

<b>EMPLOYMENT COMMITTEE</b>	<b>AGENDA ITEM No. 4</b>
<b>3 JULY 2014</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Cllr Walsh Cabinet Member for Community Cohesion, Safety and Public Health.	
Contact Officer(s):	Lyn Neely - Acting Head of Human Resources	Tel. (01733) 384500

## CHANGES TO EMPLOYEE POLICIES AND PROCEDURES

R E C O M M E N D A T I O N S	
<b>FROM :</b> Trade Union Representatives	<b>Deadline date :</b> N.A.
<p>It is recommended that Employment Committee agrees to implement the following employment policy and procedures:</p> <ul style="list-style-type: none"> <li>i) (Centrally employed Teacher's) Pay Policy (Appendix 1);</li> <li>ii) (Centrally employed Teacher's) Appraisal Policy (Appendix 2)</li> <li>iii) (Centrally employed Teacher's) Capability Process (Appendix 3)</li> <li>iv) Travel &amp; Subsistence Policy (Appendix 4)</li> <li>v) Overpayments Policy (Appendix 5)</li> <li>vi) Whistleblowing Policy (Appendix 6)</li> </ul>	

### 1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Employment Committee following a referral from members of the Joint Consultative Forum following Education Consultative Forum meetings held on 21 and 30 January 2014. Appendix 4 and 5 were agreed by the trade unions on 3 June 2014.

### 2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to ensure that the Council maintains up to date and legal employment policies.
- 2.2 This report is for the Committee to consider under its Terms of Reference No. 2.3.1.2 'to determine employee procedures, including dismissal procedures' and 2.3.1.4 'to determine local terms and conditions of employment for employees'.

### 3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	N/A
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## **4. BACKGROUND**

**4.1** The council directly employs teachers at Clare Lodge, in the Access & Inclusion (Neurodevelopment) team and the Pupil Referral Unit. The terms and conditions of employment for teachers are nationally agreed and are set out in the School Teachers Pay & Conditions document (STPCD) 2013. September 2013 was the last time that annual pay increments are automatically awarded to teachers. Revised pay progression arrangements will come into force applicable from appraisal targets set in the 2013 autumn term. Pay progression will be linked to performance with the first annual performance related pay increases being awarded where applicable in September 2014. Due to this there is a requirement for the council to have a clearly set out policy in respect of pay, appraisal and capability for its centrally employed teachers.

**4.1.1** The policies apply to all centrally employed employees in a teaching role including Assistant, Deputy, and Head Teachers.

### **4.1.2 Pay Policy**

This policy sets out how the council will take decisions on teachers' pay. It proposes that the council will retain the previous national pay ranges for three years and will apply any nationally negotiated inflationary increases. A pay review committee will ensure that decisions regarding payments are taken fairly and consistently in accordance with the pay policy. This will be chaired by the Assistant Director – Education who will be supported by a senior member of staff in the education team and an HR representative. The policy will be reviewed again in September 2014.

### **4.1.3 Appraisal Policy**

This policy details the framework for a clear and consistent assessment of the teachers' performance. This follows the principles of the STPCD (2013).

### **4.1.4 Capability Policy**

This details the process that would be followed in the event that there are serious concerns raised about the employee's performance that have not been addressed by the appraisal process. This follows the principles of the STPCD (2013).

## **4.2 Travel & Subsistence Policy**

This policy has been updated to include the revised procedure for claiming mileage, and the new salary limit for key user applications. Currently the council uses the HMRC rate for payment of business mileage below 10,000 miles per year. It is proposed that the council moves to the HMRC rates for payment of all mileage expenses. This will ensure consistency and transparency.

## **4.3 Overpayments Policy**

There has not been a policy in place which outlines how overpayments will be recovered from existing and ex-employees. This policy makes clear what is expected of employees when an overpayment arises, and the process that will be followed to ensure that it is recovered in a timely manner.

## **4.4 Whistleblowing Policy**

This policy has been updated in light of the Enterprise and Regulatory Reform Act 2013 which introduced the public interest requirement i.e. the whistle blower must reasonably believe that their disclosure is in the public interest to ensure that the provisions of the Public Interest Disclosure Act apply. Previously it had to be made in good faith. The policy also sets out how the council will respond to confidential/anonymous allegations and also vexatious/malicious allegations.

## **5. CONSULTATION**

- 5.1 The education unions were consulted at meetings on 21 January 2014. The joint trade unions were consulted at meetings on 30 January 2014 and 3 June 2014.

## **6. ANTICIPATED OUTCOMES**

- 6.1 Implementation of these policies will ensure that the centrally employed teachers are fully aware of how pay and appraisal will be managed going forward. All employees will understand the position regarding business travel claims and also their obligations in respect of any overpayment.

## **7. REASONS FOR RECOMMENDATIONS**

- 7.1 To ensure that the council operates within the STPCD (2013).
- 7.2 To move forward with improved HR policies

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 The policies were considered against:
- (a) those published by some other local government employers; and trade unions
  - (b) the STPCD (2013)

## **9. BACKGROUND DOCUMENTS**

- 9.1 School Teachers' Pay & Conditions Document 2013
- 9.2 HMRC Travel Mileage and fuel allowances

## **10. APPENDICES**

Teacher's Pay Policy (Appendix 1);  
Teacher's Appraisal Policy (Appendix 2)  
Teacher's Capability Process (Appendix 3)  
Travel & Subsistence Policy (Appendix 4)  
Overpayments Policy (Appendix 5)  
Whistleblowing Policy (Appendix 6)

## TEACHER'S PAY POLICY

### 1. Purpose of the Policy

This policy sets out how the council will take decisions on teachers' pay and how it will use the discretionary powers available to it in the teachers' pay structure. It also sets out the timetable for annual pay reviews, identifies those who have responsibility for decisions on pay and describes the procedure for appeals against pay decisions.

### 2. Aims of the Policy

The council is committed to taking decisions in accordance with the 'key principles of public life' – objectivity, openness and accountability – and to ensuring equality of opportunity for staff and pupils and compliance with discrimination legislation. The council intends that this policy will assist in achieving these objectives.

### 3. Policy Principles

3.1 The pay tables to be used for the September 2013 pay award are the figures set out in the School Teachers Pay & Conditions 2013 document. PCC intend to maintain the main pay range, upper pay range and leadership group pay scale. Details of these can be found at Appendix A.

3.2 Pay decisions will be taken in the context of full consideration of the resources available. This means that pay decisions relating to any given group of staff will not be taken in isolation.

3.3 Employee pay is affected by legislation, and national and local pay agreements, which gives employers significant flexibility to determine pay levels to meet local circumstances. The policy complies with the School Teachers' Pay & Conditions Document 2013 (STPCD) and the accompanying statutory guidance, and these documents will take priority in any disputes. The Policy will be reviewed annually, in consultation with staff and unions.

3.4 The centrally employed teachers staffing structure, setting out the number of teaching posts, allocation of responsibilities to each post and any TLR payment attached to each post, is published as Appendix B to this policy.

3.5 September 2013 is the last time that annual pay increments are awarded to teachers based on their length of service. Revised pay progression arrangements will come into force with effect from appraisal targets set in the autumn term 2013. Pay progression will be linked to performance with the first annual performance related pay increases being awarded where applicable in September 2014.

### 4. Responsibility for Policy

4.1 The council will delegate responsibility in relation to this policy to the Executive Director of Children's Services.

4.2 The pay policy will be set and reviewed by the Executive Director of Children's Services in conjunction with members of the Education Consultative Negotiating Forum. Formal agreement will be sought at JCF and Employment Committee. Appeals from

individuals about the application of the pay policy will be dealt with by the pay review committee. Terms of reference for the pay review committee are detailed at Appendix C

4.3 Heads of Service should ensure the operation of effective performance management reviews and pay progression decisions within their service, and to recommend the pay and grading of leadership posts.

4.4 Head Teacher should ensure the operation of effective performance management and pay progression decisions within their schools and make decisions on starting salaries and recommendation on pay progression below leadership post level

4.5 The HR Business Partner is available to advise on any aspect of managing and implementing the pay policy and adopting appropriate structures within teams/service areas.

## **5. Pay Assessments**

Annual pay assessments will be carried out for all teachers with effect from 1 September each year according to the statutory provisions and the criteria set out in this policy.

Assessments will be carried out at the earliest possible opportunity and in all cases no later than 31 October or, in the case of the head teacher, 31 December and backdated to 1 September. Assessments may be carried out at other times where appropriate according to the terms of the STPCD.

All teachers will be provided with a written statement following the annual pay assessment setting out their total pay entitlements, including pay scale position and any additional payments, together with the reasons for any pay decisions taken.

Any nationally agreed inflationary increases will be applied.

## **6. Teachers Pay**

The council will allocate pay scale points for teaching experience according to the mandatory requirements of the STPCD. These points are permanent\*. Once allocated, experience points cannot be taken away, regardless if they are mandatory or discretionary and whether the teacher stays in the same school or moves to another school.

\*Unless in exceptional circumstances the salary assessment made by a previous employer was clearly over generous in relation to the teacher's experience.

From 1 September 2013 there will be no national ranges for main scale or upper pay scale posts. The city council will retain the Main Scale at 6 points and the Upper Pay Scale at 3 points and Leadership pay scales L1 to L43 for the period from 1.9.13.-31.8.15.

Pay progression will be linked to performance.

Any teacher who completes their probationary year successfully will be entitled to pay progression from 1 September of the following year.

The council will not exercise its discretionary power to allocate additional scale points on the main scale for "excellent" performance.

The council will not exercise its discretionary power to award additional payments to eligible staff who participate in:

- In-service training undertaken at weekends and school holidays;
- out of school learning activities;
- activities related to the provision of Initial Teacher Training.

The council will exercise its discretionary power to withhold scale points on the main scale for “inadequate” performance. Any case of alleged unsatisfactory performance will be dealt with according to the council’s agreed capability procedures for teachers.

Newly Qualified Teachers in their first year will normally be paid on the minimum of the main pay range.

## 7. Part time Teachers

Teachers who work less than a full day or week are deemed to be part-time. The proportion of full-time will be calculated in accordance with the Teachers Pay & Conditions Document:

Teacher’s timetabled teaching time  
----- = part-time percentage  
School’s timetabled teaching time

Part-time teachers will be expected to work a corresponding proportion of directed time and will receive a corresponding proportion of a full- time salary

## 8. Unqualified Teachers Pay

The council may pay unqualified teachers who are on one of the employment based routes into teaching in accordance with the provisions for qualified teachers set out above. This will be dependent on their qualifications and experience.

