



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

## **EMPLOYMENT COMMITTEE**

**Date: Tuesday, 14 March 2023**

**Democratic Services**

Edwina Adefehinti  
Interim Chief Officer Legal and Governance  
Monitoring Officer

**10:00 AM**

72 Market Street  
Ely  
Cambridgeshire  
CB7 4LS

**Civic Suite, Pathfinder House, St Mary's Street,  
Huntingdon PE29-3TN**

## **AGENDA**

**Open to Public and Press**

- |            |  |                |
|------------|--|----------------|
| <b>1.1</b> | <b>Announcements, Apologies for Absence and Declarations of Interest</b> |                |
| <b>1.2</b> | <b>Minutes - 8th February 2023</b>                                       | <b>5 - 6</b>   |
| <b>1.3</b> | <b>Human Resources Policies</b>  | <b>7 - 198</b> |
| <b>1.4</b> | <b>Exclusion of the Press and Public</b>                                 |                |
- To resolve that the press and public should be excluded from the meeting on the grounds that the following report contains exempt*

*information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended, and that it would not be in the public interest for this information to be disclosed: information relating to an individual; information which is likely to reveal the identity of an individual and the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption must be deemed to outweigh the public interest in its publication.*

#### **1.5 Shortlisting for the Role of Chief Executive**

*A confidential report pack will be circulated separately (to follow) and should be regarded as 'confidential' by members and officers entitled to receive them. This also means that the contents should not be discussed with others and no copies should be made.*

#### **COVID-19**

The legal provision for virtual meetings no longer exists and meetings of the Combined Authority therefore take place physically and are open to the public. Public access to meetings is managed in accordance with current COVID-19 regulations and therefore if you wish to attend a meeting of the Combined Authority, please contact the Committee Clerk who will be able to advise you further.

The Employment Committee comprises the following members:

*For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact*

Mayor Dr Nik Johnson

Councillor Anna Bailey

Councillor Sarah Conboy

Councillor Kim French

Councillor Lucy Nethsingha

Councillor Oliver Sainsbury

Councillor Anna Smith

Councillor Bridget Smith

Clerk Name:	Nick Mills
Clerk Telephone:	01223 699763
Clerk Email:	nicholas.mills@cambridgeshire.gov.uk



## Employment Committee Minutes

Meeting: Wednesday 8 February 2023

Time: 8:51 a.m. – 5:23 p.m.

Venue: Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN

Present: Statutory Deputy Mayor Anna Smith (Chair), Councillors Lucy Nethsingha, Oliver Sainsbury, Tom Sanderson, Josh Schumann and Bridget Smith

### 1. Apologies for Absence and Declarations of Interest

Apologies for absence were received from Mayor Dr Nik Johnson, Councillor Anna Bailey (substituted by Councillor Schumann), Councillor Sarah Conboy (substituted by Councillor Sanderson) and Councillor Kim French.

No declarations of interest were received.

### 2. Minutes – 30 November 2023

The minutes of the meeting held on 25 January 2023 were agreed as a correct record and signed by the Statutory Deputy Mayor.

### 3. Recruitment of Chief Executive Officer

The committee received a report which included a proposed job description and person specification for the recruitment of a Chief Executive Officer, attached at Appendix 1 of the report. A job advert and micro-site had been prepared, and were ready to go live once the job description and person specification had been approved, with an anticipated closing date for applications in early March 2023. Penna would carry out longlist interviews and make recommendations to the committee as regards the shortlist of candidates at its meeting on 14<sup>th</sup> March 2023. Interviews would take place on 20<sup>th</sup> March 2023.

It was proposed by the Statutory Deputy Mayor, seconded by Councillor Nethsingha and resolved unanimously to:

- a) Approve the new Chief Executive Job Description/Person Specification contained at Appendix 1 of this report.
- b) Approve that the Job Description/Person Specification at Appendix 1, meets the requirement in Chapter 18, paragraph 3.1 of the Authority's Constitution.

#### 4. Exclusion of the Press and Public

It was proposed by the Statutory Deputy Mayor, seconded by Councillor Smith and resolved unanimously to:

Exclude the press and public from the discussion of Agenda Item 5 (Interviews for the roles of Executive Director Economy and Growth and Executive Director of Resource and Performance (S73 Officer), on the basis that this would involve the discussion of exempt information relating to the employment status of individuals as defined by Paragraph 1 of Schedule 12A of Part 1 of the Local Government Act 1972.

#### 5. Interviews for the Roles of Executive Director Economy and Growth and Executive Director of Resource and Performance (S73 Officer)

The committee interviewed candidates for the roles of Executive Director Economy and Growth and Executive Director of Resource and Performance (S73 Officer).

It was proposed by the Statutory Deputy Mayor, seconded by Councillor Nethsingha and resolved unanimously to:

- a) Appoint the preferred candidate as Executive Director of Economy and Growth; and
- b) Recommend the preferred Executive Director of Resource and Performance (S73 Officer) candidate to the Combined Authority Board for appointment.



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

Agenda Item No: 1.3

## Human Resources Policies

To: Employment Committee

Meeting Date: 14 March 2023

Public report: Yes

Lead Member: Deputy Mayor Cllr Anna Smith

From: Chief Executive, Gordon Mitchell

Key decision: No

Recommendations: The Employment Committee is recommended to:

Approve the Human Resources policies listed in Paragraph 2.1 of this report.

Voting arrangements: Each voting Member shall have one vote. There shall be no casting vote.

## 1. Purpose

- 1.1 The purpose of the paper is for the Employment Committee to review and consider approving the Human Resources (HR) policies attached at Appendices 2 -16 of this report.

## 2. Background

- 2.1 A comprehensive review of many of the Combined Authority's HR policies has recently been undertaken. Consultancy guidance, best practice and guidance from a constituent council were all taken on board. The first batch of policies are now ready to be considered by the Employment Committee. Policies that existed prior to this review have had limited changes made, and these are highlighted in Table 1 below, along with an overview of the new policies.

Policy Name	Status	Summary of changes
Appeal Policy	Existing	In line with Best Practice
Attendance and Absence Management Policy and Procedure	Existing	<ul style="list-style-type: none"><li>Reviewed to ensure process is unambiguous and in line with Best Practice, with clarity on the support from OH and HR when managing an employee's absence</li></ul>
Capability Policy and Procedure	New	<ul style="list-style-type: none"><li>Informal and Formal stages of a capability Policy</li></ul>
Dignity at Work	New	<ul style="list-style-type: none"><li>In line with Best Practice</li></ul>
Disciplinary Policy and Procedure	Existing	<ul style="list-style-type: none"><li>Suspension process reviewed and amended to ensure clarity. Disciplinary investigation process and hearing process redrafted to ensure clarity to both employees and managers</li><li>First written warning amended from 6- 12months to 12months</li></ul>
Family Leave Policy	Previously individual policies	<ul style="list-style-type: none"><li>Maternity, paternity, parental and shared parental leave policies all merged into 1 document</li><li>Adoption and Surrogacy also introduced into the family leave policy</li><li>No changes to Payment levels</li></ul>
Grievance Policy and Procedure	Existing	<ul style="list-style-type: none"><li>Reviewed to ensure clarity on grievance process is clear to both employees and managers with focus on the investigation meetings and the Grievance hearing</li></ul>
Health and Safety Policy	New	<ul style="list-style-type: none"><li>Ensured information is legally compliant</li></ul>



Organisational Change Policy	Existing	<ul style="list-style-type: none"> <li>• Redrafted and made statutory changes, and merged with a separate Redundancy Policy</li> <li>• Added section on TUPE Transfers</li> </ul>
Parental Bereavement Policy	New	<ul style="list-style-type: none"> <li>• Length of leave in line with statutory requirements</li> <li>• Legal minimum is 2 weeks and statutory minimum pay</li> <li>• HR recommendation is 2 weeks, at usual rate of pay, with the option of additional Compassionate Leave at the discretion of the Executive Director</li> </ul>
Pay Policy	Existing	<ul style="list-style-type: none"> <li>• Reviewed to ensure process is unambiguous and in line with Best Practice</li> <li>• Authorisation of Additional payment introduced</li> </ul>
Probationary Policy and Procedure	New	<ul style="list-style-type: none"> <li>• In line with Best Practice</li> <li>• Probation period of 6 months</li> </ul>
Recruitment Policy and Procedure	New	<ul style="list-style-type: none"> <li>• Clarity on selection process and right to work</li> <li>• Ensured information is legally compliant</li> </ul>
Time Off Policy and Procedure	Existing	<ul style="list-style-type: none"> <li>• Moved parental leave to Family leave policy</li> </ul>
Travels, Meals and Subsistence (Expenses) Policy	Existing	Updated allowances for Meals in line with HMRC guidance
Whistleblowing Policy	Existing	<ul style="list-style-type: none"> <li>• Reviewed in line with Best Practice, no significant changes</li> </ul>

Table 1: Phase One policies – a summary of proposed changes

- 2.2 A review of the policies that are currently in place has been carried out to ensure they meet statutory requirements. Two further phases for policies have been identified in 2023. There are several policies that are currently being finalised, which it is planned to introduce in phase two (Summer 2023). There are also further areas that will be worked on up to the end of Quarter 4 of 2023/24.
- 2.3 Once any policies have been approved by the Employment Committee, the Combined Authority's HR team will communicate the changes to staff in the following ways:
- Communications via Happenings, once approval is confirmed.
  - An all-staff email, to include links (to Citrus HR/Teams) and approval.
  - Ask HR! "drop-in" sessions in the weeks following the roll out, where any employee or manager can join the call.

- 2.4 It will also be necessary to brief managers, and a short training session of 55 minutes has been proposed. This will be a high-level overview of each policy, with most of the time spent on the most-used policies (e.g. Attendance and Absence Management Policy, Probation Policy, Capability Policy, etc.).

## Significant Implications

### 3. Financial Implications

- 3.1 None.

### 4. Legal Implications

- 4.1 The Combined Authority needs to ensure that it has the necessary HR Policies formally adopted. There are currently processes in place, but policies are not published for employees to access them.

### 5. Public Health Implications

- 5.1 None.

### 6. Environmental and Climate Change Implications

- 6.1 None.

### 7. Other Significant Implications

- 7.1 None.

### 8. Appendices

- 8.1 Appendix 1 – Appeal Policy
- 8.2 Appendix 2 – Attendance and Absence Management Policy
- 8.3 Appendix 3a – Capability Policy  
Appendix 3b – Capability Procedure
- 8.4 Appendix 4 – Dignity at Work Policy
- 8.5 Appendix 5a – Disciplinary Policy  
Appendix 5b – Disciplinary Procedure
- 8.6 Appendix 6 – Family Leave Policy
- 8.7 Appendix 7a – Grievance Policy  
Appendix 7b – Grievance Procedure

- 8.8 Appendix 8 – Health and Safety Policy
- 8.9 Appendix 9 – Organisational Change Policy
- 8.10 Appendix 10 – Parental Bereavement Policy
- 8.11 Appendix 11 – Pay Policy
- 8.12 Appendix 12 – Probation Policy and Procedure
- 8.13 Appendix 13 – Recruitment Policy and Procedure
- 8.14 Appendix 14 – Time Off Policy
- 8.15 Appendix 15 – Travel Subsistence and Expenses Policy
- 8.16 Appendix 16 – Whistleblowing Policy



# Appeal Policy & Procedure

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## Appeal Policy

### 1. Introduction

This policy should be read in conjunction with the Appeal Procedure.

### 2. Purpose

The purpose of this Policy is to provide a clear guidance for raising, and a process for managing, appeals against formal sanctions or outcomes following formal HR processes. It is also to ensure that decisions were fair and reasonable in all circumstances and that the appropriate process was followed in reaching decisions.

This policy applies to all employees in work-related circumstances regardless of their status or length of service.

This policy does not form part of any employee's contract of employment. It may be amended from time to time.

### 3. Key Principles

- CPCA is committed to ensuring that all appeals are considered fairly, consistently and without undue delay.
- All employees of Cambridgeshire and Peterborough Combined Authority have the right to appeal against any formal sanction.
- The employee raising the appeal must be informed of their right to appeal at a hearing or

# Appeal Policy & Procedure

meeting and in the letter confirming any outcome.

- Confidentiality must be maintained throughout the appeal process by all parties involved. Any breach of confidentiality may result in disciplinary action.
- Employees have the right to be accompanied at an appeal hearing by a trade union representative or workplace colleague.
- The decision at appeal will be final and exhausts the process. No further right of appeal is available to employees.

## 4. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

## Appeal Procedure

This Procedure should be read in conjunction with the Appeal Policy.

## 5. Introduction

All employees have the right to appeal against decisions made in accordance with the organisation's policies and procedures which include an appeal stage.

The purpose of the appeal is to determine whether the original decision was an appropriate outcome. The facts and evidence presented will be the basis of whether it was a fair decision.

## 6. Lodging an Appeal

Following a formal meeting or process an employee may feel the outcome was too severe, wrong, unfair or believe the formal process was flawed. They may also have identified new evidence.

If an employee believes any of the above has occurred, they have the right to appeal against the formal decision/sanction. To do so the appeal must be received in writing within the timeframe stated in the decision outcome letter.

It is important to state the appeal itself will not be a re-hearing.

## 7. Roles and Responsibilities

Employees have a responsibility to:

- submit an appeal clearly stating the grounds of their appeal and provide all the relevant details within the timeframe of the formal sanction letter.
- attend meetings held under this process and provide the relevant details in relation to the appeal.

# Appeal Policy & Procedure

The Responding Manager who has made the decision to issue the employee with a sanction must:

- Inform the employee of their right to appeal at the original hearing/meeting and in the letter confirming any outcome.
- If relevant provide clear justification behind a decision in respect of an appeal and provide any necessary details if a hearing is held.

Appeal Hearing Manager:

Where an Appeal meeting is held, the hearing manager will be responsible for making the appeal decision. This must be done with support from their HR Representative.

## **8. Hearing**

Once the employee has lodged their appeal, they will be invited to an Appeal Hearing.

If the employee or their companion is unable to attend the meeting, they must notify the Hearing Manager as soon as possible. An alternative date should be agreed if it is reasonable and unless exceptional circumstances exist not more than 1 week after the original date proposed.

If an employee continues to be unable to attend scheduled meetings, the appeal will be dismissed, and the employee will have no further right to appeal.

New evidence may be submitted at the appeal hearing. The employee must state what the new evidence is and why it may impact the original decision. They also need to state why it was not presented at the previous hearing. Any new evidence must be included in the documents submitted before the hearing.

In exceptional cases, where the grounds of appeal relate to a flawed in the original hearing process or procedure there may be a re-hearing in place of the appeal hearing. This can only be done with the approval from the HR Manager.

Where the appeal is against a dismissal, the Hearing Manager must be a Head of Service or Director.

- The meeting will be chaired by the Hearing Manager (usually of equivalent seniority of the original Hearing Manager) and HR Representative will also be present to provide professional employment law and procedural advice, however any ultimate decision is that of the hearing manager. The HR representative may also serve as the note taker.
- The employee will have the opportunity to state their grounds for appeal referring to any relevant documents. As it is not a re-hearing the meeting will not involve calling previous witnesses.
- The Responding Manager will also be invited to explain the reason for their decision, referring to documents as necessary.
- Once the grounds of appeal and any new evidence has been explored, and the employee has been given an opportunity to comment and respond, the meeting should be adjourned for the Hearing Manager to reach a decision.
- The Appeal Hearing would usually be reconvened on the same day to give an outcome.

Following the hearing an outcome letter would be sent to the employee within 7 days containing the following information:

- The decision made and the reasons for reaching it; and
- Confirming the employee's right to appeal and to whom.

# Appeal Policy & Procedure

## 9. Right to be accompanied

Employees may bring a companion to the Appeal Hearing under this procedure. The companion may be a trade union representative or a work colleague.

Companions may make representations and ask questions but should not answer questions on the employee's behalf.

Acting as a companion is voluntary and no employee is required to fulfil this role unless they are happy to do so.

If the employee's choice of companion is unreasonable, they may be asked to choose someone else for example:

- If there is a conflict of interest or the companion's attendance may prejudice process; or
- If the companion's unavailability will cause unnecessary delays within the prescribed timeframes unless exceptional circumstances exist.

## 10. Possible Outcomes

Following the Appeal hearing possible outcomes will either be.

- The sanction remains the same
- The case against the employee is not upheld and the case is dismissed.
- The case against the employee is upheld (in wholly or partly); the sanction will then be the same or, if the Hearing Manager considers on the basis of the appeal, that the penalty imposed was unduly harsh can impose a lesser penalty.
- A lesser sanction is imposed
- A greater sanction is imposed
- The Hearing Manager may decide that no sanction is warranted:

Where there has been a successful appeal against dismissal, the employee whose appeal against dismissal is successful may be reinstated in their previous role if the role still exists. In exceptional circumstances, for example if the previous working relationship appears to have broken down, it may be more appropriate for the employee to be reinstated in a different position of comparable status and pay.

There is no further right of appeal within the organisation

## 11. Document Retention

The Hearing Manager should forward copies of all paperwork relating to the Meetings to the HR Department. Any such correspondence should be labelled for the attention of the HR Department and marked as 'Strictly Private and Confidential'

Any paperwork provided will be stored and/or destroyed in accordance with the CPCA's records retention and management policies.



# Appeal Policy & Procedure

## Governance: Appeals Policy

### References:

Absence and Attendance Management Policy  
 Capability Policy  
 Dignity at Work Policy  
 Disciplinary Policy  
 Grievance Policy  
 Organisational Change Policy  
 Probation Policy

Issue date:	2023
Version number:	2
Review due date:	2026

### Document control sheet

<b>Purpose of document</b>	This document provides useful information on the Appeal Process
<b>Type of document</b>	Policy/Procedure
<b>Document checked by Legal</b>	No
<b>If applicable, has an initial Equality Impact assessment (EIA) been completed?</b>	Yes
<b>Document Lead and Author</b>	HR Team
<b>Dissemination</b>	
<b>What other documents should be read in conjunction with</b>	Document listed in this guidance
<b>Who will review the document (job title)</b>	HR Team
<b>Why is this document being reviewed</b>	Review of existing Policies and Procedures

### Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved
2		Changes made to clarify process	March 2023



# Attendance and Absence Management Policy & Procedure

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# Attendance and Absence Management Policy & Procedure

## Section A

### 1. Aims

The Combined Authority is committed to the well-being of its workforce. Employee attendance is a vital factor in delivering the level of service required by our stakeholders and community. This policy aims to provide guidance and support in both managing absence and in supporting the return-to-work process. We aim to ensure the efficiency and effectiveness of the Cambridgeshire and Peterborough Combined Authority (CPCA) is maintained at all times.

This policy and its procedures apply to all fixed-term and substantive staff directly employed by the Authority. This policy does not apply to Agency, locum, honorary staff or students.

Line managers will apply this policy to only sickness related absences with the support from HR and Occupational Health.

### 2. Principles

Our policy is based on the following key principles:

- Employees will always be treated with sympathy, understanding and compassion.
- We recognise the importance of managing absence through good employment practice and effective return to work interviews.
- It is very important that employees and their managers have regular contact during periods of sickness absence. Support will be provided to help employee's return to work following a period of long-term sickness.
- When dealing with cases of sickness absence which involve the issue of an individual's physical or mental capability to undertake their duties, it is advisable to involve the HR Representative and Occupational Health at the earliest possible stage.
- Employees who are unfit for work, should be classed as absent due to sickness, annual leave days should not 'cover' the sickness

### 3. Scope

This policy applies to all Cambridgeshire and Peterborough Combined Authority employees as far as possible, except where there is a specific local agreement, or a clause within the contract of employment, which is at variance with the provisions as contained within the NJC agreement. This policy does not form part of any employee's contract of employment, and it may be amended at any time.

### 4. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our

# Attendance and Absence Management Policy & Procedure

employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

## 5. Responsibilities of the employee

- To attend work unless unfit or unable to do so, regardless of working style
- To report each absence promptly and in line with the notification process detailed in this document; to keep in regular contact with their manager during the absence
- At all times to follow medical advice to support a return to work at the appropriate time
- Not to undertake activities that may compromise their health, or their return to work following sickness.
- To attend Occupational Health Appointments if referred For further support Staff are encouraged to access the Employee Assistance Programme which offers advice, information and counselling 24 hours service which is both free of charge and confidential.

## 6. Responsibilities of the line manager

- To ensure that The Combined Authority fulfils its duty of care to employees according to The Combined Authority's Health & Safety Policy
- To create a supportive climate in which good attendance prevails
- To ensure that all employees are aware of the sickness reporting procedures and the importance of adhering to them
- To carry out return to work interviews after all absences
- To maintain accurate, up to date records of each employee's attendance daily.
- To complete Sickness/Absence Notification forms where applicable as soon as possible.
- To treat information regarding medical conditions sensitively and with due regard to confidentiality
- To refer employee's where necessary to Occupational health for support when appropriate.
- To maintain responsibility for the employee regardless of whether they are office based, flexible or agile workers
- To ensure that disability related issues are carefully considered when applying this policy and seek advice as appropriate.
- To give due regard to health promotion and ensure employees are aware of what support and help is available to them (e.g., EAP).
- To inform HR Team of employee's absence in line with the absence procedure
- To keep HR and Payroll teams up to date with ongoing sickness of team member to ensure full support and guidance is given to line manager with regards to phased return to work plans and Occupational Health Advice.

## 7. Management of workplace stress

The Combined Authority is committed to protecting the health, safety, and welfare of our employees. The Combined Authority recognises that workplace stress is a health and safety issue and acknowledges the importance of identifying and alleviating workplace stress. We will provide appropriate support through the Employee Assistance Programme. Referral to

# Attendance and Absence Management Policy & Procedure

Occupational Health will be considered as soon as the line manager has been informed that an employee is absent with a stress related condition.

## 8. Procedure for notification of sickness absence

If an employee is absent from work due to any illness or injury which incapacitates them and prevents them from doing the work they are employed to do, the following rules must be observed in order to qualify for sickness absence and payment for the absence. All staff need to phone their line manager before normal start time to let them know they won't be able to work and advise on their expected date of return. For every subsequent day after the first day of illness team members must call each day to report their absence if appropriate (e.g., when fit note expires and employee is fit enough to do so) and advise line manager anticipated return date.

On the first and every subsequent day of absence (unless agreed with manager a different time frequency), the employee must inform their line manager of their absence by normal start time. The telephone call should be made by the employee themselves – only in extenuating circumstances will a call be accepted by another party. The employee should give details of the nature of their illness/incapacity (i.e. migraine; chest infection etc.); whether they will be seeking medical attention and some indication of when they will be able to return to work. Any delay in notification or failure to notify will require further explanation. Should the reason be deemed unacceptable, this may result in loss of entitlement to sick pay and or disciplinary action. Communication will be maintained with the employee throughout the absence, which may be in the form of telephone conversations or face to face meetings, whichever is most appropriate, unless medical evidence prevents this from happening. Up to 7 days a self-certification certificate will be required.

## 9. Fit Notes Day Eight and onwards

If an employee is still unfit for work on account of ill health on the eighth calendar day, they should obtain a Fit Note from their GP or other medical professional in line with Government guidance. The original Fit Note should be forwarded to the HR Department within two days of the Fit Note being signed by a qualified medical practitioner. It is the employee's responsibility to ensure that dates on subsequent Fit Notes follow on with no breaks in between, and that all notes are submitted within two days of the note being signed by the qualified medical practitioner if they are to be paid sick pay for the whole period.

When the employee has submitted a Fit Note, the manager and employee should agree the intervals at which communication will take place. In normal circumstances, there should be contact at least once per week.

## 10. Reporting of Workplace Disease/Accident or Assault

Where Workplace Disease/Accident or Assault is alleged, the employee:

- must inform their line manager that they believe their medical condition arises from their work with The Combined Authority, and state how they believe their work caused the condition
- report this within 3 days of the incident happening.

## 11. Trigger Points

The Sickness Management Procedure will be followed when an employee reaches one or more of the following points during any rolling twelve-month period:

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Attendance and Absence Management Policy

# Attendance and Absence Management Policy & Procedure

- Three or more occasions of sickness absence
- 10 working days absence over 2 occasions
- Unacceptable patterns of absence.

Each occasion of absence should be followed by Return-to-Work meeting where an informal discussion will take place before the trigger point is reached and a formal attendance management meeting arranged.

Where an employee has two or more posts the sickness absence will only count against the role that would have been worked on the day of the absence.

The unacceptable patterns may cover a period of more than one year if there is evidence to confirm the absence or the absence pattern occurs annually, bi-annually etc.

The trigger points for employees that work fewer than 5 days in a week will be pro rata to the average number of days worked per week, as detailed below:

<b><u>Working days per week</u></b>	<b><u>Trigger Point</u></b>
1 Day	2 days absence
2 Days	4 days absence
3 Days	6 days absence
4 Days	8 days absence
5 Days	10 days absence

There will not be an adjustment to the number of occasions.

If employees work on an annualised hours' contract, managers will need to apply an average working week and make adjustments during the year if needed.

## 12. Return to Work Interview

It is the Combined Authority's policy that a return-to-work interview is carried out with all employees on the first day of their return from any sickness absence. The line manager or supervisor should complete a Return-to-Work Form during the return-to-work interview, with the employee. This meeting is to determine the reasons for the absence, to ensure that the employee is fit to have returned to work and to consider any support required to ensure a successful return to work. The Line Manager/Supervisor may decide to refer employees to Occupational Health for support and guidance on how to support the employee in achieving satisfactory attendance.

If the employee fails to complete a Sickness Self Certification and Return to Work form on the first day of their return, or knowingly completes it inaccurately, then the entitlement to contractual sick pay may be lost. This may also be dealt with as a disciplinary matter.

## 13. Risk Assessment

Risk Assessments applicable to the reasons for absence, will be carried out before any reasonable adjustments are agreed, and will usually inform part of the decision-making process when determining the suitability of a return to work and subsequent reasonable



# Attendance and Absence Management Policy & Procedure

adjustments.

## 14. Reasonable Adjustments

Before any reasonable adjustment is made for an employee. It is important that line managers seek advice and support from Occupational Health and HR.

Occupational Health will provide advice and support to managers and employees on individual cases of sickness absence, how to support and if employees require any reasonable adjustments. Managers **must** seek support from their HR Representative on how to implement any suggested reasonable adjustments.

It may be the case that an employee could return to work if adjustments were made to either the role they carry out, or to their working pattern on a permanent basis. The Combined Authority will endeavour to accommodate the needs of employees in line with the requirements of the Equality Act. With guidance from Occupational Health and the employee's GP, we may agree to a phased return to work. This will be reviewed after 4 weeks. Where this is the case, the employee will be paid normal pay whilst at work and sick pay (which may be no pay) when they are not at work.

## 15. Sick Pay scheme

Statutory Sick Pay and Contractual Sick Pay will be paid for periods of sickness absence only providing the notification process has been followed. Any unauthorised absence may result in disciplinary action being taken.

The payment of sick pay operates on trust. Employees are expected to act with integrity and honesty in complying with the spirit of the scheme. All employees must comply fully with the requirements of this policy to retain their eligibility to sickness pay.

If the absence is for less than half a day/shift, then the absence will be classed as a half-day sick absence. If the absence is for more than half a day/shift, then the absence will be classed as a full day's sickness absence.

## 16. Details of the scheme

If the employee has complied fully with this policy, The Combined Authority will provide contractual sick pay at the levels and for the periods outlined in the table below. Statutory payments will be offset against this and not paid in addition.

<b><u>LENGTH OF SERVICE</u></b>	<b><u>SICK PAY PERIOD</u></b>
Less than four months' service	One month's full pay
Between four months and one year's service	One months' full pay and two month's half pay
During second year of service	Two months' full pay and two months' half pay
During third year of service	Four months' full pay and four months' half pay
During fourth and fifth year of service	Five months' full pay and five months' half pay
After five years' service	Six months' full pay and six months' half pay

# Attendance and Absence Management Policy & Procedure

Sick pay is calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.

## 17. Loss of entitlement to sickness pay and conduct during sickness absence

There are circumstances where the Combined Authority may consider suspending contractual and/or statutory sickness payments. The Combined Authority would advise the employee of the grounds for the suspension of pay and the employee would have the right of appeal against the suspension of pay. If The Combined Authority decides that the grounds for suspension were justified, then the right to any further payment in respect of that period of absence would be forfeited.

Circumstances of sickness pay suspension may include, but is not limited to:

- If an employee refuses to meet with their manager to discuss their absence (unless medical evidence has been submitted to state that the employee is too unwell to meet with their employer or manager)
- If an employee is absent on account of sickness which is as a result of deliberate conduct that does not help their recovery or makes it worse,
- The employee's own misconduct or neglect
- An injury sustained while working in the employee's own time on their own account for their own private gain or for another employer
- If COMBINED AUTHORITY have any reason to doubt the validity of an employee's illness or injury or the reason given for absence.
- If an employee does not comply with their obligations under this policy

Disciplinary action may be taken against an employee for fraudulent sickness pay claims.

In all cases of sickness absence that necessitates taking time off work, it is expected that the employee will do their utmost to facilitate a speedy return to fitness and to work. In this regard, employees are expected to act sensibly and honestly. COMBINED AUTHORITY reserves the right to fully investigate the reasons why an employee refuses treatment that would expedite their recovery.

It is the responsibility of the employee to ensure that their return to work is not compromised by their actions outside of work.

## 18. Annual Leave instead of sickness absence

An employee can ask to take their paid holiday for the time they're off work sick. They might do this if they do not qualify for sick pay, for example. Any rules relating to sick leave will still apply. This must be approved by the Director and HR department.

## 19. Sickness during Annual Leave

Where an employee falls sick or is injured while on holiday, within or outside of the UK, the Combined Authority will allow the employee to transfer to sick leave and take replacement holiday at a later time. This is subject to the following conditions:

# Attendance and Absence Management Policy & Procedure

- The total period of absence must be fully certificated by a qualified medical practitioner
- The employee must contact the organisation (by telephone) as soon as he/she knows that there will be a period of incapacity during a holiday.
- Where the employee is overseas when he/she falls ill or is injured, evidence must be produced that the employee was ill by way of either a medical certificate or proof of a claim on an insurance policy for medical treatment received.

Where the employee fulfils all of the above conditions, the organisation will grant the employee the same number of days' replacement holiday leave as the number of holiday days lost due to sickness or injury.

If an employee is ill or is injured before the start of a period of planned holiday, and consequently unable to take the holiday, the Combined Authority will agree to the employee postponing the holiday dates to another mutually agreed time. Any period of sickness absence will then be treated in accordance with the Combined Authority's normal policy on sickness absence, providing medical certificates are in place to cover the absence.

The employee must submit a written request to postpone the planned holiday, and this must be accompanied by a letter from his/her doctor confirming that he/she is unfit, or is still likely to be unfit, to take the holiday.

If an employee wishes to take the pre-booked period of leave as leave, then they must provide a medical statement which states that the period of sickness is as at an end before the holiday starts.

## 20. Sickness during a period of suspension

If an employee falls sick during a period of suspension, he/she must notify the Investigating Officer or HR Representative by normal start time on the first day of incapacity. The employee should be regarded as being on sick leave from the date of the medical statement. A medical certificate must cover all sickness during a period of suspension as there will be no entitlement to self-certified absence during a period of suspension.

The suspended employee may still be required to attend meetings with the investigating officer whilst off sick, but this will only be done following medical advice. They will also be expected to follow the agreed absence reporting procedure in their team.

## 21. Absence relating to disability or ill Health

If an employee considers that he or she is affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their line manager or the HR department.

The Combined Authority will always endeavour to support and will comply with all relevant legislation relating to disabled employees. We would work closely with our independent medical experts to establish any reasonable adjustments that need to be made to enable the employee carry out their role satisfactorily. Absences not related to employee's disability will be managed under the normal absence procedure. However, if a disabled employee has been given all the relevant support and all options have been explored, but their absence or ability to carry out their role is a cause for concern, then Section B or C of this policy will be followed.

# Attendance and Absence Management Policy & Procedure

## 22. Access to medical records

In operating this policy, the Combined Authority may, at any time, ask an employee to consent to a medical examination carried out by an external medical practitioner nominated by the Combined Authority.

If such a request is made, the employee will be asked to agree that any report produced in connection with any such examination may be disclosed to the Combined Authority, and that the Combined Authority may discuss the contents of the report with our advisers and the relevant doctor.

If an employee refuses to attend appointments or allow access to their medical records, then they will be informed that the Combined Authority will take decisions based on the information it has to hand.

## 23. General information about absence meetings

Absence meetings should, wherever possible, be carried out in private and conducted face to face. The meetings will normally be conducted by an employee's line manager, a more senior manager or nominated deputy; a representative of the HR Department may be in attendance at any of these meetings.

An employee is entitled to bring a companion with them to formal meetings. A companion may make representations, ask questions, and sum up an employee's position, but will not be allowed to answer questions on an employee's behalf.

