposes.
- 6.6 At the end of the 4 week accounting period there is a reconciliation between hours recorded and standard hours. Line Managers will audit the scheme regularly, within their Department.
- 6.7 Under normal circumstances employees will not be allowed to carry forward more than the maximum credit or deficit of 14.48 hrs. Pro-rata carry-over arrangements apply for part-time employees.
- 6.8 A Carry over balance in excess of 14.48 hrs will automatically be lost.
- 6.9 At the end of a 4 week accounting period employees should ensure that they do not have a deficit of more than 14.48 hours (pro rata). Where an employee has persistent deficit hours the line manager will review the access to the Flexi system.
- 6.10 Credit leave accrued may be taken as half or full days as appropriate. As is the case with annual leave such absences must be authorised in advance by the appropriate Line Manager. Approval will not be withheld unreasonably.
- 6.11 The only restriction on the timing of half a day's leave is that the leave period should not run over into more than one core period.

For example after a mornings leave employees may arrive at the office at any time during the flexible lunch break (12:00 hrs- 14:00 hrs) and when taking an afternoon off may depart at any time in the same period. There is no requirement to take a lunch break when taking a half day's leave.

- 6.12 Absences such as annual leave, business leave and training courses etc. will attract a credit to the flexi record.

Reasonable time off will be permitted for medical appointments (Doctor, Dentist, Hospital etc.). Prior approval from the Line Manager will be required and presentation of appointment cards should be provided. Where reasonably possible arrangements for such visits should be made outside core times. Urgent and unavoidable visits within core time will attract credits.

Absences on the PIP system will accrue credit to the flexi record. You should submit all requests on the Personal Information Portal for planned absences, such as annual leave, flexi leave or toil prior to your absence from work or as soon as is reasonably practicable i.e. training, meetings, or appointments. Please ensure that your record start and finish times. Unplanned absences for example sickness absence will be updated by your line manager.

- 6.13 Within each department the Line Manager will administer the Flexible Working Hours Scheme for their employees. A record of your flexi can be viewed using your Personal Information Portal.

7. HOURS WORKED ABOVE CONTRACTUAL HOURS

There is a clear distinction between additional hours worked by employees on the flexible working hour's scheme and additional hours worked outside an employee's normal contractual hours, which may attract an overtime payment or may be recorded as time off in lieu. All overtime for which a payment is made must be authorised, and claims for overtime must be properly supported by a record of hours worked. TOIL will be recorded and authorised as part of the Flexible Working Hours Scheme.

All overtime must be authorised by your Line Manager. The following will apply:-

- (a) Hours credited to the flexi time total do not attract a payment of overtime as an alternative to credit leave.
- (b) Extra attendance which is authorised as overtime should not be added to the flexi time total. Before starting to work overtime employees must clock out to ensure that the normal working day has ended.

8.0 ASSIGNMENTS AWAY FROM THE OFFICE

- 8.1 Where an employee is travelling from his/her home to an assignment without calling into the office, starting time should be calculated as follows:

- (a) If the office lies on his/her route to the assignment the starting time is the time at which he/she passes the office.

Starting Time 9.00 am, leave home 8.15 am
Home to Office = 30 Minutes
Home to Assignment = 45 minutes

Starting time is the time, you pass the office i.e. 8.45 am

- (b) If the assignment lies on his/her route, his/her starting time is the time at which he/she arrives at the assignment.

Starting Time 9.00 am, leave home 8.30 am
Home to Office = 30 minutes
Home to Assignment = 20 minutes

Starting time is the time you arrive at the assignment i.e. 8.50 am

- (c) If the assignment lies in the opposite direction to the office the starting time begins when the employee leaves their home.

Starting Time 9.00 am, leave home 8.30 am
Home to office = 30 minutes
Assignment is in opposite direction to the office

Starting time is the time you leave home i.e. 8.30 am

- (d) In circumstances other than those set out in a, b, and c, his/her notional starting time is calculated by adding the duration of normal home-to-office journey to the time at which he/she leaves home.

Starting Time 9.00 am. Leave home 8.00 am
Home to office = 30 minutes
Assignment is 1 hour away

Starting time is 8.30 am

9.0 FINISHING TIMES

- 9.1 Finishing times will be similarly calculated.
- 9.2 Employees who leave work on business absence and who do not return to work that day will be given credit up to 17:00. An adjustment should be completed for any other finishing time.
- 9.3 Staff attending an all day meeting, training course, etc. where the actual time involved is less than the normal working day should receive the full 7.24 hours credit only where attendance at the office is not practical and subject to line manager approval. For longer meetings, courses, training etc. credits of more than the full band (8:00 – 18:00) cannot be claimed. This should be recorded as either overtime or TOIL.