The council will pay other unqualified teachers on the unqualified teachers scale. Their scale point will take account of relevant experience (on the same basis as for qualified teachers). An appropriate unqualified teacher’s allowance will be paid where additional responsibilities merit this. Performance based progression will apply to unqualified teachers from September 2013.

An unqualified teacher who becomes qualified will be transferred to the main pay range for teachers. If on obtaining qualified status the teacher remains in the same school, the teacher will be paid a salary which is the same as or higher than their status as an unqualified teacher.

## 9. Upper Pay Scale & Leadership

The council will take decisions on Upper Pay Scale (UPS) and Leadership Spine progression according to the STPCD’s statutory provisions. The council will not adopt any additional criteria beyond the STPCD’s statutory criteria of ‘substantial and sustained contribution’ and ‘sustained high quality performance’ respectively and the accompanying statutory guidance. The council will ensure that decisions on UPS and Leadership Spine progression are taken within the context of the council’s approach to pay policy.

Decisions on UPS and Leadership Spine progression will be taken by the Pay review committee for teachers on behalf of the council, following consideration of the

recommendation of the performance management reviewer/ head teacher / assistant director.

The timetable for performance management reviews will be such as to allow the council to meet its obligation to complete pay assessments by 31 October or for the head teacher by 31 December.

The written statement to teachers following their annual pay assessments will set out the reasons for any decision in respect of UPS or Leadership Spine progression.

## **10. Deputy, Assistant Head teacher & Head teacher**

**Deputy and Assistant Head teachers** will be paid within a five point range on the Leadership Pay Range.

**Head teachers** will be paid within a seven point Individual Salary Range (ISR) within the Leadership Pay Range.

## **11. Performance Pay Progression Main. Unqualified. Upper Pay ranges**

The Council's performance management processes are intended to support teachers' professional development. Performance management objectives will be set in accordance with that intention.

Pay progression determinations will be annual for those on the main and unqualified Pay ranges, and upper pay range.

Decisions regarding pay progression within the relevant ranges will be made with reference to teachers' performance management statements and the pay recommendation they contain. In the case of newly qualified teachers, whose appraisal arrangements are different, pay decisions will be made by means of the statutory induction process.

The Council expects all teachers to perform at the highest possible level and to continue to improve their professional practice year on year. Performance management objectives will be progressive and developmental; thereby ensuring that good performance is rewarded and that good teachers have the opportunity over a number of years, to progress to the maximum of their respective pay range.

Decisions on performance pay progression will be based on an assessment of the overall performance of the teacher.

A teacher will be eligible for annual performance pay progression where they:

- 1) Have been assessed as meeting all of the teaching standards and/or where relevant, the national standards for SEN specialist teachers', throughout the assessment period;
- 2) Have been assessed as meeting the requirements of their job description/job role;
- 3) Meet their individual performance management objectives; Consideration will be given where factors beyond the teacher's control have impacted on their ability to meet objectives;
- 4) Have demonstrated a personal responsibility for identifying and meeting their CPD needs.

The evidence (as relevant to their role) which will be considered in assessing performance will include:-

- pupil progress data;
- quality of teaching against relevant Standards, including observed practice;
- self-assessment;
- professional dialogue;
- received feedback;
- performance management statements;
- CPD records.

Where a teacher has been absent for some or all of the assessment period, an assessment will be based on performance during any periods of attendance and/or prior performance.

Where the performance pay progression criteria in 11.0 are **not** met, the teacher will not receive any performance pay progression. A decision not to award performance pay progression may be made without recourse to capability procedures. However, teachers who fail to meet the minimum teaching standards and/or who consistently fail to improve their practice or to sustain the expected level of performance for their pay level, may be subject to these procedures.

Where a decision not to progress is made, the teacher will be supported through the performance management process to improve their performance.

Any qualified teacher on the main pay range may apply to be paid on the upper pay range once per year. It is the responsibility of the teacher to decide whether or not they wish to submit an application. Applications must be submitted by 31 October in each year (consideration will be given to accepting late applications where individual circumstances e.g. absence prevent this deadline being met).

An application will be successful, if the line manager is satisfied that:

- the teacher is highly competent in all elements of the general, and/or, where relevant, the specialist, teaching standards; and,
- the teacher's achievements and contribution to the service are substantial and sustained.

This means that the teacher has consistently:

- demonstrated that they meet all the relevant teaching/specialist standards, over a sustained period;
- been assessed as meeting their performance management objectives over a sustained period;
- demonstrated that they have made an impact on the wider service over a sustained period. This may include:-
  - demonstrating an ability to coach, mentor, advise and demonstrate best practice to, other teachers to enable them to improve their practice;
  - contributing to service development planning which has improved service delivery;
  - where the teacher has consistently taken responsibility for identifying and meeting their own professional development needs and used their learning to improve their own practice;
  - where the teaching has been rated as good overall, with some outstanding, over a sustained period;
  - where the teacher has demonstrated over a sustained period an ability to support some pupils to exceed expected levels of progress/achievement



The line manager will assess all applications to be paid on the upper pay range and will use the evidence contained in the teachers' most recent performance management reviews to make their assessment. The assessment will be considered by the pay review committee for final authorisation.

A teacher may provide their performance management review statement(s) from their previous employment with their application and may, if they wish, provide additional evidence to support their application, but is not obliged to do so.

## **12. Performance Pay Progression - Leadership Pay ranges**

The Executive Director of Children's Services (DCS) will determine the appropriate individual salary range for all posts on the leadership pay ranges in accordance with the School Teachers' Pay and Conditions Document. This authority can be delegated. Final authorisation of individual's salary grades will be considered by the teachers' pay review committee.

The Executive Director of Children's Services or Assistant Director, with the input of a specialist advisor will seek to agree performance objectives annually with the post holder(s) relating to leadership and management and pupil progress, and in default of agreement the DCS will set such performance objectives.

Further progression on the leadership pay scale will be subject to the post holder demonstrating a sustained high quality of performance having regard to the most recent performance management review. Determination on progression on the leadership scale will be made in accordance with the arrangements outlined in Appendix A of this Policy. To achieve progression on the leadership pay scale, the STPCD requires individuals to have demonstrated sustained high quality performance. In making judgements against this criterion and in determining whether there should be progression the reviewer will consider whether the individual has grown professionally by developing their leadership; and (where relevant), teaching expertise.

In considering whether there has been professional growth, the assistant director, with appropriate professional advice as required, will consider whether the following description of a person on the leadership scale has been met:-

- Those on the leadership spine play a critical role in the life of the service.
- They inspire those around them and work with others to create a shared strategic vision which motivates pupils and staff.
- They take a lead in enhancing standards of teaching and learning, and value enthusiasm and innovation in others
- They have confidence and ability to make management and organisational decisions and ensure equity, access and entitlement to learning.

To achieve progression (and for the above to be satisfied), there will need to have been a successful performance management review.

A successful performance management review involves a process of:-

- a. Performance Management objectives;
- b. Performance against the teaching standards including observed practice;
- c. Other evidence.

## 13. Other allowances

### RECRUITMENT AND RETENTION PAYMENTS

The council reserves the right to make recruitment and retention payments to teachers where it deems such payments to be necessary in response to local recruitment and retention difficulties. Any use of such payments will be on the basis of clearly defined criteria determined by the council from time to time, set out in an Appendix A to this policy and applied on a non-discriminatory basis.

### ACTING ALLOWANCES

Where classroom teachers are required to act as head teacher, deputy head teacher or assistant head teacher for a period in excess of four weeks, they will receive additional allowances in order that their pay is equal to that of the substantive post holder.

Payment of acting allowances will be backdated to the day the teachers assumed those duties. No pressure, direct or indirect, will be placed on teachers to act up, acting up is voluntary on their part.

### CPD, OUT-OF-SCHOOL HOURS LEARNING & ITT ACTIVITY

The council will make payments to all teachers, including leadership group teachers, in respect of time spent undertaking continuing professional development (CPD) outside the school day, out-of-school-hours learning activities and initial teacher training (ITT) activities.

These payments will be at a daily or hourly rate calculated with reference to each teacher's actual pay spine position or, where appropriate and following consideration by the head teacher, at a higher level reflecting the responsibility and size of commitment.

The council recognises that these activities are entirely voluntary in nature and that some teachers' commitments will make it difficult for them to undertake such activities. The council will not in any way seek to curtail the freedom of teachers to choose whether or not to be involved in the delivery of such activities. Where teachers cannot attend CPD organised outside the school day, the school will endeavour to offer suitable alternative training arrangements within directed time in line with its commitment to equal opportunities.

### SPECIAL EDUCATIONAL NEEDS ALLOWANCE

There is one special needs allowance consisting of a minimum and maximum amount which may be paid to teachers on the main and upper pay ranges.

## 14. Teaching & Learning Responsibility (TLR) Payments

The council will allocate TLR payments to classroom teachers who occupy posts of additional responsibility in accordance with the statutory provisions of the STPCD and the provisions of the organisational structure. The structure will identify those posts to which TLR payments are attached and the levels and values of those payments. The following framework will be used:-

TLR2a	£2,561	TLR1a	£7,397
TLR2b	£4,231	TLR1b	£9,561
TLR2c	£6,259	TLR1c	£12,517

A third fixed-term TLR (TLR3) may be awarded to a teacher for clearly defined time limited improvement projects. The annual value of an individual TLR3 must be no less than £505

and no greater than £2,525. A teacher in receipt of a TLR1 or TLR2 can be awarded a concurrent TLR3.

These values are effective from 1 September 2013 and will be increased in future as required by the STPCD.

The council recognises that TLR payments may only be allocated on a temporary basis where teachers' are undertaking on a temporary basis the responsibilities of posts to which TLR payments are attached.

The council will ensure that decisions on the allocation of TLR payments, as with other allowances, are made in the context of the council's approach to the principles of equal pay.

## **15. Safeguarding**

The council will ensure appropriate salary protection/safeguarding for teachers in accordance with the STPD.

Employees in receipt of safeguarding will be expected to undertake commensurate work.

## **16. Budget**

The amount of money allocated to implementing the Pay Policy will be determined at the beginning of each financial year through the budget allocation process of the service. The council will endeavour to ensure that appropriate funding is allocated for performance pay progression at all levels.

## **17. Equalities**

The Council recognises the principle of equal pay for work of equal value in the implementation of this policy. The Council will take into account the salaries payable in comparable establishments where possible in setting pay levels.

All pay related decisions will be taken in accordance with relevant equalities legislation including: Employment Relations Act, Part-time Workers and Fixed-term Employee Regulations. Appropriate consideration will be given where staff have been absent for long periods e.g. due to sickness or maternity leave.