An employee must take all reasonable steps to attend a meeting. If an employee continues to be unable to attend scheduled meetings, the meeting may take place in their absence and a decision will be made on the evidence available.

Confirmation of any decision made at a meeting, the reasons for it, and the right of appeal will be given to an employee, in writing, usually within 1 week of an absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).

# Attendance and Absence Management Policy & Procedure

## **SECTION B: SHORT TERM SICKNESS ABSENCE MANAGEMENT PROCEDURE**

### **24. Management of Short-Term Sickness Absence**

An employee whose level of sickness absence has reached a defined trigger point (as outlined in Section A paragraph 11), will be invited to attend Formal Attendance Management Meetings. These meetings should take place as soon as is reasonably practicable after the trigger point has been reached.

### **25. Absences that may be taken into account**

In most cases all sickness reasons will be taken into account. However, those wholly attributable to an employee's pregnancy, will be discounted. The absence will be recorded and discussed at the return-to-work interview, but not used to take further action against the employee. Please refer to Maternity policy for management of employee's absence from 4<sup>th</sup> week before the EWC.

Any absence of a pregnant employee that is not pregnancy related will be managed in accordance with this policy.

The Combined Authority will always endeavour to support and will comply with all relevant legislation relating to its disabled employees. Absences due to a disability will not be discounted, however, following support and guidance from Occupational Health, the triggers may be amended to take the disability into account.

Should an employee's sickness absence immediately follow a pre-planned operation, be wholly related to the operation and be for recuperation purposes, the absence will be recorded and discussed at the return-to-work interview, but not used to take further action against the employee.

However, should further related absences occur after the employee has returned to work, they may not be discounted.

### **26. Stage 1 Formal Attendance Management Meeting**

Where an employee has reached a defined trigger point (as outlined in Section A paragraph of this policy), they will be invited to a Stage 1 Formal Attendance Management Meeting.

The purpose of the meeting is to:

- Review the concerns as highlighted in any informal meetings and in return-to-work interviews
- Review and discuss the success of any measures made and consider what, if any, further strategies / support might improve the employees' health and attendance
- Provide the employee an opportunity to fully explain the circumstances of their absences
- Agree a timescale for review over which the employee's attendance will continue to be monitored

### **Possible Outcomes**

# Attendance and Absence Management Policy & Procedure

The Stage 1 formal attendance management meeting may result in an attendance monitoring period set for the employee. This could be from 3- 6 months from the date of the meeting. A First Written warning may also be issued.

Should a first written warning be issued, this will be held on the employees' file and be considered live for a period of 12 months. The employee will have the right to appeal against a first written warning by following the Combined Authority's Appeals Policy and Procedure.

## 27. Stage 2 Formal Attendance Management Meeting

In circumstances where an employee had failed to achieve the attendance targets set in the Stage 1 meeting or has reached a defined trigger point (as outlined in Section A paragraph 11 of this policy), they will be invited to a Stage 2 Formal Attendance Management Meeting.

The purpose of the meeting will be to:

- Review the concerns as highlighted in the Stage 1 meeting, in subsequent return to work interviews and in any informal meetings that may have taken place
- Review and discuss the success of any measures made and consider what, if any, further strategies / support might improve the employees' health and attendance
- Remind the employee of the need for immediate sustained improvement in attendance
- Provide the employee an opportunity to fully explain the circumstances of their absences
- Consider the employees ability to remain in their current role in view of their capabilities and business needs and possible redeployment opportunities
- Consider whether any formal action is required
- To remind the employee of the importance of regular attendance at work and that if the appropriate improvement in attendance has not taken place by the review date, that a further formal meeting in line with Stage 3 of the procedure will be arranged and may result in termination of their employment

### Possible Outcomes

The Stage 2 formal attendance management meeting may result a further review period to be determined according to the circumstances of the case, but usually a 3–6-month period from the date of the meeting

A Final Written Warning may also be issued. Should a final written warning be issued, this will be held on the employees file and be considered live for a period of 12 months. The employee will have the right to appeal against a final written warning by following the Combined Authority's Appeals Policy and Procedure.

## 28. Stage 3 Formal Attendance Management Hearing

In circumstances where an employee has failed to achieve the attendance targets set in the Formal Stage 2 Attendance Management Meeting or has reached a defined trigger point (as outlined in Section A of this policy), the employee will be invited to a Stage 3 Formal Attendance Management Meeting.

The meeting will be chaired by the Head of Department (or their nominee) and a representative from the HR Department will be present.

# Attendance and Absence Management Policy & Procedure

The purpose of the meeting will be to:

- Review the concerns as in the Stage 2 Meeting and in subsequent return to work interviews
- Review and discuss the success of any measures made and consider what, if any, further strategies / support might improve the employees' health and attendance
- Provide the employee an opportunity to fully explain the circumstances of their absences
- Consider the employees ability to remain in their current role in view of their capabilities and business needs and possible redeployment opportunities
- Consider whether any formal action is required

## **Possible Outcomes**

The Stage 3 formal attendance management meeting may result in an extended review and attendance monitoring period. The employee may also be dismissed, usually with notice. Should the employee be dismissed, they shall have the right to appeal against the dismissal by following the Combined Authority's Appeals Policy and Procedure.

### **29. Right to be Accompanied**

Employees may bring a companion to any formal attendance meeting under this procedure. The companion may be a trade union representative or a work colleague.

Companions may make representations and ask questions but should not answer questions on the employee's behalf.

Acting as a companion is voluntary and no employee is required to fulfil this role unless they are happy to do so.

If the employee's choice of companion is unreasonable, they may be asked to choose someone else for example:

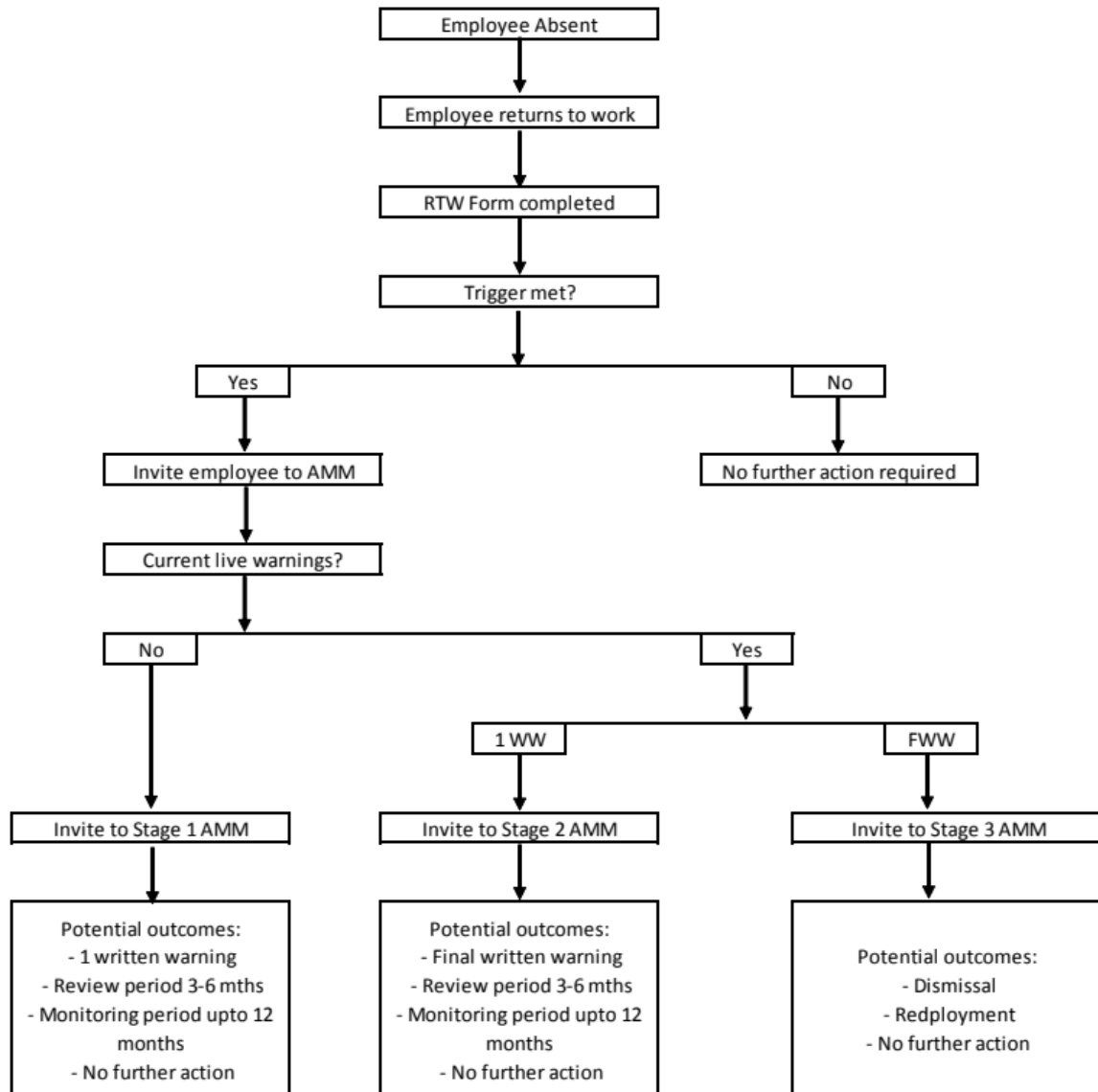
- If there is a conflict of interest or the companion's attendance may prejudice process; or
- If the companion's unavailability will cause unnecessary delays within the prescribed timeframes unless exceptional circumstances exist.





# Attendance and Absence Management Policy & Procedure

## 30. Short Term Absence Flowchart



AMM - Attendance Management Meeting

WW - Written Warning

FWW - Final Written Warning



# Attendance and Absence Management Policy & Procedure

## SECTION C: LONG TERM SICKNESS ABSENCE MANAGEMENT PROCEDURE

### 31. Management of Long-Term Sickness Absence

The definition of long-term sickness absence is absences of four weeks or more. Each case will be treated on an individual basis, and in partnership with the employee, their manager and HR Department. It is expected that the manager will already have been in contact with the employee on an informal basis before this process is followed.

The Combined Authority will maintain contact with the employee during periods of long-term sickness absence, unless there is medical evidence that no contact should be made. Contact ensures that the Combined Authority are fully aware of the issues surrounding the absence and the likely return to work date. This may be in the form of telephone conversations or face to face meetings or a combination, whichever is most appropriate.

All employees who are absent (or likely to be absent) for four weeks or more, may be referred to the occupational health service.

If at any stage during this procedure it is considered that the absences from work are not due to sickness and that the employee is abusing the scheme, this will be dealt with under the disciplinary procedure.

### 32. Returning to work after Long Term Sickness Absence – Light duties/Phased returns

When an employee's GP or Specialist states that the employee is fit to return to work providing that they can work on 'light/reduced duties' or on a 'phased return' then the Combined Authority will endeavour to support this. We will seek guidance from Occupational Health on how best to phase the employee back to work. 'Light duties' may be defined as:

- reduced or altered duties.
- reduced or amended working hours or working pattern
- temporary medical re-deployment to an alternative role.

Light duties are a temporary measure and will usually be for a period of not more than four weeks unless medical advice recommends that a longer period is necessary. This can only be extended after medical consultation and guidance from Occupational Health. During any period of light/reduced duties, the employee must be able to carry out the majority of their job and play a useful role once back at work. If the employee is unlikely to be fully fit within four weeks, then they should obtain a Fit Note and remain absent due to sickness. For employee's working on a phased return basis they will be paid normal pay for the hours that they are at work and sick pay (full, half or none) for the hours that they are not at work.

# Attendance and Absence Management Policy & Procedure

## 33. Stage 1: First Sickness Absence Meeting

The purposes of a first sickness absence meeting will include:

- Discussing the reasons for absence:
- To determine how long the absence is likely to last.
- Where an employee has been absent on a number of occasions lasting 4 weeks or more, determining the likelihood of further absences.
- Considering whether medical advice is required, obtaining the employees permission to write to their doctor if so, and informing the employee that they shall be referred to Occupational Health.
- Considering what, if any, measures might improve the employees' health and/or attendance.
- Agreeing a way forward; any action that will be taken and a timescale for review and a further meeting under the sickness absence procedure.

### **Possible Outcomes**

The Stage 1: first sickness absence meeting may result in one or more of the following outcomes:

- No further action
- An extended review and monitoring period.

## 34. Stage 2: Second Sickness Absence Meeting

Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary under Stage 2.

The purposes of further meeting(s) may include:

- Discussing the reasons for and impact of an employee's ongoing absence.
- If it has not already been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- Considering an employee's ability to return to/remain in their job in view both of their capabilities and the Combined Authority business needs and any adjustments that can reasonably be made to the employees' job to enable them to do so.
- Where an employee is able to return from long-term sickness absence, whether to their own job or to a redeployed job, agreeing a return-to-work programme.
- Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting(s). This may, depending on steps the Combined Authority has already taken, include warning an employee that they are at risk of dismissal.

### **Possible Outcomes**

The Stage 2 absence meeting may result in one or more of the following outcomes:

# Attendance and Absence Management Policy & Procedure

- No further action
- An extended review and monitoring period
- First Written warning

Should a first written warning be issued, this will be held on the employees file and be considered live for a period of 12 months. The employee will have the right to appeal against a first written warning by following the Combined Authority's Appeals Policy and Procedure.

## 35. Stage 3: Final Sickness Absence Meeting

Where an employee has been warned that they are at risk of dismissal, the Combined Authority may invite them to a meeting under the third stage of the sickness absence procedure. The purposes of a stage 3 meeting will be:

- To review the meetings that have taken place and matters discussed with the employee.
- Where an employee remains on long-term sickness absence, to consider whether there have been any changes since the last meeting; either as regards their possible return to work or opportunities for return or redeployment.
- To consider any further matters that the employee wishes to raise.
- To consider whether there is a reasonable likelihood of the employee returning to work or achieving the desired level of attendance in a reasonable time.
- To consider the possible termination of the employees' employment due to lack of capability to carry out their role.

### **Possible Outcomes**

- The Stage 3 absence meeting may result in Dismissal. Termination in such circumstances will normally be with full notice or payment in lieu of notice. Should the employee be dismissed the employee will have the right to appeal against this by following the Combined Authority's Appeals Policy and Procedure.

## 36. Right to be Accompanied

Employees may bring a companion to any formal attendance meeting under this procedure. The companion may be a trade union representative or a work colleague.

Companions may make representations and ask questions but should not answer questions on the employee's behalf.

Acting as a companion is voluntary and no employee is required to fulfil this role unless they are happy to do so.

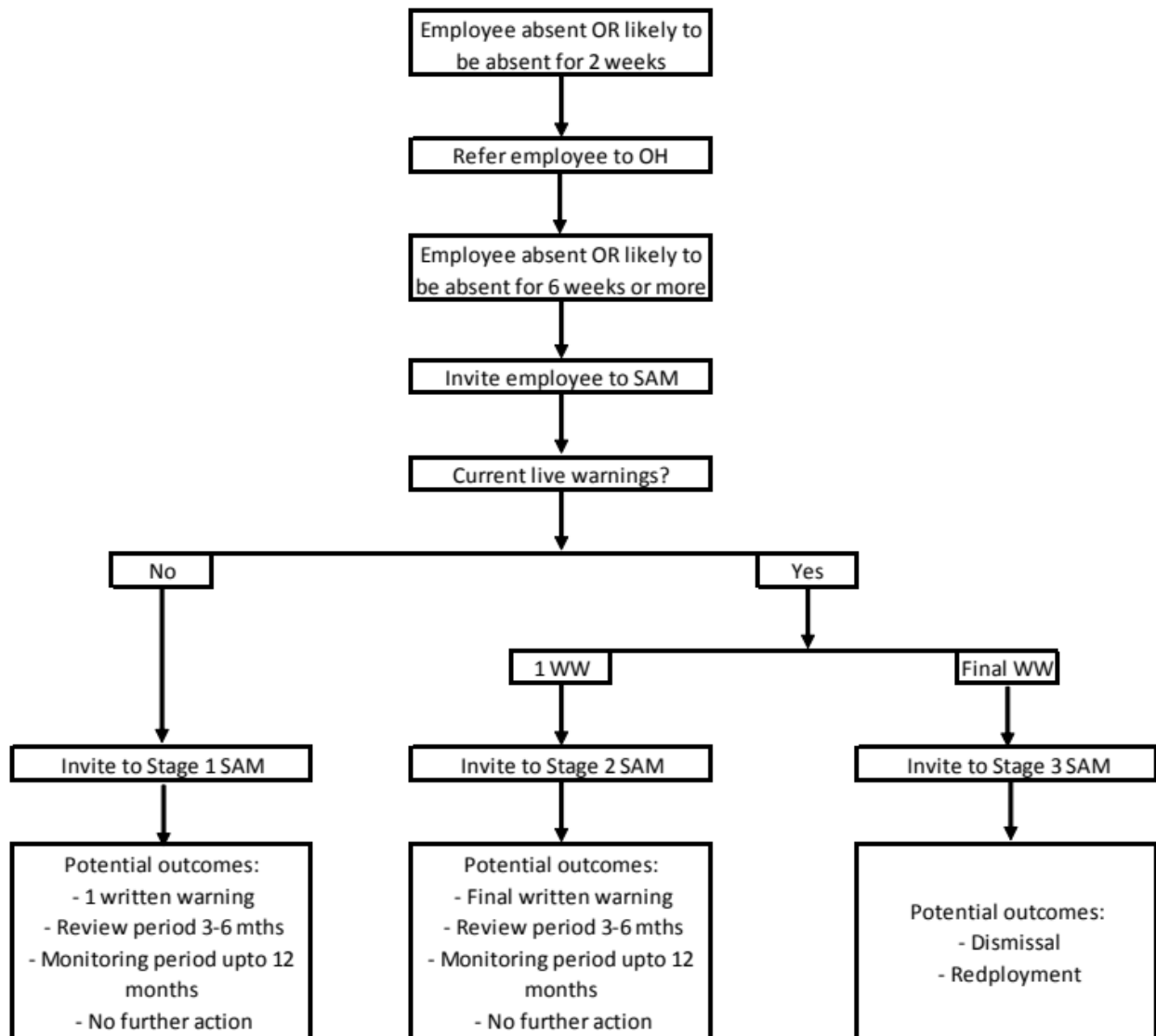
If the employee's choice of companion is unreasonable, they may be asked to choose someone else for example:

- If there is a conflict of interest or the companion's attendance may prejudice process; or
- If the companion's unavailability will cause unnecessary delays within the prescribed timeframes unless exceptional circumstances exist.



# Attendance and Absence Management Policy & Procedure

## 37. Long Term Absence Flow Chart



SAM - Sickness Absence Meeting  
WW - Written Warning

# Attendance and Absence Management Policy & Procedure

## Governance – Attendance and Absence Management Policy & Procedure

References:  
**Appeals Policy**

Issue date:	2023
Version number:	2
Review due date:	2026

## Document Control Sheet

Purpose of document:	This policy is designed to support employees and managers to help manage absence from work. It is also designed so that there is a consistent approach when matters are raised under this Policy.
Type of document:	Policy/Procedure
Document checked by Legal	No
If applicable, has an initial Equality Impact Assessment (EIA) been completed?	Yes
Document lead and author:	HR Team
Dissemination:	
What other documents should this be read in conjunction with:	Guidance documents listed in policy
Who will review the document (job title):	HR Team
Why is this document being reviewed?	Review of existing Policies and Procedures
Mandatory read	Yes

## Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved
2		Changes made in line with statutory updates. Includes reference to fit note from GP – added other medical professional in line with Government guidance.	March 2023



# Capability Policy

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### 1. Aim

The aim of the Capability Policy is to provide a framework for addressing unsatisfactory performance and ensuring fairness and consistency in management approach.

An employee may no longer be capable of performing at a satisfactory level for a number of reasons relating to skills, technical ability, aptitude and job specific required behaviours. Performance expectations and the associated skills and behaviours required to perform effectively will evolve as the needs of our Authority evolve.

The formal Capability Procedure will be instigated in cases where informal steps and active management have not delivered a satisfactory improvement in performance to the required level. It is expected that managers will be able to demonstrate that an informal process has occurred in which;

- the employee has been made aware of the issue(s) and the standards expected in the future,
- additional support has been provided, where this is appropriate e.g. coaching, training,
- Performance has subsequently been reviewed and insufficient progress has been made.

This policy does not form part of any employee's contract of employment. It may be amended from time to time.

### 2. Principles

This policy should be used as guidance for all managers when dealing with issues of under-performance.

The spirit and intention of this policy is to provide a positive and structured approach to resolving problems of under-performance. It aims to help the individual who may have problems and offers them various forms of support whilst recognising the need to maintain and improve Authority services.

# Capability Policy

At all stages of the procedure, the Authority will consider how appropriate training and other support could benefit the employee and whether the possibility that alternative employment within the organisation might be in the interests of both parties.

The HR team should always be advised and consulted before consideration is given by a manager to instigating any part of this policy, to ensure a consistent approach across the authority.

Line managers must set clear standards of work performance which includes identifying appropriate behaviours for all their employees. These should be communicated through regular 1 to 1s and the appraisal process.

Employees have the right to be accompanied by a work colleague or trade union representative at any formal stage of the procedure to provide support.

At all stages of the procedure, the Authority will consider how appropriate training and other support could benefit the employee and whether the possibility that alternative employment within the organisation might be in the interests of both parties.

The HR team should always be advised and consulted before consideration is given by a manager to instigating any part of this policy, to ensure a consistent approach across the authority.

## 3. Scope

This policy applies to all Cambridgeshire & Peterborough Combined Authority employees as far as possible, except where there is a specific local agreement, or a clause within the contract of employment, which is at variance with the provisions as contained within the NJC agreement.

For new employees under a contractual probation period, performance issues will be dealt with as part of the Probation Policy & Procedure.

The Performance Procedure deals with matters of capability in the delivery of job performance and not matters of conduct, which would be dealt with under the disciplinary procedure. Where there is a refusal to make reasonable efforts in co-operating with the procedure or improvement actions, then potentially a capability matter could become one of conduct and be referred to the Disciplinary Policy & Procedure.

Poor performance resulting from incapability due to ill health which would be managed under the Absence and Attendance Management Policy & Procedure.

Managers should seek advice from the HR Team if they are unsure which policy to follow.

## 4. Our Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.



# Capability Policy

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

## **5. Right to be accompanied**

Employees have the right to be accompanied by a work colleague or trade union representative at any formal stage of the procedure to provide support.

## **6. Pay Progression**

Increments will be withheld for employees who are in receipt of a formal warning which has been issued in the previous 12 months following a formal hearing for capability reasons.

## **7. Further Information**

This Policy should be read in conjunction with the Capability Procedure.

# Capability Policy

Governance – Capability Policy

## References:

Capability Procedure

Issue date:	2023
Version number:	1
Review due date:	2026

## Document Control Sheet

Purpose of document:	This document is to set out to provide a basis for the effective management of capability assessment
Type of document:	Policy
Document checked by Legal	No
If applicable, has an initial Equality Impact Assessment (EIA) been completed?	Yes
Document lead and author:	HR Team
Dissemination:	
What other documents should this be read in conjunction with:	Guidance documents listed in policy
Who will review the document (job title):	HR Team
Why is this document being reviewed?	N/A

## Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved

# Capability Procedure

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## 1. Aim

This Procedure should be read in conjunction with the Capability Policy.

The aim of the Capability Policy is to provide a framework for addressing unsatisfactory performance and ensuring fairness and consistency in management approach.

An employee may no longer be capable of performing at a satisfactory level for several reasons relating to skills, technical ability, aptitude and job specific required behaviours. Performance expectations and the associated skills and behaviours required to perform effectively will evolve as the needs of our Authority evolve.

The formal Capability Procedure will be instigated in cases where informal steps and active management have not delivered a satisfactory improvement in performance to the required level. It is expected that managers will be able to demonstrate that an informal process has occurred in which;

- the employee has been made aware of the issue(s) and the standards expected in the future,
- additional support has been provided, where this is appropriate e.g. coaching, training,
- Performance has subsequently been reviewed and insufficient progress has been made.

This does not form part of any employee's contract of employment. It may be amended from time to time.

# Capability Procedure

## 2. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

## 3. Definitions

The Performance Improvement Plan template will be used in all cases managed under the Capability Policy. It is designed to be a complete record of all performance discussions, actions and timescales and progress against agreed outcomes. The key components of the Performance Improvement Plan are:

- Performance Expectations (including SMART objectives)
- Current Performance Gap (including examples)
- Learning & Support Interventions
- Review Date
- Progress Update (to be completed at each scheduled review meeting)

If at any stage during the process it becomes apparent that the concerns are wholly or partially conduct related the employee will be subject to the Disciplinary process.

## 4. Outline

The Capability Procedure consists of the following stages:

- Informal stage – Stage 1.
- First Performance Review Meeting – stage 2.
- If performance has improved to a satisfactory level, this will be confirmed in an informal meeting. If performance has not improved to a satisfactory level, a Final Performance Review Meeting will be scheduled.

The length of the informal and formal review periods can vary; however they will usually be between 4 to 8 weeks.

# Capability Procedure

## 5. Record of meetings and meeting locations

Where it is not possible to hold a face-to-face meeting under this procedure, we will conduct the process remotely. We will ensure that you and your representatives have access to the necessary technology for participating. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

A written record of all formal meetings conducted under this procedure will be made, usually by a member of the HR Team. These will be issued within 7 days of the meeting.

## 6. Informal Process

When a manager identifies that the work performance of a member of staff is unsatisfactory, they should arrange to meet with the employee informally to discuss specific examples and concerns.

The purpose of the meeting is to attempt to identify solutions to the problem. The employee should be provided with factual examples of his/her unsatisfactory performance and the employee should have the opportunity to respond to the concerns about their work performance.

The line manager should consider if there are any mitigating circumstances which have impacted on the employee's performance.

As part of the informal Performance Management process, a Performance Improvement Plan (PIP) must be completed. This should include:

- Clear guidance on the required standards to be achieved.
- Any training or support necessary to help the employee to achieve the standards.
- A realistic timescale for improvement; and
- A plan for regular review

Where the reason for unsatisfactory performance is lack of the required skills, the employee should be given every reasonable support to enable the duties of the post to be fulfilled. This may include regular meetings with the line manager as well as extra training on and off the job to enable them to improve on their unsatisfactory work performance.

The performance of the employee should be monitored and assessed objectively over an appropriate period of time. As a guide a review period of 4-8 weeks should be considered. However, the review period should be based on the nature and complexity of the job and the improvements required and should allow sufficient time for the employee to achieve and sustain an acceptable standard of work performance.

During the review period the manager and employee should meet on a regular basis; notes of these meetings detailing what has been discussed and any actions agreed should be kept on the employee's personnel file

If at the end of the review period the employee's performance has improved to the required standard, the line manager should meet with the employee to confirm that no further action will be taken as long as the improvement is sustained on an on-going basis. Otherwise, if the

# Capability Procedure

issues reoccur, the manager reserves the right to invoke the next stage of the Capability Procedure. This will be confirmed in writing within 7 calendar days of the meeting and a copy of this letter will be kept on employee's personnel file.

The employee has the right to raise a grievance if they feel they have been treated unfairly or that the process has not been followed correctly. (See Grievance Policy & Procedure).

## 7. First Formal Performance Review Meeting

Where the informal process does not lead to a satisfactory or sustained improvement in your performance, you will be invited to a First Formal Performance Review Meeting.

The letter should set out:

- the reason for the meeting
- details of the concerns about the employee's work performance
- date, time and place of the meeting
- who will conduct the meeting and who else will be present
- the employee will also be informed of their right to be accompanied by a work colleague or trade union representative.

The purpose of this meeting is to discuss your performance and decide what measures should be taken to help you to improve your performance to an acceptable level. The meeting will be conducted by your manager. A member of the HR department will also be present, to take notes and to provide advice to the Manager.

At the meeting, you will be given an opportunity to ask questions, comment on the issues and put forward any explanation you may have for the matters identified by your manager as amounting to poor performance.

### **Outcome of the First Formal Performance Review Meeting**

Your Line Manager (also referred to here as the Hearing Manager) may adjourn proceedings while they come to a decision. Everyone except the HR team member supporting the Hearing Manager will withdraw. The decision is a matter for the Hearing Manager and while they may choose to consult the HR team member supporting them, it is not that person's role to decide the outcome, they can only advise on matters of policy, consistency and review their notes of the hearing discussion.

The Hearing Manager may decide, for example:

- That the performance has not improved, or not improved significantly. Therefore, they will issue a Formal Warning for Capability. The Performance Improvement Plan (PIP) may be updated from the informal stage, or the targets may remain the same. A formal review period should be set; or
- That the performance has improved enough. In this instance, the improvement must be sustained for a period of 12 months. If during the next 12 months, there are further concerns about Capability, the next stage of the process will be invoked, and a First Formal Performance Review Meeting would be arranged; or
- refer the matter for investigation under the disciplinary procedure.

(This list is neither exhaustive nor exclusive).

# Capability Procedure

Within 7 days of the First Formal Performance Review Meeting the employee will receive the outcome letter and notes.

The outcome letter will include the following:-

- The finding.
- In the case of an extension to the informal review period or issuing of a Formal Warning for Capability (with formal review period), to confirm the Performance Improvement Plan (PIP) in writing. This should include confirmation of the duration of the review period.

In the case of a Formal Warning being issued, the letter will also:

- Confirm that the Authority reserves the right to withhold pay increments to employees who are subject to formal capability procedure who are in receipt of a formal warning which has been issued in the previous 12 months following a formal hearing for capability reasons.
- Confirm that the employee has the right to appeal against the Formal Warning should they feel that they have been treated unfairly or that the process has not been followed correctly. Please see the Appeals Policy for more information.

## 8. Formal Review Period

The performance of the employee should be monitored and assessed objectively over an appropriate period of time. As a guide a formal review period of 4-8 weeks should be considered. However, the review period should be based on the nature and complexity of the job and the improvements required and should allow sufficient time for the employee to achieve and sustain an acceptable standard of work performance.

During the review period, 1 to 1 meetings should be set up at regular intervals between the employee and line manager to ensure effective monitoring and that support is maintained.

As a guide, meetings every two weeks should suffice, but depending on the progress required, the line manager and employee may agree on more or less frequent meetings.

Notes of these meetings should be kept, and the line manager should complete and regularly update the Performance Improvement Plan (PIP).

## 9. At the end of the Formal Review Period

If, at the end of the review period, the employee's performance has improved to the required standard, the line manager should meet with the employee informally to confirm that no further action will be taken as long as the improvement is sustained during the next 12 months. Otherwise, if the issues reoccur, the manager reserves the right to invoke the next stage of the Capability Procedure. This will be confirmed in writing within 7 calendar days of the meeting and a copy of this letter will be kept on employee's personnel file.

However, if during the 4–8-week formal review period, the employee does not improve their performance a Final Formal Meeting should be arranged.

# Capability Procedure

## 10. Final Formal Performance Review Meeting

The purpose of the Final Formal Meeting will be to consider whether, in line with legal obligations, there are any further actions that the Authority and employee can take to assist the employee in continuing their employment or whether the employment should be terminated due to the employee's incapability to perform their duties to the expected standard.

The Final Formal Performance Review Meeting will be chaired by the appropriate manager with the authority to dismiss, accompanied by a member of the HR team. In the case of a senior manager being the subject of the Capability Procedure, a more senior manager will chair the meeting.

Employees will have the right to be accompanied by a trade union representative or a work colleague.

The employee should be invited to a Final Formal Meeting, giving him/her at least 5 business days' notice. The letter should set out:

- the reason for the meeting
- details of the concerns about the employee's work performance
- date, time and place of the meeting
- who will conduct the meeting and who else will be present
- the employee will also be informed of their right to be accompanied by a work colleague or trade union representative.

Prior to the meeting, the line manager should prepare a report providing an overview of the employee's performance, the support offered to the employee during both the informal and formal review periods, and the potential impact on the service delivery and the team. The report should be supported with evidence gathered during these periods, including the performance improvement plan.

The Hearing Manager and employee must be provided with the report and any supporting documentation to be referred to during the meeting at least 3 business days before the meeting.

The employee must also provide any documentation they wish to be considered to the Hearing Manager and line manager at least 3 business days before the meeting.

The line manager will present the case and explain how the employee's performance has continued to be assessed as unsatisfactory, referring to specific examples. The line manager will also explain what support/actions have been implemented during the informal and formal stages of the capability procedure. A member of the HR team who has been supporting the line manager will attend the meeting.

Another member of the HR team will also be present to take notes of the meeting, provide support to the Hearing Manager and to ensure consistency in approach across the Authority. The employee and his/her representative will have the opportunity to explain any mitigating circumstances.