10.0 LEAVING THE COUNCIL'S EMPLOYMENT (FLEXI CREDIT/DEBIT)

On receipt of notification from an employee that he/she is leaving the Council, the Line Manger must:-

- a. Complete a flexi leaver form and forward it to the OD/HR department in order to be removed from the flexi system.
- b. Inform the employees that a 'zero balance of hours' must be achieved by the last working day.

Where this balance has not been achieved, any debit balance should firstly be off set against any outstanding annual leave, and if this is not possible, the OD/HR must be advised to allow for final pay to be adjusted accordingly, i.e. by a deduction made for debit balance of hours.

11.0 ABUSE OF THE SCHEME

- 11.1 The operation and control of the flexi scheme will rest with the immediate Line Manager. Additional checks will be carried out by OD/HR department to ensure that the scheme is not being abused.
- 11.2 Major abuse of the flexi scheme could be categorised as gross misconduct. Under the Council's Disciplinary Procedure this could result in dismissal if proven. Minor abuse could result in suspension from the scheme either on a temporary or permanent basis.

12.0 EVALUATION AND REVIEW OF THE POLICY

The operation of this scheme will be reviewed by the OD/HR department on a twelve month basis. Consultation with the appropriate parties will take place should there be any changes required.

13.0 SECTION 75 EQUALITY AND GOOD RELATIONS

Causeway Coast and Glens Borough Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard this policy will be screened using Section 75 guidelines and will be subject to an Equality Impact Assessment if found necessary as a result of the screening process.

14.0 DATA PROTECTION

Information recorded on the flexi time system will be used for the purpose of recording time and attendance and not for any other purpose. This is necessary in accordance with our contractual obligations and to manage the contract of employment. (Review)

15.0 CONTACT DETAILS

Any issues or queries relating to this policy should be addressed to:

*Sandra Kelly
OD/HR Manager
Causeway Coast and Glens Borough Council
Cloonavin
66 Portstewart Road
Coleraine
BT52 1EY*

(E) Sandra.kelly@causewaycoastandglens.gov.uk

(T) 028 7034 7151

Proposal for Weekend Enhancement and Bank Holiday Payments for Operations Supervisors

Background

The service delivered by the Operations Section in Council has a requirement for weekend working to deliver Street Cleansing functions and bank holiday working for Street Cleansing and Waste Collection Service.

As a result, supervision is required to ensure appropriate Health and Safety of the personnel involved and to deal with any operational problems that arise at a supervisory level.

The following are examples (not exhaustive) of issues that have arisen and will continue to do so. Supervisors are tasked with addressing these issues urgently and expediently to ensure the continuity of a safe and reliable service:-

Vehicle breakdowns

Staff not coming into work eg. Sickness

Staff going home early eg. Sickness, injury

Staff accidents and/or injuries at work

Vehicle RTC

Performance issues eg failure to wear PPE

Open and Close depots

As part of our risk management assessment we recognise that these risks are applicable across the 7 day service provision. One component of our contingency plan for risk management is supervisory cover. There is therefore the operational requirement for supervisors to be at the workplace during the weekends.

In order to do this, Operations Supervisor rotas are established to enable appropriate supervision of staff employed to work at weekends and bank holidays to carry out street cleansing and waste collection services.

Proposal for Weekend Enhancement Payment

The Council recognises that weekend working may disrupt and inconvenience those who carry it out, and as such, this procedure provides details of the payments employees will receive and highlights the obligations placed upon both management and operational staff in successfully operating such schemes.

The overriding principle of weekend working is employee Health and Safety.

The service will provide Operation Supervisor cover for 5 hours every Saturday and Sunday throughout the year.

The Weekend Enhancement payment is to compensate the Operations Supervisor for the limitations on their weekend activities.

An Operations Supervisor will be entitled to the weekend enhancement payment if they have been assigned to work during the weekend on the days indicated on their rota. See Appendix 1.

All Operations Supervisors will work 37 hours per week to include 5 hours on a Saturday or a Sunday where they will receive a payment of 1.5 times their normal hourly rate for those weekend hours worked.

Proposal for Bank Holiday Payment

When an Operations Supervisor is asked to work a bank holiday, they will receive bank holiday pay plus either payment of 1.0 times their normal hourly rate for hours worked or time off in lieu for hours worked.

Managers must ensure that

- Risk assessments are in place to deal with weekend working situations.
- Rotas are prepared in advance and reviewed on a regular basis
- Provisions in the Working Time policy are adhered to.

It should be noted that the Operations Supervisors will not be required to work all of the bank holidays.