## **18. Review**

The Council will monitor the outcome and impact of this policy annually to assess its effect and continued compliance with equalities legislation. The effect of the policy will be assessed particularly with reference to trends in progression across specific groups of teachers and the correlation between this and performance management reviews and outcomes for pupils.

The pay of individual staff will remain confidential – shared only with those responsible for making pay decisions and managing administrative matters.

## **19. Performance Review Outcomes**

Pay recommendations will be contained within Performance Management Review Statements and these will be discussed with employees at the review meeting. Where an employee has concerns about the pay recommendation they should include these on the review statement.

A teacher may lodge an appeal if they take the view that the council:

- incorrectly applied the provisions of the STPCD / national / local terms and conditions
- failed to have proper regard for statutory guidance;
- failed to take proper account of relevant evidence and/or took account of irrelevant or inaccurate evidence;
- were biased; or otherwise unlawfully discriminated against the employee

All appeals should be considered by the teachers' pay review committee.

## Pay Scales for Teachers pay 2013

## Appendix A

The council intends to maintain and implement the pay scales as applicable.

Set out below are teachers' pay scales from 1 September 2013 for each of the four pay areas: England and Wales generally (E&W); Inner London; Outer London; and the Fringe Area.

### PAY STRUCTURE FOR QUALIFIED TEACHERS 1/9/2013 – 31/8/2014 (Other than leadership group members and leading practitioners)

<b>Main Pay Range</b>	<b>England &amp; Wales 1 Sept. 2013 £ p.a.</b>	<b>Inner London 1 Sept. 2013 £ p.a.</b>	<b>Outer London 1 Sept. 2013 £ p.a.</b>	<b>Fringe Area 1 Sept. 2013 £ p.a.</b>
M1 minimum	21,804	27,270	25,369	22,853
<i>M2</i>	23,528	28,693	26,941	24,575
<i>M3</i>	25,420	30,188	28,609	26,466
<i>M4</i>	27,376	31,761	30,381	28,428
<i>M5</i>	29,533	34,204	32,957	30,581
M6 maximum	31,868	36,751	35,468	32,914
<b>Upper Pay Range</b>	<b>England &amp; Wales £ p.a.</b>	<b>Inner London £ p.a.</b>	<b>Outer London £ p.a.</b>	<b>Fringe Area £ p.a.</b>
U1 minimum	34,523	41,912	37,975	35,571
<i>U2</i>	35,802	43,972	39,381	36,848
U3 maximum	37,124	45,450	40,838	38,173

(Note - Points M2-M5 and U2 are not now mandatory points)

## **Leading Practitioners Pay Range**

### England and Wales

Minimum      £37,836  
Maximum      £57,520

### Inner London

Minimum      £44,986  
Maximum      £64,677

### Outer London

Minimum      £40,838  
Maximum      £60,525

### Fringe Area

Minimum      £38,878  
Maximum      £58,565

## **Additional Payments & Allowances**

### **Teaching & Learning Responsibility (TLR) Payments**

£  
TLR 3 minimum      505  
TLR 3 maximum      2,525  
TLR 2 minimum      2,561  
TLR 2 maximum      6,259  
TLR 1 minimum      7,397  
TLR 1 maximum      12,517

### **Special Educational Needs (SEN) Allowance**

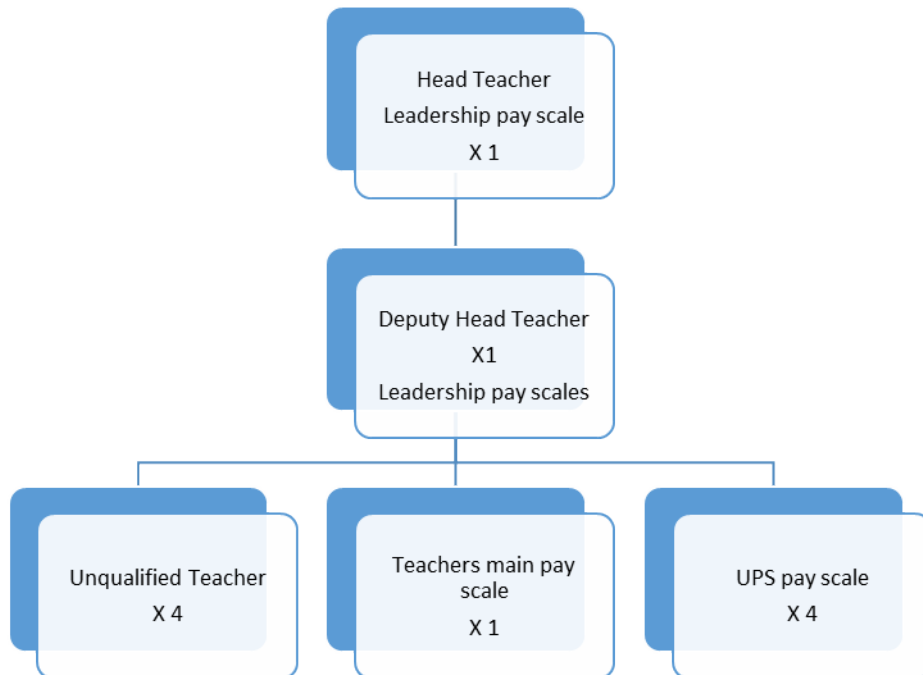
£  
SEN Range  
Minimum              2,022  
Maximum              3,994

**PAY SPINE FOR THE LEADERSHIP GROUP 1/9/2013 – 31/8/2014**

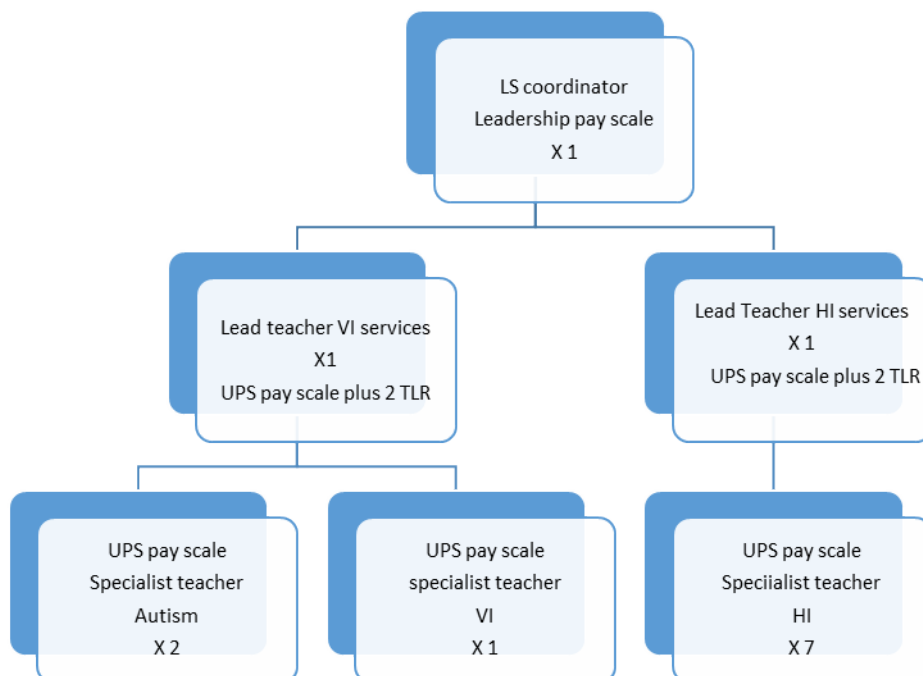
Spine Point	1 September 2013			
	£ p.a. England &Wales	Inner London	Outer London	Fringe Area
L1	37,836	44,986	40,838	38,878
L2	38,784	45,938	41,787	39,828
L3	39,752	46,910	42,752	40,795
L4	40,743	47,898	43,748	41,790
L5	41,757	48,917	44,762	42,806
L6	42,803	49,961	45,805	43,851
L7	43,957	51,117	46,961	45,006
L8	44,971	52,128	47,974	46,013
L9	46,094	53,248	49,096	47,140
L10	47,277	54,433	50,282	48,323
L11	48,505	55,656	51,503	49,547
L12	49,622	56,779	52,628	50,671
L13	50,863	58,020	53,869	51,912
L14	52,131	59,287	55,129	53,177
L15	53,429	60,580	56,428	54,470
L16	54,849	62,006	57,850	55,896
L17	56,109	63,267	59,112	57,162
L18	57,520	64,677	60,525	58,565
L19	58,946	66,103	61,952	59,992
L20	60,408	67,564	63,412	61,458
L21	61,901	69,059	64,907	62,955
L22	63,440	70,596	66,440	64,488
L23	65,011	72,162	68,012	66,054
L24	66,623	73,780	69,624	67,673
L25	68,279	75,433	71,281	69,323
L26	69,968	77,122	72,970	71,018
L27	71,701	78,853	74,702	72,746
L28	73,480	80,634	76,483	74,523
L29	75,300	82,457	78,301	76,349
L30	77,174	84,330	80,175	78,217
L31	79,081	86,238	82,087	80,130
L32	81,047	88,201	84,048	82,096
L33	83,061	90,216	86,066	84,110
L34	85,114	92,270	88,119	86,163
L35	87,229	94,386	90,231	88,279
L36	89,390	96,543	92,388	90,436
L37	91,612	98,771	94,616	92,658
L38	93,878	101,032	96,881	94,925
L39	96,166	103,319	99,167	97,209
L40	98,566	105,726	101,571	99,616
L41	101,029	108,190	104,034	102,076
L42	103,560	110,714	106,558	104,609
L43	106,148	113,303	109,151	107,199