# Capability Procedure

At the meeting, the Hearing Manager will ask questions necessary to:

- establish the reasons for under-performance including any underlying causes
- establish what actions have been taken by the Authority and the employee to achieve the expected standards (this would include a Performance Improvement Plan, also known as PIP, and may also include training, etc.)
- assess if the poor performance is due to lack of capability, i.e. skills, ability and/or knowledge
- establish what actions have been taken to support the employee in seeking alternative employment, if appropriate
- consider medical advice received, if appropriate
- establish and consider the impact of employee's lack of capability on service delivery.

This list is not exhaustive, and the weight attached to each will depend on the circumstances of the case.

In all instances employees will be treated in a fair and reasonable manner, appropriate to their particular case whilst still ensuring commitment to consistency

Once the line manager and the employee have had the opportunity to present their cases and ask/answer questions, the Hearing Manager will adjourn the meeting to make a decision.

The possible outcomes of the Final Formal Meeting are:

- to dismiss the employee on the grounds of lack of capability
- to consider any further options for redeployment to another role as an alternative to dismissal.
- in exceptional circumstances, the Hearing Manager may decide that a Final Warning and Final Review period would be appropriate to allow for additional performance monitoring and any additional management support. This Final Review period should be no longer than 4 weeks and the employee will be advised that no improvement during this period will result in a recommendation for dismissal

The decision to dismiss together with the reasons for dismissal will be set out in writing and sent to you. Any dismissal will be with full notice, or a payment in lieu of notice.

Where possible, the employee will be informed verbally of the decision, which will be confirmed in writing within 7 days of the meeting.

If the Hearing Manager feels that further action could be taken, the line manager, with assistance from HR, is responsible for putting that action into place.

If the Hearing Manager considers that dismissal on the grounds of capability is the appropriate action, they will make a decision to dismiss. The employee will be informed, in writing, of the notice of termination of employment and the date it will take effect from.

# Capability Procedure

## 11. Ongoing review

Following the successful completion of a performance improvement programme, your performance will continue to be monitored. If, at any stage during the following 12 months, your performance again starts to fall short of an acceptable standard, your manager can initiate the next stage of this procedure.

## 12. Appeal

If an employee feels that they are being treated unfairly with regards to the application of this procedure or the manner in which a meeting has been conducted, they have the right to raise a complaint using the Grievance Policy.

An employee also has the right to appeal against a Formal Warning issued during the formal process, or dismissal following a Final Formal Meeting. If the employee is dissatisfied with the outcome of their grievance, they may appeal in accordance with the Appeals Policy and Appeals Procedure.

## 13. Document Retention

The Hearing Manager should forward copies of all paperwork relating to the Meetings to the HR Department. Any such correspondence should be labelled for the attention of the HR Department and marked as 'Strictly Private and Confidential'.

Any paperwork provided will be stored and/or destroyed in accordance with the CPCA's Data Retention Policy.

# Capability Procedure

## Governance – Capability Procedure

### References:

Appeals Policy & Procedure  
 Capability Policy  
 Data Retention Policy  
 Equality and Diversity Policy

Issue date:	2023
Version number:	1
Review due date:	2026

### Document control sheet

<b>Purpose of document</b>	This document provides useful information on the Capability process
<b>Type of document</b>	Guidance
<b>Document checked by Legal</b>	No
<b>If applicable, has an initial Equality Impact assessment (EIA) been completed?</b>	Yes
<b>Document Lead and Author</b>	HR Team
<b>Dissemination</b>	
<b>What other documents should be read in conjunction with</b>	Document listed in this guidance
<b>Who will review the document (job title)</b>	HR Team
<b>Why is this document being reviewed</b>	N/A

### Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved



# Dignity at Work Policy

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### 1. Aim

Cambridgeshire and Peterborough Combined Authority is committed to providing an environment that is supportive and free of harassment, bullying and victimisation, by any person whether an employee or third party.

All staff have a right to be treated with dignity and respect, they also have an obligation to treat others in the same way.

Where allegations of criminal acts such as indecent exposure, physical attack or sexual assault have been made, the complainant should be encouraged to report the matter to the police. The Combined Authority may also opt to report the allegations to the police.

The Combined Authority will maintain a zero-tolerance approach to unacceptable behaviour at work and is determined to eliminate any harassment, bullying and victimisation in the organisation.

Our Equality and Diversity Policy sets out the pledge towards the development of inclusive and supportive working environment for all our employees.

### 2. Principles

Dignity at work complaints relate to the behaviour of an individual; including bullying, harassment, victimisation, or discrimination arising from a protected characteristic as defined under the Equality Act 2010 (i.e., age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation).

The purpose of this policy is to define what the Combined Authority consider to be acceptable behaviours, outline the legal position and identify the responsibilities of managers and members of staff. It is also to establish a fair route for complaints of bullying and harassment so that they can be investigated in a fair and timely manner.

### 3. Scope

This policy applies to all Cambridgeshire and Peterborough Combined Authority employees

## Dignity at Work Policy

as far as possible, except where there is a specific local agreement, or a clause within the contract of employment, which is at variance with the provisions as contained within the NJC agreement. This policy does not form part of any employee's contract of employment, and it may be amended at any time.

### 4. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

### 5. Definitions

All employees within the Combined Authority are expected to treat each other with dignity and respect, conduct themselves professionally at all times and not behave in a way that could be perceived as offensive.

Behaviour that is offensive to one individual may not be to another, however, often at times people are able to judge correctly how they should behave. It is important that all employees respect the differences of opinion with their colleagues. Employees must be proactive in developing and maintaining effective working relationships with their colleagues.

Unacceptable behaviour may constitute a pattern of repeated behaviours in which individual incidents are borderline, but which taken together, breach the bounds of acceptability. The behaviour does not need to be ongoing; a single event of unreasonable behaviour is enough for the employee to make a complaint. Whenever anyone's behaviour is considered inappropriate any employee should be able to point this out without becoming subjected to a violation of their dignity.

There are some types of behaviour that would always be considered to fall below the threshold of acceptability.

**Bullying:** Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means which undermine, humiliate, belittle, or injure the individual or group of employees. This kind of conduct is usually repeated.

Bullying might:

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails or calls
- happen at work or in other work-related situations
- not always be obvious or noticed by others

## Dignity at Work Policy

**Discrimination:** Less favourable treatment on the grounds of their sex, age, marital status race, religion/belief, disability, pregnancy and maternity or sexual orientation or gender reassignment.

A person can be a victim of direct, indirect, perceived discrimination or discrimination by association.

**Harassment:** Behaviour which is unwanted and offensive to the recipient irrespective of whether it is intended. Harassment can be a single act or numerous acts which are ongoing and therefore

employees should think carefully about behaviour which makes anyone feel uncomfortable, degraded or upset.

By law (Equality Act 2010), there are 3 types of harassment:

- sexual harassment, which is unwanted behaviour of a sexual nature
- harassment related to certain 'protected characteristics' under the Equality Act 2010
- less favourable treatment as a result of harassment related to sex, sexual harassment or gender reassignment.

**Victimisation:** When someone is treated unfairly because they made or supported a complaint to do with a 'protected characteristic', or someone thinks they did or might do.

**Unacceptable Behaviour:** may include actions, or suggestions which could create a stressful working environment, displaying offensive material, excluding or ignoring someone, telling inappropriate jokes, inappropriate physical contact or assuming a threatening or intimidating management style (this list is not exhaustive and not all incidents that may occur will be covered by this list).

### 6. Responsibilities

#### Employer's Responsibility

Cambridgeshire and Peterborough Combined Authority recognises it has a collective duty to take active steps to eradicate the incidents of bullying or harassment and promote the well-being of its employee. In order to promote a positive culture, the Combined Authority will ensure there is support and guidance is accessible for anyone who feels they may be a victim (this may be the accused or the accuser), through a variety of means including our Employee Assistance Programme.

#### Employee Responsibility

- All employees of the Combined Authority are mandated to adhere to the code of conduct and perform their duties giving consideration to the impact of their actions on others.
- All employees in the Combined Authority have the right to challenge behaviour and raise issues where they have perceived behaviour, they may be considered harassing, intimidating or bullying in nature, whether this behaviour is directed toward themselves or others.
- To assist in promoting the right culture of respect, employees will be encouraged to co-operate in any investigation into a breach in policy or may be requested to support a colleague by challenging the harasser/bully directly at the time of the incident if safe

# Dignity at Work Policy

to do so.

## **Manager's Responsibility**

- The manager is responsible for ensuring the awareness and compliance with this policy by the staff they manage.
- If any potential breaches in this policy are witnessed or reported to the manager, they are expected to act upon the allegation, even if this is in the absence of any formal complaint.
- In some cases, a line manager may be legally obliged to proceed with an investigation even if the employee does not wish to make a formal complaint. In these circumstances the employee will be informed why it is necessary to proceed and will be kept informed of the process.
- All employees of the Combined Authority with management duties have the responsibility to ensure that they promote and foster a climate that discourages behaviour that could be construed as bullying, intimidation or harassment. Inappropriate or unacceptable behaviour can be raised using performance management techniques.
- The line manager is also required to record any incidents that are raised under this policy (formal or informal) and seek guidance and advice from the Human Resources.

## **7. Timescales**

Every effort should be made to use informal means to stop the perceived offensive behaviour. The complainant should make a complaint in a timely fashion (normally immediately after the incident or at the latest within three months of the most recent incident or occurrence of the behaviour). If there is good reason, this timeframe could be extended for example where a complainant does not feel able to make a complaint without initial support or counselling. Once a complaint is made it must be investigated promptly. While it is important that an investigation is thorough, a long-drawn out investigation is not in the interest of either party. However, there may be cases in which the investigation of a complaint is unavoidably delayed. In these circumstances every effort will be made to keep all parties informed of progress.

## **8. Procedure for dealing with complaints**

### **Informal approach**

Anyone employee, contractor, or visitor, who feels they have been bullied or harassed should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour, or an intermediary, that their conduct is unacceptable or offensive. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

### **Formal approach**

Where the employee feels they have been bullied and harassed and the attempt to resolve the informally is not satisfactory, they may decide to raise a formal complaint. To do so the



## Dignity at Work Policy

complaint must be put in writing. This will be managed in accordance with the Grievance procedure.

Any other party who feels they have been bullied or harassed should raise their complaint with the combined authority. The complaint would be investigated and an outcome would be sent to the individual.

### **Disciplinary Action**

Following a Grievance Hearing or investigation into allegations of bullying or harassment a full report will be made to all parties, and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour. Please see the Disciplinary Policy & Procedure for more information.

In some extreme cases, a referral to the Police under the Protection from Harassment Act 1997 may be made.

### **9. Document Retention**

The relevant Manager should forward copies of all paperwork relating to the investigation and hearing to the HR Department. Any such correspondence should be marked as 'Strictly Private and Confidential'

Any paperwork provided will be stored and/or destroyed in accordance with the Combined Authority's records retention and management policies.

# Dignity at Work Policy

## Governance – Dignity At Work Policy

References:  
Appeal Policy  
Disciplinary Policy  
Equality and Diversity Policy  
Grievance Policy

Issue date:	2023
Version number:	1
Review due date:	2026

## Document Control Sheet

Purpose of document:	This policy is designed to ensure that staff are treated with dignity and respect and that there is a consistent approach when matters are raised under this Policy.
Type of document:	Policy
Document checked by Legal	No
If applicable, has an initial Equality Impact Assessment (EIA) been completed?	Yes
Document lead and author:	HR Team
Dissemination:	
What other documents should this be read in conjunction with:	Guidance documents listed in policy
Who will review the document (job title):	HR Team
Why is this document being reviewed?	N/A – new Policy
Mandatory read	Yes

## Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved

# Disciplinary Policy

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## 1. Aim

1.1 The purpose of this policy is to:

- ensure all employees have an understanding of the standards of conduct and behaviour expected of them.
- help and encourage employees to achieve and maintain acceptable standards of conduct.
- ensure that fair, consistent, and reasonable action is taken where acceptable standards of conduct are not maintained; and
- enable issues to be raised and dealt with promptly, ensuring no unreasonable delay in arranging meetings, making decisions, or confirming decisions.

1.2 This Policy applies to conduct issues only and should be read in conjunction with the **Disciplinary Procedure**. For issues of performance or capability refer to the **Attendance Policy** or **Performance Policy** or **Performance Procedure**.

## 2. Key principles

- I. The CPCA expects and is committed to ensuring that all employees maintain expected standards of behaviour.
- II. Employees are expected to comply with the **CPCA's Code of Conduct for Employees** as well as any professional codes or other policies specific to their roles.
- III. All allegations of improper conduct will be treated seriously and addressed promptly and sensitively in accordance with the **Disciplinary Procedure**.
- IV. Examples of improper conduct likely to result in a finding of misconduct or gross misconduct are detailed at section 5.
- V. In circumstances where an allegation of improper conduct is upheld by CPCA will take all appropriate and recommended action.

## 3. Scope

This Policy applies to all employees save for those who are within a probation or extended probation period (refer to the Probation Policy and Probation Procedure as necessary).

# Disciplinary Policy

## 4. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

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## 5. Examples of misconduct which could lead to disciplinary action

**5.1** The following are examples of behaviour which would ordinarily be considered to be gross misconduct or misconduct. These lists are neither prescriptive nor exhaustive and other types of behaviour which are of a comparable nature may also amount to misconduct or gross misconduct:

### 5.1.1 Gross Misconduct

- Physically or verbally threatening or abusive behaviour, physical violence, or the threat of physical violence.
- A serious or unlawful act of discrimination, bullying, harassment or victimisation whether on grounds of sex, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, disability, sexual orientation, religion and belief, age or otherwise.
- Serious acts of insubordination, rudeness, or inappropriate behaviour towards or in the presence of CPCA members or employees, contractors or partnership workers, service users or members of the public.
- Theft or unauthorised removal of property belonging to CPCA, CPCA members or employees, contractors or partnership workers, service users or members of the public.
- Fraud, deception, deliberate falsification of timesheets, bonus or expense claims, or abuse of the Flexible Working Hours scheme.
- False statements made in support of an application for employment or promotion, and which are material to the success of the application or the level of remuneration payable;
- Failure to disclose unspent convictions (or, in respect of posts which are exempt from the provisions of the Rehabilitation of Offenders Act 1975, any conviction, whether spent or otherwise) whether incurred before or after appointment.
- Requesting or accepting money or other consideration as an inducement or in return for use of CPCA property or resources, the provision of CPCA services, the making of CPCA adjudications or decisions, the placing of CPCA orders/contracts or the showing of favour or otherwise the conferring a benefit by or on behalf of CPCA.
- Abuse of position for private advantage or satisfaction of self or others.
- Deliberate damage to or misuse or sabotage of property, equipment or systems belonging to the CPCA, its members, employees, contractors, partnerships, or service users.
- Deliberate damage to or misuse of CPCA property or name, deliberate damage to CPCA's interests or conduct likely to discredit the CPCA or bring it in to disrepute;
- Inappropriate use of social networking websites, causing a detriment to CPCA's reputation or damage to working relationships between employees, members, contractors, partners, or service users.
- Serious misuse of CPCA property or systems, including inappropriate use of the internet or intranet, use of unauthorised software, unauthorised access to systems or files, or sending offensive or inappropriate e-mails.

# Disciplinary Policy

- Unauthorised absence from work where permission to be absent has been withheld.
- Breach of confidence or trust, the forging or unauthorised alteration of records or documents, or the disclosure of information for financial or personal gain of the employee or others or which could be harmful to CPCA, its members, employees, contractors, partnerships, or service users.
- Deliberately providing false, misleading, or inaccurate information or other statements orally or in writing.
- Deliberate or sustained refusal to carry out reasonable, lawful and safe instructions, contractual requirements or to comply with CPCA policies.
- Deliberate or reckless infringements of safety rules or practices which place the health and safety of the employee or others at serious risk.
- Gross negligence in carrying out (or failing to carry out) the duties of the employee's job;
- Incapability for work caused by the use of alcohol or drugs which have not been prescribed;
- Possession, use or supply of illegal drugs or other items on CPCA premises;
- Aiding or procuring any act of gross misconduct;
- Off-duty behaviour which is inconsistent with the employee's relationship with CPCA and/or which seriously undermines the Authority's trust and confidence in the employee.

## 5.1.2 Misconduct

- Less serious acts of insubordination, rudeness, or inappropriate behaviour towards or in the presence of CPCA members or employees, contractors, or partnership workers;
- Regular/persistent lateness or contravention of the Flexible Working Hours scheme;
- Unauthorised absence from work or a failure to comply with absence reporting procedures;
- Abuse of the facility to make private telephone calls, use computers, send private e-mails or sending private mail at the CPCA's expense;
- Failure to comply with a reasonable, lawful, and safe instruction or request, whether verbal or written;
- Failure to comply with the terms of the contract of employment or neglecting the duties of the post;
- Less serious breaches of any provision of the CPCA's Code of Conduct or other policies or procedures;
- Less serious carelessness or neglect in carrying out (or failing to carry out) the duties of the employee's job;
- Failure to adopt and conform to safe working practices;
- Failure to comply with security procedures or guidelines;
- Failure to report loss of or damage to CPCA property issued to or used by the employee;
- Aiding or procuring any act of misconduct or unreasonable failure to report any form of misconduct or gross misconduct;
- Unauthorised use of CPCA equipment or other property whilst off-duty.

# Disciplinary Policy

## References:

Code of Conduct for Employees  
Disciplinary Procedure

Date agreed at Employment Committee:	
Issue date:	14 March 2023
Version number:	2
Review due date:	2026

## Document Control Sheet

Purpose of document:	This policy is to set out how CPCA will deal with all aspects of misconduct and gross misconduct.
Type of document:	Policy
Document checked by Legal	No
If applicable, has an initial Equality Impact Assessment (EIA) been completed?	Yes
Document lead and author:	HR Team
Dissemination:	
What other documents should this be read in conjunction with:	Guidance documents listed in policy
Who will review the document? (Job title):	HR Team
Why is this document being reviewed?	Review of existing Policies and Procedures
Mandatory Read	Yes

## Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved

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# Disciplinary Procedure

These guidelines are to provide helpful information to assist the management of disciplinary issues and are not intended to amount to legal advice.

## 1. Introduction

This Procedure should be read in conjunction with the Disciplinary Policy.

## 2. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

## 3. Definitions

Misconduct is any unacceptable or improper behavior by an employee. Examples of misconduct are contained within Annex 1 of the Disciplinary.

For the purposes of this procedure the 'Disciplinary Manager' is defined as the line-manager except in cases where this procedure is being applied to a Director or Head of Service (Tier 1 and 2) in which case the 'Disciplinary Manager' will be the Chief Executive or any senior management staff appointed by the Chief Executive.

## 4. Preliminary Considerations

The Authority has an obligation to investigate any misconduct it becomes aware of.

In all circumstances where an employee is alleged to have engaged in any misconduct their line-manger ('the Disciplinary Manager') should instigate this Procedure. This should be done with guidance from their HR Representative.

Upon becoming aware of or receiving allegations of an employee's misconduct, the Disciplinary Manager should make preliminary enquiries to establish:

- Whether or not the matter can be appropriately dealt with informally;
- The general nature of the misconduct sufficient to determine whether this is likely to give rise to an allegation of gross misconduct, misconduct or both;
- The need to suspend the employee pending the outcome of the Disciplinary Procedure; and
- The form and extent of the investigation required.



# Disciplinary Procedure

## 5. Informal action

Minor misconduct issues should, where appropriate, be resolved informally through discussion between the employee and the Disciplinary Manager. Where appropriate the Disciplinary Manager may issue an informal verbal warning.

A written management instruction should be kept and forwarded to HR Support in accordance with the Document Retention requirements at Section 14 of this procedure.

Where informal discussion does not resolve the issue or is not appropriate in the circumstances, the formal procedure should be followed.

## 6. Suspension

In some circumstances it may be necessary for the Disciplinary Manager to suspend the employee from work. Suspension is not a disciplinary penalty and does not imply that any decision has already been made about the allegations of misconduct.

Before any employee is suspended both the line manager and the HR Manager must ensure other alternative to suspension have been explored.

The following is a list of non-exhaustive examples of when the need for suspension may arise:

- where it is perceived that the employee's continued presence in the workplace could result in a risk to them, other employees, the service users or the delivery of services.
- where the employee's continued presence at the place of work is likely to impede or interfere with the investigation.
- for some other substantial concern.

The decision to suspend an employee will be carried out without delay with support from HR. The employee will be given written confirmation of the suspension as soon as possible and where possible at the point of suspension.

Throughout the period of suspension from duty, the employee will be paid full contractual remuneration.

When suspended from duty, the employee must not visit or otherwise contact the workplace, work colleagues, clients and contractors other than in compliance with proper instructions and as necessary for purposes of the investigation. If the employee needs to make contact with a work colleague or witness in order to assist with their case, then contact should be made through the HR Department.

The employee must make themselves available during normal working hours or at any other reasonable time in order to cooperate with the investigation to include attendance at meetings. Employees are not allowed to work for another employer during suspension. In cases where an employee has 2 roles within the Authority and is suspended from one. An assessment will be made by the HR Manager and relevant Director to consider if the employee should be

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suspended across both roles.

Normal leave arrangements may proceed during a period of suspension, subject to prior authorisation by the Disciplinary Manager and provided such arrangements do not in any way jeopardize the investigation.

If an employee falls sick during the period of suspension, they must notify the Disciplinary Manager on the first day of incapacity. During any period of sickness, the employee must continue to comply with the Attendance Policy.

The Disciplinary Manager shall keep periods of suspension under review and will only continue for as long as is necessary.

## 7. Investigation/Fact-finding

The Disciplinary Manager will determine the most appropriate means of investigation to include appointing internal or external Investigator. In all cases guidance **must** be sought from the HR Department before making this decision.

Reasonable notice will be given to the employee and all relevant witnesses subject to the fact-finding process. Any invite to an investigation meeting (either as the employee affected, the employee the grievance is raised against or a witness) should be issued with at least 3 working days' notice.

Investigations should be carried out without unreasonable delay and should incorporate both the employee's account as well as that of any relevant witnesses.

Employees must co-operate fully and promptly in any investigation. This may include providing the names of any witnesses, disclosing relevant documents and attending interviews.

Employees will not normally have the right to be accompanied at an investigative interview. However, in exceptional circumstances where an employee needs extra support, the investigating officer may at their discretion allow the employee to bring a companion who is not a work colleague or trade union representative. In allowing this support the investigation must not be unreasonably delayed.

## 8. Outcome

Following conclusion of the investigation, a report will be submitted to the Disciplinary Hearing Manager stating the findings and recommendations.

If there is a case to answer, the Hearing manager will schedule a Disciplinary Hearing with the employee. An invite to a hearing meeting should be issued with at least 5 working days' notice. Any supporting evidence should be provided no later than 3 working days before the Hearing.

# Disciplinary Procedure

If it is decided that no further formal action is necessary, the employee must be informed of this and a written record forwarded to HR Support in accordance with the Document Retention requirements specified at Section 14.

## 9. Grievances

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance.

In any circumstance where both the grievance and disciplinary procedures apply in relation to the same facts it may be appropriate to deal with both matters together. This decision will be made by the Grievance and/or Disciplinary Manager.

## 10. Disciplinary Hearing

If there is a case to answer following an investigation process, the employee will be invited to a Disciplinary Hearing.

Employees are expected to attend the hearing without fail. If the employee or their companion is unable to attend the meeting, they must notify the Hearing Manager as soon as possible. An alternative date should be agreed if it is reasonable and unless exceptional circumstances exist not more than 1 week after the original date proposed.

If an employee continues to be unable to attend scheduled meetings, the meeting may take place in their absence and a decision will be made on the evidence available.

The purpose of the Disciplinary Meeting is to enable the employee an opportunity to respond to the allegations of misconduct before a decision is taken as to whether any further action is required.

If at any stage it becomes apparent to the Hearing Manager that further investigation is required, the Disciplinary hearing would be adjourned to enable this.

Where dismissal is a possible outcome of the meeting, the Hearing Manager must be a Head of Service or Director.

- The Meeting will be chaired by the Hearing Manager and HR Representative will also be present to provide professional employment law and procedural advice, however any ultimate decision is that of the hearing manager. The HR representative may also serve as the note taker.
- The Hearing Manager will explain the allegations against the employee referring to the evidence that has been gathered.
- Once the evidence has been explored, and the employee has been given an opportunity to comment and respond, the meeting should be adjourned for the Hearing Manager to reach a decision.
- The Disciplinary Hearing may be reconvened on the same day, unless there are matters arising which require further consideration or investigation which will take longer than the

## Disciplinary Procedure

remainder of the day to complete.

- Where the Disciplinary Hearing cannot be reconvened on the same day, a future date will be arranged without undue delay. In such circumstances the employee should be given written notice of the date, time and venue at the earliest opportunity and usually not less than 3 days beforehand unless otherwise agreed

Following the hearing an outcome letter would be sent to the employee within 7 days containing the following information:

- The decision made and the reasons for reaching it; and
- Confirming the employee's right to appeal and to whom.

### 11. Right to be Accompanied

Employees may bring a companion to any Disciplinary Hearing under this procedure. The companion may be a trade union representative or a work colleague.

Companions may make representations and ask questions but should not answer questions on the employee's behalf.

Acting as a companion is voluntary and no employee is required to fulfil this role unless they are happy to do so.

If the employee's choice of companion is unreasonable, they may be asked to choose someone else for example:

- If there is a conflict of interest or the companion's attendance may prejudice process; or
- If the companion's unavailability will cause unnecessary delays within the prescribed timeframes unless exceptional circumstances exist.

### 12. Outcomes

In deciding an appropriate sanction for a misconduct, the hearing manager **must** take into account, the nature and level of seriousness of the offence and the employee's history of conduct and performance, their responses, and any mitigation presented.

#### **First Written Warning**

This will remain on the employee's personal records for **12** months. The employee should be advised any further misconduct may result in proceeding to the next stage of the policy.

#### **Final Written Warning**

This will remain on the employee's personal records for **12** months. The employee should be advised any further misconduct may result in proceeding to the next stage of the policy and may result in dismissal.

## Disciplinary Procedure

The decision to dismiss an employee can only be taken by a Head of Service, Director or above.

Examples of situations where dismissal may be an option include:

- Further misconduct where there is an active final written warning on the employee's disciplinary record. In such circumstances the employee will usually be given notice in accordance with their terms and conditions.
- Any gross misconduct whether there are active warnings on the employee's disciplinary record. In such circumstances the dismissal will usually be immediate without notice or payment in lieu of notice (summary dismissal).

### **Alternatives to Dismissal**

In some cases, the hearing manager may consider alternatives to dismissal i.e., downgrading of the employee's role. This will usually be accompanied by a final written warning. Any such proposals must be approved by the Head of Corporate Services and should be permitted by the employee's contract and/or with the employee's agreement.

If the employee is being summarily dismissed, the Hearing Manager will arrange for the employee to be accompanied to their workstation and ensure that all CPCA property, including access cards/keys, mobile telephone and laptop computer is returned before they leave the premises. These situations will be handled in a sensitive and respectful manner.

### **13. Appeal**

If the employee is dissatisfied with the outcome of the disciplinary meeting, they may appeal in accordance with the Appeals Policy and Appeals Procedure.

### **14. Document Retention**

The Hearing Manager and Disciplinary Manager should forward copies of all paperwork relating to the investigation and hearing to the HR Department. Any such correspondence should be marked as 'Strictly Private and Confidential'.

Any paperwork provided will be stored and/or destroyed in accordance with CPCA's records retention and management policies.

# Disciplinary Procedure

## Governance: Disciplinary Procedure

**References:**  
Disciplinary Process  
Grievance Policy & Procedures

Issue date:	2023
Version number:	3
Review due date:	2026
<b><u>Document Control Sheet</u></b>	
Purpose of document:	This policy is designed to ensure that there is a consistent approach across the authority to disciplinary procedures.
Type of document:	Procedure
Document checked by Legal	No
If applicable, has an initial Equality Impact Assessment (EIA) been completed?	Yes
Document lead and author:	The HR Team
Dissemination:	
What other documents should this be read in conjunction with:	Documents listed in the Procedure
Who will review the document (job title):	The HR Team
Why is this document being reviewed?	Review of existing Policies and Procedures
Mandatory Read	Yes

### Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved
2		Changes made in line with statutory updates. Number of days notice for investigation reduced to 3 days (witness and subject). Number of days notice for hearing and supporting documentation specified.	March 2023

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# Family Leave Policy

## Section A: Overview

### 1. Purpose and scope

This policy is to ensure employees are aware of what they are entitled to in relation to maternity, paternity and adoption and parental leave. It is also to ensure all our employees know how to apply the relevant aspects of the policy applicable to them during their employment with the Authority.

As an Organisation, we would ensure the policy is applied with fairness and consistency and compliance with the statutory requirements.

### 2. Scope

This Policy applies to all employed by the Organisation. This Policy does not apply to non-employees, including self-employed and Agency Workers. Eligibility for Maternity, Paternity, Adoption, Parental and Shared Parental leave are detailed within the specific sections of the policy.

This policy does not form part of any employee's contract of employment and we may amend it at any time

### 3. Vision and values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

### 4. Definitions

This definitions in this paragraph apply in this policy.

<b>A1 Form</b>	Application for Adoption Leave & Pay to be completed by the Employee
<b>AAL</b>	Additional Adoption Leave
<b>AML</b>	Additional Maternity Leave
<b>APL</b>	Additional Paternity Leave
<b>ASPP</b>	Additional Statutory Paternity Pay

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<b>Curtail</b>	Where an eligible mother brings their Maternity / Adoption Leave and, if appropriate, pay or allowance entitlement to an end early
<b>Expected Week of Childbirth</b>	The week, starting on a Sunday, in which your doctor or midwife expects you to give birth
<b>KIT Day</b>	Keep in Touch Day
<b>MA</b>	Maternity Allowance
<b>MAT1 Form</b>	Application for Maternity Leave & Pay completed by employee
<b>MATB1 Form</b>	Maternity Certificate given to a pregnant person by their midwife
<b>OML</b>	Occupational Maternity Leave
<b>OMP</b>	Occupational Maternity Pay
<b>OPL</b>	Ordinary Paternity Leave
<b>OSPP</b>	Ordinary Statutory Paternity Pay
<b>PAT1 Form</b>	Notice of intention to take Paternity Leave completed by employee
<b>Qualifying Week</b>	The fifteenth week before the Expected Week of Childbirth.
<b>SAP</b>	Statutory Adoption Pay
<b>SPL</b>	Shared Parental Leave
<b>ShPP</b>	Statutory Shared Parental Pay
<b>SPLIT day</b>	Shared Parental Leave Pay
<b>SML</b>	Statutory Maternity Leave
<b>SMP</b>	Statutory Maternity Pay

### 5. Personnel responsible for implementing the Policy

Managers and HR Department have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

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## Section B: Maternity

All employees regardless of length of service are eligible for maternity leave. Eligibility for Maternity Pay varies.

### 6. Fertility Treatment

Reasonable time off will be given to employees undergoing fertility treatment. This will be in accordance with the Attendance and Absence Management policy.

### 7. Notification

Employees are encouraged to tell the Organisation about their pregnancy as soon as they feel comfortable doing so. This is important as there may be health and safety considerations.

Before the end of the Qualifying Week, or as soon as reasonably practical afterwards, you must tell us:

- (a) that you are pregnant.
- (b) the Expected Week of Childbirth; and
- (c) the date on which you would like to start your Maternity Leave (Intended Start Date)

You must provide a certificate from a doctor or midwife (usually on a MAT B1 form) confirming your Expected Week of Childbirth.

### 8. Time off for antenatal care

If you are pregnant, you may take reasonable paid time off during working hour for antenatal care. Your time off must be agreed with your line manager. We encourage you to give us as much notice as possible of any antenatal appointments and any other pregnancy related appointments.

To get the approval from your line manager you may be asked to provide evidence of your appointment unless it is the first appointment.

An expectant father or the partner (including same sex) of a pregnant woman will be entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. The time off is capped at six and a half hours for each appointment.

“Partner” includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for and intend to apply for a Parental Order for the child born through that arrangement.

This leave is in addition to any time off the partner may ask to take using any of the CPCA’s leave as detailed in the Time Off Policy.

### 9. MATB1 Form

You should provide your manager with a copy of your MATB1 form once you receive this,

## Family Leave Policy

this is usually issued between weeks 20-25.

The MATB1 form will enable you to claim Statutory Maternity Pay (SMP), assuming you meet the relevant criteria, it will also verify the pregnancy and confirm your anticipated due date.

### 10. Health and Safety

We have a general duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have given birth within the last six months or are still breastfeeding.

We will provide you with information as to any risks identified in the risk assessment and any preventive and protective measures that have been or will be taken. If we consider that, as a new or expectant mother, you would be exposed to health hazards in carrying out your normal work we will take such steps as are necessary (for as long as they are necessary) to avoid those risks.

This may involve:

- (a) changing your working conditions or hours work.
- (b) offering you suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- (c) suspending you from duties, which will be on full pay unless you have unreasonably refused suitable alternative work.