**Organisational Structure  
Clare Lodge**

**Appendix B**



**Organisational Structure  
Access & Inclusion Neurodevelopment**

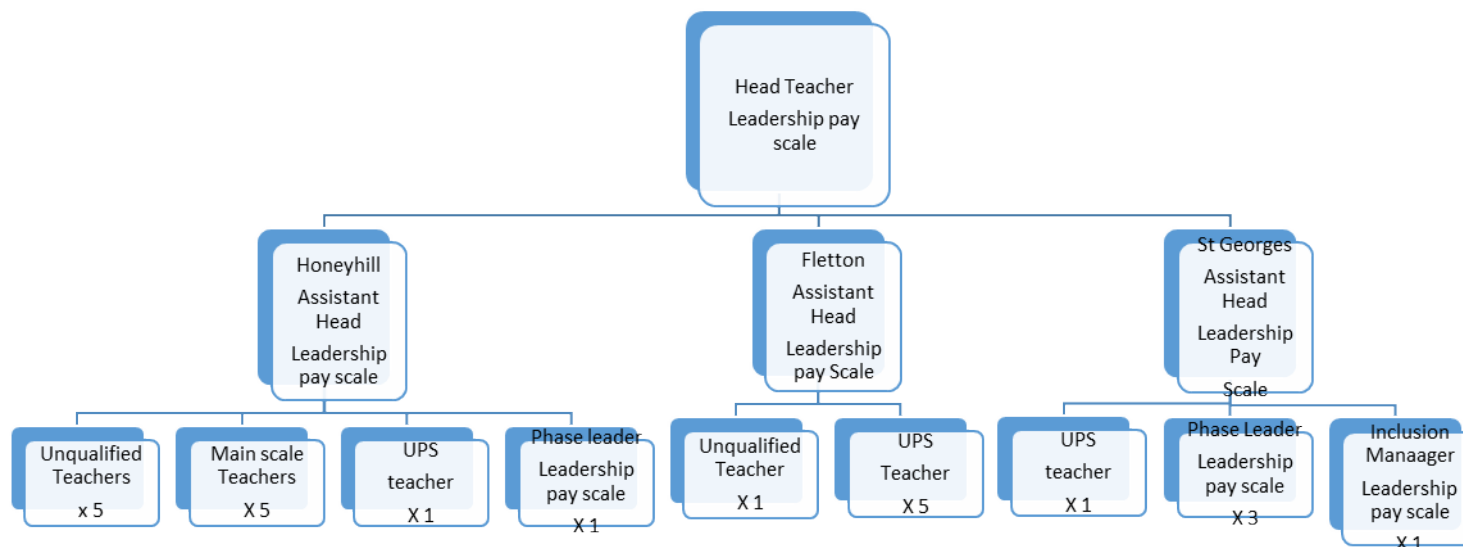




# Organisational Structure

## Pupil Referral Unit

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The Pay Review Committee will comprise of:

Assistant Director – Education, Specialist Advisor (normally Head of Service School Improvement), HR Manager (or representative).

In cases of pay progression for head teachers a member of a board of governors from an external school may be seconded to the panel.

### **Establishment of the Policy**

The Pay Review Committee is responsible for reviewing the pay policy, in consultation with trade union representatives that make up ECNF, and for submitting it to the JCF.

### **Monitoring and Review of the Policy**

The Pay Review Committee is responsible for:

- considering an annual report, including statistical information regarding decisions taken in accordance with the terms of the policy;
- Reviewing the pay policy, in consultation with trade union representatives that make up ECNF and for submitting it to the JCF.

### **Application of the Policy**

The Assistant Director is responsible for:

- ensuring that pay recommendations for head teacher posts are made and submitted to the Pay Committee in accordance with the terms of the policy;
- advising the Pay Committee on its decisions; and
- ensuring that head teachers are informed of the outcome of decisions of the Pay Review Committee and of the right of appeal.

The Head Teacher is responsible for:

- ensuring that pay recommendations for the deputy and assistant head teacher(s) and classroom teachers are made and submitted to the Pay Review Committee in accordance with the terms of the policy;
- advising the Pay Review Committee on its decisions; and
- ensuring that teachers are informed of the outcome of decisions of the Pay Review Committee and of the right of appeal.

The Pay Review Committee is responsible for:

- taking decisions regarding the pay of deputy and assistant head teacher(s) and classroom teachers following consideration of the recommendations of the head teacher and pay reviewers;
- taking decisions regarding the pay of the head teacher following consideration of the recommendations of the assistant director responsible for the head teacher's performance review;
- submitting reports of these decisions to the Executive Director; and
- Ensuring that the head teacher is informed of the outcome of the decision of the Pay Review Committee and of the right of appeal.

The Appeals Committee of the Pay Review Committee is responsible for:

- taking decisions on appeals against the decisions of the Pay Review Committee in accordance with the terms of the appeals procedure applicable to the policy.

The arrangements for considering appeals are as follows:

Teachers may appeal against any decision in relation to their pay, or any other decision taken by the Pay Review Committee that affects their pay. The teacher may appeal if they take the view that:-

- a) there was incorrect application of any provision of the STPCD;
- b) proper regard for statutory guidance was not upheld;
- c) relevant evidence was not considered;
- d) irrelevant or inaccurate evidence was considered;
- e) the process was biased; or
- f) there was unlawful discrimination against the teacher.

The process is as follows:-

1. The teacher receives written confirmation of the pay decision and where applicable the basis on which the decision was made.
2. If the teacher is not satisfied, he/she should seek to resolve this informally by discussing the matter initially with the decision-maker within ten working days of the decision.
3. Where this is not possible, or where the teacher continues to be dissatisfied, he/she may commence a formal appeal process.
4. The teacher should set down in writing the grounds for questioning the pay decision. The basis of the appeal should fall within one of the criteria above. The appeal should then be sent to the person (or committee) who made the decision either
  - Within ten working days of receipt of the decision
  - Or
  - Within ten working days of the end of the informal appeal decision
5. The committee or person who made the decision should organise a hearing within ten working days of the appeal letter being received. This will allow the teacher the opportunity to make representations in person. Following the hearing the employee should be informed in writing of the outcome and the right to appeal within five working days.
6. If the teacher appeals then the appeals panel will consist of:-  
An Assistant Director not involved in the original decision  
A member of an external board of governors, or a senior manager  
An HR Manager or their representative

The appeal committee will normally meet with the appellant within 20 working days of the receipt of the written appeal notification and give the teacher the opportunity to make representations in person. The decision of the appeal panel will be given in writing, and where the appeal is rejected will include a note of the evidence considered and the reasons for the decision. The decision is final and there is no recourse to the staff grievance procedure.

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## Appraisal Policy Teachers

These guidelines are to provide helpful information to assist the appraisal of teachers and are not intended to amount to legal advice.

### 1.0 Introduction

This policy applies to centrally employed teachers and head teachers. It sets out the framework for a clear and consistent assessment of the overall performance of employees covered by teacher's terms and conditions of employment. It does not cover those on contracts of less than one term, or those undergoing induction.

The appraisal process is designed to be a supportive and developmental process to ensure that all employees have the skills and support they need to carry out their role effectively. It will help to ensure that all employees are able to continue to improve their professional/employment practice and to develop in their respective roles. The grievance policy and appeals policy would apply where the teacher was not satisfied with the application of this policy.

This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation. We may also vary any parts of this procedure, including any time limits, as appropriate in any case.

### 2.0 Review period

**The appraisal period will run for twelve months** from 1 September 2013 to 31 August 2014. This policy will be reviewed in September 2014.

Employees who are employed on a fixed term contract of less than one year will have their performance managed in accordance with the principles underpinning this policy. **The length of the review period will be determined by the duration of their contract.**

### 3.0 Appraisal principles

#### 3.1 Appraiser

**Head teachers will be appraised by the Assistant Director or Head of Service supported by a suitably skilled and/or experienced adviser who has been appointed for that purpose.** All other teachers will be appraised by their head teacher or line manager.

#### 3.2 Objective setting

**Head teacher's objectives will be set by the Assistant Director or Head of Service after consultation with the external adviser.**

**Objectives for each employee covered by the policy will be set before, or as soon as practicable after, the start of each appraisal period.** The objectives set will be Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the employee's role and level of experience. The appraiser and employee will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. Objectives may be revised if circumstances change.

**The objectives set for each employee will, if achieved, contribute to the local authority's plans for improving school's educational provision and performance and improving the educational opportunities of pupils.**

### 3.3 Appraisal Standards

**Before, or as soon as practicable after, the start of each appraisal period, a teacher will be informed of the standards against which that teacher's performance in that appraisal period will be assessed.** Each teacher will be assessed against the set of standards contained in the document "Teachers' Standards" published in July 2011 and any subsequent amendment thereof or any other document relevant to them.

### 3.4 Class Room Observation

The local authority believes that observation of classroom practice and other responsibilities is important both as a way of assessing performance in order to identify any particular strengths and areas for development they may have and of gaining useful information which can inform school improvement more generally. Any observation will be carried out supportively. The amount of classroom observation will depend on individual circumstances. Classroom observation of teachers will be carried out by managers who are qualified teachers.

Employees who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

In addition to formal observation, the head teacher or other managers with responsibility for teaching standards may "drop in" in order to evaluate the standards of teaching and to check that high standards of professional performance are established and maintained. The length and frequency of "drop in" observations will vary depending on specific circumstances.

Employees will receive constructive feedback on their performance throughout the year and as soon as practicable after an observation has taken place or other evidence has come to light. Feedback will highlight particular areas of strength as well as any areas that need attention.

### 4.0 Formal Assessment

**The performance of each employee covered by the appraisal policy will be formally assessed in respect of each appraisal period.**

**In assessing the performance of the Head Teacher, the Assistant Director or Head of Service must consult the external adviser.**

This assessment is the end point to the annual appraisal process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the year in interim meetings which will take place at least once a term.

**The employee will receive as soon as practicable following the end of each appraisal period, and have the opportunity to comment in writing on a written appraisal report.**

Teachers will receive their written appraisal reports by 31 October (31 December for the head teacher). The appraisal report will include:

- details of the employee's objectives for the appraisal period in question;
- **an assessment of the employee's performance of their role and responsibilities against their objectives and, for teachers, against the relevant teacher standards;**
- **an assessment of the employee's training and development needs and identification of any action that should be taken to address them.** The assessment of performance and of training and development needs will inform the planning process for the following appraisal period.
- **a recommendation on pay where that is relevant.** Pay recommendations will be made by 31 December for head teachers, by 31 October for other teachers back dated to 1 September.

### 5.0 Requirement to improve

Where there are concerns about any aspects of the employee's performance the appraiser will meet with the employee to:

- Provide clear information and evidence about the areas of concern;
- Allow the employee the opportunity to comment and discuss the concerns and establish the likely causes of poor performance and identify any training needs/support needed (e.g. coaching, monitoring, structured observation) ;

- Clarify the required standards and agree any support (e.g. coaching, mentoring, structured observations), that will be provided to help address those specific concerns;
- Outline how and when the appraiser will review progress
- Revise objectives if appropriate
- Explain the implications and process if improvement is not made
- Record the outcomes and pass a copy of the appraisal record to the employee

Any subsequent meetings should also follow this process. The appraiser will record their concerns, the support given and the decision following the review. A copy of this appraisal record will be given to the employee. If required, this will inform any decision on transition to the capability procedure.

## **6.0 Unsatisfactory progress**

If the appraiser, is not satisfied with progress, the employee will be notified in writing that the appraisal system will no longer apply and that his/her performance will be managed under the capability procedure.

## **7.0 When this policy will not apply**

In serious cases of gross negligence, or in any case involving an employee who has not yet completed their probationary period, dismissal without previous warnings may be appropriate.

## Capability Procedure Teachers

These guidelines are to provide helpful information to assist the assessment of teacher's performance and are not intended to amount to legal advice.

### 1.0 Introduction

This procedure applies to centrally employed teachers and head teachers. It will be invoked where there are serious concerns about the employee's performance that the appraisal process has been unable to address.

This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation. We may also vary any parts of this procedure, including any time limits, as appropriate in any case.

### 2.0 Review period

This policy will be reviewed in September 2014.

### 3.0 Capability Process

#### 3.1 Before the meeting

When the line manager decides that the concerns highlighted in the appraisal have not been addressed and there is no improvement then the employee will be invited to a formal capability meeting to discuss the identified poor performance as specifically as possible.

The line manager will write to the employee at least 5 working days in advance of the meeting to confirm:

- a) the date, time and place of the meeting.
- b) sufficient details of the concerns about the employee's performance and the possible consequences to enable the teacher to prepare to answer the case
- c) the employee's right to be accompanied by a companion who may be a colleague, a trade union official or a trade union representative who has been certified by their union as being competent.
- d) the titles of any documents to be used at the meeting. Copies must be enclosed.
- e) the names of any witnesses to be called
- f) that they have the right to call witnesses on their behalf.
- g) the name and position of any advisor who will accompany the senior manager at the meeting.

An extra copy, together with any enclosures, will be provided for the employee's companion.

#### 3.2 At the meeting

The meeting is intended to establish the facts. It will be conducted by a senior manager delegated by the head teacher (or the assistant director / head of service for head teacher). The meeting will allow the employee to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

The senior manager may conclude that there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address the remaining concerns through the appraisal process. In such cases, the capability procedure will come to an end.

The senior manager may also adjourn the meeting if it is decided that further investigation is needed, or that more time is needed in which to consider any additional information. In other cases, the meeting will continue.

During the meeting, or any other meeting which could lead to a formal warning being issued, the senior manager will:

- In the case of a teacher, identify the poor performance, including which of the standards expected of the teacher is not being met;
- Ensure the employee is given an opportunity to ask questions, present evidence, call witnesses, respond to evidence and make representations;
- Establish the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement;
- Give clear guidance on the improved standard of performance needed to ensure that the employee can be removed from formal capability procedures which may include the setting of new objectives focused on the specific area/s of poor performance that need to be addressed. It will include any success criteria that are appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made;
- Identify whether there are further measures which may improve performance and explain any support that will be considered and planned to help the employee, e.g. in-service training, visits to other schools, discussion with appropriate colleagues or professionals;
- Set out the timetable for improvement and explain how performance will be monitored and reviewed. The review period should ideally be for no more than 8 weeks. In serious cases this procedure can be shortened to 4 weeks where the education, health or wellbeing of children is in jeopardy
- The timetable will depend on the circumstances of the individual case but will be reasonable and proportionate, between four and eight weeks in normal circumstances, and will provide sufficient opportunity for improvement to take place. The length of time required will depend on the concerns raised with the employee, the nature of any support and training required, and sufficient time to establish whether performance has improved; and W
- Warn the employee formally that failure to improve within the set period could lead to a final written warning which could then lead to his/her dismissal. In very serious cases this warning may be the final warning.
- Inform the employee of the right of appeal
- Agree with the employee and any companion the date of the formal review meeting

Notes will be taken of formal meetings and a copy sent to the employee and any companion. Where a first warning is issued, the employee will be informed in writing of the matters discussed. The letter will also state that failure to achieve an acceptable standard of performance (within the set timescale), may result in a final written warning which could then lead to dismissal if wholly satisfactory performance is not achieved. The letter will set the time limit for appealing against the first written warning.

If the concerns relate to a lack of capability that poses a risk to the health, safety or well-being of children, or is likely to result in serious damage to pupils' education, the senior manager may exceptionally decide to issue a first and final written warning.

#### **4.0 Sickness absence**

It is important that sickness absence should not delay or avoid the use of formal capability procedures. It is in the interests of all parties to address concerns about performance without undue delay. Arrangements will normally be made to seek medical advice from an occupational health adviser to assess the employee's health and fitness for continued employment.

Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, including changing the employees duties or providing additional equipment or training. The council may also consider making adjustments to this procedure in appropriate cases e.g moving from this procedure to the Attendance Policy.

If an employee's medical condition is not serious enough to warrant a consideration of termination of employment on the grounds of ill health, the occupational health adviser will normally be asked to assess whether an employee absent through sickness is fit enough to attend a meeting under this procedure. In the event that the employee is deemed not fit to attend a formal capability meeting then they may present a written submission for consideration and/or be represented by a companion in their absence.



## 5.0 Formal Review meeting

A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. Following this monitoring and review period, the employee will either:-

- be invited to a formal review meeting,
- or be invited to a decision meeting (see paragraph 7 below). This will apply if they had been issued with a final written warning at the capability meeting.

At least 5 working days notice will be given for a formal review meeting. The letter will provide the time and place of the meeting and will advise the teacher of their right to be accompanied by a companion who may be a colleague, a trade union official or a trade union representative who has been certified by their union as being competent.

The formal review meeting will follow a similar procedure to that identified for the formal capability meeting as set out in paragraph 3.2 above.

If the senior manager (or assistant director for the head teacher) is satisfied that the employee has made sufficient improvement, the formal capability procedure will cease and the appraisal process will re-start.

In cases:

- where some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period;
- where no, or insufficient improvement has been made during the monitoring and review period, the employee will receive a final written warning.

Notes will be taken at the formal review meeting and a copy will be sent to the employee and any companion.

Where a final warning is issued, the employee will be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale of no more than 4 weeks), may result in dismissal. They will be given information about the further monitoring and review period and the procedure and time limits for appealing against the final written warning. The date for the decision meeting will be agreed with the employee and any companion.

At this stage, rather than refer the matter to a decision meeting, consideration could be given to the employee being given a different range of duties or an alternative post. By agreement, this may include transfer to a post suited to the employee's capabilities. If this post is at a lower salary level, the substantive lower salary would apply.

## 6.0 Appeal against decision taken at Formal Review meeting

If an employee feels that a decision to issue a first and/or final written warning, is wrong or unjust, s/he may appeal in writing against the decision

Appeals against a written warning shall be restricted to considering the reasonableness of the decision made by the senior manager, any relevant new evidence not previously available to the senior manager or any procedural irregularities. A statement giving the reasons for the appeal should be submitted to the senior manager within two weeks of the formal written warning having been received.

All appeal hearings will be held as soon as possible after receipt of the appeal at an agreed time and place.

The appeal will be heard by an alternative senior manager in accordance with the council's [Appeal Policy](#) and [Appeals Procedure](#). The employee will be informed in writing of the results of the appeal hearing as soon as possible.

The same arrangements for notification and the right to be accompanied by a companion will apply for an appeal hearing as for the formal capability and review meetings and, as with those meetings, notes will be taken and a copy sent to the employee and any companion.

Pending any appeal the employee will be expected to continue to work in accordance with targets set for the next stage of the procedure and his/her progress towards the achievement of these targets may be monitored during this period.

## 7.0 Decision meeting

At least 5 days before the date of the decision meeting a letter will be given in writing together with details of the meeting as in paragraph 3.1 above. The meeting will normally be chaired by a head of service from within the department of the employee concerned who has not taken part in the review process. Where these officers have been involved with the review or are otherwise not available, then a director, assistant director or head of service from another department may be asked to conduct the meeting. An HR business partner will be present to advise the chair.

If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end and the appraisal process will re-start.

If progress has been made and there is confidence that wholly satisfactory performance will be achieved by a short extension, it may be appropriate to extend the monitoring and review period rather than to dismiss. The final written warning will be extended for a short specified assessment period.

If performance has remained unsatisfactory, a decision will be made that the employee should be dismissed. The employee will be informed in writing as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and whether the notice is to be served or there will be pay in lieu of notice, and the right of appeal.

## 8.0 Right of Appeal against decision to dismiss

The employee has a right of appeal against dismissal. The procedure to follow is detailed in the council's Appeal Policy and Procedure. A statement giving the reasons for the appeal should be submitted to the senior manager within two weeks of the dismissal letter being received.

## 9.0 Grievances arising during the procedure

Where an employee has a grievance against the way the senior manager has conducted the procedure this will normally be dealt with under the appeals process set out above. However, in very exceptional circumstances, where the behaviour of the senior manager is the cause of the grievance, it may be appropriate to suspend this procedure for a short period until the grievance has been considered

## 10.0 Trade Union Officials

Although normal performance standards must apply to an employee who is a lay trade union official, no disciplinary action, beyond an informal oral warning will be taken until the circumstances of the case have been discussed with the relevant professional trade union officer.

## 11.0 Recording

The employee, and anyone accompanying the employee (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure. Failure to observe confidentiality could be a reason for disciplinary action being taken.

## TRAVEL & SUBSISTENCE POLICY

### 2. Purpose

This guidance is to cover entitlements and obligations in respect of working hours, travel, and subsistence allowances whilst undertaking council business.

### 3. Scope

This policy applies to all employees as far as possible. A different procedure may be necessary for certain employees, e.g. those based in schools, who are subject to procedures involving governing bodies.

### 4. Key Principles

Council business is any essential travel which is not to the employee's normal place of work whether for business or training reasons.

If the duties of the post require the employee to have a vehicle available for council business visits then a mileage allowance will be paid. The car must be insured for business use.

Workers with a business address:

Travel to and from the employee's normal place of work from the home address is not council business.

Workers without a business address:

The normal place of work for a permanent home worker will be their home address. Full details are given in the home working policy.

Any additional hours above the contracted hours per day must be approved before they are worked.

Every employee must take a 30 minute unpaid break and deduct this from their working hours where six hours or more have been worked.

Claims for payment (travel and hours) which are not regarded as appropriate, and/or for which prior approval has not been gained may be refused for payment.

Employees should report any errors to their line manager in respect of under or over payment of expenses or mileage payments at the point the error occurs.

### 5. Working hours – business visits

Where the council business visit starts from and ends at the normal place of employment within the standard working day then the working hours are claimed as worked. Travel may be claimed from the start point to the return point.

Where the most reasonable place for the council business visit to start and end from is the home address then the working hours may be claimed from the time of leaving and returning home. Travel may be claimed from the start point to the return point LESS the normal home to work return mileage.

Where the most reasonable place for the council business visit to start from is the home address but the visit ends at the normal place of employment then the working hours may be claimed from the time of leaving home. Travel may be claimed from the start point to the end point LESS the normal home to work single mileage.