### 11. Miscarriage or Still Birth

Although most pregnancies are healthy, clearly problems can arise. The CPCA acknowledges that the needs of each individual employee will differ as employees handle difficult circumstances in their own way. However, the CPCA will react sympathetically to all employees who experience this. If support or guidance is required, then the employee should contact their HR Department or line manager who may have access to external resources which may help the employee deal with their situation. Line Managers **must** also contact HR for advice on how to support an employee during their recovery period.

#### **Miscarriage**

If the employee should suffer a miscarriage, at any time up to and including the 24th week of pregnancy, then the provisions of the maternity policy will not apply. If the employee is unfit to work following the miscarriage, then the provisions of the Attendance and Absence Management Policy will apply.

#### **Stillbirth**

If a child is still born after the 24th week of pregnancy, or dies within the period of Maternity leave, the terms of the maternity policy apply in full in respect of maternity pay, allowances, and maternity leave. If the employee is unfit to return to work at the end of their maternity leave, then the provisions of the Attendance and Absence Management Policy will apply.

### 12. Pre-term birth

Where an employee's baby is born prematurely the employee will be entitled to the same amount of maternity leave and pay as if the baby was born at full term.

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Where the birth occurs before the eleventh week before the expected week of childbirth, and the employee has worked during the actual week of childbirth, maternity leave will start on the first day of the employee's absence.

Where the birth of the baby occurs before the eleventh week before the expected week of childbirth and the employee has been absent from work on certified sickness absence during the actual week of childbirth, maternity leave will start at the beginning of the actual week of childbirth.

Where the birth occurs before the eleventh week before the expected week of childbirth and the baby is in hospital the employee may split their maternity leave entitlement, taking a minimum period of two weeks leave immediately after childbirth and the rest of their leave following the baby's discharge from hospital.

### 13. Sickness Absence During Maternity

Periods of pregnancy-related sickness absence shall be paid in accordance with the Attendance and Absence Management Policy in the same manner as any other sickness absence. Any payment in excess of this as a result of the pregnancy-related sickness will be entirely at the CPCA's discretion.

If during the 4<sup>th</sup> week before EWC, an employee is absent due to an illness wholly or partly related to pregnancy, the maternity leave will start automatically on the day after the first day of absence. This is regardless of the planned maternity leave start date.

If an employee is absent due to a condition not related to the pregnancy, then the sick leave will continue up to the date that was the notified intended date for the maternity leave. The absence will be dealt with in accordance with the CPCA's Attendance Policy.

Periods of pregnancy-related absence from the start of the employee's pregnancy until the end of their maternity leave will be recorded separately from sickness absences and will be disregarded in any future employment-related decisions.

### 14. Entitlement to Maternity Leave

All employees are entitled to up to 52 weeks' Maternity Leave which is divided into:

- Ordinary Maternity Leave of 26 weeks (OML).
- Additional, Maternity Leave of a further 26 weeks immediately following OML (AML).

### 15. Starting Maternity Leave

The earliest date you can start Maternity Leave is 11 weeks before the Expected Week of Childbirth (unless your child is born prematurely before that date).

You must notify us of your Intended Start Date in accordance with section 5 of this policy. We will then write to you within 28 days to inform you of the date we will expect you to return to work if you take your full entitlement to Maternity Leave (Expected Return Date).

You can postpone or bring forward your Intended Start Date by informing us in writing at least 28 days before the original Intended Start Date, or if that is not possible, as soon as

## Family Leave Policy

reasonably practicable.

Maternity leave shall start on the earlier of:

- (a) your Intended Start Date (if notified to us in accordance with this policy);
- (b) the day after any day on which you are absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth; or
- (c) the day after you give birth.

If you give birth before your Maternity Leave was due to start, you must let us know the date of the birth in writing as soon as possible.

The law prohibits you from working during the two weeks following childbirth.

Shortly before your Maternity Leave starts, we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave.

### 16. Statutory Maternity Pay

Statutory maternity pay (SMP) is payable for up to 39 weeks. SMP will stop being payable if you return to work (except where you are simply keeping in touch). You are entitled to SMP if:

- (a) you have been continuously employed for at least 26 weeks at the end of the Qualifying Week and are still employed by us during that week.
- (b) your average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the Government.
- (c) you provide us with a doctor's or midwife's certificate (MAT B1 form) stating your Expected Week of Childbirth.
- (d) you give at least 28 days' notice (or, if that is not possible, as much notice as you can) of your intention to take Maternity Leave; and
- (e) you are still pregnant 11 weeks before the start of the Expected Week of Childbirth or have already given birth.

SMP is calculated as follows:

- First six weeks: SMP is paid at the Earnings- Related Rate of 90% of your average weekly earnings calculated over the Relevant Period.
- Remaining 33 weeks: SMP is paid at the Prescribed Rate which is set by the Government for the relevant tax year, or the Earnings-Related Rate if this is lower.

SMP accrues from the day on which you commence your OML and thereafter at the end of each complete week of absence. SMP payments shall be made on the next normal payroll date and income tax, National Insurance and pension contributions shall be deducted as appropriate.

You shall still be eligible for SMP if you leave employment for any reason after the start of the Qualifying Week (for example, if you resign or are made redundant). In such cases, if your Maternity Leave has not already begun, SMP shall start to accrue in whichever is the

# Family Leave Policy

later of:

- the week following the week in which employment ends; or
- the eleventh week before the Expected Week of Childbirth.

If you become eligible for a pay rise before the end of your Maternity Leave, you will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period. This means that your SMP will be recalculated and increased retrospectively, or that you may qualify for SMP if you did not previously qualify. We shall pay you a lump sum to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

## 17. Occupational Maternity Pay (OMP)

Employees who have completed 1 year's continuous local government service at the beginning of the 11th week prior to the EWC are entitled to additional benefits under the CPCA OMP scheme.

The total of SMP and OMP or MA plus any allowances and OMP should not exceed normal full pay, regardless of the option taken below, or when the payment is made.

Employees can choose from one of the following options in addition to their SMP or MA: -

- Option A: 12 weeks at half salary paid during Weeks 7-18; OR
- Option B: 06 weeks full pay paid in a lump sum on return from maternity leave

In order to claim OMP the employee must provide written notification of their intention to return to work at CPCA after their maternity leave. This form will be sent to all qualifying employees by HR Support. Although there is no specified date by which this notification should be given, payment of OMP will only be made when the employee feels able to make an informed decision to return.

OMP shall be paid only on the understanding that the employee will return to employment at the CPCA for a period of at least three months following her maternity leave.

If an employee decides not to return to work, payments during the subsequent 20 weeks will be paid at the SMP rate only and if any OMP was claimed then the total sum of OMP is refundable to the CPCA. In such circumstances, the line manager must be informed immediately, and arrangements made to reimburse the sum in full.

Payments made to the employee by way of SMP are not refundable.

OMP will not be payable to the partner of the mother where shared parental leave is being taken.

Definition of a week's pay:

- A week's pay for employees whose remuneration for normal working hours does not vary with the amount of work done in the period is the normal week's pay.
- Where there are no normal working hours a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended,

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excluding any week in which no remuneration was earned.

If an employee becomes eligible for a pay rise before the end of their maternity leave, they will be treated for OMP purposes as if the pay rise had applied throughout the relevant period. This means that OMP will be recalculated and increased retrospectively. In those circumstances arrangements should be made for the employee to be paid a lump sum to make up the difference between any OMP already paid and the amount payable by virtue of the pay rise. Any future OMP payments at the earnings-related rate (if any) will also be increased as necessary.

### **Employees who do not qualify for SMP but have one years' continuous service 11 weeks before the EWC**

Employees who earn below the lower earnings limit for national insurance at the qualifying week will not be entitled to SMP. However, these employees will be entitled to OMP if they have one year's service at the 29th week of pregnancy. For the first six weeks of absence the employee shall be entitled to 90% of a weeks' pay offset against any MA payable (which should be declared to the employer). An employee who declares in writing that they intend to return to work will for the subsequent 12 weeks receive half a weeks' pay providing that the combined MA, any allowances, plus OMP do not exceed full pay. The 12 weeks half pay can be paid as per the options (A and B) detailed above.

### **18. Terms and Conditions during OML and AML**

All the terms and conditions of your employment remain in force during OML and AML, except for the terms relating to pay. In particular:

- benefits in kind shall continue.
- annual leave entitlement under your contract shall continue to accrue and
- pension benefits shall continue.

### **19. Annual Leave**

During OML and AML, annual leave will accrue at the rate provided under your contract.

Annual leave which is due to carry over from one leave year to the next during your period of maternity leave must be taken immediately before returning to work unless your manager agrees otherwise. You should try to limit carry over to one week's holiday or less. Carry over of more than one week is at your manager's discretion. Please discuss your holiday plans with your manager in good time before starting your Maternity Leave. All holiday dates are subject to approval by your manager.

### **20. Pensions**

During OML and any further period of paid Maternity Leave we shall continue to make any employer contributions that we usually make into the relevant pension scheme applicable to your employment providing that you continue to make contributions based on the SMP you are receiving. During unpaid AML we shall not make any payments into the relevant pension scheme applicable to your employment. You do not have to make any contributions, but you may do so if you wish, or you may make up for missed contributions at a later date.



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### 21. Redundancies during Maternity Leave

In the event that your post is affected by a redundancy situation occurring during your Maternity Leave, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached regarding your continued employment. Employees on Maternity Leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

### 22. Keeping in touch

We may make reasonable contact with you from time to time during your Maternity Leave.

You may work (including attending training) for up to 10 "keeping in touch" days (KIT days) during Maternity Leave without bringing your Maternity Leave or SMP to an end. KIT days are not compulsory and must be discussed and agreed with your manager. In any case, you must not work in the two weeks following birth (or four weeks if you work in a factory environment).

You will be paid at your normal basic rate of pay for time spent working on a KIT Day and this will be inclusive of any SMP or MA entitlement for that day.

Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or virtually) about the arrangements for your return. This may cover

- ✓ updating you on any changes that have occurred during your absence.
- ✓ any training needs you might have; and
- ✓ any changes to working arrangements (for example if you have made a request to work part-time, Your Rights when you Return, and, Returning to Work Part-time).

### 23. Expected Return Date

Except for employees on fixed term or temporary contracts of employment which may have ended during maternity leave all employees have the right to return to work.

Once you have notified us in writing of your Intended Start Date, we shall send you a letter within 28 days to inform you of your Expected Return Date. If your start date has been changed (either because you gave us notice to change it, or because Maternity Leave started early due to illness or premature childbirth) we shall write to you within 28 days of the start of Maternity Leave with a revised Expected Return Date.

We will expect you back at work on your Expected Return Date unless you tell us otherwise. It will help us if, during your Maternity Leave, you are able to confirm that you will be returning to work as expected.

On an employee's return from maternity, they have the right to return to the same job. However, if during their time away from the organisation there are organisational changes that may have impacted their substantive role, the Authority will provide the employee with suitable alternative employment in accordance with the Organisational Change policy.

An employee may decide to change their working hours or pattern on return from maternity, The organisation will deal with any change of contractual terms and conditions request made on a case-by-case basis, in accordance with the organisation's Flexible Working Policy. Your line manager will try to accommodate your wishes unless there is a justifiable reason for

## Family Leave Policy

refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

### Section C: Paternity

#### 24. Paternity leave following the birth of a child

You will be eligible for paternity leave and pay if you:

- are the father of the child or the husband or partner of the mother (including same-sex partner)
- have worked for CPCA for a minimum of 26 weeks by the 'notification week' (i.e., the end of the 15th week before the expected week of childbirth (EWC)) or, for adoption paternity leave, by the end of the week in which the child's adopter is notified of matching
- have or expect to have responsibility for the upbringing of the child if you are the father or
- expect to have the main responsibility for the upbringing of the child if you are the mother's husband or partner but not the child's father
- have given the correct notice.

#### 25. Length of paternity leave

You can choose to take either one week or two consecutive weeks' paternity leave (not occasional days or separate weeks) and you can choose to start your leave:

- from the date of the child's birth (whether this is earlier or later than expected) or
- on a chosen day after the date of the child's birth or adoption (whether this is earlier or later than expected) or adoption (whether this is earlier or later than expected) or
- (In the case of birth) from a chosen date which is later than the first day of the EWC.
- (In the case of adoption) on a predetermined date that is later than the date on which the child is expected to be placed with the adopter.

If the child is born before the EWC, paternity leave must be taken within 56 days of the actual date of birth of the child.

Only one period of leave will be available to you even if more than one child is born as the result of the same pregnancy, or you adopt more than one child.

#### 26. Pay

During your paternity leave you may be entitled to statutory paternity pay (SPP) from the Authority. SPP will be at the rate which is in force at the time.

In this paragraph, Relevant Period means:

- In birth cases, the eight-week period ending immediately before the 14th week before the Expected Week of Childbirth.
- In adoption cases, the eight-week period ending immediately before the week in which you or your spouse, civil partner or partner were notified of being matched with

# Family Leave Policy

the child.

If you take Ordinary Paternity Leave (OPL) in accordance with this policy, you will be entitled to Ordinary Statutory Paternity Pay ("OSPP") if, during the Relevant Period, your average weekly earnings are not less than the lower earnings limit set by the government.

OSPP is paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of your average weekly earnings calculated over the Relevant Period if this is lower. For details of the current prescribed rate, please contact the HR Department.

You should discuss your particular circumstances with your local social security office (Department for Work and Pensions) as you may be eligible for further financial support, such as housing benefit, council tax benefit, tax credits or a Sure Start Maternity Grant.

## 27. Notice

### **Paternity leave following the birth of a child**

You are required to inform us of your intention to take paternity leave in or before the 15th week before the EWC, unless this is not reasonably practicable. You will need to inform your line manager and HR Department in writing of:

- the week the baby is expected
- whether you wish to take one- or two-weeks' leave
- when you want the leave to start.

You may be required to give HR Department a signed declaration that you wish to take paternity leave to care for a child or support the child's mother and that you satisfy the eligibility criteria as set out at the beginning of this policy.

If you have given notice of your intention to take paternity leave and wish to change the date that your paternity leave begins, you must give written notice 28 days before the new period of leave is due to start.

### **Paternity leave following the adoption of a child**

You must inform us of your intention to take paternity leave no more than seven days after the date on which the adopter is notified of having been matched with the child. If that is not reasonably practicable, you must notify us as soon as possible. You will need to specify:

- the date on which the adopter was notified of having been matched with the child
- the date on which the child is expected to be placed with the adopter
- whether you wish to take one- or two-weeks' leave
- when you want the leave to start.

## 28. Contractual benefits

You are entitled to your normal terms and conditions of employment, except for terms relating to wages or salary (unless the contract of employment provides otherwise) throughout your paternity leave. You may however be entitled to SPP for this period.

## Family Leave Policy

You will continue to remain bound by any obligations arising under your contract of employment.

### 29. Return to work after paternity leave

You are entitled to return to the same job following no more than two weeks' paternity leave.

If, however, you take two or more consecutive periods of statutory leave (which could include additional paternity/adoption of more than four weeks), you will be entitled to return to the job in which you were employed before your absence. If that is not reasonably practicable for the company, then you are entitled to return to another job which is both suitable and appropriate in the circumstances.

You have the right to return:

- with your seniority, pension rights and similar rights
- on terms and conditions not less favourable than those which would have applied if you had not been absent.

### 30. Additional paternity leave

Employees are entitled to take Additional Paternity Leave (APL). In addition, those adopting a child are also entitled to take APL.

To qualify for APL, you must be the father of the baby, or be married to or the common law partner of the mother or adopter of the baby or expect to have responsibility for the child. This includes same sex partners. You must give eight weeks' notice of your intention to take APL.

In addition, to qualify for APL you (in the case of birth) must have worked for CPCA for at least 26 continuous weeks by the 14th week before the baby is due and still be employed by the employer in the week before APL is due to start. Or (in the case of adoption), you must have worked for the Authority for at least 26 continuous weeks by the week in which the couple are notified that they are being matched with a child, and still be in employment with the employer in the week before APL is due to start.

APL can be taken once your partner has returned to work from a period of statutory maternity or statutory adoption leave. APL must be for a minimum of two weeks, and a maximum of 26 weeks. It must not start until 20 weeks have passed since the birth or placement of the child. It must not end later than 12 months after the birth/placement. APL must be taken in multiples of complete weeks. If your partner has not taken their full entitlement to statutory maternity or statutory adoption pay this will transfer to you.

If you wish to take APL, you must inform your line manager. You will be required to complete self-certification forms to confirm your entitlement to take the leave. The employer has the right to check the accuracy of any information that is supplied.

If you take APL in accordance with this policy, you may be entitled to Additional Statutory Paternity Pay ("ASPP"). Whether and, if so, for how long you may be entitled to ASPP will depend on:

## Family Leave Policy

- Your average weekly earnings being not less than the lower earnings limit set by the government during the Relevant Period; and
- The child's mother or your co-adopter, as the case may be, having returned to work without having taken at least two weeks of their maternity allowance, maternity pay, or adoption pay period. Your entitlement to ASPP will equate to the balance of the number of weeks of untaken maternity allowance, maternity pay, or adoption pay that remained when the child's mother or your co-adopter returned to work.

ASPP are paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of your average weekly earnings calculated over the Relevant Period if this is lower. For details of the current prescribed rate, please contact the HR Department.

All of the terms and conditions of your employment remain in force during APL, except for the terms relating to pay. In particular:

- Benefits in kind such as life insurance, health insurance, and use of Authority's vehicle if applicable shall continue.
- Annual leave entitlement under your contract shall continue to accrue; and
- Pension benefits shall continue.

Your line manager or Human Resources may make reasonable contact with you from time to time during your APL.

You may work (including attending training) for up to ten days during APL without bringing your paternity leave or your ASPP to an end. The arrangements, including pay, would be set by agreement with your line manager. You are not obliged to undertake any such work during APL.

Shortly before you are due to return to work, your line manager or Human Resources may invite you to have a discussion (whether in person or by telephone) about the arrangements on your return.

You are normally entitled to return to work following either OPL or APL to the same position you held before commencing leave. Your terms of employment will be the same as they would have been had you not been absent.

However, if you have combined your OPL or APL with a period of:

- additional adoption leave; or
- parental leave of more than four weeks,

and it is not reasonably practicable for you to return to the same job, the organisation will offer you a suitable and appropriate alternative position.

If you wish to postpone your return from APL, you should either:

- Request unpaid parental leave in accordance with the organisation's Time Off Policy, giving us as much notice as possible but not less than 21 days; or
- Request paid annual leave in accordance with your contract of employment, which will be at the organisation's discretion.

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If you are unable to return to work from APL as expected due to sickness or injury, this will be treated as sickness absence and the organisation's Attendance and Absence Management Policy will apply.

In any other unapproved absence may be treated as unauthorised absence in accordance with the organisation's unauthorised absence policy.

The organisation will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis, in accordance with the organisation's Flexible Working Policy. Your line manager will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

If you do not intend to return to work or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return, you should submit your resignation in accordance with your contract of employment. Once you have done so you will be unable to change your mind without our agreement. This does not affect your right to receive SPP.

## Section D: Shared Parental Leave

The entitlement to Shared Parental Leave (SPL) is created by the mother ending their maternity leave before they have taken her full entitlement. The remaining period then becomes SPL.

### 31. Eligibility

- Both parents must meet the eligibility criteria for shared parental leave to apply.
- Both parents must have 26 weeks continuous service by the end of the 15th week before the expected week of childbirth.
- Both parents must meet the statutory employment test (employed for at least 26 weeks out of the 66 weeks preceding the EWC) and earnings test (normal weekly earnings which are not lower than the Maternity Allowance threshold).
- The mother must be entitled to SMP and have chosen to end their SML or have returned to work.
- Both parents must have at the time of the child's birth the main responsibility for the care of the child.

### **Entitlement – Shared Parental Leave:**

Shared parental leave is available for up to 50 weeks and can begin at any time after the two-week period of compulsory maternity leave.

Shared parental leave must be taken in multiples of complete weeks. This may be taken as one continuous period or with breaks of complete weeks in between.

Shared parental leave must not exceed the balance of untaken maternity leave.

### **Entitlement – Statutory Shared Parental Pay:**

The entitlement to Statutory Shared Parental Pay is 39 weeks, less the number of weeks in which SMP or MA has been payable to the mother. SSPP must not exceed the balance of untaken maternity pay or maternity allowance available at the point at which the woman returns or plans to return to work. To be eligible for SSPP the employee should have normal

## Family Leave Policy

weekly earnings for the 8 weeks ending with the EWC that are not lower than the lower earnings limit.

As the mother must take two weeks compulsory maternity leave this means that there is a maximum of 37 weeks SSPP.

An employee can be absent on shared parental leave at the same time as another employee is absent on maternity leave, adoption leave, parental leave, or paternity leave in respect of the same child.

SSPP is not payable after the end of the 52 weeks following the birth of the baby.

If there is a need for the manager to discuss an application for SPL then they can be accompanied by a workplace colleague, trade union representative or a friend or family member.

### 32. How to apply

The mother can give notice to return to work early. This must be done at least 21 days before the return date. However, if the leave is to be shared then each parent will have to give not less than eight weeks' notice of their entitlement to SPL. This needs to be not less than eight weeks before the start date of the first period of SPL to be taken by each of the parents.

If the parent wants to vary the dates, then a notice form should be provided at least eight weeks before the beginning of the first week of leave to the line manager. This form should also be completed for cancelling leave that has been previously arranged. The employee can give three notices to vary. Notices that are withdrawn by the employee, given because the baby was born earlier or later than the EWC, or given because the employer has requested it, will not count towards the three.

If the leave request is for one continuous period of SPL, then the employee is entitled to take that leave. Where discontinuous periods of leave are requested then (within two weeks of the request) the employer may either agree to it, propose alternative dates, or refuse the leave.

If the mother changes their mind, then they can submit a cancellation notice in accordance with the statutory rules.

On receipt of the forms the employee will be asked to submit a copy of the birth certificate and the name and address of their employer or their partner's employer.

### 33. Other considerations

The employer can insist that the employee takes agreed SPL if the parent informs their employer that they no longer meet the criteria for SPL less than eight weeks before the leave is due to start.

The employee is entitled to return to work after SPL to the same job provided that the period of SPL when added to any other period of statutory leave taken by the employee in relation to the child is 26 weeks or less. If the time off is more than 26 weeks, then they should



## Family Leave Policy

either return to the same job or to another job which is suitable for the employee and appropriate in the circumstances.

### 34. Returning Early

If you wish to return to work earlier than the Expected Return Date, you must give us eight weeks' prior notice. It is helpful if you give this notice in writing.

If enough notice is not given, we may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner.

### 35. Returning late

If you wish to return later than the Expected Return Date, you should either:

- request Unpaid Parental Leave in accordance with our Unpaid Parental Leave Policy, giving us as much notice as possible but not less than 21 days: or
- request paid annual leave in accordance with your contract, which will be at our discretion.

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply.

In any other case, late return may be treated as unauthorised absence

### 36. Deciding not to return

If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible.

If you decide not to return, you should give notice of resignation in accordance with your contract.

The amount of Maternity/Paternity Leave left to run when you give notice must be at least equal to your contractual notice period, otherwise we may require you to return to work for the remainder of the notice period.

Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.

This does not affect your right to receive SMP/SPP.

### 37. Returning to work

You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been had you not been absent.

However, if you have taken any period of AML/APL or more than four weeks' Unpaid Parental Leave, and it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and



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conditions that are not less favorable.

We will deal with any requests by employees to change their working patterns (such as working part-time) after the SHPP Leave on a case-by-case basis. There is no absolute right to insist on working part-time, but you do have a statutory right to request flexible working and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if requests are made as early as possible. The procedure for dealing with such requests is set out in our Flexible Working Policy.

## Part E: Adoption

Adoption leave, paid and unpaid, will be available to employees wishing to adopt a child and who have primary care responsibilities for that child.

The maternity provisions of this policy apply to the adoption of a newly matched child, who is below the age of 18, and to the person who has primary care responsibilities for that child. The other parent may be entitled to paternity leave provisions as stated within this policy. Where both parents are employees of the Authority, the period of adoption leave may be shared.

If an employee is adopting a newly placed foster child, they must be matched for adoption by a recognised agency to be eligible for Adoption Leave or Pay. If the foster child is not newly placed and has been under their care for some time, the employee will not be entitled to receive Adoption Pay or Leave. Employees will not be entitled to receive Adoption pay or leave for adopting a stepchild. However, in both cases employees may be entitled to other forms of leave, for official appointments. Appointment cards or letters will need to be provided for approval of any leave.

An employee is entitled to take paid time off for up to five adoption appointments. The employee is required to give their manager as much notice as possible. Proof of appointment is required for any adoption appointment.

## 38. Eligibility

You will be eligible for adoption leave and pay if you:

- have 26 weeks continuous service with the organisation by the week in which they are
- notified of being newly matched with a child for adoption for Statutory Adoption Leave and Pay
- have 52 weeks continuous service
- are notified of being newly matched with a child
- be identified as the primary carer for the child (be named on their birth/adoption certificate or parental order, for surrogacy)
- be adopting a child who is under eighteen years of age who is newly placed for adoption
- complete an Adoption Leave application and forward to HR with the Matching Certificate before SAP can be paid.

## Family Leave Policy

### 39. Length of adoption leave

Statutory Adoption Leave lasts for up to 52 weeks. This is the same as for maternity leave.

You have the right to adoption leave from the first day of your employment.

### 40. Pay

During your adoption leave you may be entitled to Statutory Adoption Pay (SAP) and Additional Adoption Leave (AAL) from the organisation.

### 41. Notice

The earliest date an employee's adoption leave can begin is 14 days before the expected date of placement. The latest date on which leave can commence is the date the child is placed for adoption.

The employee must notify their manager of their intention to take adoption leave within 28 days of being matched with a child. They must give details of the expected placement date and start date of leave, complete the Application for Adoption Leave form and provide the original matching certificate form a recognised UK adoption agency.

### 42. Contractual benefits

You are entitled to your normal terms and conditions of employment, except for terms relating to wages or salary (unless the contract of employment provides otherwise) throughout your adoption leave. You may however be entitled to SAP for this period.

You will continue to remain bound by any obligations arising under your contract of employment.

### 43. Return to work after Adoption Leave

The employee's notification of return to work after adoption leave is as per the maternity requirements.

The organisation will deal with any requests by employees to change their working patterns (such as working part-time) after adoption leave on a case-by-case basis, in accordance with the organisation's Flexible Working Policy. Your line manager will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

If in any unfortunate circumstance, a child does not remain in the care of the employee for the full period of leave or the child dies, the employee must notify the authority. In such circumstances the employee may be allowed to take adoption leave for a maximum of 8 weeks following the breakdown of adoption after which they should make arrangements to return to work.

If you do not intend to return to work or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return, you should submit your resignation in accordance with your contract of employment. Once you have done so you will be unable to

# Family Leave Policy

change your mind without our agreement. This does not affect your right to receive SAP.

## Section F: Surrogacy

An employee who is carrying a baby as a surrogate will receive full entitlement in respect of maternity pay and leave. The entitlements will be based on their service as normal maternity leave.

There are 2 potential surrogacy scenarios:

- where the birth parent is not genetically related to the baby (gestational or host IVF)
- where one parent is genetically related (traditional surrogacy).

In both these circumstances new parents of a surrogate baby will be treated the same as those who have gone through the formal adoption process via an agency. It is recognised however that not all parents of a surrogate baby will go through the formal adoption process.

## Section G: Parental Leave

### 44. Eligibility

An employee is entitled to up to 18 weeks' unpaid parental leave per child if he/she is the birth or adoptive parent of a child who is under 18 years of age. To qualify for parental leave, employees must have completed at least one year's continuous service with the organisation.

Employees must be one of the following: -

- The mother of the child OR
- The father of the child OR
- Anyone who is given parental responsibility under section 5 of the Children Act 1989 OR
- Adoptive parents OR
- Those that have parental responsibilities outside of the legal definition, e.g., foster parents, adoptive parents prior to placement, grand-parents with a significant parenting role, and stepparents.

### **Basic Entitlement**

Qualifying employees will be entitled to a maximum of 18 weeks' ordinary parental leave to be taken up until the child's 18th birthday.

### **Definition of a Week**

Where an employee's working pattern does not vary, a week is the normal 'working week' worked by the individual. If the employee's working pattern does vary from week to week, then a week is the total hours of all periods worked in a year in which s/he works, divided by 52.143.

### **Parental Leave**

Parental leave may be taken:

- from a single block of 18 weeks.
- for parents of disabled children as a number of shorter periods of a minimum of a half-day.

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- in patterns which provide a part-time or reduced hour working arrangement for a period of time equivalent to taking 18 weeks leave as a single block.

Employees are eligible to take a maximum of four weeks Parental Leave per child in any calendar year (Jan to Dec), commencing on the date upon which the employee becomes entitled to the Leave. This will either be the date of the child's birth, date of adoption, or for new employees to the authority, after serving the one-year qualification period.

Every attempt must be made by the employee to give as much notice as possible with a minimum of 21 days' notice in writing before the day on which they propose to take the leave. Applications for Parental Leave should be submitted to the Line Manager, in writing, on the Parental Leave Request Form available on SharePoint. The form allows the Line Manager to agree in principle to the request.

Parental leave may be granted to employees who have not given the required notice in special circumstances at the discretion of the employer. Such discretion shall not be unreasonably withheld.

### **Postponement of a request for Parental Leave**

The employer may postpone a Parental Leave request for up to a maximum period of six months (where the needs of the service warrant this) after the beginning of the period that the employee originally wanted to start their Parental Leave.

The employee will receive written notification within seven working days of the postponement. Such notification will state the reasons for the postponement and specify the date on which the agreed period of leave will begin and end.

The taking of Parental Leave may not be postponed where it is taken in the following circumstances: -

- Immediately following the birth or adoption of a child having previously given 21 days' notice either before the expected week of childbirth or the expected week of placement.

### **Terms and Conditions during Parental Leave**

Employees taking up to four weeks Parental Leave shall have the right to return to the post in which they were employed prior to taking Parental Leave.

Employees will remain employed by the Authority during the Parental Leave period. Contracts of Employment will continue, and all contractual rights, other than salary, will be maintained, including entitlement to accrued paid annual leave in accordance with the CPCA's Annual Leave Arrangements.

Employees who fall sick during a period of Parental Leave should report such sickness, in accordance with the CPCA's Sickness Reporting Procedure and provide a medical statement for the period of sickness. Any period of certified sickness will not count towards the employee's parental leave entitlement.

Employees will have the option of paying pension contributions for any period of unpaid Parental Leave at the standard rate on the pay that would have been received had they



## **Family Leave Policy**

been at work during the leave period.

# Family Leave Policy

## Governance

### References:

Attendance & Absence Management Policy

Issue date:	2023
Version number:	2
Review due date:	2026

### Document Control Sheet

Purpose of document:	This policy has been formulated to provide general guidance and policy advice to staff and managers about Maternity, Paternity, Adoption, Surrogacy and Parental policy and procedure.
Type of document:	Policy
Document checked by Legal	No
If applicable, has an initial Equality Impact Assessment (EIA) been completed?	Yes
Document lead and author:	HR Team
Dissemination:	All new and updated policies and procedures are notified to entire workforce and a variation letter.
What other documents should this be read in conjunction with:	Guidance documents listed in policy
Who will review the document (job title):	HR Team
Why is this document being reviewed?	As part of an annual review.
Mandatory Read	No

### Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved
2		Changes made in line with statutory updates.	March 2023

# Grievance Policy

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5. Definitions .....	2

### 1. Introduction

This Policy should be read in conjunction with the Grievance Procedure.

### 2. Aim

The purpose of this policy is to enable employees (whether collectively or individually) to raise a grievance about problems or concerns at work, working conditions or relationships with colleagues (this includes bullying and/or harassment).

This policy applies to all employees in work-related circumstances (whether or not in the workplace) regardless of their status or length of service.

This policy does not form part of any employee's contract of employment. It may be amended from time to time.

We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice however, where employees consider that they have been directly affected by the matter in question a grievance/complaint may be raised under this policy.

For matters that are the subject of collective negotiation or consultation with the trade unions, or where there is a dispute between Cambridgeshire & Peterborough Combined Authority (CPCA) and one or more recognised trade union refer to the Collective Disputes Procedure.

### 3. Key Principles

- CPCA expects and is committed to ensuring that all employees are treated and treat others with dignity and respect in an open and effective working environment.
- The intention is to always aim to resolve grievances informally where possible.
- All grievances will be treated seriously and addressed promptly and sensitively in accordance with the Grievance Procedure.
- In circumstances where a grievance is upheld CPCA will take all appropriate and recommended action.
- Proven allegations amounting to gross misconduct or misconduct on the part of employees will be dealt with under the Disciplinary Procedure.
- In any circumstance where a grievance relates to someone other than an employee all reasonably practicable steps (having regard to the needs of the business) will be taken to prevent against risks of recurrence.