Where the council business visit starts from the normal place of employment but it is not reasonable to return there at the end of working day but to return to the home address then the working hours may be claimed until the time of returning home. Travel may be claimed from the normal place of employment as the start point to the return point LESS the normal home to work single mileage.

## 5. Learning & Development

When attending any type of learning and development opportunity for one or more days then the maximum hours which may be claimed are the contractual hours for that day or 7 hours 24 minutes. Additional hours may not be claimed. This includes training at or away from the normal place or employment, and where appropriate will include travelling time.

Where the training occurs for just half a day, e.g. a whole morning or afternoon (and/or the evening/night), then the maximum hours which may be claimed are half the contractual hours for that day or 3 hours 42 minutes. The other half day at work should be recorded as the number of hours actually worked.

## 6. Planning Travel

Council 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.

The council encourages the use of sustainable methods of transport. Those employees who use a bicycle will receive a cycle allowance for approved council visits. The rates are given on the rate table. Alternatively a number of pool bikes are available in each department.

Where pool cars are supplied then a pool car must be used before an employee's private vehicle. Information regarding the council electric cars scheme is available via this link:  
<http://insite/Information%20Library2/InfoLibraryPages/CategoryDetails.aspx?CatID=834>

## 7. Travel by car

Employees travelling to the same place should travel together. The claim for mileage should be made only by the driver of the vehicle and never by the passengers.

Employees are responsible for ensuring that their vehicle is fully insured for council business visits, for carrying passengers, and for third party claims. Employees may be asked to produce their driving licence.

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.

## 8. Expenses claims - mileage

Employees who claim mileage allowances must:

- Produce at least one VAT receipt to cover the fuel consumed on the council journeys for which the car mileage allowance is paid. The receipt must be dated on or before the earliest journey for which the mileage allowance is claimed.
- 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 each journey including names of passengers. (If the passenger is a child or young person their identity must not be revealed. e.g. The form should refer to the child as Child A, Children A,B).
- Clearly rule off the form after the last claim with a single line
- Submit the claim in the month following the journey

Claims not supported by a receipt, and/or not following these criteria will not be paid.

Claims over three months old must be authorised by the departmental Director.

It is the responsibility of every manager who signs a claim form to ensure that:

- The claim covers a valid journey
- Any expenses claimed were a valid expense
- The claim was for valid business reasons
- The claim complies with all relevant council policies
- The claim is accurate, complete and signed

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.

## 9. Travel by train, plane, ferry & hotel bookings

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 a travel and subsistence claim.

Where ever possible employees should avoid travelling when major events are occurring which result in increased costs for travel and hotel accommodation.

Hire cars are outside of the corporate policy. Employees may hire cars independently taking full account of cost, safety and fuel efficiency.

## 10. Subsistence (Meals & Accommodation)

Employees who incur additional expenditure as a result of council business that takes them away from their normal place of employment and/or home will be reimbursed – the maximum amounts are given on the rate table. Claims cannot be made where food and accommodation are supplied as part of a training opportunity.

Claims may only be made where a receipt supports the expenditure

Claims over three months old must be authorised by the departmental Director.

## 11. Expenses claims - subsistence

Employees who claim subsistence allowances must:

- Produce a VAT receipt to support each separate part of the expenditure.
- Provide a full explanation for each claim
- Clearly rule off the form after the last claim with a single line
- Submit the claim in the month following the expenditure

Claims not supported by a receipt, and/or not following these criteria will not be paid.

Claims over three months old must be authorised by the departmental Director.

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 council 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.

## 12. Key User posts

Where a private vehicle is a vital requirement then the post will be classified as a 'key user' post. However, Key User status will not apply to those on a senior management pay scale or equivalent (as detailed on rate table).

Posts below senior manager will be assessed against set criteria for key user status and a decision taken in line with the key user process.

The status will sit with the post and not the person and may be removed if the requirements of the job change. Posts will be reviewed annually and the key user status removed if the post no longer qualifies. Key User status will be withdrawn if the post holder moves to a role that does not qualify.

## 13. Car Parking

Employees who travel to work by car will have the opportunity of purchasing a car parking permit under a salary sacrifice scheme. Salary sacrifice is not compulsory but personal choice. Eligibility is based on HMRC rules. The benefits of the scheme will be dependent upon each employee's personal circumstances.

There will be no charge for key user posts. However a permit will be issued.

### Permit cost

The cost of the permit will be determined by the salary tiers outlined on the rate table. The tier will be reviewed annually. The permit cost for each employee will be based on the pensionable pay elements. Basic salary is assessed at the full time equivalent rate, in each post an employee holds at 1 April. The permit rate will be re-assessed annually on implementation/application (regardless of when the award is made) of the annual pay award. Re-assessment will take place at any point in the year in the following circumstances:-

Promotion	Demotion	Incremental progression	Pay Award	Acting up starts
Acting up ceases	Contractual allowance starts	Contractual allowance ceases	Increase in hours	Decrease in hours

### **Part time staff**

The actual cost of the permit will be determined by the weekly contracted hours and reduced pro-rata to the hours worked.

Example – Miss A works 18.5 hours on Grade 5, Point 18. Her full time salary (for 37 hours) of £17161 puts her into permit band 3. The full cost of a band 3 permit is £320 per year. The cost to Miss A per year is £160 as she only pays for the hours she is contracted to work.

### **Salary Sacrifice**

A salary sacrifice happens when an employee gives up the right to receive part of the pay due under the contract of employment. The sacrifice is made in return for the employer's agreement to provide the employee with a non-cash benefit. The terms and conditions of employment relating to pay would be varied. Where an employee agrees to a salary sacrifice in return for a non-cash benefit, they give up their contractual right to future cash remuneration.

The HMRC rules will apply to those who have taken up the salary sacrifice option. To comply with these regulations employees must intend to commit to be in the scheme for a minimum of 12 months. During this time it is not possible to leave the scheme unless as the result of a significant change in personal circumstances (major 'lifestyle change'). Full details regarding the implications of salary sacrifice are outlined in the Salary Sacrifice document.

### **Change of circumstances**

In normal circumstances the charges for each permit will be effective from 1<sup>st</sup> April – 31<sup>st</sup> March each year providing payment continues. Lifestyle choice or a change to financial circumstances, home address, work address, use of public transport etc will allow employees to opt in/out of the permit scheme once in any twelve month period, or more than once in extenuating circumstances. A minimum of one month's notice must be given to leave the scheme.

### **Occasional User permits**

For those who only need parking for their car on an occasional basis then it will be possible to purchase a daily permit at a reduced rate. Salary Sacrifice will not be an option with these permits.

### **Special Permits**

There may be circumstances where special permits are issued for specific locations. This will only be where there are extenuating short term circumstances regarding an employee's health and well being, as a requirement of a risk assessment or a reasonable adjustment.

### **Use of permits**

The permit will in no circumstances be valid on days when the employee is not at work for the city council. The permit must be returned when payment ceases. Only those who have opted to pay the premium rate will be allowed to park their car in Car Haven or Riverside car park.

### **Abuse of permits**

Breach of the use of the permit will result in disciplinary action and the withdrawal of the permit.

### **Absence from work**

Where an employee is aware that they will be absent from work for three months or more then they may apply for a temporary deferment of their car park permit during their absence. Where an employee is in receipt of no pay then no deduction will be made for car parking. Fuller details regarding the maternity arrangements are outlined in the Salary Sacrifice Scheme details. This will result in no payment during their time away.

Employees who are suspended from work will continue with their valid permit throughout the period of their suspension as they are in receipt of full pay.

### **Starters**

In the first year the permit charge will commence on the first day at work and run until the end of March. This may result in a part month charge. The charge will be calculated in accordance with the calculation of a day's pay.

**Leavers**

The permit will be charged until the last day of service. This may result in a part month charge. The charge will be calculated in accordance with the calculation of a day's pay.

**Employees on a temporary contract**

Temporary employees may join the permit scheme from their first day of employment.

**All Interim, Contract, Consultant workers and Agency Workers**

Workers who are working at the council as an interim, consultant, agency worker, or contract worker, or on a 'no mutuality of obligation' basis may purchase occasional user permits if they choose to do so.

**Car Sharing**

The council recognises that staff currently car share and may want to continue in such informal arrangements. To that end the following option will be available to facilitate a formal sharing of the costs.

It may be possible for two, three or four car sharers to 'share' the cost of a permit. One permit will be issued displaying all the registration numbers. When the occupants do not car share then those without the permit will need to purchase an occasional user permit and display accordingly. The cost of the permit will be dependent on the car sharer's tier and so may differ.

Example – Miss A works 37 hours on Grade 5, Point 18. Her salary of £17161 puts her into permit band 3. The full cost of a band 3 permit is £320 per year. She car shares with Mr B who also works 37 hours on Grade 3, Point 11. His full time salary of £14733 puts him into permit band 2. The full cost of a band 2 permit is £210 per year. As Mr B is sharing a permit with Miss A he only has to pay for a 50% permit which would reduce his cost to £105 per year. The cost to Miss A per year will also be 50% and she will pay £160.

**Multiple Cars**

A maximum of four registration numbers may be printed on a permit to assist those employees who drive more than one vehicle.

**Motorcycle & Bicycle permit**

There will be no parking permit charge for employees who use their motorcycle or their bicycle for travel to work. Parking must be in properly designated parking spaces.



## RATE TABLE

### 1. Car Park Permit charges

Band	Bands (2013/14)	Parking Permit Price per month	Parking Permit Price per year	Salary Sacrifice Rate (approximate) per year
7	More than £87,100	£69.59	£835.08	£501
6	£46,501 to £87,100	£60.84	£730.08	£438
5	£34,701 to £46,500	£45.42	£545.04	£436
4	£20,801 to £34,700	£37.50	£450.00	£360
3	£16,101 to £20,800	£26.67	£320.04	£256
2	£13,701 to £16,100	£17.50	£210.00	£168
1	£0-£13,700	£17.50	£210.00	£168

Permit to park in Car Haven or Riverside car park	Additional £75 per year
Occasional User Permit	£2.30 per day to be purchased in batches

(Rates effective 1 April 2014)

### 2. Limit on Key User status

Key User status does not apply to senior staff once their basic, full time equivalent salary reaches £53,294 or above.

### 3. 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
Motorcycle	All	24p	24p
Bicycle	All	20p	20p

### 4. Subsistence rates

Breakfast	£5.73
Lunch	£7.92
Tea	£3.13
Evening Meal	£9.80

### 5. Out of pocket expenses

Per night	£4.00
Per week	£16.00

Taxation of payments will be in accordance with HMRC rules

## OVERPAYMENTS POLICY

### 1. Purpose

The purpose of this Policy and the Overpayments Process is to confirm the council's approach to dealing with overpayments made to the salary of existing and ex- employees/workers.

### 2. Responsibility

The Code of Conduct expects that everyone working for the council will perform their duties with honesty, integrity, impartiality and objectivity. As custodians of public money the council will seek to recover all overpayments of salary regardless of how the overpayment has occurred.

- Any employee/worker who believes there may have been an overpayment in their salary must contact the payroll team immediately.
- Failure to do so will result in a referral to the corporate compliance team which may lead to disciplinary action being taken.

### 3. Key Principles

Definition of overpayment – monies that an employee or worker has been paid that is more than they should have received under their contract of employment with the council;

Definition of underpayment – monies that an employee or worker should have paid in respect of pension contributions, income tax, national insurance or other statutory or voluntary deduction. This underpayment by the employee is treated in the same way as an overpayment.

The Employment Rights Act 1996 provides that, where an employer has made an accidental overpayment of wages and makes deductions from the employee's wages or salary to recover the amount overpaid, the employee is not entitled to bring a claim for unlawful deductions from wages.

### 4. Existing employees / workers – less than £200 owing from a single overpayment

4.1. Where an overpayment has been made, in all normal circumstances, the council will recover the overpayment as soon as it is discovered by **deducting it from the next salary** paid to the employee. This will apply to:

- Single overpayments / underpayments that occurred in one month and
- That are £200 or less.

The process that will be followed is detailed at [para. 8](#). The letter that will be used is at [para. 6](#).

### 5. Existing employees / workers – more than £200 owing and/or where the overpayment has occurred over more than one month

5.1. If the employee / worker is unable to repay the overpayment immediately, then the council will seek to recover the monies by obtaining the employee's agreement to setting up an instalment plan. In most cases the instalment plan will ensure that the balance is taken in equal monthly instalments within the same financial year. No instalment plan will be implemented without the agreement of the Head of Finance.

5.2. Exceptionally, if the employee / worker is able to produce evidence of hardship the instalment plan may be extended to a period of 12 months from the date the overpayment is discovered. Evidence is likely to include bank statements, proof of monthly outgoings etc.

Any balance remaining when the employee / worker leaves the council will be deducted from their final pay where ever possible.

If the overpayment is more than £200 or was made over more than one month the line manager will discuss with payroll and/or the HR Business Partner to determine what the instalment plan should be. This must then be agreed by the Head of Finance. The line manager will then discuss the proposed instalment plan with the employee / worker. Following the discussion the line manager will write to the employee setting out:-

- how the overpayment occurred
- the sums owing to the council including any documentary evidence which explain the overpayment
- the instalment plan detailing the repayment / deductions schedule

The letter will also request the employee's written agreement to the proposed recovery method. The council will seek to reach agreement with the employee in respect of the repayment schedule but if this is not possible then recovery may commence without the employee / worker's agreement, or further recovery action taken.

In every case where a repayment schedule is agreed the line manager will review the schedule at regular intervals to see if the employee's circumstances have changed and they are able to re-pay the money over a shorter period. The HR Business Partner is available to assist with negotiations if required.

The process that will be followed is detailed at [para. 9](#). The letter that will be used is at [para 7](#).

## 6. Template letter to existing employee re. automatic deduction

Dear

I am writing to inform you that an error has occurred in your pay and we have identified that you have been overpaid the total sum of **XXX£**.

Please find enclosed **XXXthe relevant payslip**, with the error/s highlighted. You will see that the overpayment occurred in the month of **MMYY**. Unfortunately, this overpayment has arisen due to **XXXreason**. I would like to reassure you that this error has now been resolved.

As the amount of the overpayment was below £200 this will be deducted in a single instalment by way of a deduction from your salary on **XXXdate**. Please sign and return one copy of this letter to the payroll department by **XXXdate(10 working days)** to confirm your acceptance of this deduction from your salary. If you fail to respond to this letter, or to contact the undersigned, the council reserves the right to make the deduction from your salary to ensure the overpayment is repaid.

This is in accordance with the council's Overpayment Policy.

We would like to apologise for any inconvenience caused. If you wish to discuss any aspect of this letter or if this deduction would cause you exceptional hardship please do not hesitate to contact the payroll department directly or speak to your line manager.

Yours sincerely,

Payroll Officer

I authorise Peterborough City Council to make a deduction of **XXX£** from my salary due to be paid on **XXXdate**.

Name:

Date:

Signed:

## 7. Template letter to existing employee re. instalment plan

Dear

I am writing to inform you that an error has occurred in your pay and we have identified that you have been overpaid the total sum of XXX£.

Please find enclosed XXXthe relevant payslip/payslips, with the errors highlighted. You will see that the overpayment occurred from DDMMYY to DDMMYY. Unfortunately, this overpayment has arisen due to XXXreason. I would like to reassure you that this error has now been resolved.

EITHER

We met on XXXdate to discuss how best to deal with the overpayment.

OR

We discussed how best to deal with the overpayment on XXXdate

EITHER

Due to the low amount of the overpayment, we agreed that the best way to proceed would be for you to repay the amount in a single instalment by way of a deduction from your salary on XXXdate . Please sign and return one copy of this letter to XXXname to confirm your acceptance of this deduction from your salary as soon as possible and in any event by no later than XXXdate.

OR

The council acknowledges that the overpayment sum is significant and we do not wish to cause you severe financial hardship. We agreed that the sum would be recovered in XXXnumber instalments and are seeking your agreement to deduct XXX£ per month from XXXmonth of first repayment to XXXmonth last repayment. We have set out a repayment schedule below.

Please sign and return one copy of this letter to the undersigned as soon as possible and in any event by no later than XXXdate10 working days to confirm your acceptance of this deduction from your salary. If you fail to respond to this letter, or to contact the undersigned, the council reserves the right to make the deductions from your salary as outlined below to ensure the overpayment is repaid.

This is in accordance with the council's Overpayment Policy.

We would like to apologise for any inconvenience caused. If you wish to discuss any aspect of this letter, please do not hesitate to contact the undersigned.

Yours sincerely,

Line Manager

I authorise Peterborough City Council to make a deduction of XXX£ from my salary due to be paid on XXXdate.

OR

I authorise Peterborough City Council to make deductions from my salary in accordance with the instalment schedule below.

**Schedule of [repayments/deductions]**

Date of [repayment/deduction]	Sum to be [repaid/deducted]	Total sum [repaid/deducted]

Name:

Date:

Signed:

## **8. PROCESS Existing employees / workers – less than £200 owing from a single overpayment**

### **STEP ONE**

Overpayment / Underpayment identified and amount confirmed by payroll.

### **STEP TWO**

Payroll sends template letter to employee within three working days.

Payroll sends copy of letter to line manager and to email address:  
[CapitalandTreasury@peterborough.gov.uk](mailto:CapitalandTreasury@peterborough.gov.uk)

Payroll records expected return date of acceptance letter (ten working days).

### **STEP THREE**

Payroll ensures acceptance letter has been returned by stated date.

Payroll carries out deduction from salary.

### **STEP FOUR**

If the employee refuses or chooses not to give their acceptance to the deduction being made then payroll should inform the line manager and the Head of Finance via email address:  
[CapitalandTreasury@peterborough.gov.uk](mailto:CapitalandTreasury@peterborough.gov.uk) who will confirm what action should be taken.

## **9. PROCESS Existing employees / workers – more than £200 owing**

### **STEP ONE**

Overpayment / Underpayment identified and amount confirmed by payroll.

### **STEP TWO**

Payroll sends full details of amounts owing and details of dates to the line manager within five working days of step one.

### **STEP THREE**

Line manager discusses acceptable repayment schedule with payroll and/or the HR Business Partner. The line manager should then obtain agreement from the Head of Finance to the instalment plan (via the Capital and Treasury team) within five working days.

### **STEP FOUR**

Line Manager contacts employee and either discusses issue over the telephone or arranges meeting. If the instalment plan is agreed then move to step five.

The employee should not be put in a position where they will suffer significant financial hardship – in these cases an alternative plan can be considered. The Line Manager should have further discussions with payroll or HR BP. If this results in agreement to a revised instalment plan then the line manager should again obtain agreement from the Head of Finance.

## **STEP FIVE**

Line Manager issues template letter to employee within three working days.

Line Manager records expected return date of acceptance letter.

Line Manager ensures acceptance letter has been returned by stated date.

On receipt of the employee's signed acceptance the Line Manager should confirm with Payroll exactly what has been agreed, amount and length of instalment period. A copy of the letter should be forwarded to payroll to add to the employee's record.

## **STEP SIX**

If the employee refuses or chooses not to give their acceptance to the deduction being made then the Line Manager should refer the case to the Capital and Treasury team who will confirm what action should be taken.

## **STEP SEVEN**

The Line Manager should review any longer term instalment plan to see if the employee's circumstances have changed and the instalments can be increased accordingly. The HR Business Partner is available to assist as required.

## **10. Ex employees / workers**

The payroll department will inform the Head of Finance and write to the ex-employee / worker as soon as the overpayment is discovered. The letter will state that the amount should be paid to the council in a single payment within one month of the date of the letter being sent. If no repayment is received within this time then the matter will be referred to the council's Accounts Receivable team and the normal procedure for collecting debt applied.

## **11. PROCESS Ex employees / workers**

### **STEP ONE**

Overpayment / Underpayment identified and amount confirmed by payroll.

### **STEP TWO**

Payroll sends template letter to ex-employee within three working days.

Payroll sends copy of letter to email address: [CapitalandTreasury@peterborough.gov.uk](mailto:CapitalandTreasury@peterborough.gov.uk)

Payroll records expected return date of acceptance letter and payment (one month from date letter sent)

### **STEP THREE**

Payroll processes payment when cheque received OR refers case to Accounts Receivable team, via email: [CapitalandTreasury@peterborough.gov.uk](mailto:CapitalandTreasury@peterborough.gov.uk)



# Peterborough City Council

## Whistle Blowing Policy



Growing the right way for  
a bigger, better  
Peterborough



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## PURPOSE

The Council is committed to the highest possible standards of openness, probity and accountability. In line with those commitments members, officers, our Partners and the wider public with serious concerns about any aspect of the Council's work are encouraged to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.

Those who work or operate within the organisation may often be the first to realise that there may be something wrong within the Council. However, they may not feel able to express their concerns because they feel that speaking out would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may appear to be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The aim of this policy is to encourage individuals to feel confident in raising serious concerns and to question and act upon any concerns about Council practices. This policy makes it clear that those affected can and should voice their concerns on any aspects of the Council's work without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage, enable, and require employees to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle outside.