# Grievance Policy

## 4. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

## 5. Definitions

This section is intended for guidance purposes only and in any circumstance where a legitimate grievance is raised, it must be dealt with in accordance with the Grievance Procedure.

### **Grievance**

A grievance is a concern, problem or complaint that an employee would like to raise with their employer.

Issues that may cause grievances include but are not limited to:

- Harassment, bullying, discrimination and/or victimisation (refer to the Grievance Procedure, also the Dignity At Work Policy/Procedure);
- Terms and conditions of employment;
- Health and Safety;
- Work relations;
- New working practices;
- Working environment; and
- Organisational change.



# Grievance Policy

## Governance – Grievance Policy

### References:

Disciplinary Procedure  
Whistleblowing Policy  
Grievance Procedure  
Dignity At Work Policy/Procedure

Issue date:	2023
Version number:	2
Review due date:	2026

### Document Control Sheet

Purpose of document:	This policy is to enable employees (whether collectively or individually) to raise a grievance about problems or concerns at work, working conditions or relationships with colleagues (this includes bullying and/or harassment)
Type of document:	Policy
Document checked by Legal	No
If applicable, has an initial Equality Impact Assessment (EIA) been completed?	Yes
Document lead and author:	HR Team
Dissemination:	
What other documents should this be read in conjunction with:	Guidance documents listed in policy
Who will review the document (job title):	HR Team
Why is this document being reviewed?	Review of existing Policies and Procedures

### Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved
2		Wording reviewed to ensure clarity on grievance process is clear to both employees and managers, with focus on the investigation meetings and Grievance hearing	



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These guidelines are to provide helpful information to assist the management of grievance issues and are not intended to amount to legal advice.

### 1. Introduction

This Procedure should be read in conjunction with the Grievance Policy.

### 2. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

### 3. Definitions

#### Grievance

A grievance is a concern, problem, or complaint that an employee or former employee raised by an employee regarding their work, working conditions, or relationship with other colleagues.

Grievances can be raised individually or collectively.

#### Grievance Manager

For the purposes of this procedure the 'Grievance Manager' is defined as the line-manager except in cases where this procedure is being instigated by a director or Head of Service (Tier 1 and 2) in which case the 'Grievance Manager' will be the Chief Executive.

# Grievance Procedure

Usually, the Grievance will be heard by the Line Manager. If the Grievance is raised against the Line Manager, an alternative Manager will be used, nominated by the Director or Head of Service. If a Grievance is raised by a director or Head of Service, the Chief Executive will hear the Grievance, the Chief Executive may also appoint another senior employee in their place.

## Hearing Manager

### Employees

In this procedure references to employees will be taken to include references to current employees and employees who raised a grievance before their last day with the Authority.

## Unlawful Discrimination, Harassment and Victimisation

The definitions set out in the Equality and Diversity Policy will apply to grievances in relation to perceived acts of unlawful discrimination, harassment and victimisation.

## Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure the person on the receiving end.

Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.

Bullying may take the form of physical, verbal and nonverbal conduct and may include for example picking on someone or setting him or her up to fail or making threats or comments about someone's job security without good reason.

Legitimate, reasonable and constructive criticism of an employee's performance or behaviour or reasonable instructions given to workers in the course of their employment will not amount to bullying on their own.

A single incident can be bullying if it is sufficiently serious.

## 4. Raising grievances informally

If an employee has a grievance or complaint they should, wherever possible, start by talking it over with their manager to try and agree a solution informally. Part of resolving the grievance informally may include support such as mediation or facilitated meetings to discuss the concerns in order to provide a satisfactory outcome.

Grievances should be raised as soon as possible after the event or incident complained of. In all circumstances grievances should be raised within 6 months unless exceptional circumstances exist which justify a departure from this.

Where an employee feels unable to speak to their manager for example because the complaint is about them, they should speak informally to a more senior manager or a

# Grievance Procedure

member of the HR team.

Where informal discussion does not resolve the grievance the formal procedure (as set out below) should be followed.

## 5. Formal Written Grievances

Written grievances should be headed “Formal Grievance” and detail the nature of the complaint as well as the outcome being sought. The employee/s must provide any evidence and state relevant witnesses in the written grievance.

Once the above has been received, the Grievance Manager will provide an acknowledgement of the grievance in a timely manner and advise the employee on the next steps.

### Individual grievances

If an employee’s grievance cannot be resolved informally, they should put it in writing and submit it to their line manager or where appropriate a more senior manager (“the Grievance Manager”). If the employee’s grievance is against their line manager, they can submit the grievance to their relevant HR Representative.

If the Grievance Manager receives a document that looks like a formal grievance, but it is not in that format, the employee should be asked if they want to follow the formal Grievance Procedure and asked to provide the necessary information.

The Grievance Manager should clarify with the employee aspects of the grievance which may be unclear before any meeting takes place.

### Collective grievances

Where an identical grievance is made by two or more employees (collective grievance) and all employees agree, a joint written grievance can be submitted. This should be headed “Formal Collective Grievance” and must: -

- detail the nature of the grievance and the outcome being sought.
- identify the individuals who wish to raise the grievance.
- identify any nominated trade union representative or colleague to represent them all.
- state that all have voluntarily consented to use the collective grievance process and.
- confirm that everyone understands that the grievance will give each of them the right to only one collective grievance meeting and outcome, and (if applicable) appeal meeting and outcome

If it is not agreed, separate grievances will apply.

Further attempts may be made to resolve the matter informally, depending on the nature of the complaint. However, if the employee is not satisfied with the outcome, they may insist on the matter proceeding to a full Grievance Meeting.

If the issue is proceeding to a full Grievance Meeting the employees should be informed and an explanation given of what will happen next.

# Grievance Procedure

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance.

In any circumstance where both the grievance and disciplinary procedures apply in relation to the same facts it may be appropriate to deal with both matters together. This decision will be made by the Grievance and/or Disciplinary Manager.

Any false or malicious complaints raised by an employee will be taken very seriously and will be managed under the Disciplinary Policy.

## **6. Investigation/Fact-finding**

As part of the formal process the Grievance Manager will determine the most appropriate means of investigation to include conducting their own investigation or appointing an internal or external investigator depending on the circumstance. In all cases guidance should be sought from the relevant HR Manager before making this decision.

Reasonable notice will be given to all parties subject to the fact-finding process. Any invite to an investigation meeting (either as the employee affected, the employee the grievance is raised against or a witness) should be issued with at least 7 days' notice.

This will be a fact-finding meeting with both the employee who raised the grievance, witnesses, and subjects. The investigation required will depend on the nature of the allegations and will vary from case to case. It may also involve collecting documentation from and taking statements from the employee, the subject of the complaint and any other relevant witnesses.

Employees will not normally have the right to be accompanied at an investigative interview. However, in exceptional circumstances where an employee needs extra support, the investigating officer with approval from HR may allow the employee to bring a companion who is not a work colleague or trade union representative. In allowing this support the investigation must not be unreasonably delayed.

Employees must co-operate fully and promptly in any investigation. This may include providing the names of any witnesses, disclosing relevant documents and attending interview.

Once the fact-finding is concluded a report will be submitted to the Grievance Hearing Manager stating the findings and recommendations.

## **7. Grievance Hearing**

Following completion of the fact-finding meetings and submission of the report. The Grievance Hearing Manager will invite the complainant to the outcome Hearing.

If the grievance is a collective grievance only one joint Hearing will be arranged.

Where reasonably possible the employee will be given at least 7 days' notice to attend the Grievance Hearing.

The Grievance Hearing is to give a formal outcome to the complainant. If during their hearing

## Grievance Procedure

the Hearing Manager feels that further information is required, they may fully adjourn the hearing and arrange for the hearing to be reconvened. Any further information gathered will be presented to the reconvened Formal Grievance Hearing, affording all attendees the opportunity to ask questions/points of clarity in relation to the additional information presented.

A representative from HR would be present at the hearing in order to provide professional employment law and procedural advice, however any ultimate decision is that of the hearing manager. The HR representative may also serve as the note taker.

Employees are expected to attend the hearing without fail. If the employee or their companion is unable to attend the meeting, they must notify the Hearing Manager as soon as possible. An alternative date should be agreed if it is reasonable and unless exceptional circumstances exist not more than 1 week after the original date proposed.

If an employee continues to be unable to attend scheduled meetings, the meeting may take place in their absence and a decision will be made on the evidence available. Where Hearing Manager intends to hold the hearing in the employee's absence, the employee will be notified (where time permits in writing) beforehand.

Following the hearing an outcome letter would be sent to the employee within 7 days containing the following information:

- The decision made and the reasons for reaching it; and
- Confirming the employee's right to appeal and to whom.

For collective grievances each employee will be notified individually of the outcome.

### **8. Right to be accompanied**

Employees is entitled to bring a companion to the Grievance Hearing The companion may be a trade union representative or a work colleague.

Companions may make representations and ask questions but should not answer questions on the employee's behalf.

Acting as a companion is voluntary and no employee is required to fulfil this role unless they are happy to do so.

If the employee's choice of companion is unreasonable, they may be asked to choose someone else for example:

- If there is a conflict of interest or the companion's attendance may prejudice process; or
- If the companion's unavailability will cause unnecessary delays within the prescribed timeframes unless exceptional circumstances exist.

### **9. Appeal**

If the employee is dissatisfied with the outcome of their grievance, they may appeal in accordance with the Appeals Policy and Appeals Procedure.

### **10. Document retention**

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Grievance Procedure

## Grievance Procedure

The Grievance Manager should forward copies of all paperwork relating to the grievance and Grievance Meetings to the HR Department. Any such correspondence should be labelled for the attention of the HR Department and marked as 'Strictly Private and Confidential'

Any paperwork provided will be stored and/or destroyed in accordance with the CPCA's records retention and management policies.



# Grievance Procedure

## Governance – Grievance Procedure

### References:

Appeals Policy & Procedure  
 Disciplinary Policy  
 Equality and Diversity Policy  
 Grievance Policy

Issue date:	2023
Version number:	4
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### Document control sheet

<b>Purpose of document</b>	This document provides useful information on the grievance process and how a grievance may be raised
<b>Type of document</b>	Guidance
<b>Document checked by Legal</b>	Not applicable
<b>If applicable, has an initial Equality Impact assessment (EIA) been completed?</b>	Yes
<b>Document Lead and Author</b>	HR Team
<b>Dissemination</b>	
<b>What other documents should be read in conjunction with</b>	Document listed in this guidance
<b>Who will review the document (job title)</b>	HR Team
<b>Why is this document being reviewed</b>	Wording reviewed to ensure clarity on grievance process is clear to both employees and managers, with focus on the investigation meetings and Grievance hearing



# HEALTH AND SAFETY POLICY

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### 1. Aim

Cambridgeshire and Peterborough Combined Authority is dedicated to adhering to its responsibilities under the Health and Safety at Work, Act 1974 and The Management of Health and Safety at Work Regulations 1999 (and as amended).

The combined Authority places significant importance on the health, safety and welfare of its employees and all others in the course of their work and the public, who may be affected by its activities. CPCA seeks to provide the safest working conditions possible and requires the commitment of all employees in this effort.

We are committed to keeping risk assessments and welfare procedures under constant review; to liaise with the Health and Safety Executive or other enforcing authorities where necessary and to keep the organisation well-informed of new changes and advancement in Health and Safety.

The Policy is aimed to give guidance to all employees, outside contractors and visitors about health and safety matters and to delegate responsibility to ensure the Policy is implemented in a structured and effective manner.

### 2. Scope

This policy applies to all CPCA employees, contractors, consultants and Agency Workers.

### 3. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision,

# HEALTH AND SAFETY POLICY

Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

## 4. Organisation and Responsibilities

### **Chief Executive and the Executive Management Team**

The Chief Executive has ultimate responsibility for all health and safety matters affecting the organisation and is supported in this role by Directors, Heads of Service, Line Managers, Employees and Occupational Health Services. The Chief Executive is responsible for:

- The development and continual improvement of the health and safety performance by ensuring that an effective health and safety management system is implemented, maintained and are legally and statutory compliant.
- Approval and signing the organisation's health and safety statement of purpose.
- Ensuring that the health and safety policy and related procedures are effectively implemented, providing the necessary physical, financial and human resources required.
- Approving new and revised health and safety policy, procedure, and guidance.
- Assigning responsibilities for the effective planning, organisation, control, measuring, monitoring, reviewing, and auditing of the health and safety management system and its related policies and procedures.
- Appointing themselves or a director as the health and safety advocate within the organisation.

### **Directors and Heads of Service**

As part of their roles as Directors and Heads of Service are responsible for health and safety individually and, as members of the Corporate Leadership Team. They are mainly responsible for:

- The effective monitoring, review, development and continual improvement of health and safety performance within their directorate/service.
- Ensuring that the health and safety policy and associated procedures are effectively implemented, providing the necessary physical, financial and human resources required.
- Preparing, delivering, and executing service area health and safety action plans, ensuring that health and safety is fully integrated into business activities.
- Producing an annual report, detailing health, and safety performance against set objectives.
- Ensuring they consider and address any potential health and safety implications of all their decisions before they are taken.
- Ensuring that the health and safety policy and associated procedures are brought to the attention of all employees and others as appropriate.

# HEALTH AND SAFETY POLICY

- Keeping up to date with changes to health and safety legislation, standards and good practice relevant to their service area's activities.
- Ensuring that all accidents and incidents are reported, documented, appropriately investigated and preventative measures put in place to avoid reoccurrences.

## **Line Managers**

For the purposes of the health and safety policy and associated procedures the reference to the term Line Manager refers to any employee who manages or supervises others. All levels of Line Managers are responsible for:

- The measurement, monitoring, review, development and continual improvement of health and safety performance.
- Ensuring familiarity with the health and safety policy and associated procedures and effectively implementing them, providing the necessary physical, financial and human resources required to do so and informing their line manager of any resource requirements or associated risks.
- Ensuring that health and safety is appropriately considered at the planning and design stages (for example in the development or introduction of new methods of work, equipment, buildings etc).
- Ensuring that health and safety objectives are an integral part of their team delivery plans.
- Undertaking risk assessments, identifying and implementing control measures, communicating the outcomes to employees and others as appropriate.
- Ensuring they are informed of all accidents and incidents that occur (ensuring that they are reported and documented), undertaking appropriate levels of investigation and implementing preventative measures to avoid a reoccurrence.
- Ensuring that transferred and new employees are informed of the hazards and risk control measures involved with the service areas activities.
- Ensuring that all employees have the appropriate level of competency in health and safety to enable them to effectively undertake their role.
- The identification and provision of employees' personal protective equipment requirements, ensuring training for its correct use.
- Ensuring all equipment and systems are tested in accordance with relevant statutory requirements and best practices.
- Providing arrangements to ensure employees and others (for example visitors, members of the public, contractors etc) have safe access and always exits whilst on the premises considering any persons who may have additional requirements.
- Ensuring that first aiders and first aid equipment are present in sufficient numbers and their locations are known to employees.

# HEALTH AND SAFETY POLICY

## All Employees

The reference made to employees is a reference to all employed individuals who access CPCA's premises. Therefore, in addition to the responsibilities specified in other policies it is the responsibility of every employee to:

- Fully familiarise themselves with the health and safety policies and associated procedures, seeking clarification from line managers where necessary.
- Wear protective clothing and safety equipment as required reporting any defect to their line management.
- Take reasonable care for the health and safety of themselves and other persons (i.e. members of the public, contractors, customers etc) who may be affected by their acts or omissions at work.
- Report any defects in any equipment to their line manager.
- Report all accidents and incidents and near misses to their line manager as soon as possible, whether the accident or incident involved personal injury.
- Use machinery, equipment, substances, transport equipment or other means of safety device in conformity with relevant training / instruction.

## Occupational Health

Occupational Health supports CPCA and all its employees in their roles by providing professional, and impartial advice and assistance on matters relating to occupational health and safety. They are responsible for:

- The maintenance of adequate information systems on legislation, law and management practices relevant to occupational health and safety.
- Advising on all aspects of health and safety management systems including policy, organising, planning, implementation, performance measuring, monitoring, review and audit.
- Presenting advice impartially and effectively.
- The interpretation of existing and proposed legislation and law relevant to occupational health and safety and the identification of any potential.
- Performing pre-employment health screening on all prospective employees.
- Conducting appropriate health investigation for employees identified as being at risk due to their occupation or location.
- Establishing professional relationships at all levels within CPCA and, as appropriate, with external organisations i.e. Health and Safety Executive, Fire services etc.
- Advising on issues of medical capability and issues where there is a relationship between health and work.
- Advising on the risk assessment process including the identification of hazards, the assessment of associated risk and the identification of suitable risk control measures.
- Assisting managers in the investigation of serious incidents, accidents, and ill health as appropriate.

# HEALTH AND SAFETY POLICY

## 5. Risk Assessment

In agreement with the Management of Health and Safety at Work Regulations 1999, managers will identify hazards and undertake assessments of the associated risks for all work activities (whether regular or occasional) using the risk assessment process provided by the organisation.

The assessments will consist of the hazards and risks that may arise out of activities undertaken and assess their potential to cause injury to people, damage the environment, cause reputational damage etc.

When completing the assessment, managers will rank the risks in accordance with the organisations risk assessment process, and devise action plans that identify the necessary actions to either eliminate or control exposure to the risks. Copies of risk assessments must be sent to the HR Manager.

The outcomes of risk assessments and action plans will be discussed with all relevant parties to ensure actions are being taken. Managers will regularly monitor and review the risk assessments to ensure proactive action is being taken.

## 6. Incident Reporting

Incident and risk records are essential to the successful monitoring of health and safety performance and revision of policy and must therefore be accurate and comprehensive. All incidents causing injury and property damage and hazards must be reported promptly on the appropriate form and submitted to the appropriate team. All adverse incidents and near misses must also be reported as they may be indicators of potential more serious incidents.

It is a line manager's responsibility to ensure that all incidents and hazards are properly investigated. The underlying causes must be identified and recorded, and appropriate action and lessons learnt relating to health and safety must be identified and implemented.

Incident statistics and trend analysis reports will be produced for the chief executive, heads of service, and health and safety review board on an annual basis (or on request) with recommendations on the appropriate actions to be taken for matters of concern.

Where the involvement in an incident identified as malicious, criminal, fraudulent or constitute gross professional misconduct, the matter will be investigated and may lead to disciplinary process.

Fatal, major injury accidents (over seven-day injuries), diseases and dangerous occurrences are covered by the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013 and must be reported by the Health and Safety gatekeeper. This is a **legal** requirement.

# HEALTH AND SAFETY POLICY

## 7. Training and Information

General aspects of health and safety training is incorporated into all employees induction programme. However, it is the responsibility of all line managers to ensure specific training required for their team to carry out their roles effectively are completed within the required time frame. Any employee who fails to carry out their role specific Health and Safety training may be subject to disciplinary process.

All documents regarding the employees' health and safety training should be saved on their employee file as well as the line manager's local file.

## 8. Data Retention

Every Service area must have their service team risk assessment, written safe systems work and protective equipment issues documents, recorded and maintained by the Head of Service.

Evidence of any Health and Safety training undertaken or display screen equipment assessment must be sent to the HR team for central record keeping.



# HEALTH AND SAFETY POLICY

## GOVERNANCE

### HEALTH AND SAFETY POLICY

#### References:

Health and Safety at Work, Act 1974 and The Management of Health and Safety at Work Regulations 1999.

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#### Document control sheet

<b>Purpose of document</b>	This document provides useful information on the Health and Safety
<b>Type of document</b>	Policy
<b>Document checked by Legal</b>	No
<b>If applicable, has an initial Equality Impact assessment (EIA) been completed?</b>	Yes
<b>Document Lead and Author</b>	HR Team
<b>Dissemination</b>	
<b>What other documents should be read in conjunction with</b>	Document listed in this guidance
<b>Who will review the document (job title)</b>	HR Team
<b>Why is this document being reviewed</b>	As part of an annual review

#### Revisions

None.



# Organisational Change Policy

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# Organisational Change Policy

## Part 1: Overview

### 1. Aim

The Cambridgeshire & Peterborough Combined Authority (CPCA) values its employees and is committed to managing the organisation in a manner which results in secure employment for all employees.

Change can be triggered either by the external environment or by an internal review of service requirements. Examples of significant organisational change include the reorganisation, relocation, merger, expansion or closure of a service, outsourcing, or a major change in working practices.

To meet changing needs more efficiently, there may be occasions when managers need to implement relatively minor changes. Reasonable minor changes and adjustments to duties and working practices may be implemented without recourse to the formal procedures in this policy although reasonable consultation with staff affected is required. Any change which could lead to a redundancy situation will never be deemed to be a minor change.

HR must notify the Department for Business, Innovation and Skills (BIS) in writing if the Authority proposes to make 20 or more staff redundant. A copy of the notification form will be sent to the trade union representatives concerned.

The purpose of this policy is to ensure that, whenever reductions in employee numbers become necessary, the CPCA will:

- communicate clearly with all affected employees.
- consult with employees and recognised trade unions.
- try to find ways of avoiding compulsory redundancies; and
- ensure that any selection for compulsory redundancy is undertaken fairly and reasonably.

This policy does not form part of any employee's contract of employment and the CPCA reserve the right to amend it from time to time.

### 2. Key Principles

The CPCA will always try to avoid the need for compulsory redundancies but sometimes these may be necessary through open communication to promote good employee relations and equal opportunities practice in line with our current policies and employment law.

Where the CPCA is unable to avoid reducing employee numbers the CPCA will try to minimise the effect of redundancies through the steps set out in this policy

This policy will also signpost the help and support available to those affected.

# Organisational Change Policy

The CPCA will not discriminate directly or indirectly on grounds of any of the protected characteristic.

Part-time employees and those working under fixed-term contracts will not be treated differently to permanent, full-time comparators.

### 3. Scope

This policy applies to all employees at all levels and grades who have more than two years' service.

### 4. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

## Part 2: Organisational Change

### 5. Types of change

#### Ongoing Minor Changes

To adapt to changing requirements, the Authority may need to make periodic changes to roles, responsibilities and/or working practices.

Reasonable minor changes and adjustments to duties and working practices may be implemented without recourse to the formal procedures in this policy although reasonable consultation with staff affected is required.

Any change which could lead to a redundancy situation will never be deemed to be a minor change.

Examples of this type of change include:

- Changes to shift/work patterns
- Changes to working hours
- Changes to working location

CPCA will ensure it adheres to the Working Time Regulations 1998 when determining working arrangements.

# Organisational Change Policy

The Authority will endeavour to ensure short notice changes to working patterns, excessive hours of working, and split shift to a regular shift pattern are avoided as much as possible. Though in some cases there are reasons to make changes at short notice to staff working practices.

Where alterations are made to published working patterns, with three months' notice or less these changes must arise from exigencies of duty, unless they are mutually agreed by the employer and employee, or by collective agreement. Such alterations shall be notified to the employee as soon in advance of the intended change as possible.

In some instances, the Authority may need to alter the employee's work hours, shift pattern or location. Where that change is decided we will consult with the employee and their recognised Trade Union rep.

When the above changes are intended the following steps will be taken:

- An open staff meeting where reasons for the change are communicated, and staff given opportunity to raise concerns and ask initial questions
- A first consultation meeting with the impacted staff member/s and their recognised Trade Union representative. This is an opportunity for them to ask questions, comment on the process and give feedback as well. The manager will be supported by their designated HR Representative.
- The individual will be invited for a final consultation meeting with their workplace colleague or trade union representative. At this meeting, the manager will state the outcome of the consultation process and communicate the effective date for the change.
- An outcome letter will be given/sent to the staff confirming the changes to their terms and condition.
- Should the staff not be satisfied with the outcome of the process, they have the right to appeal the decision within 5 working days of the outcome letter. This should be sent via email to the relevant HR Representative.

## **Change across organisational boundaries**

Where organisational changes require staff to be transferred from one employer to another, the Transfer of Undertakings (Protection of Employment) Regulations amended 2014 (TUPE), and subsequent amendments, will apply. Under these arrangements, the employees' continuity of employment will be preserved, along with all their contractual terms and conditions of employment and any collective agreements that apply. Please refer to the TUPE policy.

## **Change affecting job security**

Changes that may affect job security, resulting in potential job losses or redeployments include:

- Restructuring or mergers
- Reductions in, or discontinuations of, specific areas of work
- Major changes to working practices or contractual terms.

## **6. Managing redundancies**

### **Redundancy**

# Organisational Change Policy

A redundancy occurs where a dismissal is wholly or mainly because:

- the employer has ceased, or intends to cease continuing the business, or
- the requirements for employees to perform work of a specific type or to conduct it at the location in which they are employed has ceased or diminished.

## Responsibility

The Head of Department should liaise with their HR Representative, to ensure that a genuine redundancy situation exists, that the organisation fulfils its legal obligations, and that the redundancy process is applied impartially.

HR will provide advice and guidance on this policy and its application at all stages to line managers and relevant parties requiring guidance so that it is followed appropriately and reduces CPCA's risk to adverse judgements from Employment Tribunals.

## 7. Measure to minimise or avoid compulsory redundancies

Where the CPCA proposes to make redundancies, appropriate managers will enter into consultation with all affected employees on an individual basis and, where appropriate, also with recognised trade unions.

In the first instance the CPCA will consider steps that might, depending on the business needs at the time, minimise or avoid the need for compulsory redundancies.

Examples of such steps may include the following, although the CPCA reserves the right to expand this list.

- Freezing recruitment for new permanent members of staff in the affected categories of employee and in those areas into which affected employees might be redeployed.
- Reviewing the use of agency staff, self-employed contractors, and consultants. stopping or reducing the use of temporary workers.
- Stopping or reducing overtime to that needed to meet contractual commitments or provide essential services.
- Considering the introduction of flexible working arrangements, where these are practicable.
- Identifying suitable alternative work that potentially redundant employees might be redeployed to.
- Individuals who are approaching the end of a fixed term or temporary contract, where the contract will not be extended, and who have at least 24 months continuous service, will be treated as being dismissed by reason of redundancy.

## 8. Consultation

Where redundancies are planned as part of an organisation change. CPCA will endeavour to ensure meaningful consultation. Giving enough time before any redundancies are made.

The minimum requirements for redundancy consultation are as follows:

- where 20-99 redundancies are proposed consultation should commence at least 30 days before the first redundancy takes place

# Organisational Change Policy

- where 100 or more redundancies are proposed then consultation should commence at least 45 days before the first redundancy takes place.
- where fewer than 20 staff are to be dismissed there is no legal time limit within which formal consultation must be carried out. However, consultation must however commence at the earliest opportunity.

The purpose of consultation is to consider views and feedback on the proposals and, where possible to avoid the dismissals, reduce the number of employees to be dismissed, and mitigate the consequences of dismissals.

The CPCA will consult with all employees who are potentially affected by the redundancy situation and not just those who are at direct risk of redundancy. Where it is not possible to hold a face-to-face meeting, they will conduct the consultation process remotely.

In any collective consultation exercise, the CPCA will also consult individually with each employee that is affected by the redundancy proposal in respect of their own particular circumstances.

If there is no recognised trade union and no suitable existing employee representatives, employee representatives will be elected.

Those employees who have been provisionally selected for redundancy will be consulted with individually about the selection pool, the selection criteria that will be used, how those criteria will be scored, and the provisional scores that have been awarded once the selection exercise has been completed.

## **Consultation with the trade unions**

Trade unions play a very important role in advising and representing staff undergoing organisational change. They also work with managers to ensure that the change is managed with the least interruption to service and in accordance with the principle of avoiding compulsory redundancies where possible.

Meaningful pre-consultation can lead to an agreed shorter formal consultation time and greater staff satisfaction with the process. It is advisable an early informal consultation with the trade unions should happen where possible.

Formal consultation with the trade unions will begin once the consultation document has been finalized. This will take the form of:

Trade unions representing staff affected by the change should be invited to the first meeting with all affected staff and given reasonable notice to attend

On-going discussions with the local accredited representatives

There is a need for additional information to be provided in writing where there are proposed redundancies. The following must be included:

- reason for redundancy proposal
- the numbers and descriptions of employees whom it is proposed to be dismissed as a result of redundancy
- the proposed method of selecting employees who may be made redundant
- the total number of employees of any such description employed at the site / location in question
- the proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the redundancies are to take effect
- the proposed method of calculating redundancy payments to individual employees if it differs from the statutory



# Organisational Change Policy

Management will ensure that trade unions are kept informed of developments and will meet with the trade unions as appropriate.

## **Consultation with individual staff**

It is a legal requirement to consult with employees during a redundancy process. Ideally;

- An initial meeting will be held with all employees affected to inform them of the proposed change and explain the consultation process. Each employee will be provided a copy of the consultation document. Those who are absent from work will be sent a copy of the consultation document at their home/email address to ensure they participate in the consultation process.
- Where a member of staff is on secondment and a redundancy situation arises in relation to their substantive post, the individual will be notified that their substantive post is at risk
- Every employee impacted by the process will be offered the opportunity of at least one individual meeting with their manager at which they have the right to be accompanied by a trade union representative or workplace colleague. HR support will also be offered to the manager. At the meeting, the employee will have the opportunity to comment and respond to the proposals.
- Notes of the individual meetings will be kept and may be provided to the employee and where applicable their trade union representative. The record will not verbatim.
- Regular updates and frequently asked questions may be circulated to staff throughout the formal consultation period.
- In addition to the individual consultation meetings, employees may be kept informed by team meetings, trade union meetings, email and other written communication and information supplied by management and the trade unions.

## **9. Redundancy Selection**

Where it is not possible to avoid making compulsory redundancies appropriate managers will be tasked with identifying which roles are at risk. The criteria used to select those employees who will potentially be made redundant will be objective, transparent, and fair and based on their skills required to meet existing and anticipated business needs.

Where practicable, employees will be offered posts which are directly comparable with their present post without the need for formal selection processes. This is referred to as slotting.

Consideration may also be given to “ring fenced” selection processes, where staff may be invited to express preferences for jobs in the new structure, subject to the ring fence criteria. Such applications must be assessed in line with the Combined Authority’s recruitment policy.

The CPCA may need to create a selection pool (also referred to as ring-fencing) from which those who are to be made redundant will be selected. The selection pool will normally consist of employees who carry out the same job. If other employees do jobs that are interchangeable, or do the same or similar work, line managers will consider widening the

# Organisational Change Policy

pool to include these employees.

The CPCA will then carry out a scoring exercise for employees in the redundancy pool. The employees with the lowest scores will be provisionally selected for redundancy. As above the CPCA will ensure that the selection criteria used to select those employees are reasonably objective, measurable, capable of being applied fairly and reflect the requirements of the job that will need to be performed after the redundancy exercise has been completed.

However, a selection pool will not be necessary for example where redundancies are expected to involve the whole organisation or just one specific role. The decision on who to include in the pool will be based on genuine business reasons.

## 10. Voluntary Redundancy

To reduce the need for redundancy the CPCA may invite applications for voluntary redundancy. In all cases the acceptance of a volunteer for redundancy will be a matter of our discretion and the CPCA reserve the right not to offer voluntary redundancy terms or to refuse an application where it is not in the interests of the CPCA to do so. This might be the case where the CPCA receives too many volunteers, or they consider that accepting an application is not in the best interests of the organisation.

If an application is unsuccessful, the CPCA will let the employee know if they are eligible for early retirement were applicable.

Voluntary redundancy decisions will be objectively justified and non-discriminatory. The proposed selection criteria for voluntary redundancies will be part of the consultation with trade unions and affected individuals before it is applied.

## 11. Termination on the Grounds of Redundancy

Where selection for redundancy is confirmed, employees selected for redundancy will be given written notice of termination of employment in accordance with the notice period in their contract of employment or the statutory minimum notice period, whichever is greater.

Depending on the circumstances, the CPCA may make a payment in lieu of notice instead of requiring the employee to work their notice period.

## 12. Redundancy Payment

Employees are entitled to receive a statutory redundancy payment if they have worked for the CPCA for at least two continuous years.

The CPCA calculates redundancy based on an employee's actual week's pay multiplied by the number of statutory redundancy week's entitlement multiplied by an enhancement of 1.5 and a further 1.5 week's pay for age over 41.

Contractual pay is used to calculate an employee's actual week's pay i.e.; no account will be taken of any salary sacrifice arrangements in place.

This policy will comply with the Local Government (Early Termination of Employment).

# Organisational Change Policy

## 13. Repayment of redundancy

### **Re-joining the Combined Authority or joining another body listed under the Modification Order within 4 weeks of the date of redundancy:**

If the CPCA gives the employee notice of redundancy and before the dismissal takes effect the employee receives an offer of employment from another body specified in Schedule 2 of The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999, the individual will lose entitlement to a redundancy payment.

This only applies where the relevant body makes the offer of a new job before the end of the old contract and the employment starts within four weeks of the date of redundancy.

Where this situation arises, any redundancy payment received must be repaid in full by the employee/ex-employee. This includes both the statutory and enhancement element of the redundancy payment and any payment in respect of compensation for loss of office.