The principles of this policy apply to all Members, officers (whether permanently employed or otherwise) and Partners.

Details of how to report a concern are incorporated into this policy and the operational requirements of this policy are contained in the Whistleblowing Reporting Plan.

### Scope

This policy applies to all employees, our Partners and those contractors working for the Council on council premises, e.g. agency staff, builders, etc. It also covers suppliers and those providing services under a contract with the council in their own premises, e.g. care home, etc.

This policy is in addition to the council's Complaints Procedure, Grievance Procedure, Dignity at Work Procedure, Members and Officers Code of Conduct and other statutory reporting procedures which may apply within some departments of the council.

The use of this Policy will not directly result in disciplinary sanctions being imposed on employees. However a concern raised through the Policy may lead to the matter being dealt with via the disciplinary or another agreed procedure.

#### Aims

The Whistleblowing Policy aims to:

- encourage Council employees, our Partners' employees and others and to feel confident in raising serious concerns and to question and act upon any concerns about council practices;
- provide avenues for those individuals to raise these concerns internally and receive feedback on any action taken;
- ensure that all concerns are taken seriously;
- deal consistently with disclosures in a fair, objective and discrete manner.
- ensure that the Council continues to improve its services and operate best practices.
- reassure individuals that they will be protected from victimisation, subsequent discrimination or disadvantage by colleagues for whistleblowing; and
- allow individuals to take the matter further if they are dissatisfied with the Council's response.

There is an existing Grievance Procedure in place to enable Council employees to raise a personal concern relating to their employment, and also a Dignity at Work Policy. This policy is intended to cover major concerns that fall outside the scope of these other procedures.

Major concerns may include:-

- Physical, sexual, or emotional abuse of a child or any other person by another employee or any other person.
- Inappropriate use of grants;
- tampering with tender documents to advantage a particular party;
- Manipulation of accounting records and finances, including fraudulent claims;
- Decision making for personal gain;
- Infringement of service users' personal, human and basic rights e.g. abuse (physical, emotional, sexual), harassment, bullying and prejudice.
- Inappropriate use of council assets by an individual;
- Deceit, within council practices;
- Abuse of position within the Council or its Partners.
- Health and safety of employees or service users.

Concerns which fall within the scope of the whistleblowing procedure may also be about something that:

- is potentially unlawful; or
- is against the council's Standing Order or policies; or
- falls below established standards or practice; or
- amounts to improper conduct.

Before initiating the procedure employees should consider the following:

- that responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- that employees should use supervision sessions, team meetings and other opportunities to raise questions and seek clarification on issues which are of concern; *and*
- that it can be difficult to raise concerns about the practice or behaviour of a colleague, but employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

All Council employees, contractors and those of our Partners have the right to raise concerns, which could be about the actions of other employees, employees of our Partners, private contractors and/or elected members.

#### Safeguards

#### ***For individuals raising the concern***

The decision to report malpractice can be a difficult one for an individual, who may possibly fear subsequent victimisation or harassment. No action will be taken against a Council employee who has raised a concern under this policy, even if that concern is seen to be unfounded after investigation. This does not, however, mean that if an employee is already the subject of disciplinary or redundancy procedures, that these procedures will be halted as a result of that employee whistleblowing.

Victimisation or harassment of an employee who has raised a concern, or any other attempt at reprisal either by an employee whose conduct is the subject of investigation or others; will not be tolerated and be considered a disciplinary offence.

In all cases the provisions of the Public Interest Disclosure Act 1998 (PIDA) will be adhered to.

The Enterprise and Regulatory Reform Act 2013 (ERRA) introduced a public interest test requirement for whistleblowing concerns. In order for PIDA to apply, the whistle-blower must show that they reasonably believe that their disclosure is in the

public interest. ERRA came into force on 25 June 2013 and affects disclosures made after that date.

For those individuals employed by a Partner, the Partner's policies should apply.

### ***Confidentiality and Anonymous Allegations***

The council will do its best to protect the whistleblower's identity when they raise a concern and do not want their name to be disclosed. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedure, the individual may be asked to provide a signed statement as part of the evidence, thus revealing their identity. The council will make every effort to ensure that an employee's disclosure is corroborated with *prima facie* evidence thus reducing the need for the employee to produce their testimony. If the situation arises where we are unable to resolve the concern without revealing the identity (for instance because the evidence is needed in court), the council will discuss the issues with the individual concerned to decide how to proceed.

### ***Anonymous Allegations***

Individuals are encouraged to put their name to an allegation however the council accepts that individuals have the right to remain anonymous. The Council will consider any anonymous allegation received and will evaluate it accordingly. However any allegation, including those received anonymously, which relate to the wellbeing and/or welfare of a child or children or vulnerable adult will be investigated.

Concerns expressed anonymously are much less powerful and are not so likely to be effective, but they will be considered at the discretion of the council. In exercising this discretion, the following factors will be taken into account:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

### ***Untrue Allegations/Defamation***

Whistleblowers making untrue allegations may expose themselves to actions for libel or slander which together make up the civil wrong of defamation. This is a complex area of law. In essence a person puts themselves at risk of being sued for damages if, without justification, they publish or communicate a false statement about someone which may injure his or her reputation in the eyes of ordinary members of society. However, a whistle-blower will not generally be liable provided that they had a legal moral or social duty or felt that it was in the public interest in making the statement. A Council employee or Member is legally protected by PIDA if they make a qualifying disclosure to the Council or other certain bodies

If an allegation is made that is frivolous, malicious or made for personal gain, action may be taken against the Council officer in accordance with the disciplinary policy.

### ***Malicious/Vexatious Allegations***

If an allegation is made or a concern is raised and the whistle-blower believes it to have been in the public interest, no action will be taken against the individual raising the concern. However, where a Council employee makes malicious, or vexatious allegations, or disclosures made for personal gain, these will be considered as disciplinary offences and are likely to result in disciplinary action being taken against the employee raising the vexatious concern. Where the individual is employed by a Partner, the Partner's policies will apply.

### ***Unfounded Allegations***

Following investigation, allegations may be confirmed as unfounded. The individual, who raised the concern, will be notified of this decision and informed that the council deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

In respect of an unfounded allegation relating to a council employee, all documents accumulated through the investigation process will be held separately from any employee's personnel file, and destroyed in accordance with the council's Retention Policy. Except in the circumstances of the retention of necessary documents in respect of Child Protection issues, in which case they will be held on file as required by the relevant legislation, without precluding an individual employee's statutory rights. Where the individual is employed by a Partner, the Partner's policies will apply.

Live investigation files and evidence will be securely retained by the Compliance Team in line with the appropriate retention periods. For example, the Criminal Procedures Investigation Act 1996 sets out the duty to retain material and the length of retention time according to the circumstances of the case. Non-criminal investigation documents will be subject to the council's Retention Policy.

Closed investigation files and evidence will be securely retained by the Compliance Team in line with the appropriate retention periods (as above).

Documents will be held and used in accordance with TUPE regulations.

### ***Support to Employees***

It is recognised that raising concerns can be difficult and stressful. Advice and support is available via an individual's line manager, Departmental Human Resources (HR) Business Partner or Trade Union representative. It must be

recognised that employees who are subject to investigation following concerns being raised will also be entitled to support from the same sources, although not from the same individuals. Where the individual is employed by a Partner, the Partner's policies will apply.

Individuals may also wish to discuss their concerns with a specialist organisation before making a disclosure within the workplace. Public Concern at Work (PCAW) is a registered charity offering advice to assist employees raising concerns about poor practice at work. They can be contacted at [www.pcaaw.co.uk](http://www.pcaaw.co.uk).

### ***Vested Interest***

Any person or person's relative/friend who is the subject of complaint will not be involved in the handling of the complaint.



## **Appendix One – Whistle blowing reporting plan Reporting concerns**

As a first step, an officer or partner should normally raise concerns with their immediate manager or their manager's superior. A member should raise concerns with the Council's Monitoring Officer. However, this depends on the seriousness and sensitivity of the issues and who is involved. Concerns can also be reported to any officer listed below:

- Chief Executive
- Director of Governance
- Executive Director Strategic Resources
- Executive Director Children's Services
- Chief Internal Auditor
- Head of Human Resources

The Director of Governance is the Council's Monitoring Officer. The Monitoring Officer is a statutory whistleblower and is under a duty to present a report to Council if it appears to them that an action or proposal is, or is likely to be unlawful or which is likely to amount to maladministration.

The Executive Director Strategic Resources is responsible for the Council's financial affairs and is under a similar duty to whistle blow in relation to unlawful expenditure and/or illegal accounting practices.

The Executive Director Children's Services is responsible for the Council's provision of services to children, young people and their families.

Concerns should be raised in writing. Individuals should set out the background and history of their concerns, giving relevant names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If an individual is unable to put their concern in writing, they can telephone or meet the appropriate officer to whom they decide to report the concern. **It is important that the employee makes it clear that they are raising the issues *via* the whistleblowing procedure.**

Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate that there are sufficient grounds for the concern and that it is in the public interest.

In some instances it may be appropriate for an individual to ask their trade union to raise a matter on their behalf or to ask a colleague or trade union representative to accompany them when they commence the procedure.

The Audit Commission are a prescribed person under PIDA and provide a confidential public interest disclosure line for employees of councils where those employees are unable or do not wish to report the matter internally. The Audit Commission offer a whistleblowing hotline which can be contacted on 0303 444 8346.

### ***How Peterborough City Council will respond***

The action taken by the Council will depend on the nature of the concern. The matters raised may:

- be investigated internally;
- be referred to the Police;
- be referred to the External Auditor;
- form the subject of an independent inquiry.

(All issues will be referred to the Director of Governance for record keeping purposes).

In order to protect individuals and the Council, initial enquiries, (usually involving a meeting with the individual raising the concern), will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the council will have in mind, is the public interest.

Some concerns may be resolved simply, by agreed action or an explanation regarding the concern, without the need for further investigation.

Within ten working days of a concern being received, the person receiving the concern will write to the employees acknowledging that the concern has been received and;

- indicate how they propose to deal with the matter;
- advise whether any initial enquiries have been made;

- advise whether further investigations will take place, and if not why not;
- where possible give an estimation of how long it will take to provide a final response;

It may be necessary for the person receiving the concern to meet with the individual who is reporting the concern on more than one occasion depending on the nature of the concerns raised. Where any meeting is arranged, the person reporting the concern, if they wish, may be accompanied by a colleague or recognised Trade Union Representative. When appropriate, meetings will be arranged away from the workplace.

***Further information***

For further information and advice on Whistleblowing and how to raise a concern, please contact the Director of Governance.

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