### **Re-engagement following redundancy more than 4 weeks following the date of redundancy:**

It is CPCA's policy that no employee who has been made redundant will be permitted to re-join the CPCA within 12 months of the effective date of termination without the specific approval of the Chief Executive. If permission is given, then the amount equivalent to the enhanced redundancy portion of the redundancy payment must be repaid in full. Any repayment must be repaid in full prior to re-joining the CPCA.

In exceptional circumstances the Chief Executive can agree for this to be paid in instalments and a repayment schedule will be agreed or for the repayment requirement to be waived.

For the avoidance of doubt, re-employment/re-engagement includes those re-joining the CPCA regardless of their employment/contractual status i.e., re-joining as agency/temporary workers, casual/relief workers, fixed term contract workers, consultants, or interims etc.

## 14. Additional Support

The CPCA understands that redundancy situations cause stress and feelings of insecurity. If an employee is concerned about their own wellbeing or that of a colleague, they should speak to their line manager/HR. Alternative internal help is available through the Employee Assistance scheme.

## 15. Right of Appeal

Employees have the right to appeal against the decision to dismiss them for redundancy. The notice of redundancy will contain details about the appeal process.

## 16. Pension

If an employee is aged 55 or over, they may be entitled to receive early payment of their pension benefits, but this will be in accordance with the LGPS scheme rules.

Please follow the links below for comprehensive information: -

[Local Government Pension Scheme - Home Page](#)

# Organisational Change Policy

Any individual who has previously retired on permanent ill-health, redundancy, or efficiency grounds from CPCA or an organisation falling with Schedule 1 of the Redundancy Payments (Continuity of Employment in local government etc) (Modification Order 1999 (regardless of whether with CPCA), is advised to contact the pensions administrators before accepting employment to ensure that they are fully aware of any implications regarding their pension.

## Part 3: TUPE

### 17. What is TUPE?

Cambridgeshire and Peterborough Combined Authority is committed to applying the requirements of the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014.

The purpose of the TUPE Regulations is to provide protected employment rights to employees when their employment changes because of a transfer, where services are outsourced, brought in-house, or assigned to a new employer.

Its purpose is to move employees (and any liabilities associated with them) from the existing employer to the new employer, with continuity of service protected and some protection of existing terms and conditions of employment.

HR support and guidance **must** be sort at all times during any TUPE process.

### 18. Key principles of TUPE

TUPE regulations **may** apply when business transfers and service provision transfers.

For TUPE to apply to a service provision change there must be an organised group of employees whose principal purpose is to carry out the activities in question on behalf of the client; employees must be assigned to the group in question and the activities immediately before and after the transfer should remain primarily the same.

When TUPE applies, the employees of the outgoing employer automatically transfer to the incoming employer at the point the service provisions transfer. Their continuity of service and terms and conditions of employment are preserved (different rules apply to pensions).

The basic principles of TUPE are:

- assigned employees automatically transfer to the transferee and become employees.
- the terms and conditions of employees who transfer must not be unnecessarily changed by the transferee when the work they were doing previously still exists.

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- continuity of service and other rights are preserved.
- employers are obliged to inform appropriate representatives of the transfer and relevant information.
- employers are obliged to consult appropriate representatives of any proposed measures.
- a TUPE transfer should have a 'people engagement plan' to ensure those affected are engaged in the process and receive regular communication on progress.
- the transferee must provide to the transferor employee information in advance of the transfer date.
- changes to the terms and conditions of transferred employees can only take place when certain conditions are met.

## 19. TUPE out of the Authority

When there is a need to TUPE out of the Authority any potential external service providers will be required to confirm their support and their commitments to protect the terms and conditions of transferring employees.

They will be asked to confirm the pension scheme arrangements they have in place for transferred employees and their plans regarding the staff and assets used in the service when provided by the Authority.

During the initial stage of the proposal to contract-out the service, managers should assess:

- the proportion of time spent by each affected employee on the individual activities which is in scope for transfer.
- the value of the work and proportional cost.
- contractual documents concerning work duties and location.

The relevant HR Rep and legal team advice and support **must** be sought at the beginning of the process where it is proposed to transfer parts of a service as opposed to a whole service, or a whole service is proposed to transfer to several providers, as a minor reorganisation of the service may be needed at an early stage

If TUPE is deemed not to apply, following legal advice, managers may need to declare staff employed in the service redundant. Where there is likely to be a redundancy situation managers should seek advice from HR to effectively manage the organisational change.

## 20. Consultation

CPCA has a duty to consult all relevant representatives regarding any measures it predicts taking in relation to any affected employees due to the transfer.

# Organisational Change Policy

The above should be the case whether we are acting as the transferor or transferee.

Managers would consult with employees and trade unions at the earliest possible stage of any such project and communication will be ongoing in line with the Organisational Change policy:

All affected staff should be consulted, even those who will not transfer.

- during consultation employees and trade unions must be informed in writing.
- that a transfer may take place when this might happen and the reason for it.
- the implications of any potential transfer for affected employees on social, legal and
- economic issues (including at the appropriate time information about the new external provider, where it is based etc., and the potential impact of a transfer on contracts, pensions etc.)
- the measures that CPCA or the external provider propose to take in relation to the transfer.

The consultations will also involve meetings, with the new provider if service provision is to be outsourced.

# Organisational Change Policy

## 21. Employees included in a TUPE transfer

In some cases, it is challenging to ascertain who is eligible for transfer when TUPE occurs. Generally, only employees who are:

- Employed by the transferor immediately prior to the transfer; and
- “Assigned” to the relevant grouping of employees who carry out the service activities which are subject to the relevant transfer.

All employees ‘assigned’ to the service will be transferred at the point of the transfer to the new employer (the transferee).

It is imperative to note the ‘assigned’ employee must predominately work in the area that is due to transfer. Though each case will have to be determined individually. In making an assessment the following factors would need to be considered:

- Proportion of time spent on the transferring activities and in other parts of the organisation.
- The amount of value given to each part by the employee.
- Allocation of cost between the different parts (if relevant)
- Contractual documents concerning work duties and location e.g., contract of employment and job description.
- Where an employee has a substantive post elsewhere in CPCA then their temporary contract will cease prior to the transfer date, and they will return to their substantive post.

Generally, if the employee spends less than 66% of their time in the transferring work area, it is unlikely that they will be included on the transfer list.

It is also important to note that if an employee refuses to transfer they will automatically be deemed to have resigned from their current role.

## 22. TUPE into the Authority

In some instances, CPCA may be receiving employees when services are reorganised. This usually happens when:

- a service which was previously externally provided is brought back in-house
- a service is transferred to the Authority by law
- a service is shared by one or more authorities/statutory bodies and CPCA becomes the employer for "pay and rations" purposes
- the Authority is contracted by another body (e.g., another local authority) to provide a service already being provided by that body/or another provider.

In the above scenarios, TUPE is most likely to apply and result in the employees transferring to CPCA from an external organisation. In these circumstances, the guidance on assignment and requirements around consultation set out above will still apply, except that CPCA will become the new service provider and, therefore, the



# Organisational Change Policy

new employer.

Employees who transfer to CPCA will be entitled to retain continuity of service and the terms and conditions of employment they enjoyed before the transfer.

## **23. Disclosure of Information to Potential Contractors at Tender Stage**

Where a tenderer submits a TUPE bid, they will need information to enable them to put their bid together. They should receive only as much detail as is necessary for them to be able to prepare their tender. This must not include personal information; therefore, any information listed below should not identify any individuals

- The numbers of staff who are working on the service being outsourced.
- Grade and salary levels and pensions scheme details
- Contracted hours of work (show whether part-time or full-time)
- Percentage of time spent on work included in the tender.
- Length of service and age (not date of birth)
- Notice periods.
- All allowances and contractual overtime
- An example of a specimen contract
- Job descriptions
- Numbers of temporary and permanent staff
- Redundancy entitlement
- Local conditions which would have an impact on the cost of the bid, e.g., maternity arrangements, leave entitlements.

The following information about all Temporary Agency Contractors assigned to the service:

- The total number of agency workers engaged.
- The areas of the business in which they are utilised.
- The type of work they are contracted to undertake.

## **24. Disclosure of information to the New Employer After the Award of the Contract**

Due diligence is used by the transferee to investigate and evaluate potential costs in relation to employees transferring. As employees transfer on their existing terms and conditions of employment with their service preserved, this has significant cost implications.

There is no statutory minimum information which must be shared at this stage.



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Information is anonymous and must comply with data protection legislation. Due diligence information is often shared as part of a tendering process.

## Part 4

### 25. Monitoring and review of the policy

This policy will be reviewed from time to time to ensure that it reflects our legal obligations and our organisational and business needs.

# Organisational Change Policy

## Governance Redundancy Policy

### References:

Local Government (Early Termination of Employment) (Discretionary Compensation) (England & Wales) Regulations 2006.

The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999

Issue date:	2023
Version number:	4
Review due date:	2026

### Document control sheet

Purpose of document:	This policy is designed to outline how the Combined Authority deals with Organisational Change and that there is a consistent approach when matters are raised under this Policy.
Type of document:	Policy
Document checked by Legal	No
If applicable, has an initial Equality Impact Assessment (EIA) been completed?	Yes
Document lead and author:	HR Team
Dissemination:	
What other documents should this be read in conjunction with:	Guidance documents listed in policy
Who will review the document (job title):	HR Team
Why is this document being reviewed?	Review of existing Policies and Procedures
Mandatory read	Yes

### Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved
4		Changes made in line with statutory updates. Added section on TUPE	2023

# Parental Bereavement Policy

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### 1. Introduction

Cambridgeshire and Peterborough Combined Authority recognises that bereavement is difficult, and the death of a child is one of the most devastating events any individual can ever face. This policy reiterates our pledge to supporting our employees during the loss of a child and ensuring that bereaved parents can take parental bereavement leave.

### 2. Purpose

This policy sets out the arrangements for support, time off and pay for CPCA employees in the event of the death of a child or a stillbirth. This applies to all employees irrespective of their length of service with the organisation.

### 3. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

### 4. Who is eligible?

All employees are eligible for enhanced parental bereavement leave and pay regardless of length of service.

An employee can take parental bereavement leave, whatever their length of service. This right will apply

# Parental Bereavement Policy

to the:

- birth parent
- natural parent (the person who gave birth to the child who has since been adopted, but has a court order to allow them to continue having access to the child)
- adoptive parent, if the child was living with them.
- person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- 'Intended parent' – due to become the legal parent through surrogacy.
- partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship.

In the event both parents of the child who dies are employees of CPCA, each is entitled to parental bereavement leave.

If an employee has suffered a bereavement but is unsure if they are entitled to parental bereavement leave, they should contact the HR Team for advice.

## 5. Notification

If an employee wants to take Parental Bereavement leave for the first 2 weeks following the death of their child, they do not need to provide any formal notice. CPCA would ask they let their line manager or HR know they intend to take that time off and when they intend to return to work. An informal notification will suffice during this period.

If the employee wants to take more time off following the initial two weeks after the death of their child, they must give their line manager or HR at least one week's notice of their intention to take this leave.

## 6. Length of leave

Following the 2 week Parental Bereavement leave, it is recommended that the manager or HR talk with the individual. If the employee intends to return to work at this point, the manager should discuss whether a phased return is needed. If the employee needs additional time off, this could either be considered as additional Compassionate Leave (Time Off Policy), or if the individual is too unwell to work, this would fall under the Attendance and Absence Management Policy. Please see Guidance for Line Managers later in this Policy.

Parental bereavement leave can be taken in blocks of one week, two consecutive weeks, or two separate weeks. It can also be taken at any time during the first 56 weeks after the child's death.

If an employee is on another type of parental leave (for example, maternity or paternity leave) when the child dies or stillbirth happens, the parental bereavement leave must start after the other period of parental leave has ended but does not have to be taken immediately after. This applies even if the leave is for the loss of another child.

## 7. Pay

During the 2 weeks of the Parental Bereavement leave all employees are eligible to be paid at their normal full rate of pay.

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# Parental Bereavement Policy

## 8. Return to work

An employee has the right to return to the same job when returning to work from parental bereavement leave if the period of leave, when added to another period of statutory leave (typically maternity leave, paternity leave, adoption leave or shared parental leave) in relation to the same child, is 26 weeks or less.

If, however, the employee takes two or more consecutive periods of statutory leave (which could include additional paternity/adoption of more than four weeks), they will be entitled to return to the job in which they were employed before their absence. If that is not reasonably practicable for the company, then they are entitled to return to another job which is both suitable and appropriate in the circumstances.

The employee has the right to return:

- with your seniority, pension rights and similar rights
- on terms and conditions not less favourable than those which would have applied if they had not been absent.

## 9. Support

The Combined Authority understands that individuals who suffer the loss of a child will deal with this in their own way and it is therefore vital that the support we provide members of staff is appropriate and meets individual needs. Line managers/HR will discuss the preferred approach with the employee around matters such as frequency of contact, method of contact and how to access our Employee Assistance Programme and Occupational Health Services.

## 10. Guidance for all line managers

Parental bereavement leave is a new legal entitlement for the bereaved parents of a child (i.e. under the age of 18) who passes away on or after 6 April 2020 to be absent from work for up to two weeks. As a line manager, you need to understand when parental bereavement leave applies and how it fits in with our wider commitment to supporting grieving staff.

The legislation has been dubbed "Jack's Law", so you may hear HR, your fellow line managers and employees refer to parental bereavement leave in this way.

### **What leave a bereaved parent can take**

A bereaved parent can take one or two weeks' parental bereavement leave for each child who has passed away. It operates in units of one week and is not available as individual days. The leave must be taken within 56 weeks of the date of the death of the child. Recognising the need to provide bereaved parents with support, we will continue to pay normal pay during parental bereavement leave. Whatever their length of service, an employee who has lost a child can take parental bereavement leave. Who counts as a parent here is very wide: entitlement includes not only birth parents, but also adoptive parents and the partner of the child's parent. In addition, it is available to parents who suffer a stillbirth after 24 weeks of pregnancy.

In practice, this means that most employees with parental responsibility for a child who passes away on or after 6 April 2020 can take parental bereavement leave. If you are unsure if an employee is entitled to parental bereavement leave, you should contact the HR department for clarification.

# Parental Bereavement Policy

## Communicating with the bereaved parent

There is no requirement for the notice to be in writing; nor for the employee to provide any evidence of their child's death (such as a copy of a death certificate or a letter from the child's doctor).

This means that informal notification, such as a phone call or email, is sufficient to take parental bereavement leave.

**It is the responsibility of the Line Manager to record the necessary information, and pass this onto HR.**

You should not require a recently bereaved parent to confirm in writing that they are taking the leave, nor ever ask for evidence that their child has died. There is a form for you to record that an employee is taking parental bereavement leave, which has an explanation of the basic information that you need to gather from the employee when they are taking parental bereavement leave.

You should take an exceptionally sensitive and flexible approach when it comes to obtaining an employee's notice to take parental bereavement leave. When the time is right, you should follow up any contact that you have had with the employee with a letter confirming that they are taking parental bereavement leave.

You can use this letter as an opportunity to highlight the support that we provide to the employee.

### Other points to note:

#### Statutory parental bereavement pay

The Combined Authority will pay normal pay during this 2 week period, which exceeds the statutory requirements. However, we are required to gather certain information, which is outlined on the forms we ask you to complete.

Employees taking parental bereavement leave must notify their manager. This can be done informally, for instance by phone/Teams/email

### Parental bereavement leave: record of employee's notice to take leave

#### For the attention of line managers/HR professionals

This form is for a line manager/HR to record that an employee has provided notice that they are taking parental bereavement leave.

This form contains the information that you need to gather from the employee for them to take parental bereavement leave. You should not, under any circumstances, give the employee this form to complete themselves.

In completing this, you can confirm that the employee meets one of the conditions of entitlement below to claim statutory parental bereavement pay.

- They were the parent of the child.
- They are the partner of the child's parent. They lived in an enduring family relationship with the child and their parent.

## Parental Bereavement Policy

- They were the "parent in fact" of the child, and was, for a continuous period of at least four weeks before the child passed away, living with the child and had "day-to-day responsibility" for the child, but was not paid to care for the child.

**Name of employee:**

**Date of child's death:**

**Date on which the employee is beginning parental bereavement leave:**

**Does the employee wish to take one or two weeks' parental bereavement leave?**

One week/Two weeks (delete as appropriate)

To be signed and dated by a line manager or an HR professional:

**Signed & Dated:**

- *Who should complete this form?*

This form should be completed by a line manager or a HR professional.

Informal notification, such as a phone call or email, is sufficient to take parental bereavement leave. Please ensure that you obtain the necessary information from the employee in a sensitive manner.

- *When to complete this form?*

Complete this form when an employee is taking one or two weeks' parental bereavement leave.

Where more than one of an employee's children loses their life (for example in an accident involving multiple fatalities), the employee is entitled to two weeks' parental bereavement leave for each child - in these circumstances, please complete a form for each child who has passed away. There is no minimum service requirement, meaning that parental bereavement leave is available to employees from day one of their employment with us.

- *Evidence to take parental bereavement leave*

The employee does not have to provide any evidence of their child's death. You should not, under any circumstances, require the employee to provide you with evidence that their child has passed away.

### **Letter/Email – informing employee about parental bereavement pay & rights**

Dear EMPLOYEE NAME,

We are sorry for your loss. We recognise the need to provide bereaved parents with as much support as possible, and we will continue to pay normal pay during your bereavement leave.

#### **Rights during parental bereavement leave**

During your leave, all the terms and conditions of your contract will continue.

This means that all benefits will remain in place. For example, holiday entitlement continues to accrue. Pension contributions will continue to be paid.

**Returning to work after parental bereavement leave (this section may not be relevant in every case)**

## Parental Bereavement Policy

When you return to work after some time on parental bereavement leave, you generally have the right to return to the same job.

However, a slightly different rule applies if you return from time on bereavement leave that follows on immediately from some maternity, adoption, paternity leave or shared parental leave (taken in relation to the child who has passed away), and your total time on leave is more than 26 weeks.

In these circumstances, you have the right to return to the same job, unless this is not reasonably practical - in which case you have the right to return to a suitable and appropriate job on the same terms and conditions.

This rule also applies if your leave includes more than four weeks of ordinary parental leave (taken in relation to any child), regardless of the total length of the leave.

If you are taking parental bereavement leave, but are unsure where you stand on your return, please contact the HR department for clarification.

### **Other support**

The Combined Authority understands how difficult this time period can be and will support the employee as much as possible.

If you wish to access Counselling sessions, please speak to your manager or HR.

If you need additional time off at the end of the 2 weeks, please

If there is further support that you need, please speak to your manager or HR as soon as possible. For example, this may include working flexibly, or adjusting your working hours for a specific time period.

Kind Regards,  
MANAGER/HR MANAGER NAME.



# Parental Bereavement Policy

## GOVERNANCE PARENTAL BEREAVEMENT POLICY

### References:

Family Leave Policy

Issue date:	2023
Version number:	1
Review due date:	2026

### Document control sheet

<b>Purpose of document</b>	This document provides key information about Parental Bereavement Policy
<b>Type of document</b>	Policy
<b>Document checked by Legal</b>	No
<b>If applicable, has an initial Equality Impact assessment (EIA) been completed?</b>	Yes
<b>Document Lead and Author</b>	HR Team
<b>Dissemination</b>	
<b>What other documents should be read in conjunction with</b>	Document listed in this guidance
<b>Who will review the document</b>	HR Team

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(job title)	
Why is this document being reviewed	N/A

## Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved

# Pay Policy

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7. Relationship between senior pay and the 'lowest paid Authority employee' .....	<b>Error! Bookmark not defined.</b>
8. Incremental progression .....	<b>Error! Bookmark not defined.</b>
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## 1. Purpose and Scope

Under the provisions of the Localism Act 2011 Section 38 (1), the Authority is required to publish a pay policy statement.

The report seeks the Committee's agreement to the Authority's Pay Policy Statement for 2022/2023

The policy statement will meet the Authority's obligations under the Localism Act 2011 Section 38 (1) and the associated statutory guidance set out in the Openness and Accountability in Local Pay: Guidance and Supplementary Guidance under section 40 of the Localism Act (February 2012 & 2013) together with the Local Government Transparency Code 2015 (February 2015) from the Department for Communities and Local Government.

The Authority's pay arrangements will reflect the need to recruit, retain and motivate skilled employees to ensure high levels of performance balanced with accountability on the public purse. The policy will be underpinned by principles of fairness and equality and will need to recognise the flexibility which is essential in delivering a range of services.

The policy articulates the Authority's policies towards a range of issues relating to the pay of its direct workforce its Chief Officers, as defined by the Local Government and Housing Act 1989 and all other employees (in accordance with provisions in the Localism Act).

The statement will be reviewed annually in advance of the financial year to which it relates, to reflect any statutory changes and will be considered at a meeting of the Combined Authority. It's approval and any subsequent amendments will be published on the Authority's public website.

# Pay Policy

The policy is intended to give sufficient flexibility to develop the pay structures necessary to attract and retain staff with the required skills and expertise whilst establishing general principles in respect of pay strategy.

The Accounts and Audit Regulations 2015 require the disclosure of certain details relating to employees whose remuneration was £50,000 or more. Additional disclosures are required relating to the organisation's Senior Employees. These requirements only apply to directly employed staff.

Senior employees whose salary is £50,000 or more, but less than £150,000, are required to be listed individually by way of job title. Employees whose salary is £150,000 or more must also be identified by name.

In this context, a senior employee is identified as follows:

- the designated head of paid service, a statutory chief officer or a non-statutory chief officer of a relevant body, as defined under the Local Government and Housing Act 1989;
- any person having responsibility for the management of the relevant body, to the extent that the person has power to direct or control the major activities of the body, in particular activities involving the expenditure of money, whether solely or collectively with others.

The authority publishes senior salaries in its annual accounts.

## 2. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

## 3. Consultation

The Combined Authority does not currently recognise Trades Unions, however if any trades union(s) are recognised at a future date, consultation on future pay policy may take place.

## 4. Definitions

For the purposes of this Pay Policy Statement the following definitions apply:

- **'Pay'** in addition to base salary includes charges, fees, allowances, benefits in kind, increases in/enhancement to pension entitlements and termination payments where applicable.

# Pay Policy

- **‘Chief Officers’** refers to the Chief Executive, as ‘Head of Paid Service’ and posts reporting to that postholder, excluding administrative support functions
- **Lowest paid employee’** refers to those employees in substantive full-time employment at the lowest scale point of the Authority’s pay scale.

## 5. General Principles & Practice

The Combined Authority’s employment practice will be governed generally by the relevant national legislation and, where relevant, specific local government legislation and regulation.

**Principles:** The Authority values all its employees and aims to apply a consistent and fair approach to pay and benefits, in line with the following principles:

- To work within financial constraints using those limited funds in the most effective way to support the Authority in the provision of quality cost effective services.
- To take account of affordability in the introduction and maintenance of any changes to pay structure.
- To support a flexible approach to the acceptance of changes to tasks, duties and responsibilities by employees and allow for flexibility between posts.
- To be mindful of the market in making decisions about pay and benefits enabling the Authority to attract and retain its employees and to respond to situations where market forces dictate the necessity to apply supplements to established salaries.
- To actively work towards reducing any unjustified gender pay gaps and promote an equal pay agenda ensuring that transparent and accessible pay and job evaluation systems, processes and systems meet legislative requirements.
- To be clear about the recognition and reward of performance, whether at whole organisation, service, team or individual level.
- To manage pay and benefits processes appropriate to service delivery in a fair and consistent way, and in line with a commitment to remaining within the framework of the relevant national pay and conditions agreements where these apply to its staff.
- To aim to retain a core set of benefits for all employees.

**Practice:** Basic pay will be determined through:

- The job role and its accountability in the overall context of the Authority’s services and responsibilities using a job evaluation process based on objective criteria and free from discriminatory bias.
- Ensuring that all employees are dealt with on this basis with no distinction being made for senior management appointments, including Chief Officers, their Deputies, and staff generally.
- The terms of the relevant national agreements on pay and conditions of service where they apply to our staff.
- The amount available for the annual pay review process is also impacted by what the Authorities which are party to the national agreements can collectively afford.
- A comprehensive pay and grading structure will be adopted that must be affordable and offer recruitment and retention incentive.
- The outcome of reviews into the local pay and grading structures are determined within the terms of this policy and the Authority’s governance arrangements.

# Pay Policy

*Note: The pay rate for apprentices, interns and trainees, will reflect the degree of training and development required in the roles.*

**Equal pay:** The Authority is committed to the principle of equal pay for all posts of the same size and value.

To put its commitment to equal pay into practice, it will:

- Regularly review its pay grade and rates for all current staff and starting pay for new staff in line with Equality and Human Rights Commission guidance to ensure a robust and consistent approach.
- Provide training and guidance for managers and supervisory staff involved in decisions about pay and benefits.
- Regularly monitor pay and grading data and statistics and will publish pay equality data as statutorily required.

## 6. Senior Pay

The remuneration of the Chief Executive and other senior management appointments in the Authority is undertaken by using the Hay Job Evaluation process.

The pay structure for Chief Officers takes account of clearly defined 'statutory responsibilities. Pay bands will be available for the most senior officers, as set out in appendix two:

**Senior staff** will not be differentiated from other members of staff in terms of remuneration on resignation or termination. The Authority's general arrangements for severance and scheme for discretionary payments will be developed and adopted prior to publication of the next annual statement.

If proposed severance packages are likely to in exceed £99,999 (this threshold includes [but is not limited to] any proposals in respect of salary to be paid in lieu, redundancy compensation, pension entitlements and holiday pay as appropriate) will be considered in accordance with agreed Authority governance arrangements. This provision will be reviewed to comply with any legislative changes made during the year.

## 7. Pay of the lowest-paid employees

The Authority has resolved that no employee will be paid less than the UK Living Wage.

For 2022/23, the UK Living Wage is £9.50 per hour, which equates to a minimum salary of £ 18,278 (based on a full-time week of 37 hours).

For 2023/24, the UK Living Wage is expected to rise to £10.14 per hour, which equates to a minimum salary of £19,509 (based on a full-time week of 37 hours).

Apprentices and interns are normally exempt from the provisions of the Living Wage.

## 8. Relationship between Senior Pay and the 'Lowest Paid Authority Employee'

Given the maximum salary for the Chief Executive Officer is £207,491.94 and the lowest paid

# Pay Policy

member of staff will never receive less than the Living Wage as defined by the Living Wage Foundation (£18,278), the maximum possible pay ratio from the highest to the lowest-paid employee would be 11.35 to 1 based on a 37-hour working week.

The lowest-paid current employee at the Authority receives a salary of greater than the Living Wage, (£20,443) such that the actual ratio of highest to lowest-paid employee is in fact less than the theoretical maximum stated in above. The ratio from the highest paid to the lowest paid is 10.15.

## 9. Incremental Progression

Progress through the grade will be awarded in increments for all staff on 1 April each year unless the employee is subject to performance management in accordance with the Authority's policy. In which case the incremental progression may be withheld for the duration of the application of the capability or performance management process. An increment that has been withheld for this reason may be paid once performance is deemed to have reached a satisfactory level and confirmed as part of the process.

The above rule is subject to the completion of 6 months satisfactory service within the grade by the employee. Employees with less than 6 months service as of 1<sup>st</sup> of April will not be receive an incremental progression.

Once the maximum of the grade is reached, employees will only receive any nationally agreed increase to the pay scale.

## 10. Additional Payments

The Authority may make payments in addition to base pay in certain circumstances. These may include.

- Special responsibility payments
- Acting up payments
- Market forces supplements
- Recruitment and retention payments
- Other payments

### Special responsibility payments

Where an employee has been asked to take on additional work of a higher grade than the current salary an additional payment of 12% of their current salary may be awarded as a special responsibility payment (SRP). This payment will be made monthly for up to 6 months. After 5 months the payment must be reviewed by the Line Manager. If there is a continued need for the additional responsibility's approval **must** be sought from the Director and completion of the Change to Establishment form. The payment can be made for not more than a further 6 months.

### Acting up payments

Where an employee is required to undertake the **full responsibility** for a higher graded post the employee will be paid at the bottom point of the pay scale for the higher graded post. This payment will be made monthly for up to 6 months. After 5 months the payment must be reviewed by the Line Manager. If there is a continued need for the additional responsibility's approval **must** be sought from the Director after completion of the Change to Establishment form. The payment can be made for not more than a further 6 months.

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## Market forces supplements

It is generally acknowledged that pressures and pay restraint have impacted on the competitive position of public sector organisations as employers. Where organisations find it difficult to recruit to specific posts and / or retain employees in those posts, the payment of a market supplement to base salary may be necessary.

Typically, a market supplement may be paid where the 'going rate' for a specific job or specialism is higher than that offered by the Authority, and it has been unable to recruit / retain post-holders as a result.

A market supplement, paid separately from base pay should not compromise the pay and grading structure. However, where there are tensions between market pricing and job-evaluated grading and pay structures which call for a carefully managed approach to the use of market supplements. The Authority can minimise the risk of equal pay (and other legal challenges) relating to market supplements by having systematic, clear, consistent, and documented processes for dealing with market supplements at every stage, from proposal to review.

The rationale and business need for market supplements for the specified post[s] must be evidenced.

Management of the process for paying the market supplement and associated legal considerations are particularly important, the authority's policy on market forces payments is as follows.

- Payment of market supplements should only be considered where it can be shown that the problem cannot be resolved using the organisation's job evaluation and grading processes.
- Objective justification-If the pay of a particular job is to be enhanced to reflect market conditions it is necessary to demonstrate that there are 'objectively justified grounds' i.e., that recruitment and retention difficulties exist in relation to the job concerned which would result in organisational or operational problems.
- Equal pay considerations should be taken into account, and the possibility of an equal pay challenge assessed.
- Evidence the business case for supplements must provide 'objective justification' with supporting evidence.

Types of evidence include-

- Salary benchmark data, what is the 'going rate' for the job?
- Evidence of any recent (unsuccessful) recruitment processes, e.g. How has the post been advertised in the past? Has the correct media been used? What is the response rate to adverts? What is the turnover rate for the post?
- The level and overall cost of the recommended supplements,
- Any alternative measures that have been, or could be, considered e.g., could the post be remodelled to deliver the service required?
- The operational and/or reputational risks
- Details of any perceived detrimental impact on service delivery of failure to recruit (or retain) the right calibre of employee.
- Details of any potential knock-on effects and how they might be resolved e.g., maintenance of pay relativities between posts within a team/business area or work group
- Market supplements should be paid as a separate and clearly identifiable addition to basic pay and should be paid to all in the relevant post.
- Market supplements should be time-limited payments. Prior to the expiry date, or if



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circumstances change the payment of the supplement should be reviewed.

Approval must be sought from the Director and completion of the Change to Establishment form before Market supplements can be made.

## **Recruitment and retention payments (RRP)**

RRPs are additions to the pay of a post or group of similar posts where market pressures would otherwise prevent the employer from being able to recruit or retain staff in sufficient numbers at the normal salary for jobs of that weight.

Short-term RRP – will apply where the labour market conditions giving rise to recruitment and retention problems are expected to be short-term and where the need for the premium is expected to disappear or reduce in the foreseeable future.

Long-term RRP – will apply where the relevant labour market conditions are deeper rooted and the need for the premium is not expected to vary significantly in the foreseeable future.

In common with MFS the authority will need to demonstrate that evidence is available to support the rationale for paying RRP and this evidence should be robust and regularly reviewed. MFS OR RRPS may be made but not both together.

Any approval for RRP **must** be obtained by completing the Change to Establishment form and seeking approval from the appropriate Director.

## **Honoraria**

The Authority is committed to providing development opportunities for its staff including the opportunity to work in cross cutting areas of the authority, supporting projects or undertaking specific tasks to develop skills and knowledge. It will not normally be necessary to make additional payments to recognise this development opportunity.

In **exceptional circumstances and with explicit permission from the Director**, a small payment of not more than 5% of current salary or £1000 (whichever is the lowest figure) may be paid as an honorarium, in recognition of a specific piece of work. The honoraria should be agreed in advance based on the specific outcomes/objectives being delivered in time and on budget. The work must be significant, in addition to the postholder's current role and all objectives being met. No other additional payments can be made for the same piece of work.

Any Honoraria approval **must** be obtained by completing the Change to Establishment form and seeking approval from the appropriate Director.

## **Other payments**

The Authority recognises previous service with other public sector bodies specified in the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 for employment purposes including redundancy, annual leave and sickness pay.

The Authority may introduce other policies which impact on pay, in each case these will be referenced in the pay policy at the annual review of the pay policy.

Separate policies on Change Management and Pensions may also impact on employee terms and conditions and pay related matters, these will also be referenced in the annual review of pay policy.

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## 11. Pensions

Subject to the provisions of the relevant scheme, all directly employed staff will be enrolled into the Local Government Pension Scheme, a statutory contributory scheme. They may choose to opt out of membership. In accordance with the statutory requirement, the Authority will determine its policy in respect of discretionary provisions available within the scheme prior to publication of its next annual statement.

The Authority will not seek to make arrangements for its employees in respect of any other pension scheme.

The Authority will develop a policy for flexible retirement which is specifically authorised by statute whereby individual staff, with employer approval, may draw their pension and continue in employment at a lower pay grade/ working shorter hours.

## 12. Use of consultants, contractors, and temporary 'Agency' staff

Ordinarily staff will be engaged directly by the Authority as employees but on an exceptional basis, if circumstances deem it necessary, people may be engaged under 'contracts for services' as consultants or contractors or on an 'agency-basis'. When this situation arises, the Authority will give detailed prior consideration to the benefit of doing so and that the overriding need to ensure value for money is achieved. Such arrangements must be in accordance with the Authority's Codes of Practice and Financial Regulations.

## 13. Publication

The Authority's approach to the publication of and access to information on the remuneration of Chief Officers is to include it on its public website as part of its requirements within the Accounts and Audit (England) Regulations 2011 and in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency. A copy of the Pay Policy Statement will be published on the Authority's website.

# Pay Policy

## Governance – Pay Policy

References:  
None

Issue date:	2022
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Review due date:	2023

## Document Control Sheet

Purpose of document:	This policy provides the Pay Policy statement for this year.
Type of document:	Policy
Document checked by Legal	No
If applicable, has an initial Equality Impact Assessment (EIA) been completed?	Yes
Document lead and author:	HR Team
Dissemination:	
What other documents should this be read in conjunction with:	Guidance documents listed in policy
Who will review the document (job title):	HR Team
Why is this document being reviewed?	New/ Review of existing Policies and Procedures
Mandatory read	Yes

## Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved
2		Changes made in line with updated figures.	2023



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# Probationary Policy & Procedure

## 1. Introduction

The Authority commits to recruiting and retaining well-motivated and skilled staff to progress the work of the Council. Staff are supported to achieve a high standard of work output and satisfaction, and the probation period plays an important part in this.

The Probationary Policy and Procedure works with:

- The Induction programme. The HR Induction ensures a consistent standard of information is given to new starters.
- Disciplinary Policy:
  - 1) staff on probation will normally be given one warning only, no matter what level of disciplinary offence they are found to have committed. If an employee is alleged to have committed a second offence (i.e. there is a case to answer under the Disciplinary Policy), a Disciplinary Hearing is arranged. If a Formal sanction is issued, a Probationary Case Review is arranged.
  - 2) However, in line with our Disciplinary Policy, an employee on probation can be dismissed without receiving a prior warning.
- All Council policies apply during the probation period. Access to some staff benefits – including salary sacrifice schemes – are only available after the employee has successfully completed their probation period. Please contact HR if you have any queries.

Authority to confirm employment, extend the probation period or make a recommendation for dismissal is in line with other Policies.

## 2. Scope

All employees commencing employment with the CPCA, regardless of previous local government service, are subject to a probationary period.

All references to 'new employee' or 'employee' within this policy and procedure will stand for new employees to the CPCA with or without previous local government service.

### Internal Transfers and Redeployment

- Where an existing employee voluntarily applies for a new role within the CPCA, they will not be subject to a probationary period in their new role. Any performance issues will be managed through the Capability Policy.
- The only exception to this is where an existing employee has not completed their initial Probationary Period in their first role. In this instance, if they have been appointed to a different role at the Authority, they will need to complete the Probationary period. For example, Employee A starts in a role, works for 3 months, and is appointed to a different role. Their probationary period was 6 months. They need to complete Months 4-6 in the new role. For any specific queries, please speak to HR.
- Employees that are offered a Suitable Alternative Employment post, because of being put 'at risk of redundancy' will be subject to a 4-week trial period in

# Probationary Policy & Procedure

their new role; where both the individual and the Council can ascertain if the role is suitable. Please refer to the Organisational Change Policy and Procedure for further information.

- Employees that are assimilated will not have a probationary period or a trial period. Any performance issues should be managed under the Capability Process.

## 3. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

## 4. Why have a probation period?

A probation period is a trial period for a new employee. It allows the line manager and the new employee the opportunity to assess suitability for the role, considering the individual's capability, skills, performance, and general conduct in relation to the job. The probationary period review meetings are a useful and constructive way to ensure that new employees get feedback on performance. They also help and support the employee to reach and maintain the required standard.

All meetings are a two-way process. They provide both manager and employee with the opportunity to discuss progress on a one-to-one basis. Even if a new employee appears to be settling in well, regular meetings provide an opportunity to clarify any issues, gain feedback, and discuss training and development options. It is particularly important to hold meetings when concerns are raised about work standards or performance. Other issues affecting performance such as attitude or attendance are tackled during this period.

A well-managed probation period will ensure the employee has settled well into the role with the skills and support to carry out the work at a good standard. By the end of the probation period the manager should confirm the appointment with confidence.

## 5. Time scales

- For permanent appointments or fixed term contracts of more than 6 months there is a 26-week probation period.
- If someone has a fixed term contract of less than 6 months, their probationary period will last the length of their contract. If their contract is extended, then the length of the probation will be 6 months. The options to the line manager remain confirming employment at 6 months, extending for up to 3 months or ending the contract.

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As recommended in the **HR Induction Checklist**, the manager should meet with the new employee, regardless of length or type of contract, to discuss the Probation Policy when they start. They then should arrange to meet as soon as possible, and no later than the first 2 weeks of induction, to discuss and set objectives.

The contract of employment allows for one extension of the probation period and if this decision is taken it must be put in writing to the employee before the end of the 26-week probation period. The total period of probation will be no longer than 9 months. An extension may be implemented in circumstances where the employee's performance during probation has not been entirely satisfactory, but it is thought likely that an extension to the probationary period may lead to an improvement, or where the employee or line manager has been absent from the workplace for an extended period during probation. For further information please see [Extending the Probationary Period](#).

Note to Managers: Failure to give notice of an extension to the probation period, or notice of case review and possible dismissal, before the end of the original probation period, will result in automatic completion of probation and confirmation of employment without recourse to extend or dismiss.

## 6. Notice period during the Probationary Period

During their probationary period, all employees are entitled to only one week's notice. The decision to dismiss will only be made after the recommended procedure is followed. The employee will have the opportunity to reach the required standard.

The employee can give the Council one week's notice to end their contract during the Probationary Period.

If the Probationary Period is extended, the one-week notice period will continue to apply during the extension. The employee must be given notice of the extension before the end of the original Probationary Period.

After employment is confirmed, the notice periods set out in the employee's written statement of particulars will apply.



# Probationary Policy & Procedure

## Probationary Procedure

### 1. Procedure overview – Line Manager's responsibilities

The line manager has responsibility for monitoring a new employee's performance and progress during the probationary period. This document outlines the Procedure.

The line manager will ensure that the employee is informed at the start of their employment about what is expected of them during probation. This may include the required job outputs or standards of performance.

The line manager will meet with the new employee to discuss performance, attendance and conduct at regular intervals. A record of performance, targets and learning needs is made on the [Probation Period Record Form](#). It may be referred to in future meetings, and also when making the decision to confirm appointment or otherwise.

All achievements are recorded. Development needs should be identified, and training or support arrangements agreed. The required improvements in performance should be discussed and agreed with time scales.

It is important that the Manager completes the process as close to the recommended timeframes as possible. An example of when this might not be possible include sickness or Annual Leave. Please consult with HR as required.

### 2. Procedure for review meetings

- Managers should, *as a minimum*, meet with the employee at the recommended intervals outlined below as a minimum. In some cases, more frequent meetings may be necessary.
- A [Probation Period Record Form](#) must be completed at all meetings.
- The purpose of each meeting is for the manager and employee to review work and training to date; standards expected and reached; identify further training needs; and be clear what is to be achieved by the next review meeting.
- The manager should give clear examples of expected standards and behaviours so that the employee is very clear about what is to be achieved, particularly if the employee is having difficulty understanding how they are falling short of what is expected of them.

### 3. Probationary Meetings

The employee and the line manager should review and assess the employee's performance, capability, and suitability for the role on regularly during the employee's probation, and again at the end of the probationary period. (Meetings should be held at the timings detailed in [3.2 Meeting frequency](#)).

A clear record should be made of each review meeting by the Line Manager and signed by the employee and line manager. A copy should be shared with the employee. A copy of the record will be shared with HR to be held on the individual's Personnel file.

# Probationary Policy & Procedure

During an employee's probation, the line manager will provide regular feedback to the employee about their performance and progress. If there are any problem areas, the manager will raise these with the employee as soon as possible with a view to resolving them. The line manager is also responsible for providing guidance and support, and for identifying and arranging any necessary training.

When assessing the capability of an employee, Managers should consider whether this is their first job or if they are returning to work after a lengthy spell out of work. These factors may mean it takes them longer to adapt to the working environment.

## 4.1 Initial 1 to 1 meeting during induction

This takes place during the first 2 weeks of the induction process.

- The manager and new employee meet at a pre-arranged time to discuss how the new employee has settled in and what has been achieved so far, with reference to the induction checklist.
- The manager explains the probation period.
- The manager explains the standards the new employee is expected to achieve with examples for clarity.
- Job related objectives and time scales are agreed for achievement by the next meeting.
- Training needs and how these are to be met (either by in house support or formal training being arranged) should be discussed.
- Any issues related to use of ICT or other equipment basic to the job must be addressed.
- The probation review meeting dates are agreed and diarised into the manager and employee's calendars.

## 4.2 Meeting frequency

Meetings should be held at the following intervals:

Meeting	Week
Initial	By end of week 2
Meeting 1	By week 13
Meeting 2: At this meeting, the manager will inform the employee whether they are making a recommendation to confirm, extend or arrange Case Review	By Week 25

When giving feedback, discuss earlier objectives and whether progress has or has not been made. Use examples where possible.

When setting objectives, try to use the SMART method: (Specified, Measurable, Achievable, Realistic, Timely).

The employee should leave the meeting with a clear understanding of the targets and standards that must be achieved.

# Probationary Policy & Procedure

## 4.3 Support from HR

The Manager can seek support from HR at any point in the process.

If the employee is not meeting the required standards, then the manager may set some SMART goals for the employee to meet in a shorter timeframe. If the manager considers that the employee may need an extension to the probationary period or a case review, then it is recommended they discuss this with HR and agree a course of action. The manager will then need to speak to the employee, for example, to give them an Extension to Probation Letter or an Invite Letter for a Case Review.

### 4.3.1 Option 1

The employee has not reached the required standard although progress has been made or there have been exceptional circumstances influencing progress, for example, a long absence:

A decision is made by the line manager and Head of Service/Director to extend the probation period and the employee has this explained to them (Appendix 3b: Model Letter- Extension of probation period). This will happen by Week 25.

Dates for further review meetings are agreed.

### 4.3.2 Option 2

The employee has failed to reach a satisfactory standard. If the employee is still failing to meet the required standard despite reasonable support, then the manager consults with HR and considers moving to the formal Case Review Meeting and dismissal is one of the possible outcomes.

The manager informs the employee of their decision to arrange a Case Review. This is put in writing.

See – [Case Review Meeting](#).

## 5. Making decisions

By holding regular reviews with the employee as detailed above, the line manager and the employee should have clearly agreed objectives; an example of Best Practice would be for the objectives to be set using the SMART (Specified, Measurable, Achievable, Realistic, Timely) Framework. Other frameworks can be used.

The line manager should discuss any concerns regarding performance, capability, or disciplinary issues with the employee, at the time or at the next Probationary Review Meeting. If there are any ongoing concerns, the line manager must speak to HR.

By week 25, the line manager will have decided either to confirm employment, to extend the probation period or arrange a Case Review Meeting, if required, to consider dismissal.

In the following circumstances, the relevant Manager will issue the following letters:

- If employment is to be confirmed, refer to [Confirmation of Employment](#).
- If the employee is failing to reach the required standard the line manager should discuss the matter with HR before deciding to extend probation or arrange a Case Review.

# Probationary Policy & Procedure

- If the Probationary Period is being extended, refer to [notice of extension](#).
- Where dismissal is likely there must be a final meeting (Case Review) before the decision to dismiss is reached. If a decision to dismiss is reached, the employee will receive a letter confirming this. Please refer to [non-confirmation of employment](#).

HR contacts the Line Manager, prior to the expected end date of probation, asking for confirmation of completion of the probation period. It is the responsibility of the Line Manager to ensure it is signed off by the relevant Manager at Executive Team level. The letter and completed record files will be stored on the employee's electronic file.

## 6. Annual increments and link with probation

Increments are normally awarded each year on 1 April, until an employee reaches the top of their pay grade. If an employee has not completed 6 months service within their current role on 1 April, the increment will be deferred until the next financial year.

If an employee transfers from one role to another, the increment will be awarded on the following 1<sup>st</sup> April.

## 7. Extending the Probationary Period

If an employee is seriously failing to meet the required standard by Week 25 (6 months) despite reasonable support, then the manager should consult with HR.

The probationary period can be extended once, for any period *up to* three calendar months in exceptional circumstances. The reasons for the proposed extension should be clearly explained to the employee, including arrangements during the proposed extension. Supervision during any extension should be consistent with the procedure outlined above.

The manager must:

- ensure that every reasonable effort has been made to train and support the employee.
- consider if there are any exceptional or mitigating circumstances to warrant extending the probationary period.
- seek advice from HR about the situation.

If Probation is extended, dates and times of extended probation review meetings are agreed. The timescale may reduce to weekly/fortnightly meetings, to best support and monitor performance. A plan of action is agreed with targets or actions to complete with time scales as in the previous meetings.

All meetings are recorded in writing and follow the format as before.

Before reaching the end of the agreed extension period, the manager assesses the likely outcome and decides either to confirm the appointment or recommend dismissal and therefore move to a formal Case Review Meeting.

# Probationary Policy & Procedure

## 8. The Case Review Meeting

The previous section outlines the procedure when extending the probationary period.

### Option 1 – Without Extension

Where the manager believes that there is no reasonable belief that the employee could reach the required standards, even with an extension, then the Case Review can be arranged without an extension.

### Option 2 – With Extension

Otherwise, the employee's probation may be extended for up to 3 months. If the manager does not consider that the employee has met the required standards at this point, then a Case Review will be arranged.

### Overview

The purpose of the Case Review meeting will be to consider whether, in line with legal options, there are any further actions that the Council and employee can take to assist the employee in continuing their employment or whether the employment should be terminated due to the employee's incapability to perform their duties to the expected standard.

Employees will have the right to be accompanied by a trade union representative or a work colleague.

The employee should be invited to a Case Review Meeting, giving them at least 5 business days' notice. The letter should set out:

- the reason for the meeting
- details of the concerns about the employee's work performance
- date, time, and place of the meeting
- who will conduct the meeting and who else will be present
- the employee will also be informed of their right to be accompanied by a work colleague or trade union representative.

Prior to the meeting, the line manager should prepare a Management Report providing an overview of the employee's performance, the support offered to the employee during the Probationary period, and the potential impact on the service delivery and the team. The report should be supported with evidence gathered during this Probationary Period.

The report and any supporting documentation to be referred to during the meeting should be shared at least 3 business days beforehand. The employee must also provide any documentation they wish to be considered to the hearing manager and line manager at least 3 business days before the meeting.

The line manager will explain how the employee's performance has continued to be assessed as unsatisfactory, referring to specific examples. The line manager will also explain what support or actions have been implemented during the Probationary period.

The employee and their representative will have the opportunity to explain any mitigating circumstances.

At the meeting, the manager will ask questions necessary to:

## Probationary Policy & Procedure

- establish the reasons for continued under-performance including any underlying reasons
- assess if the poor performance is due to lack of capability, skills, ability and/or knowledge
- establish what actions have been taken by the Authority and the employee to achieve the expected standards
- establish what actions have been taken to support the employee in seeking alternative employment, if appropriate
- consider medical advice received, if appropriate
- establish and consider the impact of employee's lack of capability on service delivery.

This list is not exhaustive, and the weight attached to each will depend on the circumstances of the case.

In all instances, employees will be treated in a fair and reasonable manner, appropriate to their case whilst still ensuring commitment to consistency.

If the Manager considers that the employee has failed to make the required improvements during their probationary period, they will be dismissed.

Where possible, the employee will be informed verbally of the decision, which will be confirmed in writing within 5 business days of the meeting. This will give notice of termination of employment and the date it will take effect from.

### 9. Appeal

The employee has the right of appeal against the decision to extend their probationary period or the decision to dismiss by following the CPCA's Appeals Policy and Procedure. This will be confirmed

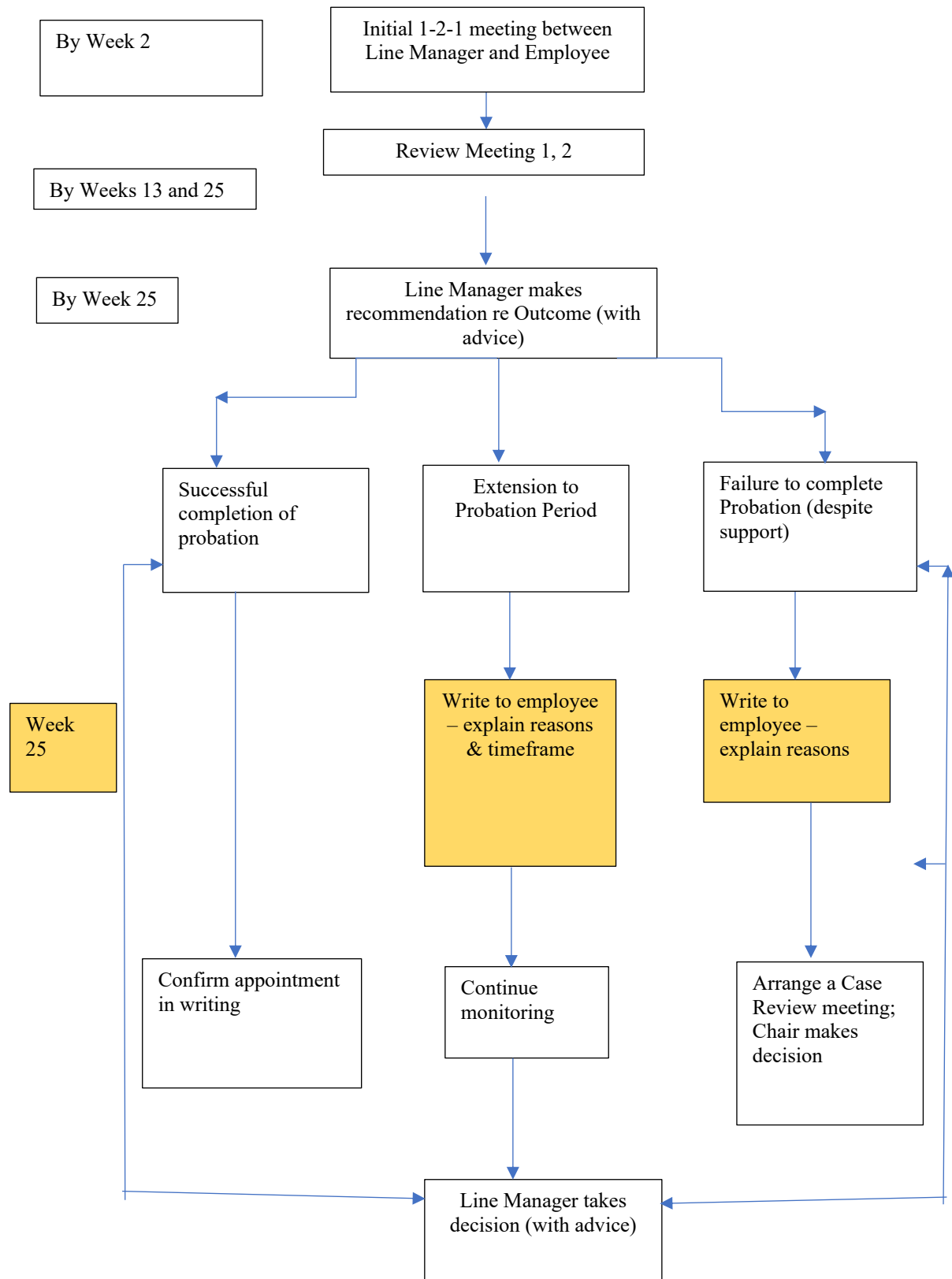
For the Appeal of an extension of a Probationary Period, another senior manager will chair the Appeal, with support from a HR team member. The Line Manager will be present, along with the employee.

### 10. Further Guidance

For further guidance on the Probationary procedures and applying them appropriately, managers and employees should speak to the HR team.

# Probation Policy & Procedure

## 11. Appendix 1: Probationary Process Flow Chart



# Probationary Policy & Procedure

## 12. Appendix 2: Probation Period Record Form

Manager:

Team Member:

**3/6 Month Review (delete as appropriate)**

Where concerns have been identified, please summarise how these will be addressed		
Summarise the employee's performance and progress over the period		
Have the objectives identified for this period of the probation been met?		
Have the training/development needs been identified for this period of the probation been addressed?		
If any areas of performance, conduct or attendance require improvement please provide details below.		
Has the employee successfully passed <b>3/6-month probation review? (delete as appropriate)</b>	Yes/No	Extension date to be reviewed
Probationary Sign Off	Yes	No



## Probationary Policy & Procedure

<b>Employee's Signature:</b>	
<b>Manager's Signature:</b>	
<b>Date:</b>	

# Probationary Policy & Procedure

## 13. Appendix 3a: Model Letter – Confirmation of Employment

Dear **[Employee's Name]**

### **Re; Confirmation of employment – Job Role**

I am writing to you to confirm that you have successfully completed your probationary period and therefore I have pleasure in confirming your appointment as a member of staff in the [ ] department.

[Under the terms of your contract your notice periods will increase. The organisation will be required to give you **xxx** months' notice to terminate your contract of employment, and you will be required to give the organisation [one] month's notice to terminate your contract of employment.

You are now eligible to apply for Staff Benefits including Payroll deductions through Vivup (e.g. for Home Electronics).

[If you are at SCP xx or above, your position is politically restricted.]

[Your post was subject to a Golden Hello Bonus. As you have now successfully completed your probation, your Golden Hello Bonus payment will be made in XX Month's Pay. If you leave within 2 years, or transfer to another post not covered by the Golden Hello Bonus, you will need to repay the full amount. Please see the Golden Hello Bonus Policy for further information.] [Delete as applicable]

You will receive your increment on **xx date xx**.

In all other respects your terms and conditions of employment remain unchanged.

May I thank you for your contribution to our Service so far, and hope you continue to enjoy your work with us.

Yours sincerely

**Name**

**Title**

# Probationary Policy & Procedure

## 14. Appendix 3b: Model Letter- Extension of probation period

Dear **[Employee's Name]**

**Re: Extension of the Probation period - Job Role**

I am writing to you further to our meeting held on [date] in connection with your probationary period.

As you are aware, during your probationary period it was necessary for [name of individual] to speak to you on [date] in connection with your [performance/conduct], which was viewed by the organisation as unsatisfactory. You were subsequently given a chance to improve during the remainder of your probationary period [and were given further [coaching/training]]. Despite this support, you have still not yet met the standards that the organisation requires for employees of your position. Your [performance/conduct] has fallen short of the required standards in the following ways [define details of how and why performance/conduct has fallen short of the required standards].

For these reasons, you were invited to a meeting on [date] to discuss the problem of your continuing unsatisfactory [performance/conduct] and my proposal to extend your probationary period.

Following that meeting, I have decided that your probationary period will be extended by [number] [weeks/months] until [date].

You agreed at the meeting that you would strive to improve your [performance/conduct]. The organisation will continue to monitor your [performance/conduct] and your progress will be formally reviewed at the end of the extended probationary period. You will be expected to meet the following objectives [define improvement required], and you will be provided with the following training to assist you to meet these objectives [describe any training, coaching and/or any other development activities that will take place during the period of extension].

If you fail to make sufficient progress either during or by the end of your extended probationary period, this is likely to result in your dismissal. Please be aware that the organisation will not extend your probationary period again.

You have the right to appeal the decision to extend your probationary period. If you wish to appeal, you should do so in writing within ten business days of this letter, writing to the HR Manager, stating the grounds for your appeal.

Yours Sincerely

**Name**

**Title**

# Probationary Policy & Procedure

## 15. Appendix 3c: Model letter – Non - confirmation of employment

Dear [ ]

### **Notice of termination of employment because of unsuccessful probationary period**

Following [our discussion/the performance dismissal hearing held] on [date], I am writing to confirm the termination of your employment.

The [discussion took place/hearing was convened] because of concerns related to your performance during your probationary period. On [date], we wrote to you explaining that the required improvement had not been made or maintained [and that we were considering cutting your probationary period short]. Specifically, we had concerns that [set out a brief description of the performance issues identified].

At the Case Review meeting, you were provided with an opportunity to ask questions, comment on the issues and to put forward any explanation for the matters identified as amounting to poor performance during your probationary period. You explained [briefly summarise the key points made by the employee].

However, I have found that the level of your performance has continued to be below the minimum standard required during your probationary period.

You have been provided with extensive support and an opportunity to improve during your probationary period.

[You were warned by letter dated [date] that a failure to make the required improvements during the remainder of your probationary period would result in your dismissal.]

This letter gives formal notification of the termination of your employment.

### **Notice period**

You are entitled to one weeks' notice of termination, under your contract of employment. Your last day of employment will be [date]. You will be paid up to that date in the normal way. A sum constituting your pay in lieu of notice, less income tax and national insurance contributions, will be transferred into the bank account into which your wages are normally paid.

### **Holiday pay**

We note that you will have accrued [number] days' holiday on your termination date. You have taken [ ] days.

This means that you are entitled to a payment in lieu of [number] days' accrued and untaken holiday. This payment will be paid to you with your final instalment of pay, less income tax and national insurance contributions.

[OR

This means that you have taken [number] days' holiday in excess of your accrued entitlement. In accordance with your contract of employment, we will deduct the corresponding amount from your final instalment of pay.]

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## **Expenses**

We will reimburse any claim for expenses outstanding at the termination date. Please submit your expenses claim, in the usual way, by no later than [date].]

## **Company property**

We ask that you return all property that belongs to the organisation by [date]. Items that should be returned to your manager include [list the appropriate items, and expand on them as necessary].

## **Right to appeal**

You have a right to appeal against this decision in accordance with the Probationary Policy. If you wish to appeal, you should do so in writing to the HR Manager by [date/10 business days from the date of this letter]. Your written notice should state the grounds on which you believe that the decision was flawed or unfair.

**Yours sincerely**

**Name/Title.**

# Probationary Policy & Procedure

## 16. Governance – Probationary Policy

References:  
Appeal Policy  
Disciplinary Policy  
Capability Policy  
Organisational Change Policy

Issue date:	2023
Version number:	1
Review due date:	2026

### Document Control Sheet

Purpose of document:	This policy is designed to ensure that staff are supported to achieve a high standard of work output and satisfaction, and that there is a consistent approach.
Type of document:	Policy
Document checked by Legal	No
If applicable, has an initial Equality Impact Assessment (EIA) been completed?	Yes
Document lead and author:	HR Team
Dissemination:	
What other documents should this be read in conjunction with:	Guidance documents listed in policy
Who will review the document (job title):	HR Team
Why is this document being reviewed?	N/A
Mandatory read	Yes

# Recruitment and Selection Policy and Procedure

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## 1. Aim

This document sets out Cambridgeshire and Peterborough Combined Authority's (CPCA) policy on recruitment and selection. CPCA is committed to a policy of treating all its employees and job applicants equally and to recruit the best person for each vacancy.

No employee or potential employee shall receive less favourable treatment or consideration during recruitment and selection on the grounds of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation (protected characteristics).

The policy includes information about the process, job descriptions and employee specifications, assessment criteria, interviews (both remote and onsite), management responsibilities, employing people from abroad, equality and diversity, and data protection.

## 2. Principles

The following principles will apply whenever recruitment or selection for positions takes place:

- Individuals will be screened against the job requirements as laid out in the job descriptions and person specifications.
- Selection tests, when used, should be specifically related to job requirements and should measure the person's actual or inherent ability to do or train for work.
- Selection tests should be reviewed regularly to ensure they remain relevant and free from bias, either in content or in scoring mechanism.
- Interviews will assess candidates against job-related criteria only.
- The recruitment and selection process for disabled candidates should take into account such adjustments to working arrangements or physical features of the workplace/station/premises

# Recruitment and Selection Policy and Procedure

as are reasonable to accommodate their needs and be such that they are not placed at a substantial disadvantage compared with non-disabled candidates.

- Decisions to interview, shortlist or offer employment will take no account of an applicant's trade union membership or non-membership.

## 3. Scope

This policy is applicable to the recruitment and selection of all employees engaged to provide services for CPCA, irrespective of whether such a contract is for a temporary or fixed term or is of a permanent duration. The policy will be made available to all employees and applies to both internal and external recruitment.

## 4. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

## 5. Recruitment Process

We always aim to recruit the person who is most suited to the advertised role. We recruit solely on the basis of the applicant's abilities and individual merit as measured against the predetermined criteria for the job. Qualifications, experience, and skills are assessed at the level that is relevant to the job.

The recruitment process should be followed in accordance with the following steps:

### **Authority to recruit**

A line manager who wishes to recruit someone must first complete a Change pro forma which should be approved by the Head of Department and finance and forwarded to HR. Where recruitment is planned to fill a vacancy created by a leaver, approval will normally be granted automatically.

If the line manager wishes to upgrade a role, or create a new role, they must provide HR with justification, focusing on organisational needs.

### **Job Descriptions and Person Specifications**

Job description should be produced with full details of the position, reporting line, duties and responsibilities of the jobholder and number of subordinates, if applicable. The skills, experiences, qualifications, and competencies of the jobholder should be laid out in the person specification.

### **Political Restrictions**

The post should be assessed as to whether it should be politically restricted before the advertisement is



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placed and agreed by the hiring manager.

## **Job Advertisements**

Hiring managers should send their proposed advertisement based on the job and person specifications and/or competency profile through to the HR Department. Internal vacancies will be posted on the website. For external positions, a variety of advertising mediums will be used. Positions may be simultaneously advertised internally and externally.

## **Applications**

Applicants are encouraged to apply via the electronic application process.

## **Shortlisting**

All application will be pre-screened by the HR department and applicants that meet the specified criteria will be sent to the relevant recruiting manager. Internal applicants' details will automatically be sent to the recruiting manager.

## **Interviews**

Prior to the interview candidates will be provided with information about the organisation, role, and responsibilities.

The CPCA standard Behavioural questions template will be adapted by the recruiting manager and the HR department based on the job description and person specification/competency profile, and the outcome recorded on the template scoring sheet.

In some cases, interviews may be held remotely via online video call. Video interviews are conducted using Zoom/Microsoft Teams/Teams/another video conferencing platform. The responsible line manager should in advance provide the interviewee with details of how the interview will be conducted.

Line managers must make a record of every recruitment interview using the form. All interview documentation must be returned to the HR department for secure storage where it will be retained for six months. Only those that require access for specific and authorised purposes will be able to access this information.

## **Induction**

HR will send out a copy of the employment terms and conditions and all related documents that need to be completed to the new joiners. All new starters will receive a timetable for their successful induction into the organisation. It is mandatory for all employees new to the CPCA to attend the induction within the first 3 months of employment.

## **6. Right to Work/Pre-employment checks**

Upon selection of a suitable candidate the recruiting manager will consult with the HR department to identify the appropriate starting salary within the agreed grade range.

The HR department will manage all offers to successful candidates. The Departmental Director and Head of HR must approve all offers made to successful candidates. Under no circumstances should recruiting managers infer to a candidate the outcome of the selection process.

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All offers are subject to two satisfactory references, a check on relevant qualifications and eligibility to work in the UK and other relevant checks where applicable i.e., DBS.

The organisation will not employ an individual unless they have a legal right to work in the UK. All offers of employment will be subject to the candidate providing the required original documents or the organisation being able to carry out a check on the Home Office online right to work service confirming their right to do the work in question. For the organisation to be able to conduct an online check, the candidate must have shared their right to work details with the employer using the Home Office prove your right to work to an employer online service.

All pre-employment checks will be carried out by the HR Department.

In the event that an individual has time-limited permission to live and work in the UK, they will be required to provide evidence of their renewed right to live and work in the UK prior to the expiry of that time-limited permission. Alternatively, if applicable, the organisation will carry out a check via the Home Office online right to work service, on or before the expiry date of the relevant current permission.

If a successful job candidate is unable to provide evidence of their right to do the work in question, and a Home Office online check, if applicable, fails to confirm the right to do the work in question, the organisation will withdraw the job offer.

If it appears to the organisation during the course of an employee's employment that they do not have the right to work in the UK, the organisation will conduct an investigation into the circumstances. If it is established that the employee does not, or does not appear to, have the right to work in the UK, the organisation may terminate the employee's contract of employment.

## Points-based system

The organisation will comply with the requirements of the Home Office's points-based system for employing foreign workers. Where a worker who is subject to immigration control and who does not already have the right to work in the UK, is to be recruited, the HR department/department manager will take steps to assess whether or not sponsorship is appropriate.

In relation to eligible foreign workers who are to be recruited into the organisation; the organisation will issue a certificate of sponsorship to such workers.

## 7. Line Management Responsibilities

Line managers are responsible for recruitment in conjunction with the HR department. Line Managers who wish to recruit must first complete the **Change Pro-forma** with sign-off from the relevant committee, HR and Finance. Where recruitment is planned to fill a vacancy created by a leaver, approval will normally be granted automatically but approval must still be sought. If the line manager wishes to upgrade a role or create a new role, they must complete Change Pro-forma with justification focusing on organisational needs.

In the event that a department manager becomes concerned that an employee in their department is working in the UK illegally, they should report the matter to the HR department, giving reasons for the concern. The HR department will investigate the matter further.

# Recruitment and Selection Policy and Procedure

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## 8. Data Protection

We process all personal data collected during the recruitment process in accordance with our Data protection policy .

We do not collect unnecessary personal data from applicants during the recruitment process. For example, we will only request bank account details and next-of-kin contact details from successful applicants. Data collected as part of the recruitment process is held securely and accessed by, and disclosed to, individuals only for the purposes of managing the recruitment exercise effectively to decide to whom to offer the job. Staff should report immediately any inappropriate access or disclosure of job applicant data in accordance with the organisation's data protection policy. It may also constitute a disciplinary offence, which will be dealt with under the organisation's Disciplinary procedure.

The organisation will ensure that individuals' personal data collected during the recruitment process , including information about racial or ethnic origin, is managed in accordance with the CPCA's Data Protection policy.

## 9. Appeals Procedure

Employees who have concerns about any aspect of this policy or its operation should use CPCA's Grievance Policy and Procedure.

## 10. Monitoring and Review

The CPCA HR team will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy, and effectiveness. Any improvements identified will be made as soon as possible.

All employees are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.

Employees are invited to comment on this policy and suggest ways in which it might be improved.

Comments, suggestions, and queries should be addressed to the CPCA HR Team.

This policy does not form part of any employee's contract of employment, and it may be amended from time to time.

# Recruitment and Selection Policy and Procedure

## Governance

## Recruitment and selection policy and procedure

### References:

Data Protection Act 2018  
Immigration, Asylum and Nationality Act 2006.  
Equality & Diversity Policy  
Data Protection Policy

Issue date:	2023
Version number:	4
Review due date:	2026

### Document Control Sheet

Purpose of document:	This policy has been formulated to provide general guidance and policy advice to staff and managers about Recruitment and selection policy and procedure
Type of document:	Policy & Procedure
Document checked by Legal	No
If applicable, has an initial Equality Impact Assessment (EIA) been completed?	Yes
Document lead and author:	HR Team
Dissemination:	
What other documents should this be read in conjunction with:	Guidance documents listed in policy
Who will review the document? (Job title):	HR Team
Why is this document being reviewed?	Review of existing Policies and Procedures
Mandatory Read	No

### Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved
4		Changes made in line with legislative references	2023



# Time Off Policy

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## 1. Aim

Cambridgeshire & Peterborough Combined Authority is committed to being an employer of choice. We will strive through our HR policies to be a consistently fair and caring employer. This policy covers time off in a wide variety of situations to support employees in working towards a healthy work-life balance.

## 2. Principles

The CPCA will ensure that the leave granted is always equivalent to or better than the statutory entitlements.

**You should refer to this document for full details about each of the time off options listed above.**

## 3. Scope

This policy applies to all employees. It covers both statutory and contractual leave. All entitlements within this policy will be applied on a pro rata basis for those who work less than 37 hours per week.

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## 4. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

## 5. Further advice

Any employee with concerns about the application of this policy should discuss this in the first instance with their line manager. Full details are available from HR.

## 6. Annual Leave

The annual leave entitlement is based on the employee's contracted weekly hours. The entitlement is based on a 37-hour, 5-day week. Employees who work their hours in any other way will have their leave entitlement expressed in hours. The standard entitlement is as follows:

Terms and Conditions type	Annual Holiday Entitlement
National Joint Council	<p>New starter and those with less than five years' service – 25 days plus public and bank holidays</p> <p>At least 5 years but less than 10 years' service – 29 days plus public and bank holidays</p> <p>At least 10 years but less than 15 years' service – 30 days plus public and bank holidays</p> <p>15 years' service and above – 31 days plus public and bank holidays</p>
Chief Officers	Annual Leave and holiday arrangements are at the discretion of the local authority to a minimum entitlement of 30 working days including annual and long service leave, extra statutory and local holidays.

The leave year will run from 1st April to 31st March.

All annual leave will be subject to prior approval of the appropriate manager. The annual leave card must be authorised correctly by the manager in advance of the leave being taken.



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### 7. Bank Holiday

For Full Time Workers (37 hours, 5 days per week), 8 Bank Holidays are given annually. For part-time workers, bank holiday allowance is calculated on a pro-rata basis. Please speak to HR for more details.

### 8. Bereavement/Compassionate Leave

The CPCA recognises the need to allow employees reasonable time off when a death of a dependant or member of the employee's immediate family occurs. Employees need time to deal with the consequences of the death, making funeral arrangements and/or attending the funeral.

The following leave may be authorised, any additional time off that is required may be granted by the Director where an employee is concerned with the completion of arrangements or where extensive travelling is involved. Any additional leave will be without pay.

Death of Husband/Wife/Partner, Father, Mother, Son, Daughter or Guardian Dependent child	3 days paid leave and up to 2 days discretionary paid leave*
Death of Brother, Sister, Grandparent, Grandchild	2 days paid leave and up to 1-day discretionary paid leave*
Death of any other relative (E.g., Aunt/Uncle/Cousin, Mother-in-law/Father-in-law)	1 day paid leave to attend the funeral

*\*Discretionary paid leave is at the discretion of the Director and is paid where extenuating circumstances exist. Discretionary paid leave can only be authorised up to the amount stated.*

### 9. Special Leave – Time off for Dependents

Time off for Dependants entitles employees to take a reasonable amount of unpaid time off work to deal with certain unexpected or sudden emergencies involving a dependant of the employee.

A dependant is defined as a partner, child or parent of the employee, or someone who lives with the employee as part of their family. A dependant does not include tenants or boarders living in the family home, or someone who lives in the household as an employee, for example a live-in housekeeper.

In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.

### 10. Special Leave – Emergency Situations

An employee may be granted up to 5 days paid leave (pro-rata for part time staff) in any rolling twelve-month period and reasonable unpaid leave of absence.

Such leave, whether paid or unpaid, is at the discretion and authorisation of the Director in conjunction with the Head of Human Resources and will be granted subject to the needs of the service. CPCA shall give particular consideration to granting reasonable paid time-off for dependants under the Employment

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Relations Act 1999.

Special leave (unpaid) will not normally be granted until the employee has exhausted their entitlement to annual leave.

Special leave may be authorised where an employee requires time off to care for a dependant person in a genuine emergency situation, whether child or adult, or where an employee has used all their entitlement to annual leave, but extenuating circumstances exist, e.g., family crisis. Special leave does not cover domestic difficulties, e.g., delivery of household goods, fire or flooding. It is difficult to define every eventuality but, each period of special leave will be authorised on an individual basis and will not apply where there are other existing policies in force.

## 11. Time Off for Public Duties

The definition of public service is as follows:

- A Justice of the Peace
- A Member of a local authority\*
- A member of a Police authority
- A member of any statutory tribunal
- A member of a relevant health body\*\*
- A member of the managing or governing body of an educational establishment maintained by a local education authority or a further or higher education corporation
- A member of the General Teaching Council for England & Wales
- A member of the Environment Agency
- A member of the board of prison visitors
- A member of the service authority for the National Criminal Intelligence Service or the service authority for the National Crime Squad
- A member of Scottish Water or a Water Customer Consultative Panel.

The duties that are covered are as follows: -

- All duties of a Justice of the Peace
- Attendance at meetings of the body or any of its committees or sub-committees
- Performance of duties approved by the body for the purpose of discharging its functions or those of any of its committees or sub-committees

In the case of local authorities operating executive arrangements:

- attendance at meetings of the executive or its committees
- performance by a member of the executive of duties for the purpose of discharging the functions of the executive.

In addition, if you choose to work in a polling station or work as a counting assistant on an Elections Day, you will be given the time off to do so. Please speak to your line manager, giving them as much notice as possible.

### **Eligibility Criteria**

These provisions apply to all employees other than those where the public duties are connected with certain political or other activities, i.e., designated as Politically Restricted Posts under the Local Government & Housing Act 1989. If an employee does hold a politically restricted post, then this will be detailed clearly in their employment details.

# Time Off Policy

## 12. Jury Service

Jury Service is paid. Employees absent on jury service or as a witness, will be paid full pay but this is offset by an allowance from the court. Employees must forward to their manager for Payroll purposes notification of the amount of allowance paid as soon as the notification is received.

## 13. Time Off for Reservists

Time off for reservist duty, either as a volunteer or regular, may be permitted. Please speak to HR.

## 14. Medical Appointments

### **Hospital Appointments**

Paid Time off will usually be given for hospital appointments. It is accepted that it is not always possible to arrange Hospital Medical Appointments outside of working hours, particularly for those working full time office hours. However, wherever possible appointments should be arranged to minimise the time lost. The employee may be asked to produce evidence of the appointment (i.e., patient appointment card).

Prenatal checks, and regular physiotherapy appointments will be treated as hospital appointments where the employee has no discretion over the time of the appointment. Where it is possible these appointments should be made outside of working time. It is expected that the manager will be kept up to date with forthcoming appointments.

Appointments relating to surgery or dentistry for cosmetic purposes should be arranged outside of working hours or taken as annual leave. Time off to attend hospital appointments should not be recorded as sick leave.

The occupational health service may be consulted where it is not clear if an appointment is a normal medical appointment or an appointment for cosmetic purposes.

### **Fertility Treatment**

The CPCA wishes to be supportive of those affected by fertility issues, therefore employees wishing to attend appointments relating to Fertility Treatment (including IVF) will usually be granted reasonable paid time off to attend these.

This section only applies to Hospital Appointments of the employee themselves.

### **Cancer Screening**

Employees will receive paid leave to attend any cancer screening appointments if the appointment cannot be arranged outside of normal working hours. The employee's line manager may request to see written evidence of appointments.

### **Doctors and Dentists**

Paid time off will not be granted to attend appointments with Doctors or Dentists. These should be arranged outside normal working time if possible. If it is not possible to arrange the appointment outside of working time, then prior approval should be sought for the absence. Any time taken during working hours must be made up as soon as possible or taken from existing flexi time where applicable.

# Time Off Policy

## 15. Gender Reassignment

Absence as a result of the gender reassignment process should be managed in accordance with the Attendance and Absence Management Policy. Managers should speak to an HR Manager for further advice.

Occasional medical appointments may be required for the individual to see their doctor or psychiatrist or to have hormone injections. Such appointments should be treated in exactly the same way as any other medical appointment.

If sick leave is required for gender reassignment surgery, this should be treated as any other surgical procedure. A fit note will be required but does not need to state the procedure performed.

## 16. Maternity/Paternity/Shared Parental and Adoption Leave

The CPCA has separate Family Leave policy that covers these types of leave. Any employee who has a child under a Special Guardianship arrangement should discuss this with their HR Manager. Details about time off for antenatal appointments for the mother/father/partner are specified in the Family Leave Policy.

## 17. Career Breaks

A career break is special unpaid leave without pay for a specified period. Any permanent employee who has satisfactorily completed their probationary period may apply for special leave without pay for a career break. It does not affect other arrangements for granting unpaid leave.

A Career break may be allowed for various reasons, e.g.:

- for employees who require time outside of the statutory policies to take responsibility for the care of children, or to care for an adult and/or disabled relative.
- for personal development reasons
- to undertake voluntary work.

## 18. Further advice

Advice and support is available from line managers. Any employee with concerns about the application of this policy should discuss this in the first instance with their manager, or with HR.

# Time Off Policy

## Governance

### References:

LGPS (Regulation 17 of the Local Government Pension Scheme Regulations 1997)

Employment Relations Act 1999.

Children Act 1989

Local Government & Housing Act 1989

Other Policies:

Attendance and Absence Management

Family Leave Policy

Issue date:	2023
Version number:	2
Review due date:	2026

### Document control sheet

<b>Purpose of document</b>	This policy covers time off in a wide variety of situations to support employees in working towards a healthy work-life balance.
<b>Type of document</b>	Policy
<b>Document checked by Legal</b>	No
<b>If applicable, has an initial Equality Impact assessment (EIA) been completed?</b>	Yes
<b>Document Lead and Author</b>	HR Team
<b>Dissemination</b>	
<b>What other documents should be read in conjunction with</b>	Documents listed in this guidance
<b>Who will review the document (job title)</b>	HR Team
<b>Why is this document being reviewed</b>	Review of existing Policies and Procedures

### Revisions

Version No.	Page/ Para No.	Description of amendment	Date approved
2	2 15	Removed reference to teachers Removed reference to timesheets	



# TRAVEL, SUBSISTENCE AND EXPENSES POLICY

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## 1. Aim

- 1.1 This policy covers the rules, entitlements, and obligations in respect of working hours, travel, subsistence allowances and expenses whilst undertaking Cambridgeshire & Peterborough Combined Authority (CPCA) business.
- 1.2 The purpose of this policy is to ensure that employees are properly reimbursed for legitimate business expenses and to comply with rules regarding tax and National Insurance Contributions as defined by Her Majesty's Revenue and Customs.

## 2. Principles

- Expenses must be reasonable, necessary, and only incurred where required for CPCA activity and individuals should aim to keep the overall cost to the CPCA to a minimum, given that the CPCA income comes from public funding
- All major expenses e.g., hotel/flights will need to be pre- approved by the line manager/director
- Claims should be submitted within 30 days of the expense being incurred. If this is not practical, then a written explanation must be provided and written approval for any extension will be required from the individual's line manager. Claims over 3 months must be signed off by the Departmental Director.
- Itemised VAT receipts must be provided with all claims, unless specified below. Individuals must provide receipts for the spend they have incurred.
- To claim for expenses, individuals must use the organisation's expenses claim forms,

# TRAVEL, SUBSISTENCE AND EXPENSES POLICY

available on the online Citrus system for payment and set out the reasons why the expense was incurred on the claim form. Once completed, the expenses claims should be forwarded to the line manager with the required supporting evidence who in turn should send them through to Finance.

- f. The organisation will pay claims for authorised expenses by BACS transfer into the same bank account into which the individual's salary is paid.
- g. The Policy aims to support the CPCA's broader environmental objectives by encouraging more sustainable behaviours and discouraging carbon-intensive methods of working and travelling.
- h. It also seeks to meet the CPCA's duty of care in respect of the health and safety of its staff.

## 3. Scope

- 3.1 This policy applies to all CPCA employees: full time, part time, agency, and casual workers from the day they begin work. It does not apply to contractors, consultants or any self-employed individuals working for the Authority.

## 4. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

## 5. Planning Travel

- 5.1 Travel expenses can be claimed for any essential travel which is not to an individual's normal place of work whether for business or training reasons and any subsistence expenditure that is incurred wholly, necessarily, and exclusively in connection with authorised duties that individuals undertake in the course of their employment.
- 5.2 Employees and line managers should consider whether or not travel is necessary to meet business objectives or if there are more appropriate means (for example teleconferencing or videoconferencing).
- 5.3 CPCA business visits must be planned sensibly taking account of safety, cost, convenience, distance, destination, time of day, the number of employees travelling and the place(s) at which the journey commences and ends. Wherever practicable, public transport at the lowest fare should be used.



# TRAVEL, SUBSISTENCE AND EXPENSES POLICY

## 6. Travel by Car

6.1 It may be appropriate and cost effective to use an individual's own car when travelling on business. For example, employees travelling to the same place should travel together or where there is limited public transport. The claim for mileage should be made only by the driver of the vehicle and never by the passengers.

6.2 Employees are responsible for:

- holding a full UK driving licence.
- ensuring that their vehicle is roadworthy and fully registered.
- fully insured for CPCA business visits, for carrying passengers, and for third party claims.

Note: Employees may be asked to produce their driving licence.

6.3 Workers with a business address: - Travel to and from the employee's normal place of work from the home address is not CPCA business.

6.4 Workers without a business address: The normal place of work for a permanent home worker will be their home address.

6.5 Claims for payment which are not regarded as appropriate, and/or for which prior approval has not been gained may be refused for payment.

6.6 Any employee who is undertaking training to obtain qualifications that are necessary in the performance of their job must refer to their individual training agreement. Particular HMRC rules apply.

6.7 Employees should report any errors to their line manager in respect of under or overpayment of expenses or mileage payments at the point the error occurs.

## 7. Mileage

### 7.1 Mileage rates

Type of Vehicle	Engine Capacity (cc)	Mileage rate First 10,000 business miles in tax year	Mileage rate Each business mile over 10,000 in tax year
Car	All	45p	25p

7.2 Employees who use a motorcycle for business travel can claim up to 24p per mile under HMRC rules.

7.3 The rate for business travel using a bicycle is 20p per mile.

7.4 Employees who claim mileage allowances must:

- Produce at least one VAT receipt to cover the fuel consumed on the CPCA journeys for which the car mileage allowance is paid. The receipt must be dated in the month for which the mileage allowance is claimed. The receipt sent to payroll may be a

# TRAVEL, SUBSISTENCE AND EXPENSES POLICY

copy.

- Record the actual miles undertaken per journey on each claim
- Deduct the home to work miles per journey on each claim
- Record the miles claimed per journey on each claim
- Provide a full explanation of the purpose for each journey
- Submit the claim in the month following the journey

7.5 Where an official journey starts from and/or finishes at home (which is not the normal work base), home to a normal work base fares must be deducted from any claim; if it is a return journey, home to normal work base fares must be deducted from both legs of the journey.

7.6 Claims not supported by a receipt, and/or not following these criteria will not be paid.

7.7 Claims over three months old must be authorised by the departmental Director.

7.8 It is the responsibility of every manager who signs a claim form to ensure that it:

- is accurate, complete, and signed
- covers a valid journey
- expenses were a valid expense for business reasons
- complies with all relevant CPCA policies

Managers may check distances in order to verify claims (e.g., by using either the RAC or AA web-based route planner). Formal action will be taken against any claimant or manager who completes or signs an invalid claim.

## 8. Car Parking

8.1 Employees who travel to work by car will be expected to pay for their parking where free parking is not available. All receipts should be kept and evidenced within an expense claim submitted by the employee.

## 9. Travel by Rail, Taxi, Air, Sea

9.1 All bookings must only be made via the corporate policy in place for procurement of travel and hotel accommodation. Only in extenuating circumstances (i.e., unavoidable emergencies) should employees make their own arrangements and claim back the costs via an expenses claim.

### 9.2 Rail

9.2.1 You may claim for standard class rail fares only.

9.2.2 Where possible, rail journeys should be booked well in advance to benefit from any discounts for early booking.

9.2.3 You should where applicable use any rail cards or season tickets that have already been paid for as part of your normal commute to the office towards any journey taken on business, where this is more economical.

### 9.3 Taxis

9.3.1 You may claim for a taxi fare only in limited circumstances. These are:

- where taking a taxi would result in a significantly shorter travel time than using public transport.

# TRAVEL, SUBSISTENCE AND EXPENSES POLICY

- where there are several employees travelling together: or
- where personal security and safety of employees is an issue, for example taxis may be permitted after 9.30pm.
- You must obtain a receipt with details of the date, place of departure and destination of the journey.

## 9.4 Air/Sea Travel

- 9.4.1 An air/sea travel must be pre-authorised by the individual's line manager in writing before being booked. Where possible, flights should be booked well in advance to benefit from any discounts for early booking.
- 9.4.2 Personal incentives or rewards associated with specific air travel, such as air miles, should not be a factor in determining which flight is purchased for business. The key consideration is whether the flight is the most cost-effective for the organisation unless there is a valid business reason for taking an alternative flight.
- 9.4.3 Individuals will only be permitted to travel in economy class.
- 9.4.4 Wherever possible employees should avoid travelling when major events are occurring which result in increased costs for travel and hotel accommodation.

## 10. Subsistence (Meals and Accommodation)

- 10.1.1 Employees who incur additional expenditure as a result of CPCA business that takes them away from their normal place of employment and/or home will be reimbursed.
- 10.1.2 As a guideline for business travel, individuals should book accommodation equivalent to three-star standard or less. It is individual's responsibility to ensure that any hotel reservations are cancelled within the required cancellation period if they are no longer required.

### 10.2 Subsistence rates

- 10.2.1 Subsistence may be claimed where the following conditions apply. ([See here](#)):

- The expense arises from the proper performance of the claimant's duties
- The expense is incurred whilst away from the claimant's regular place(s) of work or while staying away from home
- The expense incurred is reasonable and additional to the employee's normal expenditure
- The claim is fully supported by itemised receipts submitted with the claim so the nature of the expenditure can be verified
- The claim is within the limit for each category, as set out below.

Employee subsistence rates	Upper limits
One meal (5 hour) ceiling	£5
Two meal (10 hour) ceiling	£10
Three meal (12 hour) ceiling	£15
24 hour ceiling	£20

# **TRAVEL, SUBSISTENCE AND EXPENSES POLICY**

10.2.2 Benchmark scale rates must only be used where all the qualifying conditions are met. The qualifying conditions are:

- the travel must be in the performance of an employee's duties or to a temporary place of work, on a journey that is not substantially ordinary commuting.
- the employee should be absent from his normal place of work or home for a continuous period in excess of five hours or ten hours.
- the employee should have incurred a cost on a meal (food and drink) after starting the journey and retained appropriate evidence of their expenditure

10.2.3 Where a scale rate of £5 or £10 is paid and the qualifying journey in respect of which it is paid lasts beyond 8pm a supplementary rate of £10 can be paid to cover the additional expenses necessarily incurred as a result of working late.

10.2.4 A meal is defined as a combination of food and drink and would take a normal dictionary meaning. Where employees are required to start early or finish late on a regular basis, the over 5 hour and 10 hour rate, whichever is applicable, can be paid provided that all the other qualifying conditions are satisfied.

10.3 Employees who claim subsistence allowances must:

- Produce a VAT receipt to support each separate part of the expenditure if VAT was payable. The receipt sent to payroll must be the original and not a copy.
- Provide a full explanation for each claim
- Submit the claim in the month following the expenditure

10.4 Claims not supported by a receipt, and/or not following the criteria will not be paid.

10.5 Claims over three months old must be authorised by the departmental Director.

Please note that

It is the responsibility of every manager who signs a claim form to ensure that:

- Any expenses claimed were a valid expense
- The claim was for valid business reasons
- The claim complies with all relevant CPCA policies
- The claim is accurate, complete, and signed

Formal action will be taken against any claimant or manager who completes or signs an invalid claim.

## **11. Eyesight, Glasses & Contact Lenses**

Please see separate Eyesight Guidance regarding this.

## **12. Professional Memberships or Subscriptions**

12.1.1 The CPCA will reimburse the annual membership fees for one professional body or institution which is deemed relevant by the Authority for your role and provided that you

# TRAVEL, SUBSISTENCE AND EXPENSES POLICY

have six months service with the Authority. You should agree with your Manager in advance any fees you intend to claim under this arrangement.

- 12.1.2 The Authority must appear on HM Revenue and Customs list of professional bodies and learned societies with tax deductible fees, also known as Professional bodies, approved for tax relief. The current list can be accessed via the gov.uk website at: <https://www.gov.uk/government/publications/professional-bodies-approved-for-tax-relief-list-3/approved-professional-organisations-and-learned-societies>

- a. Claims should be submitted on a Business Expense claim form with relevant supporting documentation to confirm that the membership fees have been paid.

## 13. Other Incidental Expenses

Expenditure incurred in relation to CPCA business, not covered above, such as equipment, stationary, etc must be approved in line with our purchasing authority levels and receipted and an explanation provided on the claim. Authorisation must be sought from line manager.

## 14. Monitoring and Review

- 14.1.1 The CPCA HR team will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy, and effectiveness. Any improvements identified will be made as soon as possible.
- 14.1.2 This policy does not form part of any employee's contract of employment, and it may be amended from time to time.

# TRAVEL, SUBSISTENCE AND EXPENSES POLICY

## Governance - Expenses Policy

### References:

Eyesight Guidance

Issue date:	2023 (Previous issues - March 2017, Jan 2020, Jan 2022).
Version number:	4
Review due date:	2025

### Document Control Sheet

Purpose of document:	This guidance is to cover entitlements and obligations in respect of working hours, travel, subsistence & expenses allowances whilst undertaking CPCA business.
Type of document:	Policy
Document checked by Legal	No
If applicable, has an initial Equality Impact Assessment (EIA) been completed?	Yes
Document lead and author:	HR Team
Dissemination:	
What other documents should this be read in conjunction with:	Guidance documents listed in policy
Who will review the document? (Job title):	HR Team
Why is this document being reviewed?	As part of an annual review.

### Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved
4		Changed meal rates in line with latest guidance	

# Whistleblowing Policy

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### 1. Aim

The Policy is aimed to ensure individuals feel confident raising serious concerns about wrongdoing or malpractice within the organisation.

It is also intended to ensure people receive a response and feedback on any actions taken to the concerns they have raised.

Lastly, it is aimed to reassure the whistle-blower they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

### 2. Principles

Whistleblowing is the common term for making a protected disclosure in the public interest where the interest of others or the organisation are at risk.

Whistleblowing is reporting malpractice or illegal acts at work and the whistle-blower is not usually affected directly or personally by the matter involved.

### 3. Scope

This Policy applies to all CPCA employees and other workers, including freelance staff, temporary and agency staff, consultants, contractors (and their staff), volunteers and employees in organisations which work in partnership with the Authority.

In this Policy the term “employee” refers to employees of CPCA and other workers to whom the Policy applies.

# Whistleblowing Policy

## 4. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

## 5. Confidentiality

CPCA will be sensitive to the persons reporting the concerns. All concerns will be treated in confidence and every effort will be made not to reveal the identity of the whistle-blower without their permission.

In some circumstances, the Authority may be obliged to disclose the name of the whistle-blower i.e., when ordered by the court.

## 6. Reporting a concern

Reporting a concern will depend on the seriousness and sensitivity of the matter and who is suspected of the wrongdoing. Employees can raise their concerns with:

- Line Manager
- Corporate Director
- The Monitoring Officer via email
- The Chief Executive via email



# Whistleblowing Policy

- By calling the Free 24 hour Confidential Helpline from Health Assured – 0800 047 4037.

## Confidential Whistleblowing

If you believe you've witnessed wrongdoing in the workplace, we're here to help. Health Assured offer a completely confidential, 24/7 freephone whistleblowing helpline.

### Use it to disclose:

- Criminal offences
- Breaches of legal obligation
- Miscarriages of justice
- Dangers to health & safety
- Damage to the environment
- Attempts to conceal any of the above

## Free 24 Hour Confidential Helpline:

**0800 047 4037**

## FAQs

### What is a whistleblowing service?

A whistleblowing service is a confidential, freephone helpline. You can use this to report issues and wrongdoings that you have witnessed, or strongly believe are happening in the workplace.

### Will I remain anonymous?

You don't need to give your name when blowing the whistle, and calls are not recorded. An advisor will note down the details—date, time, location and description of the incident—and move forward from there.

Workers who blow the whistle are protected by law.

### What happens next?

The advisor will get in touch with your organisation's whistleblowing contact. Your personal details will not be provided, just the details you've reported.

### Is the Service 24 hours?

Yes, 24 hours a day and 365 days a year.

[healthassuredeap.com](https://healthassuredeap.com)

**health**  **assured**

# Whistleblowing Policy

## 7. How to report a concern

In majority of the cases, an employee who wishes to report a concern under the whistleblowing Policy would be expected to contact their Corporate Director in most cases. We encourage employees to raise concerns in writing as soon as they become aware of them. They will need to provide the following information:

- the nature of your concern and why you believe it to be true
- the background and history of the concern (giving relevant dates).

### **Anonymous Reports**

Anonymous allegations are those which are not signed and unidentifiable. All reports will be investigated, but employees should be aware that anonymous allegations are more difficult to investigate and so may not be effective in solving the alleged malpractice.

The credibility of the allegation and likelihood of obtaining information from other sources to confirm the allegation will be considered when deciding what action to take in response to an anonymous allegation.

### **Untrue Allegations**

If an employee makes an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, the Authority will recognise the concern and respond accordingly. However, if, the allegation is made frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken against the employee.

## 8. How the Combined Authority will respond to a concern

The Authority will aim to respond to concerns without delay. It will not be possible for an employee to prevent a matter from being investigated by subsequently withdrawing their concerns.

If urgent action is required to safeguard individuals or property or to preserve any evidence the Monitoring Officer/Lead Manager will immediately take the action required.

Once the report has been received by the Line manager or Corporate Director, they will register the report with the Monitoring Officer within 7 working days. Details provided to the Monitoring officer must include:

- Date report of concern received
- Name of person reporting concerns
- Details of the concerns reported
- Proposed action and by whom.

The Corporate Director will be the Lead Manager and responsible for all report of concerns raised. They may assign the role of Lead manager to another senior manager where needed.

To protect all parties involved and the Authority, initial enquiries will be made to decide whether

# Whistleblowing Policy

an investigation is appropriate and, if so, what form it should take. In some cases, there may be the possibility to resolve the reported concerns informally without the need for a detailed investigation.

The Lead Manager will need to make a judgement about whether the concern reported should be dealt with under other procedures (the concern may not meet the criteria for Whistleblowing) or under the Whistleblowing Policy. This decision will be made following consultation with the Monitoring Officer and/or with the officer responsible for the operation of the procedures they think might be more appropriate to follow.

The Lead Manager is responsible for appointing an appropriate senior manager or external investigator as Investigating Officer. If the allegation involves or may involve wrongdoing by an employee, the Investigating Officer must be senior to the person under investigation.

Usually, within ten working days of a concern being raised, the lead manager will write to the whistle-blower detailing the information below:

- acknowledging that the concern has been received
- stating what steps have been taken and what action will be taken and by who (including the name of the Investigating Officer)
- an approximation of how long it will take to provide the final response
- information with employee support programmes i.e., EAP

The Investigating Officer will conduct the investigations to establish the facts of the reported concern and will make a written report with supporting documentation such as witness statements and other evidence to the Lead Manager.

All employees subject to this process of alleged concern will be entitled to be accompanied by a trade union representative or a colleague who is not involved in the area of work to which the investigation relates. In some cases, suspension from work may be appropriate during the investigation.

The Investigating Officer will keep the person who reported a concern informed of progress with the investigation and would inform them and the Lead Manager if the investigation is taking longer than estimated.

Following submission of the investigation report, the Lead Manager will be responsible for ensuring the necessary action is taken. This may include disciplinary action where appropriate against the subject or reporting the matter to the Police or other regulated authority. This decision will be taken after consultation with the Monitoring Officer.

In situations, where there is no case to answer the authority will take reasonable steps to meet with the subjects and remedy any issues that may have occurred from the investigation.

To conclude the process, the Lead Manager will also meet with the whistle-blower to give a final the conclusion of the investigation, feedback and any action taken. This will not include details of any disciplinary action, as this is confidential. If the whistle-blower is not satisfied

## Whistleblowing Policy

with the outcome of the investigation, they may choose to report their concerns via email to the Chair of the Audit and Governance Committee and for the purpose of notification, include the Monitoring Officer within the email.

Within 7 working days of meeting with the whistle-blower, the Lead Manager must update the register by notifying the Monitoring Officer of:

- any resolution of the complaint without the need for investigation
- any referral for investigation under another policy
- any decision not to investigate a complaint.
- where investigated, the date of completion of the investigation.
- findings of the investigation
- action taken by the Lead Manager.

### 9. Document retention

All information relating to the report of concerns and its investigation must be retained by the Corporate Director. Any paperwork provided will be stored and/or destroyed in accordance with the CPCA's Data Retention Schedule.

# Whistleblowing Policy

## GOVERNANCE: WHISTLEBLOWING POLICY

**References:**  
Data Retention Schedule

Issue date:	2023
Version number:	1
Review due date:	2026

### Document control sheet

<b>Purpose of document</b>	This document provides useful information on the Whistle blowing process
<b>Type of document</b>	Policy
<b>Document checked by Legal</b>	No
<b>If applicable, has an initial Equality Impact assessment (EIA) been completed?</b>	Yes
<b>Document Lead and Author</b>	HR Team
<b>Dissemination</b>	
<b>What other documents should be read in conjunction with</b>	Document listed in this guidance;
<b>Who will review the document (job title)</b>	HR Team
<b>Why is this document being reviewed</b>	Review of existing Policies and Procedures

### Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved

